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Contents

Federal Register

Vol. 82, No. 62

Monday, April 3, 2017

Separate Parts In This Issue

Part II

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.

Rules and Regulations

Federal Register
Vol. 82, No. 62
Monday, April 3, 2017

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1436

RIN 0560–AI35

Farm Storage Facility Loan (FSFL) Program; Portable Storage Facilities and Reduced Down Payment for FSFL Microloans; Correction

AGENCY: Commodity Credit Corporation and Farm Service Agency, USDA.

ACTION: Final rule; correcting amendment.

SUMMARY: The Farm Service Agency (FSA) administers the FSFL Program on behalf of the Commodity Credit Corporation (CCC). In the final rule that was published in the **Federal Register** on April 29, 2016, a word was inadvertently removed from the regulations. This document reinserts that word back into the regulation.

DATES: *Effective date:* April 3, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Ann Ball; phone (202) 720–4283. Persons with disabilities who require alternative means of communication should contact the USDA Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION: FSA administers the FSFL Program on behalf of CCC. An instruction on page 25595 of the final rule that was published in the **Federal Register** on April 29, 2016 (81 FR 25587–255595) resulted in the word ''loan'' being removed each time it appeared in § 1436.15(b). However, the correct instruction would have removed the word loan in the two instances it appeared in the phrase ''loan collateral'' in paragraph (b). This document reinserts the word loan back into the first sentence the first time it had previously appeared.

List of Subjects in 7 CFR Part 1436

Administrative practice and procedure, Loan programs—agriculture, Penalties, Price support programs, Reporting and recordkeeping requirements.

For the reasons discussed above, 7 CFR part 1436 is corrected by making the following correcting amendment:

PART 1436—FARM STORAGE FACILITY LOAN PROGRAM REGULATIONS

■ 1. The authority for part 1436 continues to read as follows:

Authority: 7 U.S.C. 7971 and 8789; and 15 U.S.C. 714 through 714p.

§ 1436.15 [Amended]

■ 2. In § 1436.15(b), add the word ''loan'' immediately after ''Until the''.

Chris P. Beyerhelm,

Acting Administrator, Farm Service Agency, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 2017–06449 Filed 3–31–17; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–8184; Directorate Identifier 2016–NM–036–AD; Amendment 39–18843; AD 2017–07–05]

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 series airplanes; and Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). This AD was prompted by reports of cracks in main landing gear (MLG) leg components. This AD requires detailed visual inspections of these MLG leg components and replacement of the MLG leg if cracked components are found. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 8, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 8, 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–2016–8184.

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–2016–8184; 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.

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 series airplanes; and Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The NPRM was prompted by reports of cracks in

MLG leg components. The NPRM proposed to require repetitive detailed visual inspections of certain MLG leg components for cracks, and replacing the MLG leg if necessary. We are issuing this AD to detect and correct cracking of certain components in the MLG leg, which could result in a MLG collapse, and consequent damage to the airplane and injury to the airplane occupants.

The NPRM published in the **Federal Register** on August 5, 2016 (81 FR 51818) (''the NPRM'').

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0058, dated March 21, 2016 (referred to after this as ''the MCAI''), to correct an unsafe condition for all Airbus Model A300 series airplanes; and Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The MCAI states:

> Two cases were reported of finding a cracked main landing gear (MLG) hinge arm/barrel pin, one was discovered in service during a maintenance task and the other one was identified during MLG overhaul.
>
> This condition, if not detected and corrected, could lead to MLG collapse, resulting in damage to the aeroplane and potential injury to occupants.
>
> To address this potential unsafe condition, and awaiting a final fix establishment, Airbus issued Alert Operators Transmission (AOT) 32W008–16 to provide instructions for detailed visual inspections (DET) to detect through cracks.
>
> For the reasons described above, this [EASA] AD requires repetitive DET of the MLG hinge arm/barrel pin and, depending on findings, replacement of the affected MLG leg.

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–2016–8184.

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.

Requests To Permit On-Wing Inspection/Pin Replacement

FedEx asked whether the airframe manufacturer and/or MLG manufacturer have explored the possibility of inspecting the affected MLG and replacing a cracked MLG hinge arm/barrel pin without removing the MLG leg, as specified by Airbus Alert Operators Transmission (AOT) A32W008–16, dated February 25, 2016, including Appendices 1 through 4. FedEx stated that an on-wing inspection of the MLG leg would be effective in determining if further structural damage has occurred.

United Parcel Service (UPS) requested that we revise the NPRM to allow on-wing replacement of a cracked pin with part number C66441–(x) instead of replacing the MLG leg. UPS stated that it has reviewed the Airbus A300 Aircraft Maintenance Manual (AMM) and noted that the AMM indicates that the pin can be replaced while the gear is installed on the airplane.

We do not agree that an on-wing inspection of the MLG would be effective in finding further structural damage. When a hinge arm/barrel pin is cracked, damage to other MLG components cannot be excluded. This damage cannot be detected by on-wing inspections. Airbus currently does not have an approved method for on-wing inspections to detect all possible damage to the MLG components. For these reasons, Airbus AOT A32W008–16, dated February 25, 2016, including Appendices 1 through 4, specifies removing the MLG for further inspections for damage.

We also do not agree that an on-wing replacement of the pin in the MLG leg would be an adequate corrective action. As previously explained, when a hinge arm/barrel pin is cracked, other MLG component damage cannot be excluded. On-wing replacement of the pin would not correct any other MLG component damage that might be present.

Under the provisions of paragraph (j)(1) of this AD, we will consider requests for approval of an alternative on-wing inspection or replacement method if sufficient data are submitted to substantiate that the method would provide an acceptable level of safety. We have not changed this AD in this regard.

Requests To Withdraw the NPRM or Increase the Interval Between Inspections

UPS and FedEx requested that the 100 flight cycle inspection interval be extended.

FedEx commented that, although it recognizes and appreciates the airplane manufacturer's safety concerns about discovering a cracked MLG hinge arm/barrel pin before complete failure, it would like to see the analysis that resulted in determination of an inspection interval of 100 flight cycles to prevent in-service pin failures. FedEx asserted that a 100 flight cycle interval may be unnecessarily conservative based on the pre-discovery history of cracked pins in the MLG leg of the airplane, which has had two cases of cracked MLG hinge arm/barrel pins.

UPS requested that the FAA either withdraw the NPRM or change the repetitive inspection interval from 100 flight cycles to 1,000 flight cycles. UPS stated that the detailed visual inspection at intervals of 100 flight cycles for the internal diameter of each affected MLG hinge arm/barrel pin specified by paragraph (g) of the proposed AD is too restrictive and not supported by data. UPS stated that it believes the cracking is associated with a specific operator's maintenance practices rather than a design of the landing gear or pin. UPS stated that the AMM and landing gear overhaul manual have defined inspection procedures that have been used to properly maintain the landing gear without any major findings for the past 30 years. UPS noted that its experience for the past 16 years has not shown any findings. UPS provides the following reasons for increasing the interval between inspections.

- The basis for issuance of the MCAI is findings of two cracked pins. The first finding was discovered during gear overhaul after the landing gear completed its gear overhaul life (8 years or 12,000 cycles). The second finding occurred after the unit accumulated more than 3,500 flight cycles since overhaul and was also subjected to a hard landing. Both pins had accumulated more than 25,000 flight cycles and went to repeat overhauls before failure. This indicates that the crack finding is associated with a specific operator maintenance practice rather than an inherent design problem of the landing gear or pin.
- Airbus Message 80187097/003, dated July 22, 2016, states that Airbus is working with EASA to reduce the burden to operators.
- UPS has operated 52 Model A300 airplanes since introduction of the model in the year 2000 with no findings. UPS's fleet leader airplane has accumulated more than 21,000 flight cycles with no similar finding. UPS has also reviewed all overhaul records since the introduction of Model A300 airplanes and did not find any cracked pins.
- UPS has accomplished the inspection specified in Airbus AOT A32W008–16, dated February 25, 2016, including Appendices 1 through 4, every 100 flight cycles since February 2016. The 260 inspections accomplished on 52 airplanes did not show any findings.

We do not agree to withdraw the NPRM or to increase the repetitive interval between detailed visual inspections on the MLG leg. While the

MCAI cites two reports of cracked pins, Airbus has reports from the past six years of 45 pins with damage on the outer diameter. Based on the current reports and ongoing investigation, EASA is not able to support an increased inspection interval. Therefore, we have determined that the inspection interval recommended by the manufacturer and required by EASA is appropriate based on the available data. However, in the future, the data collected from the reporting requirement of paragraph (i) of this AD may provide the necessary information to justify an increase in the inspection interval. Additionally, if Airbus develops an alternative method of compliance that reduces the burden on operators, we will consider requests for its approval if sufficient data is submitted to substantiate that the method would provide an acceptable level of 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 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 Airbus AOT A32W008–16, dated February 25, 2016, including Appendices 1 through 4. This service information describes procedures for a detailed visual inspection of the internal diameter of each affected MLG hinge arm/barrel pin and replacement of the MLG leg with a serviceable unit. 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 128 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
Detailed visual inspection	1 work-hour × $85 per hour = $85 per inspection cycle.	0	$85 per inspection cycle.	$10,880 per inspection cycle.
Reporting	1 work-hour × $85 per hour	0	$85	$10,880.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Remove and replace MLG Leg	20 work-hours × $85 per hour = $1,700	$3,400,000	$3,401,700

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 AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this 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):

2017–07–05 Airbus: Amendment 39–18843; Docket No. FAA–2016–8184; Directorate Identifier 2016–NM–036–AD.

(a) Effective Date

This AD is effective May 8, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus airplanes identified in paragraphs (c)(1) through (c)(5) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

(2) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

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

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

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

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracks in main landing gear (MLG) leg components. We are issuing this AD to detect and correct cracking of certain components in the MLG leg, which could result in a MLG collapse, and consequent damage to the airplane and injury to the airplane occupants.

(f) Compliance

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

(g) Repetitive Detailed Visual Inspections

Within the compliance time specified in paragraphs (g)(1) and (g)(2) of this AD, whichever occurs later, and thereafter at intervals not to exceed 100 flight cycles: Accomplish a detailed visual inspection of the internal diameter of each affected MLG hinge arm/barrel pin, in accordance with the instructions of Airbus Alert Operators Transmission (AOT) A32W008–16, dated February 25, 2016, including Appendices 1 through 4. The affected MLG hinge arm/barrel pins are those with part number C66441–(x) and part number C65543–(x), where the x represents a variable number.

(1) Within 30 months since the pin's first flight on an airplane, or since the pin's first flight on an airplane after overhaul, as applicable.

(2) Within 30 days after the effective date of this AD.

(h) Corrective Action for Cracked Pins

If any cracked pin is found during any inspection required by paragraph (g) of this AD, before further flight, replace the MLG leg with a serviceable unit, in accordance with the instructions of Airbus AOT A32W008–16, dated February 25, 2016, including Appendices 1 through 4. Replacement of a MLG leg does not constitute terminating action for the repetitive inspections required by paragraph (g) of this AD.

(i) Reporting Requirement

At the applicable time specified in paragraph (i)(1) or (i)(2) of this AD, report the results of the inspections required by paragraph (g) of this AD to Airbus, in accordance with the instructions of Airbus AOT A32W008–16, dated February 25, 2016, including Appendices 1 through 4.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

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

(k) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0058, dated March 21, 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–2016–8184.

(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 Alert Operations Transmission (AOT) A32W008–16, dated February 25, 2016, including Appendices 1 through 4 of this AOT do not contain the document date.

(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 22, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–06359 Filed 3–31–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2017–0143]

Safety Zone; Atlantic Ocean, Atlantic City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Thunder Over the Boardwalk Air show special local regulation from 11 a.m. through 3:30 p.m. on August 22–23, 2017. This action is necessary to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after this air show. During the enforcement period, and in accordance with the special local regulations, no vessel or person may enter, transit through, anchor in, or remain within the regulated area unless authorized by Captain of the Port Delaware Bay or a designated representative.

DATES: The regulations in 33 CFR 100.501 will be enforced from 11 a.m. to 3:30 p.m. on August 22–23, 2017, for item (a.)8 listed in the table to § 100.501.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, you may call or email MST1 Thomas Simkins, Sector Delaware Bay Waterways Management Division, U.S. Coast Guard; telephone 215–271–4889, email *Tom.J.Simkins@uscg.mil.*

SUPPLEMENTARY INFORMATION: From 11 a.m. to 3:30 p.m. on August 22–23, 2017, the Coast Guard will enforce the special local regulations at 33 CFR 100.501, table to § 100.501 (a.)8 for the regulated area located in the North Atlantic Ocean near Atlantic City, NJ. This action is necessary to ensure safety of life on U.S. navigable waterways during this air show.

Coast Guard regulations for recurring marine events within Captain of the Port Delaware Bay Zone, appear in § 100.501, Special Local Regulations; Marine Events in the Fifth Coast Guard District, which specifies the location of the regulated area for this regulated area as all waters of the North Atlantic Ocean, adjacent to Atlantic City, New Jersey, bounded by a line drawn between the following points: From a point along the shoreline at latitude 39°21′31″ N., longitude 074°25′04″ W., thence southeasterly to latitude 39°21′08″ N., longitude 074°24′48″ W., thence southwesterly to latitude 39°20′16″ N., longitude 074°27′17″ W., thence northwesterly to a point along the shoreline at latitude 39°20′44″ N., longitude 074°27′31″ W., thence northeasterly along the shoreline to latitude 39°21′31″ N., longitude 074°25′04″ W.

As specified in § 100.501, during the enforcement period, no vessel or person may enter, transit through, anchor in, or remain within the regulated area unless authorized by the Captain of the Port Delaware Bay or a designated representative. If permission is granted, all persons and vessels shall comply with the instructions of the COTP, designated representative or Patrol Commander.

This notice of enforcement is issued under authority of 33 CFR 100.501 and 33 U.S.C. 1233. The Coast Guard will provide the maritime community with advanced notice of enforcement of regulation by Broadcast Notice to Mariners (BNM), Local Notice to Mariners and on-scene notice by designated representative. In the event Captain of the Port Delaware Bay determines that it's not necessary to enforce the regulated area for the entire duration of the enforcement period, a BNM will be issued to authorize general permission to enter the regulated area.

Dated: March 20, 2017.

Benjamin A. Cooper,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2017–06447 Filed 3–31–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0175]

Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA

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 Fremont Bridge, mile 2.6, and the University Bridge, mile 4.3, both crossing the Lake Washington Ship Canal at Seattle, WA. The deviation is necessary to accommodate the Brooks Trailhead 10K & 15K foot race event. This deviation allows the bridges to remain in the closed-to-navigation position to allow for the safe movement of event participants.

DATES: This deviation is effective from 8 a.m. to 10:15 a.m. on April 22, 2017.

ADDRESSES: The docket for this deviation, USCG–2017–0175 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. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *d13-pf-d13bridges@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Seattle Department of Transportation requested a temporary deviation from the operating schedule for the Fremont Bridge, mile 2.6, and the University Bridge, mile 4.3, both crossing the Lake Washington Ship Canal at Seattle, WA, to facilitate safe passage of participants in the Brooks Trailhead 10K & 15K foot race event. The Fremont Bridge provides a vertical clearance of 14 feet (31 feet of vertical clearance for the center 36 horizontal feet) in the closed-to-navigation position. The University Bridge provides a vertical clearance of 30 feet in the closed-to-navigation position. Both bridge clearances are referenced to the mean water elevation of Lake Washington. The normal operating schedule for both the Fremont Bridge and the University Bridge is in 33 CFR 117.1051. During this deviation period, the Fremont Bridge need not open to marine vessels from 8:15 a.m. to 10:15 a.m. on April 22, 2017 and the University Bridge need not open to marine vessel from 8 a.m. to 8:30 a.m. on April 22, 2017. Waterway usage on the Lake Washington Ship Canal ranges from commercial tug and barge to small pleasure craft.

Vessels able to pass through the bridges in the closed-to-navigation positions may do so at anytime. Both bridges will be able to open for emergencies, 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 and Broadcast Notices to Mariners of the change in operating schedule for the

bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), both drawbridges must return to their regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: March 28, 2017.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2017–06472 Filed 3–31–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0239]

Drawbridge Operation Regulation; Chincoteague Channel, Chincoteague Island, VA

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 SR 175 Bridge which carries SR 175 across the Chincoteague Channel, mile 3.5 (physically situated at mile 3.9), at Chincoteague Island, VA. The deviation is necessary to facilitate the biennial bridge inspection. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: The deviation is effective from 11 a.m. through 2 p.m. on Thursday, April 6, 2017.

ADDRESSES: The docket for this deviation, [USCG–2017–0239] 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. Michael Thorogood, Bridge Administration Branch Fifth District, Coast Guard; telephone 757–398–6557, email *Michael.R.Thorogood@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Virginia Department of Transportation, owner and operator of the SR 175 Bridge that carries SR 175 across the Chincoteague Channel, mile 3.5 (physically situated at mile 3.9), at Chincoteague Island, VA, has requested a temporary deviation from the current operating schedule to facilitate the biennial bridge inspection of the bascule span for the drawbridge. The bridge has a vertical clearance of 15 feet above mean high water (MHW) in the closed position and unlimited vertical clearance in the open position.

The current operating schedule is set out in 33 CFR 117.1005. Under this temporary deviation, the bridge will be maintained in the closed-to-navigation position from 11 a.m. through 2 p.m. on Thursday, April 6, 2017. The Chincoteague Channel is used by a variety of vessels including public vessels, small commercial vessels, tug and barge traffic, and recreational vessels. The Coast Guard has carefully coordinated the restrictions with waterway users in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed-to-navigation position may do so at any time. The bridge will be able to open for emergencies, if at least 30 minutes notice is given, and there is no immediate alternative route for vessels unable to pass through the bridge in the closed position. 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 28, 2017.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2017–06448 Filed 3–31–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0183]

Drawbridge Operation Regulation; Atchafalaya River, Morgan City, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from drawbridge regulation.

SUMMARY: The Coast Guard has 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. This deviation is necessary to perform maintenance needed for the continued safe operation of the bridge. This deviation allows for the bridge to remain closed-to-navigation for two (2) days, 7 hours each day.

DATES: This deviation is effective from 1 p.m., Wednesday, April 5, 2017, through 1 p.m., Thursday, April 6, 2017.

ADDRESSES: The docket for this deviation, [USCG–2017–0183] 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 Giselle MacDonald, Bridge Administration Branch, Coast Guard, telephone (504) 671–2128, email *Giselle.T.MacDonald@uscg.mil.*

SUPPLEMENTARY INFORMATION: The BNSF Railway requested a temporary deviation from the operating schedule of the Morgan City Railroad vertical lift drawbridge across Atchafalaya River (aka Berwick Bay), mile 17.5 [GIWW (Morgan City-Port Allen Alternate Route), mile 0.3] in Morgan City, St. Mary Parish, Louisiana. This deviation is necessary to lay new rails across the bridge from the east approach to the west approach.

For the purpose of this deviation, the bridge will be allowed to remain in the closed-to-navigation position from 1 p.m. to 8 p.m. on Wednesday, April 5, 2017 and from 6 a.m. to 1 p.m. on Thursday, April 6, 2017. At all other times the bridge will operate in accordance with 33 CFR 117.5.

The vertical clearance of the bridge is 4 feet above mean high water (MHW), elevation 8.2 feet above MHW in the closed-to-navigation position and 73 feet above MHW in open-to-navigation position. Navigation on the waterway consists of tugs with tows, oil industry related work and crew boats, commercial fishing vessels and some recreational crafts.

Vessels able to pass under the bridge in the closed position may do so at anytime. The bridge will be able to open for emergencies and the Morgan City-Port Allen Landside route through Amelia, LA can be used as an alternate

route. The Coast Guard will inform the users of the waterways through our Local 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, 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 29, 2017.

Eric A. Washburn,

Bridge Administrator, Eighth Coast Guard District.

[FR Doc. 2017–06455 Filed 3–31–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0023]

RIN 1625–AA00

Safety Zone; Charleston Race Week, Charleston Harbor, Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the waters of the Charleston Harbor in Charleston, SC, during the Charleston Race Week from April 20, 2017, through April 23, 2017. Charleston Race Week is a series of sail boat races in the Charleston Harbor. The safety zone is necessary to ensure the safety of participants, spectators, and the general public during the event. This regulation prohibits persons and vessels from entering, transiting through, anchoring in, or remaining within the safety zones unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: This rule is effective from April 20, 2017, through April 23, 2017 and will be enforced from 9 a.m. to 5 p.m. on those days.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0023 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule call or email Lieutenant Commander John Downing, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843) 740–3184, email *John.Z.Downing@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background 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 insufficient time remains to publish an NPRM and to receive public comments, as the Charleston Race Week event will occur before the rulemaking process would be completed. Because of the dangers posed by the proximity of the races to the navigable waters of the Charleston Harbor, the safety zone is necessary to provide for the safety of event participants, spectators, and vessels transiting the event area. For those reasons, it would be impracticable and contrary to the public interest to publish an NPRM.

For the reason discussed above, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The legal basis for this rule is the Coast Guard's authority to establish regulated safety zones and other limited access areas is 33 U.S.C. 1231. The purpose of the rule is to ensure the safety of the event participants, the general public, vessels and the navigable waters during Charleston Race Week.

IV. Discussion of the Rule

This rule establishes a safety zone on the waters of the Charleston Harbor in Charleston, South Carolina during Charleston Race Week. The races are scheduled to take place from 9 a.m. to 5 p.m. on April 20, 2017, through April 23, 2017. Approximately 250 sailboats are anticipated to participate in the races, and approximately 30 spectator vessels are expected to attend the event. Persons and vessels desiring to enter, transit through, anchor in, or remain within the safety zone may contact the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the safety zone is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative. The Coast Guard will provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget. This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and

Budget has not reviewed it under those Orders.

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

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

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 safety zone that will prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within a limited area on the waters of the Charleston Harbor. This rule is categorically excluded from further review under paragraph 34(g) of figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add a temporary § 165.35T07–0023 to read as follows:

§ 165.T07–0023 Safety Zone; Charleston Race Week, Charleston Harbor, Charleston, SC.

Location. The rule consists of the following four race areas.

1. *Race Area #1.* All waters encompassed within a 700 yard radius of position 32°46′10″ N., 79°55′15″ W.

2. *Race Area #2.* All waters encompassed within a 700 yard radius of position 32°46′02″ N., 79°54′15″ W.

3. *Race Area #3.* All waters encompassed within a 700 yard radius of position 32°45′55″ N., 79°53′39″ W.

4. *Race Area #4.* All waters encompassed within a 600 yard radius of position 32°47′50″ N., 79°56′80″ W.

(b) *Definition.* The term ''designated representative'' means Coast Guard

Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated areas.

(c) *Regulations.*

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

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

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

(d) *Enforcement Period.* This rule will be enforced daily from 9 a.m. until 5 p.m. from April 20 through April 23, 2017.

Dated: March 29, 2017

G.L. Tomasulo,

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

[FR Doc. 2017–06529 Filed 3–31–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0172]

RIN 1625–AA00

Safety Zone; Pacific Ocean, Kilauea Lava Flow Ocean Entry on Southeast Side of Island of Hawaii, HI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the navigable waters surrounding the entry of lava from Kilauea volcano into the Pacific Ocean on the southeast side of the Island of Hawaii, HI. The safety zone will encompass all waters extending 300 meters (984 feet) in all directions around all entry points of lava flow into the ocean. The entry points of the lava vary, and the safety zone will vary accordingly. The safety zone is needed to protect persons and vessels from the potential hazards associated with molten lava entering the ocean resulting in explosions of large chunks of hot rock and debris upon impact, collapses of the sea cliff into the ocean, hot lava arching out and falling into the ocean, and the release of toxic gases. Entry of persons or vessels into this safety zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Honolulu or his designated representative.

DATES: This rule is effective without actual notice from April 3, 2017, through 8 a.m. (HST) on September 28, 2017. For purposes of enforcement, actual notice will be used from 8 a.m. (HST) on March 28, 2017, through April 3, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–USCG–2017–0172 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 Lieutenant Commander Nicolas Jarboe, Waterways Management Division, U.S. Coast Guard; telephone 808–541–4359, email *D14-SMB-SecHono-MarineEventPermits@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
TFR Temporary Federal Regulation
U.S.C. United States Code

II. Background Information and Regulatory History

Lava has been entering the ocean at Kamokuna on Kīlauea Volcano's south coast since July of 2016. As with all ocean entries during this long-lived Kīlauea eruption, hazards to people nearby on land and sea include: A plume of corrosive seawater laden with hydrochloric acid and fine volcanic particles that can irritate the skin, eyes, and lungs; explosions of debris and scalding water as hot rock interacts with the ocean; sudden collapse of lava deltas (new land formed as lava accumulates above sea level extending out from the base of the existing sea cliff); waves associated with explosions, collapses; plumes of hot water. For more information, please see: *https://pubs.usgs.gov/fs/2000/fs152-00/.*

On New Year's Eve 2016, a large portion of the new lava delta collapsed into the ocean producing waves and explosions of debris. Following this collapse, portions of the adjacent sea cliff continued to collapse into the ocean producing localized ocean waves and showers of debris. As of late March 2017, a new delta has begun to form at the Kamokuna ocean entry. Additionally, cracks parallel to the sea cliff in the surrounding area persist, indicating further collapses with very little or no warning are possible.

Based on a review of nearly 30 years of delta collapse and ejecta distance observations in the Hawaii Volcano Observatory records, a radius of 300 meters was determined as a reasonable minimum high hazard zone around a point of ocean entry.

The Coast Guard is issuing this temporary final 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 those procedures is ''impractical, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for not publishing a NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard finds it impractical to issue an NPRM with respect to this rule because of the emergency situation of potential hazards associated with molten lava entering the ocean resulting in explosions of large chunks of hot rock and debris upon impact, collapses of the sea cliff into the ocean, hot lava arching out and falling into the ocean, and the release of toxic gases that poses a danger to vessel traffic and the public. Publishing an NPRM and delaying the effective date would be contrary to the safety zone's intended objectives, including but not limited to protection of the public and mitigation of danger to nearby vessels from the hazards of flow entry into the ocean, enhancing public safety. Publishing a NPRM and delaying the effective date would also be contrary to the public interest since the occasion would occur before a notice-and-comment rulemaking could be completed, thereby jeopardizing the safety of the public.

The COTP Honolulu finds this temporary safety zone must be effective immediately to ensure the safety of the public during Kilauea's active lava flow entry into the Pacific Ocean on the southeast side of the Island of Hawaii, HI.

The Coast Guard is publishing an NPRM elsewhere in this issue of the **Federal Register** that proposes to establish a permanent safety zone for the navigable waters surrounding the entry of lava from Kilauea volcano into the Pacific Ocean on the southeast side of the Island of Hawaii, HI.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP Honolulu has determined that potential hazards associated with Kilauea's active lava flow entry into the Pacific Ocean on the southeast side of the Island of Hawaii, HI is safety concern for anyone within 300 meters (984 feet) in all directions around the entry of lava flow. The purpose of this rule is to ensure safety of public, vessels, and the navigable waters covered by the safety zone.

IV. Discussion of Comments, Changes, and the Rule

This temporary final rule establishes a safety zone from 8 a.m. (HST) on March 28, 2017, through 8 a.m. (HST) on September 28, 2017. The entry point of the lava does change based on flow, however the safety zone will encompass all waters extending 300 meters (984 feet) in all directions around the entry point of lava flow into the ocean associated with the lava flow at the Kamokuna lava delta. The safety zone is needed to protect persons and vessels from potential hazards associated with molten lava entering the ocean resulting in explosions of large chunks of hot rock and debris upon impact, hot lava arching out and falling into the ocean, and the release of toxic gases. No persons or vessels will be permitted to enter the safety zone without express authorization from the COTP Honolulu or his designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit around this safety zone which will only impacts a small designated area on the southeast side of the Island of Hawaii, HI. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the safety zone and the rule allows vessels to seek permission to enter the safety zone.

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 for reasons stated in section V. A. above.

Some owners or operators of vessels, which may be small entities, conduct tours in the vicinity of the safety zone where lava flow enters the ocean. Some of these owners or operators reportedly navigate closer than 300 meters from the lava entry into the ocean. This rule may affect their operations. The safety zone does not prohibit ocean tours; however the safety zone simply requires operators and vessel owners to navigate at a safe distance. It also allows vessels to seek permission of the COTP Honolulu to get closer.

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.

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 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 temporary safety zone lasting 6 months that will prohibit persons and vessels from entry into the 300 meters (984 feet) safety zone extending in all directions around the entry of lava flow into the Pacific Ocean. This safety zone is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T14–0172 to read as follows:

§ 165.T14–0172 Safety Zone; Pacific Ocean, Kilauea Lava Flow Ocean Entry on Southeast Side of Island of Hawaii, HI.

(a) *Location.* The safety zone area is located within the COTP Zone (See 33 CFR 3.70–10) and encompasses one primary area from the surface of the water to the ocean floor at the Kilauea active lava flow entry into the Pacific Ocean on the southeast side of the Island of Hawaii, HI. The entry point of the lava does change based on flow, however the safety zone will encompass all waters extending 300 meters (984 feet) in all directions around the entry point of lava flow into the ocean associated with the lava flow at the Kamokuna lava delta.

(b) *Effective period.* This rule is effective from 8 a.m. (HST) on March 07, 2017, through 8 a.m. (HST) on September 22, 2017.

(c) *Regulations.* The general regulations governing safety zones contained in § 165.23 apply to the safety zone created by this temporary final rule.

(1) All persons and vessels are required to comply with the general regulations governing safety zones found in this part.

(2) Entry into or remaining in this safety zone is prohibited unless authorized by the COTP Honolulu or his designated representative.

(3) Persons or vessels desiring to transit the safety zone identified in paragraph (a) of this section may contact the COTP of Honolulu through his designated representatives at the Command Center via telephone: (808) 842–2600 and (808) 842–2601; fax: (808) 842–2642; or on VHF channel 16 (156.8 Mhz) to request permission to transit the safety zone. If permission is granted, all persons and vessels must comply with the instructions of the COTP Honolulu or his designated representative and proceed at the minimum speed necessary to maintain a safe course while in the safety zone.

(4) The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(d) *Notice of enforcement.* The COTP Honolulu will provide notice of enforcement of the safety zone described in this section by verbal radio broadcasts and written notice to mariners.

(e) *Definitions.* As used in this section, ''designated representative'' means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the COTP to assist in enforcing the safety zone described in paragraph (a) of this section.

Dated: March 28, 2017.

M.C. Long,

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

[FR Doc. 2017–06473 Filed 3–31–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0222]

RIN 1625–AA00

Safety Zone; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone—Lubbers Cup Regatta

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone on the Spring Lake in Spring Lake, MI in the vicinity of Keenan Marina within a rectangle that is approximately 6,300 by 300 feet for the Lubbers Cup Regatta on April 8, 2017 and April 9, 2017. This action is necessary and intended to ensure safety of life on navigable waters immediately prior to, during, and after the Regatta. During the aforementioned period, the Coast Guard will enforce restrictions upon, and control movement of, vessels in the safety zone. No person or vessel may enter the safety zone while it is being enforced without permission of the Captain of the Port Lake Michigan or a designated representative.

DATES: The regulations in 33 CFR 165.929 will be enforced for safety zone (b)(2), Table 165.929, from 7:45 a.m. until 7:15 p.m. on April 8, 2017 and 7:45 a.m. until 12:15 p.m. on April 9, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email marine event coordinator, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747–7148, email *D09-SMB-SECLakeMichigan-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Lubbers Cup Regatta safety zone listed as item (b)(2) in Table 165.929 of 33 CFR 165.929. Section 165.929 lists many annual events requiring safety zones in the Captain of the Port Lake Michigan zone. This safety zone will encompass all waters of Spring Lake in Spring Lake, Michigan in the vicinity of Keenan Marina within a rectangle that is

approximately 6,300 by 300 feet. The rectangle will be bounded by points beginning at 43°04.914′ N., 086°12.525′ W.; then east to 43°04.958′ N., 086°11.104′ W.; then south to 43°04.913′ N., 086°11.096′ W.; then west to 43°04.867′ N., 086°12.527′ W.; then north back to the point of origin. (NAD 83). As specified in 33 CFR 165.929, all vessels must obtain permission from the Captain of the Port Lake Michigan or a designated representative to enter, move within, or exit the safety zone when it is enforced. Vessels and persons granted permission to enter the safety zone must obey all lawful orders or directions of the Captain of the Port Lake Michigan or a designated representative.

This document is issued under authority of 33 CFR 165.929, Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone, and 5 U.S.C. 552(a). In addition to this publication in the **Federal Register**, the Coast Guard plans to provide the maritime community with advance notification for the enforcement of this zone via Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port Lake Michigan or a representative may be contacted via Channel 16, VHF–FM.

Dated: March 28, 2017.

A.B. Cocanour,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. 2017–06471 Filed 3–31–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0176]

RIN 1625–AA00

Safety Zone for Fireworks Display; Patapsco River, Inner Harbor, Baltimore, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of the Patapsco River. This action is necessary to provide for the safety of life on the navigable waters of the Inner Harbor at Baltimore, MD, during a fireworks display on April 8, 2017. This action will prohibit persons and vessels from entering the safety zone unless authorized by the Captain of the Port Maryland-National Capital Region or a designated representative.

DATES: This rule is effective from 11 p.m. on April 8, 2017, until 1 a.m. on April 10, 2017. This rule will be enforced from 11 p.m. on April 8, 2017, until 1 a.m. on April 9, 2017, or if necessary due to inclement weather, from 11 p.m. on April 9, 2017, until 1 a.m. on April 10, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0176 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 about this rulemaking, call or email Mr. Ronald Houck, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

The Coast Guard is issuing this temporary final 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 with respect to this rule because doing so would be impracticable and contrary to the public interest. The event is scheduled to take place on April 9th and the safety zone must be in effect on that date in order to serve its purpose of ensuring the safety of the public from hazards associated with the fireworks display.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register** because doing so would be impracticable and contrary to the public interest. Delaying the effective date would be contrary to the rule's objectives of ensuring the safety of the public from hazards associated with the fireworks display.

The public fireworks display will be conducted by Fireworks by Grucci, Inc. and launched from five floating platforms located within the waters of Inner Harbor Baltimore, between Inner Harbor Pier 3 and Inner Harbor Pier 5 in Baltimore, MD. In the event of inclement weather, the fireworks display will be scheduled for April 9, 2017. Hazards from fireworks displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port (COTP) has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within a 75-yard radius of each of each of the five fireworks discharge sites.

The fireworks display will be conducted at a time of year and time of day when boating traffic is expected to be minimal. The purpose of this rulemaking is to ensure the safety of persons and vessels on the navigable waters within the Inner Harbor before, during, and after the scheduled event. The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231.

III. Discussion of Rule

The COTP is establishing a safety zone from 11 p.m. on April 8, 2017, until 1 a.m. on April 9, 2017, and if necessary due to inclement weather, from 11 p.m. on April 9, 2017, until 1 a.m. on April 10, 2017. The safety zone will cover all navigable waters of the Patapsco River, Inner Harbor, from shoreline to shoreline, within an area bounded on the east by longitude 076°36′12″ W., and bounded on the west by the Inner Harbor west bulkhead, located at Baltimore, MD. The duration of the zone is intended to ensure the safety of persons and vessels on the specified navigable waters before, during, and after the scheduled 11:59 p.m. fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This temporary final 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 size, location, duration, and time-of-day of the safety zone. In some cases vessel traffic may be able to safely transit around this safety zone which would impact a small designated area of Inner Harbor Baltimore for 2 hours during the evening when vessel traffic is normally low. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine band channel 16 to provide information about the safety zone.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section IV.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. 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 would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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 guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting 2 hours that would prohibit vessel movement within a portion of Baltimore's Inner Harbor. Normally such actions are categorically excluded from further review under paragraph 34(g) of figure 2–1 of Commandant Instruction M16475.lD. A preliminary environmental analysis checklist and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0176 to read as follows:

§ 165.T05–0176 Safety Zone for Fireworks Display; Patapsco River, Inner Harbor, Baltimore, MD.

(a) *Definitions.* As used in this section:

(1) *Captain of the Port Maryland-National Capital Region* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

(2) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Maryland-National Capital Region to assist in enforcement of the safety zone described in paragraph (a) of this section.

(b) *Location.* The following area is a safety zone: All waters of the Patapsco River, Inner Harbor, from shoreline to shoreline, within an area bounded on the east by longitude 076°36′12″ W., and

bounded on the west by the Inner Harbor west bulkhead, located at Baltimore, MD. All coordinates refer to datum NAD 1983.

(c) *Regulations.* The general safety zone regulations found in 33 CFR part 165, subpart C apply to the safety zone created by this section.

(1) All persons are required to comply with the general regulations governing safety zones found in 33 CFR 165.23.

(2) Entry into or remaining in this safety zone is prohibited unless authorized by the Coast Guard Captain of the Port Maryland-National Capital Region. All vessels underway within this safety zone at the time it is implemented are to depart the zone.

(3) Persons desiring to transit the area of the safety zone shall obtain authorization from the Captain of the Port Maryland-National Capital Region or designated representative. To request permission to transit the area, the Captain of the Port Maryland-National Capital Region and or designated representatives can be contacted at telephone number 410–576–2693 or on marine band radio VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel, by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. If permission is granted to enter the safety zone, all persons and vessels shall comply with the instructions of the Captain of the Port Maryland-National Capital Region or designated representative and proceed as directed while within the zone.

(4) *Enforcement officials.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(d) *Enforcement period.* This section will be enforced from 11 p.m. on April 8, 2017, until 1 a.m. on April 9, 2017, and if necessary due to inclement weather, from 11 p.m. on April 9, 2017, until 1 a.m. on April 10, 2017.

Dated: March 28, 2017.

L.P. Harrison, Jr.,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2017–06451 Filed 3–31–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2015–1081]

Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone—Start of the Chicago to Mackinac Race

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for the Start of the Chicago to Mackinac Race on a portion of Lake Michigan on July 15, 2017. This action is intended to ensure the safety of life on the navigable waterway immediately before, during, and after this event. During the enforcement period listed below, no vessel may transit this safety zone without approval from the Captain of the Port Lake Michigan or a designated representative.

DATES: The regulations in 33 CFR 165.929 will be enforced for the location listed in item (e)(45) in Table 165.929 from 10 a.m. until 4 p.m. on July 15, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LT Lindsay Cook, Waterways Management Division, Marine Safety Unit Chicago, at 630–986–2155, email address *D09-DG-MSUChicago-Waterways@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zone; Start of the Chicago to Mackinac Race listed as item (e)(45) in Table 165.929 of 33 CFR 165.929. Section 165.929 lists many annual events requiring safety zones in the Captain of the Port Lake Michigan zone. This safety zone encompasses all waters of Lake Michigan in the vicinity of the Navy Pier at Chicago IL, within a rectangle that is approximately 1500 by 900 yards. The rectangle is bounded by the coordinates beginning at 41°53.252′ N., 087°35.430′ W.; then south to 41°52.812′ N., 087°35.430′ W.; then east to 41°52.817′ N., 087°34.433′ W.; then north to 41°53.250′ N., 087°34.433′ W.; then west, back to point of origin. This safety zone will be enforced on July 15, 2017, from 10 a.m. until 4 p.m.

All vessels must obtain permission from the Captain of the Port Lake Michigan, or his or her designated on-scene representative to enter, move within, or exit this safety zone during the enforcement times listed in this notice of enforcement. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. Approvals will be granted on a case-by-case basis. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port Lake Michigan, or his or her on-scene representative.

This notice of enforcement is issued under authority of 33 CFR 165.929, Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone, and 5 U.S.C. 552(a). The Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners and Local Notice to Mariners. The Captain of the Port Lake Michigan or a designated on-scene representative may be contacted via VHF Channel 16 during the event.

Dated: March 27, 2017.

A.B. Cocanour,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. 2017–06496 Filed 3–31–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 447

[CMS–2399–F]

RIN 0938–AS92

Medicaid Program; Disproportionate Share Hospital Payments—Treatment of Third Party Payers in Calculating Uncompensated Care Costs

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule.

SUMMARY: This final rule addresses the hospital-specific limitation on Medicaid disproportionate share hospital (DSH) payments under section 1923(g)(1)(A) of the Social Security Act (Act), and the application of such limitation in the annual DSH audits required under section 1923(j) of the Act, by clarifying that the hospital-specific DSH limit is based only on uncompensated care costs. Specifically, this rule makes explicit in the text of the regulation, an existing interpretation that uncompensated care costs include only those costs for Medicaid eligible individuals that remain after accounting for payments made to hospitals by or on

behalf of Medicaid eligible individuals, including Medicare and other third party payments that compensate the hospitals for care furnished to such individuals. As a result, the hospital-specific limit calculation will reflect only the costs for Medicaid eligible individuals for which the hospital has not received payment from any source.

DATES: These regulations are effective on June 2, 2017.

FOR FURTHER INFORMATION CONTACT: Wendy Harrison, (410) 786–2075.

SUPPLEMENTARY INFORMATION:

I. Background

A. Legislative History

Title XIX of the Act authorizes the Secretary of the Department of Health and Human Services (the Secretary) to provide grants to states to help finance programs furnishing medical assistance (state Medicaid programs) to specified groups of eligible individuals in accordance with an approved state plan. ''Medical Assistance'' is defined at section 1905(a) of the Act as payment for part or all of the cost of a list of specified care for eligible individuals. Section 1902(a)(13)(A)(iv) of the Act requires that payment rates for hospitals take into account the situation of hospitals that serve a disproportionate share of low-income patients with special needs. Section 1923 of the Act contains more specific requirements related to payments for such disproportionate share hospitals (DSH) payments. These specific statutory requirements include aggregate state level limits, hospital-specific limits, qualification requirements, and auditing requirements.

Under section 1923(b) of the Act, a hospital meeting the minimum qualifying criteria in section 1923(d) of the Act is deemed as a disproportionate share hospital (DSH). States have the option to define DSHs under the state plan using alternative qualifying criteria as long as the qualifying methodology comports with the deeming requirements of section 1923(b) of the Act. Subject to certain federal payment limits, states are afforded flexibility in setting DSH state plan payment methodologies to the extent that these methodologies are consistent with section 1923(c) of the Act.

Section 1923(f) of the Act limits federal financial participation (FFP) for total statewide DSH payments made to eligible hospitals in each federal fiscal year (FY) to the amount specified in an annual DSH allotment for each state. These allotments essentially establish a finite pool of available federal DSH funds that states use to pay the federal portion of payments to all qualifying hospitals in each state. As states often use most or all of their federal DSH allotment, in practice, if one hospital gets more DSH funding, other DSH-eligible hospitals in the state may get less.

B. Hospital-Specific DSH Limit

Section 13621 of the Omnibus Budget Reconciliation Act of 1993 (OBRA 93), which was signed into law on August 10, 1993, added section 1923(g) of the Act, limiting Medicaid DSH payments during a year to a qualifying hospital to the amount of uncompensated care costs for that same year. The Congress enacted the hospital-specific limit on DSH payments in response to reports that some hospitals received DSH payment adjustments that exceeded ''the net costs, and in some instances the total costs, of operating the facilities.'' (H.R. Rep. No. 103–111, at 211–12 (1993), reprinted in 1993 U.S.C.C.A.N. 278, 538–39.) Such excess payments were inconsistent with the purpose of the Medicaid DSH payment, which is to ameliorate the real economic burden faced by hospitals that treat a disproportionate share of low-income patients and to ensure continued access to care for Medicaid patients. Accordingly, Congress imposed a hospital-specific limit that restricts Medicaid DSH payments to qualifying hospitals to the costs incurred by the hospital of providing inpatient and outpatient hospital services during the year to Medicaid eligible patients and individuals who have no health insurance or other source of third party coverage for the services provided during the year, net of Medicaid payments (other than Medicaid DSH) and payments by uninsured patients. The statute states that the costs of providing services are ''as determined by the Secretary,'' and as further explained below, the Secretary has determined that ''costs,'' as it is used in the statute, are costs net of third-party payments received for those services, including, but not limited to, payments by Medicare and private insurance. As a result, the hospital-specific limit will reflect only the amount of uncompensated care costs for that same year.

Congress revisited the DSH payment requirements in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173, enacted on December 8, 2003). The MMA added section 1923(j) to the Act, which requires states to report specified information about their DSH payments, including independent, certified audits that, among other elements, are required to review compliance with the hospital-specific limits under section 1923(g)(1)(A) of the Act. Significantly, section 1923(j)(2)(C) of the Act provides a gloss on section 1923(g)(1)(A), by specifying that the audits must verify that only the uncompensated care costs of providing inpatient hospital and outpatient hospital services to individuals described in paragraph (1)(A) of such subsection [1923(g) of the Act] are included in the calculation of the hospital-specific limits under such subsection. Until the establishment of an audit requirement, there was no standardization among the states as to how the hospital-specific limit was calculated. In the late 1990's and early 2000's the Government Accountability Office (GAO) and the U.S. Department of Health and Human Services Office of Inspector General (OIG) issued a series of reports focusing on the hospital-specific DSH limit. Among other findings, the GAO and OIG reports identified multiple instances where states included unallowable costs or did not account for costs net of applicable payments when determining the hospital-specific limits. These reviews and audits led to the enactment, as part of the MMA, of the audit requirements at section 1923(j) of the Act. Section 1923(j) of the Act not only required that we issue standardized audit methods and procedures, it also provided clarity on how the hospital-specific limit should be applied. Specifically, section 1923(j)(2)(C) of the Act provides that only the uncompensated care costs of providing inpatient hospital and outpatient hospital services to individuals (described in section 1923(g)(1)(A of the Act) are included in the calculation of the hospital-specific limits under section 1923(g)(1)(A) of the Act. This provision makes clear that Congress intended that the hospital-specific limit at section 1923(g)(1) of the Act only includes uncompensated care costs. And it also makes clear that FFP is not available for DSH payments that exceed a hospital's hospital-specific limit. In passing OBRA 93 and the hospital-specific DSH limit, Congress contemplated that hospitals with ''large numbers of privately insured patients through which to offset their operating losses on the uninsured'' may not warrant Medicaid DSH payments (H. Rep. 103–111, p. 211).

C. The 2008 DSH Final Rule and Subsequent Policy Guidance

Section 1001 of the MMA required annual state reports and audits to ensure the appropriate use of Medicaid DSH payments and compliance with the DSH

limit imposed at section 1923(g) of the Act.

In the August 26, 2005, **Federal Register** we published the ''Medicaid Program; Disproportionate Share Hospital Payments'' proposed rule (70 FR 50262) to implement the annual DSH audit and reporting requirements established or amended by the MMA. During the public comment period, one commenter requested clarification regarding the treatment of individuals dually eligible for Medicaid and Medicare for purposes of calculating the hospital-specific DSH limit. We responded to this comment in the ''Medicaid Disproportionate Share Hospital Payments'' final rule (73 FR 77904) (herein referred to as the 2008 DSH final rule) published in the December 19, 2008 **Federal Register**. As section 1923(g) of the Act limits DSH payments on a hospital-specific basis to ''uncompensated costs,'' the response to the comment clarified that all costs and payments associated with individuals dually eligible for Medicare and Medicaid, including Medicare payments received by the hospital on behalf of the patients, must be included in the calculation of the hospital-specific DSH limit. In other words, the extent to which a hospital receives Medicare payments for services rendered to Medicaid eligible patients must be accounted for in determining uncompensated care costs for those services.

We also indicated in the 2008 DSH final rule that to be considered an inpatient or outpatient hospital service for purposes of Medicaid DSH, a service must meet the federal and state definitions of an inpatient hospital service or outpatient hospital service and must be included in the state's definition of an inpatient hospital service or outpatient hospital service under the approved state plan and paid under the state plan as an inpatient hospital or outpatient hospital service. While a state may have some flexibility to define the scope of inpatient or outpatient hospital services covered by the state plan, a state must use consistent definitions. Hospitals may engage in any number of activities, or may furnish practitioner, nursing facility, or other services to patients that are not within the scope of inpatient hospital services or outpatient hospital services and are not paid as such. These services are not considered inpatient or outpatient hospital services for purposes of calculating the Medicaid hospital-specific DSH limit.

Following the publication of the 2008 DSH final rule, we received numerous questions from interested parties regarding the treatment of costs and payments associated with dual eligible and Medicaid eligible individuals who also have a source of third party coverage (for example, coverage from a private insurance company) for purposes of calculating uncompensated care costs. We posted additional policy guidance titled ''*Additional Information on the DSH Reporting and Audit Requirements*'' on the Medicaid Web site at *https://www.medicaid.gov/medicaid/financing-and-reimbursement/dsh/* making it clear that all costs and payments associated with dual eligible and individuals with a source of third party coverage must be included in calculating the hospital-specific DSH limit, as section 1923(g) of the Act limits DSH payments to ''uncompensated costs.'' This additional guidance was based upon the policy articulated in the 2008 DSH final rule and was consistent with subregulatory guidance issued to all state Medicaid directors on August 16, 2002.

In the August 16, 2002, letter to state Medicaid directors, we directed that when a state calculates the uninsured costs and the Medicaid shortfall for the OBRA 93 uncompensated care cost limits, it must reflect a hospital's costs of providing services to Medicaid patients and the uninsured, net of Medicaid payments (except DSH) made under the state plan and net of third party payments. Medicaid payments include, but are not limited to, regular Medicaid fee-for-service rate payments, any supplemental or enhanced payments, and Medicaid managed care organization payments. The guidance also stated that not recognizing these payments would overstate a hospital's amount of uninsured costs and Medicaid shortfall, thus inflating the OBRA 93 uncompensated care cost limits for that particular hospital. As state DSH payments are limited to an annual federal allotment, this policy is necessary to ensure that limited DSH resources are allocated to hospitals that have a net financial shortfall in serving Medicaid patients.

Prior to the 2008 DSH final rule, some states and hospitals were excluding both costs and payments associated with Medicaid eligible individuals with third party coverage, including Medicare, when calculating hospital-specific DSH limits (or were including costs while not including payments). Excluding both costs and payments associated with Medicaid eligible individuals is not consistent with the statutory requirement that we include the costs of all individuals ''eligible for medical assistance,'' which means those individuals eligible for Medicaid. Including costs (while not including payments) led to the artificial inflation of uncompensated care costs and, correspondingly, of hospital-specific DSH limits and permitted some hospitals to be paid based on the same costs by two payers—once by Medicare or other third party payer and once by Medicaid. The clarification included in the 2008 DSH final rule and subsequent subregulatory guidance promotes fiscal integrity and equitable distribution of DSH payments among hospitals by preventing payment to DSH hospitals based on costs that are covered by Medicare or a private insurer. It also promotes program integrity by ensuring that hospitals receive Medicaid DSH payments only up to the actual uncompensated care costs incurred in providing inpatient and outpatient hospital services to Medicaid eligible individuals or individuals with no health insurance or other source of third party coverage.

Given the timing of the final rule and audit requirements, we recognized that there could have been a retroactive impact on some states and hospitals if the requirements had been imposed immediately. To ensure that states and hospitals did not experience any immediate adverse fiscal impact due to the publication of the DSH audit and reporting final rule and to foster development and refinement of auditing techniques, we included a transition period in the final rule. During this transition period, states were not required to repay FFP associated with Medicaid DSH overpayments identified through the annual DSH audits. The final rule allowed for a 3-year period between the close of the state plan rate year and when the final audit was due to us, which meant that audits for state plan rate year 2008 were not due to us until December 31, 2011. Recognizing that states would be auditing state plan rate years that closed prior to publication of the final rule, we stated in the final rule that there would be no financial implications until the audits for state plan rate year 2011 were due to us on December 31, 2014. This allowed states and hospitals to adjust to the audit requirements and make adjustments as necessary. This resulted in a transition period for the audits associated with state plan rate years 2005 through 2010.

The 2008 DSH final rule also reiterated our policy that costs and payments are treated on an aggregate, hospital-specific basis. In that rule, we explicitly acknowledge that there will be instances where Medicaid payments will be greater than the costs of treating Medicaid eligible patients. But because

those payments reduce the overall uncompensated costs of treating Medicaid eligible patients, we required that all Medicaid payments be included in the hospital-specific limit calculation, and explained that any ''excess'' payments will be applied against the uncompensated care costs that result from the uninsured calculation. This position is codified in § 455.304(d)(4). Specifically, for purposes of the hospital-specific limit calculation, any Medicaid payments, including but not limited to regular Medicaid fee-for-service rate payments, supplemental/enhanced Medicaid payments, and Medicaid managed care organization payments, made to a disproportionate share hospital for furnishing inpatient and outpatient hospital services to Medicaid eligible individuals, which are in excess of the Medicaid incurred costs for these services, are applied against the total uncompensated care costs of furnishing inpatient and outpatient hospital services to individuals with no source of third party coverage for such services.

The same principle applies to payments received from third party payers that exceed the cost of the service provided to a particular Medicaid eligible individual. All third party payments (including, but not limited to, payments by Medicare and private insurance) must be included in the calculation of uncompensated care costs for purposes of determining the hospital-specific DSH limit, regardless of what the Medicaid incurred cost is for treating the Medicaid eligible individual. For example, if a hospital treats two Medicaid eligible patients at a cost of $2,000 and receives a $500 payment from a third party for each individual and a $100 payment from Medicaid for each individual, the total uncompensated care cost to the hospital is $800, regardless of whether the payments received for one patient exceeded the cost of providing the service to that individual.

Subsequent to both the 2008 DSH final rule and the 2010 guidance, multiple states, hospitals, and other stakeholders expressed concern regarding this policy and requested clarification. In addition to requests for clarification, some states challenged this policy. We have disapproved one state plan amendment (SPA) proposing to exclude from the hospital-specific limit calculation the portion of a Medicare payment that exceeds the cost of providing a service to a dual eligible and one state plan amendment SPA proposing to exclude the portion of a third party commercial payment that exceeds the cost of providing a service to a Medicaid eligible individual with private insurance coverage. Additionally, some hospitals, and one state government agency, have sued regarding the treatment of third party payers in calculating uncompensated care costs.

In light of the statutory requirement limiting DSH payments on a hospital-specific basis to uncompensated care costs, it is inconsistent with the statute to assist hospitals with costs that have already been compensated by third party payments. This final rule is designed to reiterate the policy and make explicit within the terms of the regulation that all costs and payments associated with dual eligible and individuals with a source of third party coverage must be included in calculating the hospital-specific DSH limit. This policy is necessary to ensure that only actual uncompensated care costs are included in the Medicaid hospital-specific DSH limit. And, because state DSH payments are limited to an annual federal allotment, this policy is also necessary to ensure that limited DSH resources are allocated to hospitals that have a net financial shortfall in serving Medicaid patients.

In a simplified example, consider a state that has only two hospitals. The first hospital treated only patients who were either uninsured or eligible for Medicaid, and received no payments other than from Medicaid. The hospital-specific limit for this hospital would be equal to the hospital's total costs of treating its patients through inpatient hospital or outpatient hospital services minus the non-DSH Medicaid payments. The second hospital, on the other hand, treated only patients who were either uninsured or dually eligible for Medicaid and Medicare, and received no payments other than from Medicaid and Medicare. Under 1902(a)(13)(A)(iv) of the Act, the ''situation'' of the second hospital that receives comparatively generous payments from Medicare for the dual eligible is relevantly different than the ''situation'' of the first hospital that has not received such payments. Our policy—that Medicare and other third party payments must be taken into account when determining a hospital's costs for the purpose of calculating Medicaid DSH payments—ensures that the DSH payment reflects the real economic burden of hospitals that treat a disproportionate share of low-income patients (that is, the ''situation'' of the hospitals). Turning back to the example, the hospital-specific limit for the second hospital must take into account both the Medicaid and Medicare payments. If the hospital-specific limit did not take into account the Medicare payments, the second hospital would be able to receive DSH dollars in excess of its uncompensated care costs. As federal DSH funding is limited by the state-wide DSH allotment, the excess DSH payments to the second hospital may be at the expense of the first hospital, which could otherwise receive these DSH dollars.

II. Summary of Proposed Provisions

We proposed to clarify the hospital-specific limitation on Medicaid DSH payments under section 1923(g)(1)(A) of the Act and annual DSH audit requirements under section 1923(j) of the Act. Specifically, this rule proposes to modify the terms of the current regulation to make it explicit that ''costs'' for purposes of calculating hospital-specific DSH limits are costs net of third-party payments received.

At § 447.299 we proposed to clarify the definition of ''Total cost of care for Medicaid IP/OP services'' to specify that the total annual costs of inpatient hospital and outpatient hospital (IP/OP) services must account for all third party payments, including, but not limited to payments by Medicare and private insurance.

III. Analysis of and Responses to Public Comments

We received 161 timely comments from state Medicaid agencies, provider associations, providers, and other interested parties, in response to the publication of the Disproportionate Share Hospital Payments—Treatment of Third Party Payers in Calculating Uncompensated Care Costs proposed rule. During our review of these comments, we identified 10 general comment areas, in which we received multiple comments, from multiple respondents. We also received 9 specific comments that did not fit into the general comment areas. Those comments and our responses are included below.

A. Proposed Rule Is Consistent With the Statute

Comment: Many commenters suggested that CMS' interpretation of the hospital-specific limit is inconsistent with the statutory language under section 1923(g)(1)(A) of the Social Security Act, or that CMS' interpretation is not required under section 1923(j) of the Act.

Response: We disagree with these commenters. The statute limits Medicaid DSH payments to the amount of uncompensated care costs for that same year. Specifically, the statute limits the DSH payment to the costs

incurred by the hospital of providing inpatient and outpatient hospital services during the year to Medicaid eligible patients and individuals who have no health insurance or other source of third party coverage for the services provided during the year, net of Medicaid payments (other than Medicaid DSH) and payments by uninsured patients. The statute states that the costs of providing services are ''as determined by the Secretary''; such language gives us the discretion to take Medicare and other third party payments into account when determining a hospital's costs for the purpose of calculating Medicaid DSH payments. As a result, the hospital-specific limit calculation reflects only the costs for Medicaid eligible individuals for which the hospital has not received payment from any source.

Even though the 2008 regulation did not expressly mention Medicare and third party payments, this policy is necessary to facilitate the Congressional directive of section 1923 of the Act in general, and the hospital-specific limit in particular, of limiting the DSH payment to a hospital's uncompensated care costs. Moreover, we have been clear in our longstanding policy and in the 2008 rule that all third party payments must be taken into account when calculating the hospital-specific limit. This policy was also articulated in subsequent implementation guidance.

B. Uninsured and Dual Eligible Patients

Comment: A number of commenters suggested that the policy reflected in the proposed rule should not apply to dual eligible patients for which there has not been a Medicaid claim generated or a Medicaid payment received on behalf of the dually eligible individual, noting that children who qualify for Medicaid often have Medicaid as their secondary coverage. According to the commenters, by including private insurance payments for services never billed to Medicaid, hospitals serving a high number of children with complex medical conditions may become ineligible for DSH funds, even though they have substantial losses for Medicaid-paid admissions and for the uninsured.

Response: The statutory language refers to those ''eligible for medical assistance,'' which means those individuals eligible for Medicaid benefits. The statutory language does not condition eligibility on whether the cost of the service was claimed, or if a Medicaid payment was received. Therefore, all costs and payments associated with Medicaid eligible individuals must be included in the hospital-specific limit calculation, regardless of whether Medicaid made a payment.

Moreover, the commenters' belief—that under our longstanding policy, a hospital may receive a DSH payment up to the hospital-specific limit and nevertheless incur ''substantial losses'' for treating Medicaid eligible and uninsured individuals—is incorrect. In the situation where a hospital receives a DSH payment up to the hospital-specific limit, a hospital will have received payments equal to the cost of providing inpatient and outpatient hospital services to Medicaid patients and the uninsured (from Medicaid, Medicaid DSH, and from other payers). Rather, it appears that the commenters are suggesting that the hospital-specific limit calculation should take into account the cost of services that are not paid for as inpatient or outpatient services or costs that are not paid for by Medicaid at all. Ancillary programs and services that hospitals provide to patients may be laudable, but they are not paid for by Medicaid because they are not costs associated with furnishing inpatient and outpatient hospital services to Medicaid eligible and uninsured individuals. To the extent a hospital has actual uncompensated care costs for furnishing such hospital services, the hospital will be eligible to receive a DSH payment in accordance with the statute and regulation. Under our interpretation of the statute, the hospital-specific limit ensures that a hospital's eligible uncompensated care costs may be compensated but that Medicaid DSH payments will not double pay for costs that have already been compensated. Accordingly, we believe our approach best fulfills the purpose of the DSH statute.

Comment: A few of the commenters suggested that CMS needs to reconsider how they determine a patient is uninsured, suggesting, for example, that the one-time determination of an individual's status as having third-party coverage should be reconsidered. The commenters also suggested that CMS should allow an inpatient hospital service to be reevaluated at the point that a benefit limit or dollar limit is reached, or benefits are otherwise exhausted, in which case the individual may be treated as uninsured for that portion of the stay.

Response: We thank the commenters for this comment, but it is outside the scope of this rule. This rule does not address how a patient is determined to be ''uninsured''. Rather, the rule is clarifying existing policy on the calculation of Medicaid uncompensated care costs for the purposes of making Medicaid DSH payments.

C. Effective Date

Comment: Multiple commenters suggested that, if the proposed rule is finalized, CMS should only impose this policy prospectively and should provide an adequate transition period to allow states to change their payment methodologies.

Response: This rule is providing clarification to existing policy, therefore there is no issue of retroactivity, nor a need for a transition period. Under the 2008 regulation, states were provided a 5-year transition period, from 2005 through 2010. Given previous rulemaking and implementing guidance, we do not believe it is necessary to afford an additional transition period.

D. No Increased Burden to States or Hospitals

Comment: Many commenters suggested that the regulation will impose a great burden on all involved, which outweighs any incremental benefit in transparency and accountability, and diverts scarce financial and human resources away from providing and paying for care to beneficiaries.

Response: We disagree with the commenters and believe that taking into account all third party payments associated with a Medicaid eligible individual better facilitates the Congressional directive of section 1923 of the Act in general, and the hospital-specific limit in particular. Medicaid DSH payments are limited to an annual federal allotment. As states often use most or all of their federal DSH allotment, in practice, if one hospital gets more DSH funding, other DSH-eligible hospitals in the state may get less. This policy ensures that limited DSH resources are allocated to hospitals that have a net financial shortfall in serving Medicaid patients. This rule does not reflect a change in policy and the language of this final rule accurately reflects existing policy.

E. Pending Litigation

Comment: Multiple commenters suggested that in light of the pending litigation, CMS should withdraw the proposed rule, refrain from enforcing its subregulatory guidance, and await the outcome of that litigation.

Response: This final rule is a clarification of the existing policy and as such it is not necessary to wait for the outcome of the pending litigation. We believe that our interpretation—that all third party payments should be taken into account—better facilitates the

Congressional directive of section 1923 of the Act in general, and the hospital-specific limit in particular, by limiting the DSH payment to a hospital's uncompensated care costs.

F. Additional Costs Affecting Medicaid

Comment: A number of commenters stated that the proposed rule would ensure consistency in how Medicaid shortfall is calculated and provide a more complete measure of the financial impact of these patients on hospital finances. These commenters suggested including certain costs of physicians and clinic services provided by hospitals in the calculation of ''uncompensated care costs.'' The commenters also suggested including provider contributions toward the non-federal share of DSH payments through health care related taxes and other mechanisms, which affect their net Medicaid payments.

Response: We agree with the commenters that the rule as proposed would ensure consistency in how Medicaid uncompensated care costs are calculated and provide a more complete measure of the financial impact of Medicaid eligible patients on DSH hospitals. The proposed rule did not address whether certain costs of physicians and clinic services provided by hospitals and provider contributions toward the non-federal share of DSH payments should be included for purposes of calculating the hospital-specific limit. Therefore, this rule only addresses the scope of inpatient and outpatient hospital costs that can be included for Medicaid DSH purposes.

G. Policy Clarification

Comment: Many commenters suggested that CMS withdraw the proposed rule because it is not a clarification of existing policy, but rather a substantive rule that is changing the current policy.

Response: We disagree. This rule does not reflect a change and the language of this final rule accurately reflects existing policy. This policy has also been articulated in the 2008 DSH final rule, as well as implementing guidance.

H. Rule Poses No Financial Impact

Comment: A few commenters suggested that the proposed rule would redistribute billions of dollars, therefore the rule will be considered as having an economically significant impact on hospitals. The commenters requested that CMS make all records available, including data and reports, used in drafting the proposed rule and publish a regulatory impact analysis for the rule.

Response: Not recognizing third party payments associated with Medicaid eligible individuals would overstate a hospital's uncompensated care costs, thus inappropriately inflating the hospital-specific limit. Providing clarification to the existing policy ensures that the limited Medicaid DSH resources are allocated to hospitals that have a net financial shortfall in serving Medicaid patients. The regulatory impact of this final rule is specifically addressed in the regulatory impact section.

I. Appropriate Allocation of DSH Funds

Comment: Multiple commenters suggested that the proposed rule is most harmful to children's hospitals and safety net hospitals, such as Medicare-dependent hospitals, rural facilities, critical access hospitals, sole community hospitals, and Indian Health Service (IHS) areas, which are the very hospitals that the Medicaid DSH program was developed to help.

Response: The policy reflected in the proposed rule does not disproportionately harm children's hospitals and safety net hospitals. We believe this rule ensures the appropriate allocation of Medicaid DSH dollars to those hospitals that have a true financial shortfall related to serving Medicaid eligible individuals. The intent of this rule is to provide clarification to the statutory requirements and ensure Medicaid DSH dollars are available to offset costs that are truly uncompensated.

J. Applying the Rule

Comment: A few commenters suggested that CMS should withdraw the proposed rule because, if finalized, this rule cannot be enforced, applied or implemented uniformly across all states.

Response: This rule ensures that existing interpretive policy is explicitly reflected in our regulatory text. This policy is currently being enforced, applied and implemented uniformly across all states, except in limited instances where we have suspended enforcement of the existing policy in light of court orders. We appreciate the commenters' concern but are finalizing the rule as proposed.

In addition to the comments we discussed above, we received 9 comments that did not fit into the 10 general comment areas. Those additional 9 comments, along with our responses, are included below.

Comment: One commenter suggested that comments received through the rulemaking process cannot be considered meaningful consultation within the scope of Executive Order 13175 and CMS' own tribal consultation policy, which states that tribal consultation must take place prior to the rulemaking process.

Response: Executive Order 13175 and our own tribal consultation policy state that to the extent practicable and permitted by law, no agency shall issue any regulation that will significantly affect Indian Tribes, without prior consultation with tribal officials. The rule as proposed would not have a significant impact on Indian Tribes because the language of this rule accurately reflects existing policy that is currently being enforced, applied and implemented uniformly across all states, except in limited instances where we have suspended enforcement of the existing policy in light of court orders. Further, this policy has been previously articulated in the 2008 DSH final rule. During the development of the 2008 DSH final rule, the agency held the required tribal consultation.

Comment: One commenter wanted to reiterate concerns raised in comments submitted on CMS–1655–P, Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Long-Term Care Hospital Payment System and Proposed Policy Changes and Fiscal Year 2017 rates, et al. The Medicare DSH payment is a percentage add-on to the standard diagnosis-related group (DRG) payment (excluding new technology add-on payments and outlier payments). Effective October 1, 2013 the methodology for calculating Medicare DSH payments was revised so that eligible hospitals are paid 25 percent of the DSH payment under the previous methodology, and the remaining 75 percent is an uncompensated care payment allocated from a prospectively determined estimate of dollars. Medicare allocates these dollars based on the ratio of a hospital's uncompensated care costs to the uncompensated care costs of all hospitals eligible for Medicare DSH. We proposed to define uncompensated care costs as the costs of charity care and non-Medicare bad debt and to incorporate Worksheet S–10 data over a 3-year period beginning in FY 2018, where insured low income day data (which we have been using as a proxy for uncompensated care costs) will be averaged with uncompensated care cost data.

Response: This rule does not impact the formula for calculating Medicare DSH payments. Medicaid and Medicare DSH operate under two different statutory authorities and this final rule only addresses the Medicaid DSH calculation. As such, Medicaid

uncompensated care costs include only those costs for Medicaid eligible individuals that remain after accounting for all payments received by hospitals by or on behalf of Medicaid eligible individuals, including Medicare and other third party payments that compensate the hospitals for care furnished to such individuals.

Comment: One commenter stated that adherence to Medicare reasonable costs principles and methods in the DSH program is clearly emphasized throughout the law, the rules and other CMS guidance, and that FAQ 33 violates these principles, many of which are foundational to the earliest days of the Medicare and Medicaid program. According to the commenter, CMS stated in FAQ 21 that the same methods used in preparing the Medicare 2552–96 cost report should be applied in determining costs to be used in calculating the hospital-specific DSH limits, and that Medicare reasonable cost principles do not allow for other patients to bear the cost of care provided to program beneficiaries.

Response: In the Additional Information on the DSH Reporting and Audit Requirements, Part I, FAQ 33, we clarified that ''days, costs, and revenues associated with patients that are eligible for Medicaid and also have private insurance should be included in the calculation of the hospital-specific DSH limit. As Medicaid should be the payer of last resort, hospitals should also offset both Medicaid and third-party revenue associated with the Medicaid eligible day against the costs for that day to determine any uncompensated amount.'' We disagree that this violates Medicare cost principles or general methods in the CMS–2552 cost report. Since the costs of these services are included in the hospital-specific DSH limit calculation, revenue associated with those same services must be applied as offsets to arrive at net costs to the hospital for the services. In the CMS–2552 settlement worksheets, payments received for program services, including payment from non-program sources, are offset against costs of program services (or program payment amount) to arrive at net program payment. Furthermore, we disagree that this application results in other patients bearing the cost of care provided to program beneficiaries. The clarification in the cited FAQ and in this rule continues to allow the hospital-specific DSH limit to recognize a hospital's uncompensated care costs for Medicaid services (including those Medicaid services for which there is Medicare or third party payment) and uninsured services.

Comment: One commenter suggested that CMS and states should leverage the same coordination of benefits processes employed by state Medicaid programs, which would capture resource and cost efficiencies as well as economies of scale. According to the commenter, CMS and states must mandate that providers of DSH services submit individual claims transactions through MMIS so that Medicaid will be able to look for instances where the uninsured individual has access to other health insurance that can be billed as primary. The commenter suggested that these recommendations are in line with GAO and MACPAC recommendations.

Response: While we understand the importance of ensuring accurate accounting of payments, this rule is not related to coordination of benefits or claims transactions. We always encourage state efforts to assist uninsured individuals in exploring avenues to obtain health care coverage. Also, Medicaid DSH is not an individual service payment, rather it is a payment in recognition of costs that certain hospitals incur for serving Medicaid and uninsured individuals.

Comment: One commenter referenced a State Medicaid Plan, approved by CMS from 2004 to 2013, which set forth the hospital-specific Medicaid DSH limit calculation in detail and made no mention of private health insurance or Medicare payments made on behalf of Medicaid eligible patients as separate offsets.

Response: The approved state plan in question did not go into sufficient detail to address the policy at issue here. The state plan language provided assurances that the state was abiding by statutory requirements, but did not delve into the details of the hospital-specific limit. We anticipate that the state in question will comply with applicable statutory and regulatory requirements in implementing its state plan, and that the independent DSH audit will determine if it did so.

Comment: One commenter requested clarification that the proposed rule in no way affects the qualifying criteria for a hospital being deemed DSH, and that it only applies to limit the financial benefit associated with such determination.

Response: This final rule does not address deeming qualifications for hospitals for Medicaid DSH purposes. Determining how a hospital qualifies as a DSH is not within the scope of this rule.

Comment: One commenter asked that we address whether the source of private insurance must come from private health insurance owned by the Medicaid beneficiary or whether it can come from a policy otherwise identifying the Medicaid beneficiary and paying the hospital for hospital services furnished to the beneficiary.

Response: This rule clarifies existing policy that uncompensated care costs include only those costs for Medicaid eligible individuals that remain after accounting for payments received by hospitals by or on behalf of Medicaid eligible individuals, including Medicare and other third party payments that compensate the hospitals for care furnished to such individuals. Therefore, those payments received by or on behalf of Medicaid eligible individuals from private health insurance, regardless of whether the policy is owned by or otherwise covers some or all of the costs of hospital services furnished to the Medicaid beneficiary, must be accounted for.

Comment: One commenter encouraged CMS to permit a hospital to carry net uncompensated care cost forward for one year, in the event that the following year a DSH qualified hospital realized an extraordinary third party liability (TPL) recovery year, resulting in the hospital exceeding its hospital-specific limit.

Response: This rule does not address how uncompensated care costs are attributed for accounting purposes. The final rule from 2008 lays out the detailed requirements for how costs should be audited and reported, and those requirements do not permit a hospital to carry net uncompensated care cost forward for one year, in the event that the following year a DSH qualified hospital realized an extraordinary TPL recovery year.

Comment: One commenter suggested CMS consider the Medicaid provider tax with this rule, stating that the Medicaid provider tax on the state's hospitals is currently only using 28 percent of the tax money to benefit the hospitals by funding the Medicaid DSH allotment. According to the commenter, this rule could have many of these hospitals paying this provider tax without receiving anything back in the form of DSH payments to help offset the cost.

Response: This rule does not address how states utilize revenues generated by health-care related taxes. While we realize that many states impose health care-related taxes to generate non-federal share for Medicaid payments, there is no requirement that the revenues be used to fund payments back to the same provider class. States have flexibility in how they utilize the revenues so long as there are no hold harmless violations.

IV. Provisions of the Final Rule

We are finalizing the provisions as proposed.

V. Collection of Information Requirements

This rule does not impose any new or revised information collection requirements or burden. It does not impact currently approved reporting, auditing, or state plan requirements or associated burden estimates. Consequently, this rule is not subject to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

VI. Regulatory Impact Statement

A. Statement of Need

This final rule will ensure that only the uncompensated care costs for covered services provided to Medicaid eligible individuals are included in the calculation of the hospital-specific DSH limit, as required by section 1923(g) of the Act.

B. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (Pub. L. 96–354 enacted on September 19, 1980) (RFA), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4 enacted on March 22, 1995) (UMRA), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2)).

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). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This rule does not reach the economic threshold and thus is not considered a ''significant regulatory action'' under E.O. 12866, nor a ''major rule'' under the Congressional Review Act.

The RFA requires agencies to analyze options for regulatory relief for small entities, and to prepare a final regulatory flexibility analysis if a rule is found to have a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small government jurisdictions. The great majority of hospitals and most other health care providers and suppliers are small entities, either by being nonprofit organizations or by meeting the SBA definition of a small business (having revenues of less than $7.5 million to $38.5 million in any 1 year).

We are not preparing a final regulatory flexibility analysis because we have determined, and the Secretary certifies, that this final rule will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that this final rule will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. Currently, that threshold is approximately $146 million. Since this rule would not mandate spending costs on state, local, or tribal governments in the aggregate, or by the private sector over the threshold of $146 million or more in any 1 year, the requirements of the UMRA are not applicable.

Executive Order 13132 establishes certain requirements that an agency must meet when it issues a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has federalism implications. Since this regulation does not impose any costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

C. Anticipated Effects

1. Effects on State Medicaid Programs

Because this is not a change in policy, we do not anticipate that this final rule will have significant financial effects on state Medicaid programs. This rule will only make explicit within the terms of the regulation that ''costs'' for purposes of section 1923(g) of the Act are costs net of third-party payments.

2. Effects on Other Providers

Because this is not a change in policy, we do not anticipate that this final rule will have significant financial effects on other providers. This rule would only make explicit within the regulation that ''costs'' for purposes of section 1923(g) of the Act are costs net of amounts that have been paid by third parties and will ensure a more equitable distribution of Medicaid DSH payments within each state.

D. Alternatives Considered

We considered not proposing this rule. However, numerous states and other stakeholders have requested clarification regarding this requirement. Accordingly, we are proposing to make explicit within the terms of our regulation our existing policy that implements sections (g) and (j) of the Act, in part.

Additionally, we considered issuing additional policy guidance through subregulatory means, such as a letter to all state Medicaid directors. However, we anticipate that modifying the regulatory text of 42 CFR part 447 is as clear and comprehensive as possible on this issue, avoiding any need for future clarification.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects in 42 CFR Part 447

Accounting, Administrative practice and procedure, Drugs, Grant programs—health, Health facilities, Health professions, Medicaid, Reporting and recordkeeping requirements, Rural areas.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services amends 42 CFR chapter IV as set forth below:

PART 447—PAYMENTS FOR SERVICES

■ 1. The authority citation for part 447 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

■ 2. Section 447.299 is amended by revising paragraph (c)(10) to read as follows:

§ 447.299 Reporting requirements.

* * * * *

(c) * * *

(10) *Total Cost of Care for Medicaid IP/OP Services.* The total annual costs incurred by each hospital for furnishing inpatient hospital and outpatient hospital services to Medicaid eligible individuals. The total annual costs are determined on a hospital-specific basis, not a service-specific basis. For purposes of this section, costs—

(i) Are defined as costs net of third-party payments, including, but not limited to, payments by Medicare and private insurance.

(ii) Must capture the total burden on the hospital of treating Medicaid eligible patients prior to payment by Medicaid. Thus, costs must be determined in the aggregate and not by estimating the cost of individual patients. For example, if a hospital treats two Medicaid eligible patients at a cost of $2,000 and receives a $500 payment from a third party for each individual, the total cost to the hospital for purposes of this section is $1,000, regardless of whether the third party payment received for one patient exceeds the cost of providing the service to that individual.

* * * * *

Dated: March 24, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated: March 28, 2017.

Thomas E. Price,

Secretary, Department of Health and Human Services.

[FR Doc. 2017–06538 Filed 3–30–17; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2016–0002; Internal Agency Docket No. FEMA–8473]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

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

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

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

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

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

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

National Environmental Policy Act. FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National

Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

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

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

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

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

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

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

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

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

§ 64.6 [Amended]

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

State and location	Community No.	Effective date authorization/ cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region IV				
Tennessee:				
Belle Meade, City of, Davidson County	470408	N/A, Emerg; September 29, 2003, Reg; April 5, 2017, Susp.	April 5, 2017	April 5, 2017.
Oak Hill, City of, Davidson County	470351	August 18, 1975, Emerg; April 1, 1980, Reg; April 5, 2017, Susp.	.....do	Do.
Region VI				
Texas:				
San Perlita, City of, Willacy County	480667	February 16, 1979, Emerg; May 5, 1981, Reg; April 5, 2017, Susp.	.....do	Do.
Willacy County, Unincorporated Areas	480664	July 25, 1975, Emerg; February 15, 1984, Reg; April 5, 2017, Susp.	.....do	Do.
Region VII				
Iowa:				
Bayard, City of, Guthrie County	190553	N/A, Emerg; October 15, 2015, Reg; April 5, 2017, Susp.	.....do	Do.
Fontanelle, City of, Adair County	190579	N/A, Emerg; November 25, 2015, Reg; April 5, 2017, Susp.	.....do	Do.
Guthrie County, Unincorporated Areas	190871	November 9, 1993, Emerg; September 1, 1996, Reg; April 5, 2017, Susp.	.....do	Do.
Jamaica, City of, Guthrie County	190744	June 24, 2008, Emerg; May 1, 2011, Reg; April 5, 2017, Susp.	.....do	Do.
Prescott, City of, Adams County	190004	October 12, 2005, Emerg; January 1, 2006, Reg; April 5, 2017, Susp.	.....do	Do.
Region X				
Oregon:				
Ashland, City of, Jackson County	410090	August 9, 1974, Emerg; June 1, 1981, Reg; April 5, 2017, Susp.	.....do	Do.
Jackson County, Unincorporated Areas	415589	December 31, 1970, Emerg; April 1, 1982, Reg; April 5, 2017, Susp.	.....do	Do.

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

Dated: March 27, 2017.

Michael M. Grimm,

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

[FR Doc. 2017–06426 Filed 3–31–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

45 CFR Parts 500 and 510

[Docket No. FCSC 101]

Filing of Claims Under the Guam World War II Loyalty Recognition Act

AGENCY: Foreign Claims Settlement Commission of the United States, Department of Justice.

ACTION: Interim final rule with request for comments.

SUMMARY: The Guam World War II Loyalty Recognition Act authorizes the Foreign Claims Settlement Commission of the United States to adjudicate claims and determine the eligibility of individuals for payment for harms suffered by residents of Guam resulting from the occupation of Guam by Imperial Japanese military forces during World War II. This rule establishes procedures for the filing and adjudication of claims brought under the Guam Loyalty Recognition Act. The rule also provides definitions for the statutory terms ''severe personal injury'' and ''personal injury,'' and amends regulations concerning the payment of attorney's fees.

DATES:

Effective date: This rule is effective April 3, 2017.

Comment date: Written comments must be submitted on or before June 2, 2017. Comments received by mail will be considered timely if they are postmarked on or before that date. The electronic Federal Docket Management System (FDMS) will accept comments until midnight Eastern Time at the end of that day.

ADDRESSES: Please address all comments regarding this rule that are submitted by U.S. mail to Jeremy R. LaFrancois, Chief Administrative Counsel, Foreign Claims Settlement Commission, 600 E Street NW., Room 6002, Washington, DC 20579. To ensure proper handling, please reference FCSC Docket No. 101 on your correspondence. Comments may also be submitted electronically through *http://regulations.gov* using the electronic comment form provided on that site. An electronic copy of this document is also available at the *http://www.regulations.gov* Web site. The Commission will accept attachments to electronic comments in Microsoft Word, WordPerfect, or Adobe PDF formats only.

FOR FURTHER INFORMATION CONTACT: Brian M. Simkin, Chief Counsel, Foreign Claims Settlement Commission, 600 E Street NW., Room 6002, Washington, DC 20579, Tel. (202) 616–6975, FAX (202) 616–6993.

SUPPLEMENTARY INFORMATION:

Public Comments

The Commission is publishing this interim final rule, effective April 3, 2017, in light of the statutory requirements of the Act. The Commission is providing a 60-day period for public comment.

Posting of Public Comments

Please note that all comments received are considered part of the public record and made available for public inspection online at *http://www.regulations.gov.* Information made available for public inspection includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

If you wish to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not wish it to be posted online, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also locate all the personal identifying information that you do not want posted online in the first paragraph of your comment and identify what information you want the agency to redact. Personal identifying information identified and located as set forth above will be placed in the agency's public docket file, but not posted online.

If you wish to submit confidential business information as part of your comment but do not wish it to be posted online, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, the agency may choose not to post that comment (or to only partially post that comment) on *http://www.regulations.gov.* Confidential business information identified and located as set forth above will not be placed in the public docket file, nor will it be posted online. If you wish to inspect the agency's public docket file in person by appointment, please see the **FOR FURTHER INFORMATION CONTACT** paragraph.

Background

Pursuant to the Guam War Claims Review Commission Act, Public Law 107–333, 116 Stat. 2873 (2002), the Guam War Claims Review Commission (''GWCRC'') was established to evaluate the war claims compensation program conducted by the U.S. Navy on Guam during and after World War II, and to compare it with other compensation programs covering claims of U.S. nationals arising in other areas in the Pacific attacked by Japanese forces during the war. The GWCRC was required to submit a report of its findings and recommendations to the Secretary of the Interior and specified Congressional committees within nine months of its establishment. Public Law 107–333, section 5(6).

In September 2003, the Secretary of the Interior requested the Foreign Claims Settlement Commission of the United States (Commission) to provide part-time technical assistance to GWCRC. Between 2003 and 2004, members of the Commission's staff were detailed to the GWCRC, where they planned and organized GWCRC meetings and conducted research on the Guam claims program and the other compensation programs with which it was to be compared. The GWCRC held hearings on Guam in December 2003, at which it received testimony by numerous residents of Guam who had survived the 32-month Japanese occupation of the island. The hearings on Guam were followed by a legal experts' conference convened in Washington, DC, in February 2004 to discuss the nature and extent of the United States Government's legal responsibility for the various types of claims that arose out of World War II, and the treatment the Government accorded the claims of the people of Guam as compared with that given to the claims of United States nationals elsewhere in the Pacific Ocean area.

The GWCRC's Final Report, issued on June 9, 2004, determined that, in some respects, there was a lack of parity of war claims paid to the residents of Guam compared with awards made to other similarly affected U.S. citizens or nationals in territory occupied by the Imperial Japanese military forces during World War II. Based on this

determination, the GWCRC recommended that Congress enact legislation providing for additional compensation to compensate the people of Guam for death, personal injury, forced labor, forced march, and internment. As required by statute, the GWCRC terminated 30 days after submission of its report. Public Law 107–333, section 7.

Following from the findings and recommendations of the GWCRC, on December 23, 2016, the President signed into law the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114–328, 130 Stat. 2000, 2641–2647 (2016) (the ''Guam Loyalty Recognition Act'' or ''Act''). The Act provides, *inter alia,* that ''[t]he United States recognizes that, as described by the Guam War Claims Review Commission, the residents of Guam, on account of their United States nationality, suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II, by being subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment.'' The Act further recognizes that ''[t]he United States forever will be grateful to the residents of Guam for their steadfast loyalty to the United States, as demonstrated by the countless acts of courage they performed despite the threat of death or great bodily harm they faced at the hands of the Imperial Japanese military forces that occupied Guam during World War II.'' Public Law 114–328, section 1702. Pursuant to section 1705(a) of the Act, the Commission is authorized to adjudicate claims and determine the eligibility of individuals for payments under the Act, in recognition of harms suffered by residents of Guam as a result of the occupation of Guam by Imperial Japanese military forces during World War II.

The Commission is issuing this Interim Final Rule to enable the Commission to carry out its functions under the Act. Specifically, this rule adds a new subchapter to the Commission's regulations—subchapter D, 45 CFR part 510—to establish procedures for the filing and adjudication of claims brought under the Act. Subchapter D also provides definitions for certain statutory terms (''severe personal injury'' and ''personal injury''), as required by the Act. Finally, miscellaneous amendments are made to the Commission's existing regulations at 45 CFR part 500 (Appearance and practice) to reflect an attorney's fees provision contained in the Act.

With respect to the filing of claims, as required by the Act, the Commission intends to establish a claims filing deadline, and will publish notice of the deadline in the **Federal Register** and in newspaper, radio, and television media in Guam. This notice will be published on or before June 20, 2017 (*i.e.,* not later than 180 days after the date of the enactment of the Act). Thereafter, claimants will have one year from the date on which the Commission publishes this notice to file claims under the Act. *See* Public Law 114–328, section 1705(b)(2).

Regulatory Certifications

Administrative Procedure Act

The Commission's implementation of this rule as an interim final rule, with provision for post-promulgation public comment, is based on Sections 553(b)(3)(A), 553(b)(3)(B) and 553(d) of the Administrative Procedure Act (APA), 5 U.S.C. 553. Under Section 553(b)(3), an agency may issue a rule without notice of proposed rulemaking and the pre-promulgation opportunity for public comment where ''good cause'' exists or for ''interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice.''

The changes made by this interim final rule fit within the exceptions to the requirement for pre-promulgation opportunity for notice and comment set out in Section 553. An agency may find good cause to exempt a rule from provisions of the APA if it determines that those procedures are impracticable, unnecessary, or contrary to the public interest. See 5 U.S.C. 553(b)(3)(B). The Commission has determined that it is unnecessary and contrary to the public interest to seek public comment prior to promulgating this interim final rule for several reasons. First, delaying the implementation of the rule would delay the determination and payment of appropriate compensation. Eligibility determinations and corresponding payments will not be issued until the rule is effective. Thus, eligible claimants would be harmed by any delay. Second, the interim rule will be subject to public comment before its final implementation. The Commission will consider any public comments made following publication of this interim final rule and make any appropriate adjustments or clarifications in the final rule. Finally, the deadline imposed by Congress to implement the regulations is strict and therefore the Commission has a limited period of time within which to promulgate the regulations.

Furthermore, several of the changes made by this interim final rule fit within the exceptions to the requirement for pre-promulgation opportunity for notice and comment set out in Section 553 for ''interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice.'' See 5 U.S.C. 553(b)(3)(A). First, miscellaneous amendments are made to the Commission's existing regulations at 45 CFR part 500 (Appearance and practice) to reflect the attorney's fees provisions contained in the Guam Loyalty Recognition Act. These changes reflect general statements of policy; they serve only to advise the public that the Commission may exercise its discretionary power in certain ways regarding attorney appearance and practice before the Commission. Second, the interim final rule adds a new subchapter to the Commission's regulations—subchapter D—to establish procedures for the filing and adjudication of claims under the Guam Loyalty Recognition Act. In this regard, the rule merely incorporates by reference the Commission's existing procedures for the filing and adjudication of claims under the International Claims Settlement Act of 1949 (subchapter C); thus, the new subchapter D is entirely procedural in nature.

The APA also permits an agency to make a rule effective upon date of publication in the **Federal Register** where ''good cause'' exists or for ''interpretive rules and statements of policy.'' 5 U.S.C. 553(d). As stated, the Commission has determined that it would be unnecessary and contrary to the public interest to engage in full notice and comment rulemaking before putting these interim final regulations into effect, and that it is in the public interest to promulgate interim final regulations. For the same reasons, the Commission has determined that there is good cause to make these interim final regulations effective immediately upon publication in the **Federal Register**, in accordance with Section 553(d) of the APA (5 U.S.C. 553(d)). Therefore, waiver of the 30-day period prior to the rule's effective date is appropriate here. The Commission welcomes public comments on the changes being made by this interim final rule, and will carefully review any comments to ensure that any substantive concerns or issues regarding these changes are addressed in the final rule.

Paperwork Reduction Act of 1995

This interim final rule implements the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114–328, which authorizes the Commission to adjudicate claims for certain harms suffered by Guam residents during

World War II. In order to be able to evaluate claims, the Commission will need to collect information from individuals (or personal representatives of deceased individuals) who suffered harm or who are survivors of a decedent who died as a result of the occupation of Guam by Japanese military forces. Accordingly, the Commission will submit an information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995. The Commission will also publish a Notice in the **Federal Register** soliciting public comment on the information collection associated with this rulemaking.

Regulatory Flexibility Act

The Commission, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), has reviewed this interim final rule and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities. This rule sets forth procedures by which the Commission will adjudicate claims for payments under the Guam World War II Loyalty Recognition Act. In its adjudication of claims, the Commission will determine the eligibility of individuals, not entities. Moreover, under 5 U.S.C. 601(6), the term ''small entity'' does not include the Federal government. Because this rule is being adopted as an interim final rule, a Regulatory Flexibility analysis is not required.

Executive Orders 12866 and 13563

This interim final rule, which enables and is necessary for the Commission to carry out its functions under the Guam World War II Loyalty Recognition Act, has been drafted and reviewed in accordance with Executive Order 12866, ''Regulatory Planning and Review'' section 1(b), Principles of Regulation, and in accordance with Executive Order 13563, ''Improving Regulation and Regulatory Review'' section 1(b), General Principles of Regulation.

The Commission has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has not been reviewed by the Office of Management and Budget.

Further, both 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. The Commission has assessed the costs and benefits of this regulation and believes that the regulatory approach selected maximizes net benefits.

Executive Order 12988

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

Executive Order 13132

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

Executive Order 13175

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

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 45 CFR Parts 500 and 510

Administrative practice and procedure, Foreign claims, War claims.

Accordingly, for the reasons set forth in the preamble, the Foreign Claims Settlement Commission amends 10 CFR parts 500 and 510 as follows:

PART 500—APPEARANCE AND PRACTICE

■ 1. The authority citation for part 500 is revised to read as follows:

Authority: Sec. 2, Pub. L. 896, 80th Cong., 62 Stat. 1240, as amended (50 U.S.C. App. 2001); sec. 3, Pub. L. 455, 81st Cong., 64 Stat. 12, as amended (22 U.S.C. 1622); 18 U.S.C. 207; Sec.1705(a)(2), Pub. L. 114–328, 114th Cong., 130 Stat. 2644.

■ 2. Amend § 500.3 by adding paragraph (c) to read as follows:

§ 500.3 Fees.

* * * * *

(c) The amount of attorney's fees that may be charged in connection with claims falling within the purview of subchapter D of this chapter is governed by the provisions of section 1705(b)(6) of the National Defense Authorization Act for Fiscal Year 2017, Title XVII, Guam World War II Loyalty Recognition Act, Public Law 114–328.

■ 3. In § 500.4, revise paragraph (a)(3) to read as follows:

§ 500.4 Suspension of attorneys.

(a) * * *

(3) To have violated sections 10 and 214 of the War Claims Act of 1948, as amended, section 4(f) of the International Claims Settlement Act of 1949, as amended, or section 1705(b)(6) of the National Defense Authorization Act for Fiscal Year 2017, Title XVII, Guam World War II Loyalty Recognition Act.

* * * * *

■ 4. Add subchapter D, consisting of part 510, to read as follows:

SUBCHAPTER D—RECEIPT, ADMINISTRATION, AND PAYMENT OF CLAIMS UNDER THE GUAM WORLD WAR II LOYALTY RECOGNITION ACT

PART 510—FILING OF CLAIMS AND PROCEDURES THEREFOR

Sec.

International Claims Settlement Act of 1949.

Authority: Sec.1705(a)(2), Pub. L. 114–328, 114th Cong., 130 Stat. 2644.

§ 510.1 Definitions

For purposes of this subchapter:

Personal injury means a discernible injury (such as disfigurement, scarring, or burns) that is more serious than a superficial injury.

Severe personal injury means loss of a limb, dismemberment, paralysis, or any injury of a similar type or that is comparable in severity.

§ 510.2 Time for filing.

Claims for payments under the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114–328 (the ''Act''), must be filed not later than one year after the date on which the Commission publishes the notice described in section 1705(b)(2)(B) of the Act.

§ 510.3 Applicability of administrative provisions concerning claims under the International Claims Settlement Act of 1949.

To the extent they are not inconsistent with the provisions of the Act, the following provisions of subchapter C of this chapter shall be applicable to claims under this subchapter: §§ 509.2, 509.3, 509.4, 509.5, and 509.6.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2017–06461 Filed 3–31–17; 8:45 am]

BILLING CODE 4410–BA–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket Nos. 10–90, 14–58; CC Docket No. 01–92; FCC 16–33]

Connect America Fund, ETC Annual Reports and Certifications, Developing a Unified Intercarrier Compensation Regime

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects errors in a **Federal Register** document that corrected errors to an original **Federal Register** document that adopted significant reforms to place the universal service program on solid footing for the next decade to ''preserve and advance'' voice and broadband service in areas served by rate-of-return carriers. The document was published in the **Federal Register** on March 20, 2017.

DATES: Effective April 3, 2017.

FOR FURTHER INFORMATION CONTACT: Alexander Minard, Wireline Competition Bureau, (202) 418–7400.

SUPPLEMENTARY INFORMATION: This summary contains corrections to a **Federal Register** document, 82 FR 14338 (March 20, 2017).

Corrections

In final rule FR Doc. 2017–04715, published March 20, 2017 (82 FR 14338), make the following correction:

§ 54.303 [Corrected]

■ 1. On page 14339, in the first column, amendatory instruction 3 is corrected to read ''In § 54.303, revise paragraphs (a)(1), (b), (c)(2), (e), and (f)(1) to read as follows:''

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2017–06485 Filed 3–31–17; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 209, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 270, and 272

[Docket No. FRA–2016–0021; Notice No. 2]

RIN 2130–AC65

Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act for a Violation of a Federal Railroad Safety Law, Federal Railroad Administration Safety Regulation or Order, or the Hazardous Material Transportation Laws or Regulations, Orders, Special Permits, and Approvals Issued Under Those Laws

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: To comply with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, FRA is adjusting the minimum, maximum, and aggravated maximum penalties it will apply when assessing a civil penalty for a violation of a railroad safety statute, regulation, or order under its authority. FRA is also adjusting the minimum penalty, ordinary maximum penalty, and aggravated maximum penalty that it will apply when assessing a civil monetary penalty for a knowing violation of the Federal hazardous material transportation laws or a regulation, special permit, order, or approval issued under those laws. The aggravated maximum penalty under the hazardous material transportation laws is available only for a violation that results in death, serious illness, or severe injury to any person or substantial destruction of property.

DATES: This final rule is effective April 3, 2017.

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Mail Stop 10, Washington, DC 20590 (telephone 202–493–0273), *veronica.chittim@dot.gov.*

SUPPLEMENTARY INFORMATION: On November 2, 2015, President Barack Obama signed the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Inflation Act). Public Law 114–74, sec. 701. This amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Inflation Act) that required each agency to (1) adjust by regulation each maximum civil monetary penalty (CMP), or range of minimum and maximum CMPs, within that agency's jurisdiction by October 23, 1996, and (2) adjust those penalty amounts once every four years thereafter, to reflect inflation. *See* Public Law 101–410, 104 Stat. 890, 28 U.S.C. 2461, note, as amended by sec. 31001(s)(1) of the Debt Collection Improvement Act of 1996, Public Law 104–134, April 26, 1996, 110 Stat. 1321–373. Under the 2015 Inflation Act, agencies must make annual inflation adjustments, starting January 15, 2017, based on Office of Management and Budget (OMB) guidance.

In the 2015 Inflation Act, Congress recognized the important role CMPs play in deterring violations of Federal laws, regulations, and orders and determined that inflation has diminished the impact of these penalties. In the Inflation Act, Congress countered the effect that inflation has had on the CMPs by having the agencies charged with enforcement responsibility administratively adjust the CMPs.

FRA is authorized as the delegate of the Secretary of Transportation (Secretary) to enforce the Federal railroad safety statutes, regulations, and orders, including the civil penalty provisions codified primarily at 49 U.S.C. ch. 213. *See* 49 U.S.C. 103 and 49 CFR 1.89; 49 U.S.C. chs. 201–213. FRA currently has safety regulations in 34 parts of the CFR that contain

provisions establishing the agency's authority to impose civil penalties if a person violates any requirement in the pertinent portion of a statute or the CFR. In this final rule, FRA is amending each of the separate regulatory provisions and the corresponding footnotes in each Schedule of Civil Penalties appended to those regulations to raise the minimum CMP to $853, ordinary maximum CMP to $27,904, and aggravated maximum CMP to $111,616. Where applicable, FRA is also amending the corresponding appendices to those regulatory provisions which outline FRA enforcement policy. *See* 49 CFR part 209, app. A; 49 CFR part 228, app. A.

FRA is also publishing this final rule under 49 U.S.C. 5123 and 5124, which authorize civil and criminal penalties for violations of the Federal hazardous material transportation laws or a regulation, order, special permit, or approval issued under those laws. The Pipeline and Hazardous Materials Safety Administration (PHMSA) issues the hazardous material transportation regulations. 49 CFR 1.96(b)(1). However, FRA is authorized, as the Secretary's delegate, to enforce the hazardous material statutes, regulations and orders, including the civil penalty provisions codified primarily at 49 U.S.C. 5123. 49 CFR 1.89(j). In this final rule, FRA amends all references to the minimum and maximum civil penalties in 49 CFR part 209, app. B, to raise the minimum CMP for hazardous materials training violations [1] from $463 to $471; the ordinary maximum CMP per violation from $77,114 to $78,376; and the aggravated maximum CMP from $179,933 to $182,877.

Description of the Adjustment Calculation

The 2015 Inflation Act requires FRA to calculate the inflation adjustment by increasing the maximum CMP, or the range of minimum and maximum CMPs, based on the Consumer Price Index for the month of October 2016, not seasonally adjusted. OMB guidance, M–17–11, ''Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,'' dated Dec. 16, 2016, states that after applying the multiplier of 1.01636, FRA must round the penalty levels to the nearest dollar.[2]

As the following calculations show, after calculating the inflation adjustment, FRA determined the minimum CMP for rail safety violations should increase to $853; the ordinary maximum CMP should increase to $27,904; and the aggravated maximum CMP should increase to $111,616. FRA also determined the minimum CMP for hazardous materials training violations should increase to $471; the ordinary maximum CMP per hazardous material violation should increase to $78,376; and the aggravated maximum CMP per hazardous material violation should increase to $182,877.

Calculations To Determine CMP Updates for 2017

1. Minimum Rail Safety CMP of $839 Raised to $853

FRA evaluated the minimum rail safety CMP as the 2015 Inflation Act requires. Based on the following calculations, FRA concluded it should increase from $839 to $853. The 2016 multiplier of 1.01636 times $839 equals $852.73, or $853 rounded to the nearest dollar. The inflation adjusted minimum penalty is $853, and applies to all the rail safety statutes, regulations, and orders. This new FRA minimum penalty will apply to penalties assessed on or after January 15, 2017.

2. Ordinary Maximum Rail Safety CMP of $27,455 Raised to $27,904

FRA evaluated the ordinary maximum rail safety CMP as the 2015 Inflation Act requires. Based on the following calculations, FRA determined it should increase from $27,455 to $27,904. The 2016 multiplier of 1.01636 times $27,455 equals $27,904.16, or $27,904 rounded to the nearest dollar. The inflation adjusted ordinary maximum penalty is $27,904, and applies to all the rail safety statutes, regulations, and orders. This new FRA ordinary maximum penalty will apply to penalties assessed on or after January 15, 2017.

3. Aggravated Maximum Rail Safety CMP of $109,819 Raised to $111,616

FRA also evaluated the maximum CMP for an aggravated rail safety violation and determined it should increase from $109,819 to $111,616, as the following calculations show. The 2016 multiplier of 1.01636 times $109,819 equals $111,615.64, or $111,616 rounded to the nearest dollar. The inflation adjusted aggravated maximum penalty is $111,616, and applies to all the rail safety statutes, regulations, and orders. This new FRA aggravated maximum penalty will apply to penalties assessed on or after January 15, 2017.

4. Minimum CMP of $463 for Hazardous Materials Training Violations Raised to $471

FRA evaluated the minimum CMP for hazardous materials training violations and determined it should increase from $463 to $471 as the following calculations show. The 2016 multiplier of 1.01636 times $463 equals $470.57, or $471 rounded to the nearest dollar. The inflation adjusted minimum penalty for hazardous materials training violations is $471, and applies to all violations of the hazardous materials statutes, regulations, special permits, approvals, and orders related to training. This new FRA minimum penalty for training violations will apply to penalties assessed on or after January 15, 2017.

5. Ordinary Maximum Hazardous Materials CMP of $77,114 Raised to $78,376

FRA evaluated the ordinary maximum hazardous materials CMP as the 2015 Inflation Act requires. Based on the following calculations, FRA determined it should increase from $77,114 to $78,376. The 2016 multiplier of 1.01636 times $77,114 equals $78,375.59, or $78,376 rounded to the nearest dollar. The inflation adjusted ordinary maximum penalty is $78,376, and applies to all violations of the hazardous materials transportation statutes, regulations, special permits, approvals, and orders. This new FRA ordinary maximum penalty will apply to penalties assessed on or after January 15, 2017.

6. Aggravated Maximum Hazardous Materials CMP of $179,933 Raised to $182,877

FRA also evaluated the maximum hazardous materials CMP for an aggravated violation and determined, based on the following calculations, it should increase from $179,933 to $182,877. The 2016 multiplier of 1.01636 times $179,933 equals $182,876.70, or $182,877 rounded to the nearest dollar. The inflation adjusted aggravated maximum penalty is $182,877, and applies to all violations of the hazardous materials transportation statutes, regulations, special permits, approvals, and orders. This new FRA aggravated maximum penalty will apply to penalties assessed on or after January 15, 2017.

Public Participation

FRA is proceeding to a final rule without a notice of proposed rulemaking or an opportunity for public

[1] There is no minimum CMP for other hazardous materials violations not related to training. *See* Moving Ahead for Progress in the 21st Century Act, Public Law 112–141, July 6, 2012, sec. 33010; 78 FR 9845, Feb. 12, 2013.

[2] Available at *https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf. See also* Public Law 114–74, sec. 701.

comment. The adjustments the 2015 Inflation Act requires are ministerial acts over which FRA has no discretion, making public comment unnecessary. As such, notice and comment procedures are ''impracticable, unnecessary, or contrary to the public interest'' under the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B). FRA is issuing these amendments as a final rule applicable to all future rail safety and hazardous materials transportation civil penalty cases under its authority to cite for violations that occur on or after the effective date of this final rule.

Regulatory Impact

A. Executive Orders 12866 and 13563 and DOT Regulatory Policies and Procedures

FRA evaluated this final rule consistent with Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT policies and procedures. In this final rule, FRA solely implements the annual inflation adjustment following the guidance in OMB memorandum M–17–11. As such, OMB has determined that agency regulations like this final rule are not considered a significant regulatory action under section 3(f) of Executive Order 12866. Further, this rule is not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034, Feb. 26, 1979) because it is limited to ministerial acts over which the agency has no discretion, and the economic impact of the final rule is minimal to the extent that preparation of a regulatory evaluation is not warranted.

B. Regulatory Flexibility Act and Executive Order 13272

The Regulatory Flexibility Act of 1980 (RFA), Public Law 96–354, as amended, and codified as amended at 5 U.S.C. 601–612, and Executive Order 13272 (Proper Consideration of Small Entities in Agency Rulemaking), require agency review of proposed and final rules to assess their impact on ''small entities'' for purposes of the RFA. An agency must prepare a regulatory flexibility analysis unless it determines and certifies that a rule is not expected to have a significant economic impact on a substantial number of small entities. FRA does not expect this final rule will have a significant economic impact on a substantial number of small entities. Although this final rule will apply to railroads, hazardous materials shippers, and others that are considered small entities, there is no economic impact on any person who complies with the Federal railroad safety laws and the regulations and orders issued under those laws, and the Federal hazardous materials laws and the regulations, special permits, approvals, and orders issued under those laws.

In addition, FRA has determined the RFA does not apply to this rulemaking. The 2015 Inflation Act requires FRA to make annual adjustments and does not require FRA to publish an NPRM or provide for notice and comment under the APA. The Small Business Administration's A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act (2003), provides that:

> If, under the APA or any rule of general applicability governing federal grants to state and local governments, the agency is required to publish a general notice of proposed rulemaking (NPRM), the RFA must be considered [citing 5 U.S.C. 604(a)] . . . . If an NPRM is not required, the RFA does not apply.

Therefore, because the 2015 Inflation Act does not require an NPRM for this rulemaking, the RFA does not apply.

C. Federalism

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Thus, consistent with Executive Order 13132 (Federalism), FRA is not required to prepare a Federalism assessment.

D. Paperwork Reduction Act

There are no new information collection requirements in this final rule to submit for OMB review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

E. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of $156,000,000 or more in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with Section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

F. Environmental Impact

FRA has evaluated this final rule under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), other environmental statutes, related regulatory requirements, and its ''Procedures for Considering Environmental Impacts'' (FRA's NEPA Procedures) (64 FR 28545, May 26, 1999). FRA has determined that this final rule is categorically excluded from detailed environmental review pursuant to section 4(c)(20) of FRA's NEPA Procedures, ''Promulgation of railroad safety rules and policy statements that do not result in significantly increased emissions of air or water pollutants or noise or increased traffic congestion in any mode of transportation.'' *See* 64 FR 28547, May 26, 1999. Categorical exclusions (CEs) are actions identified in an agency's NEPA implementing procedures that do not normally have a significant impact on the environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). *See* 40 CFR 1508.4.

In analyzing the applicability of a CE, the agency must also consider whether extraordinary circumstances warrant a more detailed environmental review through the preparation of an EA or EIS. *See id.* The purpose of this rulemaking is to comply with the Inflation Act, as amended by the 2015 Inflation Act. Specifically, FRA is adjusting the minimum, maximum, and aggravated maximum penalty that it will apply when assessing a civil penalty for a violation of a railroad safety statute, regulation, or order under its authority. FRA is also adjusting the minimum, maximum, and aggravated maximum penalty that it will apply when assessing a civil penalty for a violation of a Federal hazardous materials law, regulation, special permit, approval, or order. Under section 4(c) and (e) of FRA's NEPA Procedures, FRA has concluded no extraordinary circumstances exist with respect to this regulation that might trigger the need for a more detailed environmental review.

FRA does not anticipate any environmental impacts from this requirement and finds there are no extraordinary circumstances present in connection with this final rule.

G. Executive Order 12898 (Environmental Justice)

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and DOT Order 5610.2(a) (91 FR 27534, May 10, 2012) require DOT agencies to achieve environmental justice as part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects,

of their programs, policies, and activities on minority populations and low-income populations. The DOT Order instructs DOT agencies to address compliance with Executive Order 12898 and requirements within the DOT Order in rulemaking activities, as appropriate. FRA has evaluated this final rule under Executive Order 12898 and the DOT Order and has determined that it would not cause disproportionately high and adverse human health and environmental effects on minority populations or low-income populations.

H. Executive Order 13175 (Tribal Consultation)

FRA has evaluated this final rule under the principles and criteria contained in Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. Therefore, the funding and consultation requirements of Executive Order 13175 do not apply, and FRA is not required to prepare a tribal summary impact statement.

List of Subjects

49 CFR Part 209

Administrative practice and procedure, Hazardous materials transportation, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 213

Bridges, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 214

Bridges, Occupational safety and health, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 215

Freight, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 216

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 217

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 218

Occupational safety and health, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 219

Alcohol abuse, Drug abuse, Drug testing, Penalties, Railroad safety, Reporting and recordkeeping requirements, Safety, Transportation.

49 CFR Part 220

Penalties, Radio, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 221

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 222

Administrative practice and procedure, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 223

Glazing standards, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 224

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 225

Investigations, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 227

Noise control, Occupational safety and health, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 228

Penalties, Railroad employees, Reporting and recordkeeping requirements.

49 CFR Part 229

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 230

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 231

Penalties, Railroad safety.

49 CFR Part 232

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 233

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 234

Highway safety, Penalties, Railroad safety, Reporting and recordkeeping requirements, State and local governments.

49 CFR Part 235

Administrative practice and procedure, Penalties, Railroad safety, Railroad signals, Reporting and recordkeeping requirements.

49 CFR Part 236

Penalties, Positive train control, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 237

Bridges, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 238

Fire prevention, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 239

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 240

Administrative practice and procedure, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 241

Communications, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 242

Administrative practice and procedure, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 243

Administrative practice and procedure, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 244

Administrative practice and procedure, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 270

Penalties; Railroad safety; Reporting and recordkeeping requirements; and System safety.

49 CFR Part 272

Penalties, Railroad employees, Railroad safety, Railroads, Safety, Transportation.

The Final Rule

In consideration of the foregoing, parts 209, 213, 214, 215, 216, 217, 218,

219, 220, 221, 222, 223, 224, 225, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 270, and 272 of subtitle B, chapter II of title 49 of the Code of Federal Regulations are amended as follows:

PART 209—[AMENDED]

■ 1. The authority citation for part 209 continues to read as follows:

Authority: 49 U.S.C. 5123, 5124, 20103, 20107, 20111, 20112, 20114; 28 U.S.C. 2461, note; and 49 CFR 1.89.

■ 2. Revise § 209.103(a) and (c) to read as follows:

§ 209.103 Minimum and maximum penalties.

(a) A person who knowingly violates a requirement of the Federal hazardous materials transportation laws, an order issued thereunder, subchapter A or C of chapter I, subtitle B, of this title, or a special permit or approval issued under subchapter A or C of chapter I, subtitle B, of this title is liable for a civil penalty of not more than $78,376 for each violation, except that—

(1) The maximum civil penalty for a violation is $182,877 if the violation results in death, serious illness, or severe injury to any person, or substantial destruction of property and

(2) A minimum $471 civil penalty applies to a violation related to training.

* * * * *

(c) The maximum and minimum civil penalties described in paragraph (a) of this section apply to violations occurring on or after April 3, 2017.

■ 3. Revise the last sentence of § 209.105(c) to read as follows:

§ 209.105 Notice of probable violation.

(c) * * * In an amended notice, FRA may change the civil penalty amount proposed to be assessed up to and including the maximum penalty amount of $78,376 for each violation, except that if the violation results in death, serious illness or severe injury to any person, or substantial destruction of property, FRA may change the penalty amount proposed to be assessed up to and including the maximum penalty amount of $182,877.

§ 209.409 [Amended]

■ 4. Amend § 209.409 as follows:

■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';

■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and

■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

■ 5. In appendix A to part 209, amend the section ''Penalty Schedules; Assessment of Maximum Penalties'' by:

■ a. Adding a sentence to the end of the sixth paragraph;

■ b. Revising the third sentence of the seventh paragraph; and

■ c. Revising the first sentence of the tenth paragraph.

The revisions and additions read as follows:

Appendix A to Part 209—Statement of Agency Policy Concerning Enforcement of the Federal Railroad Safety Laws

* * * * *

Penalty Schedules; Assessment of Maximum Penalties

* * * * *

* * * Under the 2015 Inflation Act, effective April 3, 2017, the minimum civil monetary penalty was raised from $839 to $853, the ordinary maximum civil monetary penalty was raised from $27,455 to $27,904, and the aggravated maximum civil monetary penalty was raised from $109,819 to $111,616.

* * * For each regulation or order, the schedule shows two amounts within the $853 to $27,904 range in separate columns, the first for ordinary violations, the second for willful violations (whether committed by railroads or individuals). * * *

* * * * *

Accordingly, under each of the schedules (ordinarily in a footnote), and regardless of the fact that a lesser amount might be shown in both columns of the schedule, FRA reserves the right to assess the statutory maximum penalty of up to $111,616 per violation where a pattern of repeated violations or a grossly negligent violation has created an imminent hazard of death or injury or has caused death or injury. * * *

* * * * *

■ 6. Amend appendix B to part 209 as follows:

■ a. In the introductory text, revise the second sentence of the first paragraph, the last sentence of the second paragraph, and the fifth sentence of the third paragraph; and

■ b. In the table ''CIVIL PENALTY ASSESSMENT GUIDELINES'':

■ i. Revise footnote 1;

■ ii. Under the heading ''PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGES,'' revise the entry for ''173.24(b)(1) and 173.24(b)(2) and 173.24(f)(1) and 173.24(f)(1)(ii)'' and the introductory text for entry ''173.24(c)''; and

■ iii. Revise footnote 2.

The revisions read as follows:

Appendix B to Part 209—Federal Railroad Administration Guidelines for Initial Hazardous Materials Assessments

* * * The guideline penalty amounts reflect the best judgment of the FRA Office of Railroad Safety (RRS) and of the Safety Law Division of the Office of Chief Counsel (RCC) on the relative severity of the various violations routinely encountered by FRA inspectors on a scale of amounts up to the maximum $78,376 penalty, except the maximum civil penalty is $182,877 if the violation results in death, serious illness or severe injury to any person, or substantial destruction of property, and a minimum $471 penalty applies to a violation related to training. * * *

* * * When a violation of the Federal hazardous material transportation law, an order issued thereunder, the Hazardous Materials Regulations or a special permit, approval, or order issued under those regulations results in death, serious illness or severe injury to any person, or substantial destruction of property, a maximum penalty of at least $78,376 and up to and including $182,877 shall always be assessed initially.

* * * In fact, FRA reserves the express authority to amend the NOPV to seek a penalty of up to $78,376 for each violation, and up to $182,877 for any violation resulting in death, serious illness or severe injury to any person, or substantial destruction of property, at any time prior to issuance of an order. * * *

CIVIL PENALTY ASSESSMENT GUIDELINES

* * * * *

[1] Any person who violates an emergency order issued under the authority of 49 U.S.C. Ch. 201 is subject to a civil penalty of at least $853 and not more than $27,904 per violation, except that where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused a death or injury, a penalty not to exceed $111,616 per violation may be assessed. Each day that the violation continues is a separate offense. 49 U.S.C. 21301; 28 U.S.C. 2461, note.

49 CFR section	Description	Guideline amount [2]
* * *	* * * * * *	
PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGES		
* * *	* * * * * *	
173.24(b)(1) and 173.24(b)(2) and	Securing closures: These subsections are the general ''no leak'' standard for all packagings. Sec. 173.24(b) deals primarily with *packaging* as a whole, while § 173.24(f) focuses on *closures.* Use § 173.31(d) for tank cars, when possible.	
173.24(f)(1) and 173.24(f)(1)(ii)	Cite the sections accordingly, using both the leak/non-leak criteria and the package size considerations to reach the appropriate penalty. *Any actual leak will aggravate the guideline by, typically, 50%; a leak with contact with a human being will aggravate by at least 100%, up to the maximum of $78,376, and up to $182,877 if the violation results in death, serious illness or injury or substantial destruction of property. For intermodal (IM) portable tanks and other tanks of that size range, use the tank car penalty amounts, as stated in § 173.31.*	
	—Small bottle or box	1,000
	—55–gallon drum	2,500
	—Larger container, *e.g.,* IBC; *not* portable tank or tank car	5,000
	—IM portable tank, cite § 173.24(f) and use the penalty amounts for tank cars: Residue, generally, § 173.29(a) and, loaded, § 173.31(d).	
	—Residue adhering to outside of package (*i.e.*, portable tanks, tank cars, etc.)	5,000
173.24(c)	Use of package not meeting specifications, including required stencils and markings. The most specific section for the package involved should be cited (see below). The penalty guideline should be adjusted for the size of the container. *Any actual leak will aggravate the guideline by, typically, 50%; a leak with contact with a human being will aggravate by at least 100%, up to the maximum of $78,376, and up to $182,877 if the violation results in death, serious illness or injury or substantial destruction of property.*	
* * *	* * * * * *	

[2] A person who knowingly violates the hazardous material transportation law or a regulation, order, special permit, or approval issued thereunder, is subject to a civil penalty of up to $78,376 for each violation, except that the maximum civil penalty for a violation is $182,877 if the violation results in death, serious illness, or severe injury to any person or substantial destruction of property; and a minimum $471 civil penalty applies to a violation related to training. Each day that the violation continues is a separate offense. 49 U.S.C. 5123; 28 U.S.C. 2461, note.

PART 213—[AMENDED]

■ 7. The authority citation for part 213 continues to read as follows:

Authority: 49 U.S.C. 20102–20114 and 20142; Sec. 403, Div. A, Public Law 110–432, 122 Stat. 4885; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 213.15 [Amended]

■ 8. In § 213.15, amend paragraph (a) as follows:

■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';

■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and

■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 214—[AMENDED]

■ 9. The authority citation for part 214 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21301, 31304, 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 214.5 [Amended]

■ 10. Amend § 214.5 as follows:

■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';

■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and

■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 215—[AMENDED]

■ 11. The authority citation for part 215 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 215.7 [Amended]

■ 12. Amend § 215.7 as follows:

■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';

■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and

■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

Appendix B to Part 215—[Amended]

■ 13. In appendix B to part 215, footnote 1, remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''.

PART 216—[AMENDED]

■ 14. The authority citation for part 216 continues to read as follows:

Authority: 49 U.S.C. 20102–20104, 20107, 20111, 20133, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 216.7 [Amended]

■ 15. Amend § 216.7 as follows:

■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';

■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and

■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 217—[AMENDED]

■ 16. The authority citation for part 217 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 217.5 [Amended]

■ 17. Amend § 217.5 as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 218—[AMENDED]

■ 18. The authority citation for part 218 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 218.9 [Amended]

■ 19. Amend § 218.9 as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 219—[AMENDED]

■ 20. The authority citation for part 219 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 20140, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 219.9 [Amended]

■ 21. In § 219.9, amend paragraph (a) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 220—[AMENDED]

■ 22. The authority citation for part 220 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20103, note, 20107, 21301–21302, 20701–20703, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 220.7 [Amended]

■ 23. Amend § 220.7 as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 221—[AMENDED]

■ 24. The authority citation for part 221 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 221.7 [Amended]

■ 25. Amend § 221.7 as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 222—[AMENDED]

■ 26. The authority citation for part 222 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20153, 21301, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 222.11 [Amended]

■ 27. Amend § 222.11 as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 223—[AMENDED]

■ 28. The authority citation for part 223 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20133, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 223.7 [Amended]

■ 29. Amend § 223.7 as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 224—[AMENDED]

■ 30. The authority citation for part 224 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20148 and 21301; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 224.11 [Amended]

■ 31. In § 224.11, amend paragraph (a) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 225—[AMENDED]

■ 32. The authority citation for part 225 continues to read as follows:

Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901–20902, 21301, 21302, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 225.29 [Amended]

■ 33. Amend § 225.29 as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 227—[AMENDED]

■ 34. The authority citation for part 227 continues to read as follows:

Authority: 49 U.S.C. 20103, 20103, note, 20701–20702; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 227.9 [Amended]

■ 35. In § 227.9, amend paragraph (a) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 228—[AMENDED]

■ 36. The authority citation for part 228 continues to read as follows:

Authority: 49 U.S.C. 103, 20103, 20107, 21101–21109; Sec. 108, Div. A, Public Law 110–432, 122 Stat. 4860–4866, 4893–4894; 49 U.S.C. 21301, 21303, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 228.6 [Amended]

■ 37. In § 228.6, amend paragraph (a) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

■ 38. In appendix A to part 228, below the heading ''GENERAL PROVISIONS,'' amend the ''Penalty'' paragraph by adding a sentence at the end of the paragraph to read as follows:

Appendix A to Part 228—Requirements of the Hours of Service Act: Statement of Agency Policy and Interpretation

* * * * *

GENERAL PROVISIONS

* * * * *

Penalty. * * * Under the 2015 Inflation Act, effective April 3, 2017, the minimum civil monetary penalty was raised from $839 to $853, the ordinary maximum civil monetary penalty was raised from $27,455 to $27,904, and the aggravated maximum civil monetary penalty was raised from $109,819 to $111,616.

* * * * *

PART 229—[AMENDED]

■ 39. The authority citation for part 229 continues to read as follows:

Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901–02, 21301, 21301, 21302, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 229.7 [Amended]

■ 40. In § 229.7, amend paragraph (b) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

Appendix B to Part 229—[Amended]

■ 41. In appendix B to part 229, footnote 1, remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''.

PART 230—[AMENDED]

■ 42. The authority citation for part 230 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20702; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 230.4 [Amended]

■ 43. In § 230.4, amend paragraph (a) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 231—[AMENDED]

■ 44. The authority citation for part 231 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 20131, 20301–20303, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 231.0 [Amended]

■ 45. In § 231.0, amend paragraph (f) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 232—[AMENDED]

■ 46. The authority citation for part 232 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 20133, 20141, 20301–20303, 20306, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 232.11 [Amended]

■ 47. In § 232.11, amend paragraph (a) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

Appendix A to Part 232—[Amended]

■ 48. In appendix A to part 232, footnote 1, remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''.

PART 233—[AMENDED]

■ 49. The authority citation for part 233 continues to read as follows:

Authority: 49 U.S.C. 504, 522, 20103, 20107, 20501–20505, 21301, 21302, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 233.11 [Amended]

■ 50. Amend § 233.11 as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 234—[AMENDED]

■ 51. The authority citation for part 234 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20152, 20160, 21301, 21304, 21311, 22501 note; Pub. L. 110–432, Div. A., Sec. 202, 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 234.6 [Amended]

■ 52. In § 234.6, amend paragraph (a) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 235—[AMENDED]

■ 53. The authority citation for part 235 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 235.9 [Amended]

■ 54. Amend § 235.9 as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 236—[AMENDED]

■ 55. The authority citation for part 236 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 20133, 20141, 20157, 20301–20303, 20306, 20501–20505, 20701–20703, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 236.0 [Amended]

■ 56. In § 236.0, amend paragraph (f) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';

■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 237—[AMENDED]

■ 57. The authority citation for part 237 continues to read as follows:

Authority: 49 U.S.C. 20102–20114; Public Law 110–432, Div. A, Sec. 417; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 237.7 [Amended]

■ 58. In § 237.7, amend paragraph (a) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 238—[AMENDED]

■ 59. The authority citation for part 238 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20141, 20302–20303, 20306, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 238.11 [Amended]

■ 60. In § 238.11, amend paragraph (a) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

Appendix A to Part 238—[Amended]

■ 61. In appendix A to part 238, footnote 1, remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''.

PART 239—[AMENDED]

■ 62. The authority citation for part 239 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20105–20114, 20133, 21301, 21304, and 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 239.11 [Amended]

■ 63. Amend § 239.11 as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 240—[AMENDED]

■ 64. The authority citation for part 240 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20135, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 240.11 [Amended]

■ 65. In § 240.11, amend paragraph (a) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 241—[AMENDED]

■ 66. The authority citation for part 241 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21301, 21304, 21311; 28 U.S.C. 2461, note; 49 CFR 1.89.

§ 241.15 [Amended]

■ 67. In § 241.15, amend paragraph (a) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 242—[AMENDED]

■ 68. The authority citation for part 242 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20135, 20138, 20162, 20163, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 242.11 [Amended]

■ 69. In § 242.11, amend paragraph (a) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 243—[AMENDED]

■ 70. The authority citation for part 243 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20131–20155, 20162, 20301–20306, 20701–20702, 21301–21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 243.7 [Amended]

■ 71. In § 243.7, amend paragraph (a) as follows:
■ a. Remove the numerical amount ''$869'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 244—[AMENDED]

■ 72. The authority citation for part 244 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21301; 5 U.S.C. 553 and 559; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 244.5 [Amended]

■ 73. In § 244.5, amend paragraph (a) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

PART 270—[AMENDED]

■ 74. The authority citation for part 270 continues to read as follows:

Authority: 49 U.S.C. 20103, 20106–20107, 20118–20119, 20156, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

§ 270.7 [Amended]

■ 75. In § 270.7, amend paragraph (a) as follows:
■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';
■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and
■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

■ 76. In appendix A to part 270, footnote 1 is revised to read as follows:

Appendix A to Part 270—Schedule of Civil Penalties

* * * * *

[1] A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a penalty of up to the statutory maximum for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

PART 272—[AMENDED]

■ 77. The authority citation for part 272 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20109, note; 28 U.S.C. 2461, note; 49 CFR 1.89; and sec. 410, Div. A, Pub. L. 110–432, 122 Stat. 4888.

§ 272.11 [Amended]

■ 78. In § 272.11, amend paragraph (a) as follows:

■ a. Remove the numerical amount ''$839'' and add in its place the numerical amount ''$853'';

■ b. Remove the numerical amount ''$27,455'' and add in its place the numerical amount ''$27,904''; and

■ c. Remove the numerical amount ''$109,819'' and add in its place the numerical amount ''$111,616''.

Patrick Warren,

Acting Administrator.

[FR Doc. 2017–06220 Filed 3–31–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 150121066–5717–02]

RIN 0648–XF284

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; General Category Fishery

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes the coastwide General category fishery for large medium and giant Atlantic bluefin tuna (BFT) until the General category reopens on June 1, 2017. This action is being taken to prevent any further overharvest of the available adjusted General category January 2017 BFT subquota.

DATES: Effective 11:30 p.m., local time, March 29, 2017, through May 31, 2017.

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

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

NMFS is required, under regulations at § 635.28(a)(1), to file a closure notice for publication with the Office of the Federal Register when a BFT quota is reached or is projected to be reached. On and after the effective date and time of such notification, for the remainder of the fishing year or for a specified period as indicated in the notification, retaining, possessing, or landing BFT under that quota category is prohibited until the opening of the subsequent quota period or until such date as specified in the notice.

The base quota for the General category is 466.7 mt. See § 635.27(a). Each of the General category time periods (January, June through August, September, October through November, and December) is allocated a portion of the annual General category quota. Although it is called the ''January'' subquota, the regulations allow the General category fishery under this quota to continue until the subquota is reached or March 31, whichever comes first. Based on the General category base quota of 466.7 mt, the subquotas for each time period are as follows: 24.7 mt for January; 233.3 mt for June through August; 123.7 mt for September; 60.7 mt for October through November; and 24.3 mt for December. Any unused General category quota rolls forward within the fishing year, which coincides with the calendar year, from one time period to the next, and is available for use in subsequent time periods. Effective January 1, 2017, NMFS transferred 16.3 mt of the 24.3-mt General category quota allocated for the December 2017 period to the January 2017 period, resulting in an adjusted subquota of 41 mt for the January period and a subquota of 8 mt for the December 2017 period (81 FR 91873, December 19, 2016). Effective March 2, 2017, NMFS transferred 40 mt from the Reserve category to the General category January 2017 subquota period, resulting in an adjusted subquota of 81 mt for the January period (82 FR 12747, March 7, 2017).

Based on the best available landings information for the General category BFT fishery, NMFS has determined that the adjusted General category January 2017 subquota of 81 mt has been reached (*i.e.,* as of March 27, reported landings total approximately 82.4 mt). Therefore, retaining, possessing, or landing large medium or giant BFT by persons aboard vessels permitted in the Atlantic tunas General and HMS Charter/Headboat categories (while fishing commercially) must cease at 11:30 p.m. local time on March 29, 2017. The General category will reopen automatically on June 1, 2017, for the June through August 2017 subperiod. This action applies to Atlantic tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat category permitted vessels when fishing commercially for BFT, and is taken consistent with the regulations at § 635.28(a)(1). The intent of this closure is to prevent any further overharvest of the available General category January BFT subquota.

Fishermen may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. All BFT that are released must be handled in a manner that will maximize their survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the ''Careful Catch and Release'' brochure available at *www.nmfs.noaa.gov/sfa/hms/*. General, HMS Charter/Headboat, Harpoon, and Angling category vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing *hmspermits.noaa.gov* or by using the Android or iPhone app.

Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. These fisheries are currently underway and the quota for

the subcategory has already been exceeded. Delaying this action would be contrary to the public interest because the subquota has already been exceeded and any delay could lead to further exceedance, which may result in the need to reduce quota for the General category later in the year and thus could affect later fishing opportunities. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there also is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under § 635.28(a)(1), and is exempt from review under Executive Order 12866.

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

Dated: March 28, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–06405 Filed 3–28–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 62
Monday, April 3, 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–2017–0270; Directorate Identifier 2016–SW–032–AD]

RIN 2120–AA64

Airworthiness Directives; MD Helicopters, Inc. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2014–16–01 for MD Helicopters, Inc. (MDHI) Model MD900 helicopters. AD 2014–16–01 requires an eddy current inspection of the main rotor upper hub assembly (upper hub) for a crack. Since we issued AD 2014–16–01, three additional upper hub cracks were reported. This proposed AD would require additional inspections and replacing the fillet seal. These proposed actions are intended to prevent an unsafe condition on these products.

DATES: We must receive comments on this proposed AD by June 2, 2017.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0270; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact MD Helicopters, Inc., Attn: Customer Support Division, 4555 E. McDowell Rd., Mail Stop M615, Mesa, AZ 85215–9734; telephone 1–800–388–3378; fax 480–346–6813; or at *http://www.mdhelicopters.com*. You may review service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Eric Schrieber, Aviation Safety Engineer, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone (562) 627–5348; email *eric.schrieber@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Discussion

On July 24, 2014, we issued AD 2014–16–01, Amendment 39–17925 (79 FR 45322, August 5, 2014), for MDHI Model MD900 helicopters, serial numbers 900–00008 through 900–00140, with an upper hub part number (P/N) 900R2101006–105, –107, –109, or –111 installed. AD 2014–16–01 requires, within 25 hours time-in-service (TIS), eddy current inspecting the upper hub for a crack and replacing the upper hub before further flight if there is a crack. AD 2014–16–01 was prompted by a report that four cracks were found at the blade attach holes on a high-time upper hub. The actions in AD 2014–16–01 were intended to detect a crack on the upper hub, which if not corrected could result in failure of the upper hub and subsequent loss of control of the helicopter.

Actions Since AD 2014–16–01 Was Issued

Since we issued AD 2014–16–01, we received reports of three additional cracks found in the MD900 fleet. These cracks were not discovered by the one-time eddy current inspection required by AD 2014–16–01, but were found during regular maintenance of the upper hub. MDHI determined that in addition to the repetitive inspections of the upper hub annually and at 100 and 1,000 hours TIS in its maintenance manual, inspections should be accomplished and a fillet seal should be installed to prevent moisture in the interface of the bushing and the flex beam retention bolt hole. MDHI also determined that these inspections should be accomplished on all P/N 900R2101006–105, –107, –109, and –111 upper hubs with 1,000 or more hours TIS, regardless of helicopter serial number.

These proposed actions are intended to detect a crack on the upper hub, which if not corrected could result in failure of the upper hub and subsequent loss of control of the helicopter.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information

and determined the unsafe condition described previously is likely to exist or develop in other helicopters of the same type design.

Related Service Information Under 1 CFR Part 51

MDHI has issued Service Bulletin SB900–125, dated February 19, 2016, which describes procedures for repetitive visual and eddy current inspections of the upper hub upper and lower flexbeam bolthole areas and for applying a fillet seal on the interface of the bushing and the flex beam retention bolt hole.

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.

Proposed AD Requirements

This proposed AD would require for MDHI MD900 helicopters with an upper hub P/N 900R2101006–105, –107, –109, and –111:

Within 100 hours TIS and thereafter at intervals not exceeding 100 hours TIS, using a 10X or higher magnifying glass, inspecting the fillet seal and the areas around the flexbeam boltholes for a crack;

Within 12 months and thereafter at intervals not exceeding 12 months, removing the paint, primer, and fillet seal around the flexbeam boltholes and, using a 10X or higher magnifying glass, inspecting the area for a crack;

Within 12 months and thereafter at intervals not exceeding 12 months, inspecting the lead leg shims and bushings for corrosion around the flexbeam boltholes, and if there is corrosion, removing the lead leg shim and inspecting for a crack;

Within 1,000 hours TIS and thereafter at intervals not exceeding 1,000 hours TIS, eddy-current inspecting the areas adjacent to the flexbeam boltholes for a crack;

If during any inspection required by the proposed AD there is a crack, replacing the upper hub before further flight; and

Finally, after each inspection required by the proposed AD, installing a fillet seal to the bushing and upper hub interface.

Differences Between This Proposed AD and the Service Information

The service information applies to upper hubs with 1,000 or more hours TIS. This proposed AD would apply to all upper hubs regardless of hours TIS. The service information applies to upper hub P/N 900R2101006–107 and –109; the proposed AD would also apply to upper hub P/N 900R2101006–105 and –111.

Costs of Compliance

We estimate that this proposed AD would affect 23 helicopters of U.S. Registry.

At an average labor rate of $85 per hour, we estimate that operators may incur the following costs in order to comply with this AD. Inspecting the fillet seal around the flexbeam boltholes (100 hour TIS inspection) would require about 1 work-hour, for a cost per helicopter of $85 and a cost of $1,955 for the fleet, per inspection cycle. Inspecting the flexbeam area and lead leg shims and bushings (annual inspection) would require about 2 work-hours, for a cost per helicopter of $170 and a cost of $3,910 for the fleet, per inspection cycle. Eddy current inspecting (1,000 hour TIS inspection) the upper hub would require about 2 work-hours, for a cost per helicopter of $170 and a cost of $3,910 for the fleet.

If required, replacing the upper hub would require about 11 work-hours, and required parts would cost about $15,998, for a cost per helicopter of $16,933.

If required, replacing a missing or damaged fillet seal would require about .5 work-hour, and required parts cost would be minimal, for a cost per helicopter of $43.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2014–16–01, Amendment 39–17925(79 FR 45322, August 5, 2014), and adding the following new AD:

MD Helicopters, Inc. (MDHI): Docket No. FAA–2017–0270; Directorate Identifier 2016–SW–032–AD.

(a) Applicability

This AD applies to Model MD900 helicopters with main rotor upper hub assembly (upper hub) part number 900R2101006–105, –107, –109, or –111 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a cracked upper hub. This condition could result in failure of the upper hub and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2014–16–01, Amendment 39–17925 (79 FR 45322, August 5, 2014).

(d) Comments Due Date

We must receive comments by June 2, 2017.

(e) Compliance

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

(f) Required Actions

(1) Within 100 hours time-in-service (TIS), and thereafter at intervals not to exceed 100 hours TIS:

(i) Inspect the fillet seal around each flexbeam bolthole to determine whether it adheres properly to the hub or bushing or is missing. Indications of an improperly adhered seal include lifting, bubbling, peeling away, drying out, or cracking. If the fillet seal is not properly adhered or is missing, before further flight, replace the fillet seal with sealant C232 or equivalent by following the Accomplishment Instructions, paragraphs 2.D.(2) through 2.D.(5) and Figure 1, of MD Helicopters Service Bulletin SB900–125, dated February 19, 2016 (SB900–125).

(ii) Using a light and a 10X or higher power magnifying glass, inspect the area outside of the fillet seal around each flexbeam bolthole on the top of the upper hub assembly for a crack. If there is a crack, before further flight, replace the upper hub assembly.

(2) Within 12 months, and thereafter at intervals not to exceed 12 months:

(i) Remove the paint and primer from the area around each flexbeam bolthole on top of the upper hub. Remove the fillet seal from the mating surface of each bushing and the top of the upper hub.

(ii) Using a light and a 10X or higher power magnifying glass, inspect the area around each flexbeam bolthole for a crack. If there is a crack, before further flight, replace the upper hub assembly.

(iii) Inspect each lead leg shim and bushing for corrosion around the flexbeam boltholes on the bottom of the upper hub in the flexbeam pockets. If there is corrosion, before further flight:

(A) Remove the lead leg shim from the flexbeam pocket and clean the area adjacent to the flexbeam bolthole to remove any corrosion within maximum repair damage limits. If the corrosion exceeds maximum repair damage limits, replace the upper hub assembly.

(B) Using a light and a 10X or higher power magnifying glass, inspect the area around the flexbeam bolthole for a crack. If there is a crack, before further flight, replace the upper hub assembly.

(iv) Replace the fillet seal as described in paragraph (f)(1)(i) of this AD.

(3) Within 1,000 hours TIS, and thereafter at intervals not to exceed 1,000 hours TIS:

(i) Eddy current inspect the areas adjacent to each flexbeam bolthole, top and bottom, for a crack. This eddy current inspection must be performed by a Level II or higher technician with the American Society for Nondestructive Testing ASNT–TC–1A, European Committee for Standardization CEN EN 4179, Military Standard MIL–STD–410, National Aerospace Standard NAS410, or equivalent certification who has performed an eddy current inspection within the last 12 months. If there is a crack, before further flight, replace the upper hub assembly.

(ii) Replace the fillet seal as described in paragraph (f)(1)(i) of this AD.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles Aircraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Eric Schrieber, Aviation Safety Engineer, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone (562) 627–5348; email *9-ANM-LAACO-AMOC-REQUESTS@faa.gov*.

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

(h) Subject

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

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

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–06460 Filed 3–31–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0165; Airspace Docket No. 17–ACE–1]

Proposed Amendment of Class E Airspace, for West Plains, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace extending up to 700 feet above the surface at West Plains Regional Airport, West Plains, MO, to accommodate new standard instrument approach procedures for instrument flight rules (IFR) operations at the airport. This action is necessary due to the decommissioning of the Hutton (HUW) Very High Frequency Omnidirectional Range (VOR), and cancellation of VOR approach, and would enhance the safety and management of IFR operations at the airport. The airport's name also would be updated.

DATES: Comments must be received on or before May 18, 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–2017–0165/Airspace Docket No. 17–ACE–1, 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 7400.11A, 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 amend controlled airspace in Class E.

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–2017–0165/Airspace Docket No. 17–ACE–1.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

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

Availability and Summary of Documents Proposed for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E airspace extending upward from 700 feet above the surface within a 6.9-mile radius of West Plains Municipal Airport and 8 miles west and 4 miles east of the 196° radial of the Hutton VOR/DME extending from the Hutton VOR/DME to 10 miles south of the Hutton VOR/DME would be removed due to the decommissioning of the VOR, cancellation of the VOR approach. This action would enhance the safety and management of the standard instrument approach procedures for IFR operations at the airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

ACE MO E5 West Plains, MO

West Plains Municipal Airport, MO
(Lat. 36°52′42″ N., long. 91°54′10″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of West Plains Municipal Airport.

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

Walter Tweedy,

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

[FR Doc. 2017–06508 Filed 3–31–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0234]

RIN 1625–AA00

Safety Zone; Pacific Ocean, Kilauea Lava Flow Ocean Entry on Southeast Side of Island of Hawaii, HI

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a permanent safety zone for the navigable waters surrounding the entry of lava from Kilauea volcano into the Pacific Ocean on the southeast side of the Island of Hawaii, HI. The safety zone will encompass all waters extending 300 meters (984 feet) in all directions around all entry points of lava flow into the ocean. The entry points of the lava vary, and the safety zone will vary accordingly. The safety zone is needed to protect persons and vessels from the potential hazards associated with molten lava entering the ocean resulting in explosions of large chunks of hot rock and debris upon impact, collapses of the sea cliff into the ocean, hot lava arching out and falling into the ocean, and the release of toxic gases. Entry of persons or vessels into this safety zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Honolulu or his designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 2, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0234 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Commander Nicolas Jarboe, Waterways Management Division, U.S. Coast Guard; telephone 808–541–4359, email *D14-SMB-SecHono-MarineEventPermits@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

Lava has been entering the ocean at Kamokuna on Kīlauea Volcano's south coast since July of 2016. As with all ocean entries during this long-lived Kīlauea eruption, hazards to people nearby on land and sea include: A plume of corrosive seawater laden with hydrochloric acid and fine volcanic particles that can irritate the skin, eyes, and lungs; explosions of debris and scalding water as hot rock interacts with the ocean; sudden collapse of lava deltas (new land formed as lava accumulates above sea level extending out from the base of the existing sea cliff); waves associated with explosions, collapses; plumes of hot water. For more information, please see: *https://pubs.usgs.gov/fs/2000/fs152-00/.*

On New Year's Eve 2016, a large portion of the new lava delta collapsed into the ocean producing waves and explosions of debris. Following this collapse, portions of the adjacent sea cliff continued to collapse into the ocean producing localized ocean waves and showers of debris. As of late March 2017, a new delta has begun to form at the Kamokuna ocean entry. Additionally, cracks parallel to the sea cliff in the surrounding area persist, indicating further collapses with very little or no warning are possible.

Based on a review of nearly 30 years of delta collapse and ejecta distance observations in the Hawaii Volcano Observatory records, a radius of 300 meters was determined as a reasonable minimum high hazard zone around a point of ocean entry.

The purpose of this proposed rulemaking is to protect persons and vessels from the potential hazards associated with molten lava entering the ocean resulting in explosions of large chunks of hot rock and debris upon impact, collapses of the sea cliff into the ocean, hot lava arching out and falling into the ocean, and the release of toxic gases. The safety zone's intended objectives include but not limited to protection of the public, mitigation of potential lava flow entry hazards to nearby vessels, and enhancing public safety. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231, which gives the Coast Guard, under a delegation from the Secretary of the Department of Homeland Security, regulatory authority to enforce the Ports and Waterways Safety Act.

On March 28, 2017 the COTP issued a temporary final rule, published elsewhere in this issue of the **Federal Register**, 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)]. The temporary final rule established a temporary safety zone to immediately protect persons and vessels from the potential hazards associated with Kilauea's active lava flow entry into the Pacific Ocean on the southeast side of the Island of Hawaii, HI. The safety zone encompassed all waters extending 300 meters (984 feet) in all directions around all entry points of lava flow into the ocean. The entry points of the lava vary, and the safety zone will vary accordingly. The temporary final rule will remain in effect throughout this notice of proposed rulemaking unless otherwise canceled or modified by the COTP.

III. Discussion of Proposed Rule

The COTP Honolulu proposes to establish a permanent safety zone around the lava flow entry point on the Kamokuna lava delta. The entry point of the lava does change based on flow, however the safety zone will encompass all waters extending 300 meters (984 feet) in all directions around the entry point of lava flow into the ocean associated with the lava flow at the Kamokuna lava delta. The safety zone is needed to protect persons and vessels from potential hazards associated with molten lava entering the ocean resulting in explosions of large chunks of hot rock and debris upon impact, hot lava arching out and falling into the ocean, and the release of toxic gases. No persons or vessels will be permitted to enter the safety zone without express authorization from the COTP Honolulu or his designated representative.

The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone which would impact a small designated area of the southeast side of the Island of Hawaii, HI. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

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 proposed rule would not have a significant economic impact on a substantial number of small entities for reasons stated in section IV. A. above.

Some owners or operators of vessels, which may be small entities, conduct tours in the vicinity of the proposed safety zone where lava flow enters the ocean. Some of these owners or operators reportedly navigate closer than 300 meters from the lava entry into the ocean. This rule may affect their operations. The safety zone does not prohibit ocean tours; the safety zone simply requires operators and vessel owners to navigate at a safe distance. It also allows vessels to seek permission of the COTP Honolulu to get closer.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves permanent safety zone that would prohibit entry within prohibit persons and vessels from entry into the 300 meters (984 feet) safety zone extending in all directions around the entry of lava flow into the Pacific Ocean. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.lD. A preliminary environmental analysis checklist and 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 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.

We plan to hold one public meeting on May 08, 2017 at 5 p.m. at the East Hawaii County Building (Hilo) Aupuni Center Conference Room located at 101 Pauahi St. #7, Hilo, Hawaii 96720. For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact the person named in the **FOR FURTHER INFORMATION CONTACT** section, above.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.1414 to read as follows:

§ 165.1414 Safety Zone; Pacific Ocean, Kilauea Lava Flow Ocean Entry on Southeast Side of Island of Hawaii, HI.

(a) *Location.* The safety zone area is located within the COTP Zone (See 33 CFR 3.70–10) and encompasses one primary area from the surface of the water to the ocean floor at the Kilauea active lava flow entry into the Pacific Ocean on the southeast side of the Island of Hawaii, HI. The entry point of the lava does change based on flow, however the safety zone will encompass all waters extending 300 meters (984 feet) in all directions around the entry point of lava flow into the ocean associated with the lava flow at the Kamokuna lava delta.

(b) *Enforcement period.* The COTP Honolulu will establish the enforcement dates that will be announced with a notice of enforcement of regulations published in the **Federal Register**. The enforcement dates will also be announced with a Broadcast Notice to Mariners, Local Notice to Mariners, and Outreach.

(c) *Regulations.* The general regulations governing safety zones contained in § 165.23 apply to the safety zone created by this rule.

(1) All persons and vessels are required to comply with the general regulations governing safety zones found in this part.

(2) Entry into or remaining in this safety zone is prohibited unless authorized by the COTP Honolulu or his designated representative.

(3) Persons or vessels desiring to transit the safety zone identified in paragraph (a) of this section may contact the COTP of Honolulu through his designated representatives at the Command Center via telephone: (808) 842–2600 and (808) 842–2601; fax: (808) 842–2642; or on VHF channel 16 (156.8 Mhz) to request permission to transit the safety zone. If permission is granted, all persons and vessels must comply with the instructions of the COTP Honolulu or his designated representative and proceed at the minimum speed necessary to maintain a safe course while in the safety zone.

(4) The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(d) *Notice of enforcement.* The COTP Honolulu will provide notice of enforcement of the safety zone described in this section by verbal radio broadcasts and written notice to mariners.

(e) *Definitions.* As used in this section, ''designated representative'' means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the COTP to assist in enforcing the safety zone described in paragraph (a) of this section.

Dated: March 28, 2017.

M.C. Long,

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

[FR Doc. 2017–06474 Filed 3–31–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL9961–12–OAR]

Withdrawal of Proposed Rules: Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations; and Clean Energy Incentive Program Design Details

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of proposed rules.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is withdrawing the October 23, 2015 proposals for a federal plan to implement the greenhouse gas (GHG) emission guidelines (EGs) for existing fossil fuel-fired electric generating units (EGUs), for model trading rules for implementation of the EGs, and for amendments to the Clean Air Act (CAA) 111(d) framework regulations, and the June 30, 2016 proposed rule concerning design details of the Clean Energy Incentive Program (CEIP).

DATES: The proposed rule published on October 23, 2015 entitled ''Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations.'' 80 FR 64966, and the proposed rule published on June 30, 2016 entitled ''Clean Energy Incentive Program Design Details,'' 81 FR 42940, are withdrawn as of April 3, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Tsirigotis, Sector Policies and Programs Division (D205–01), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (888) 627–7764; email address: *airaction@epa.gov*.

SUPPLEMENTARY INFORMATION:

1. Background

On October 23, 2015, EPA published final carbon dioxide EGs under CAA 111(d) for existing EGUs, entitled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units,'' 80 FR 64662 (October 23, 2015) (Clean Power Plan or CPP). On the same date, in connection with the CPP, EPA published a proposed rule for a federal plan to implement those guidelines, for model trading rules to aid implementation of the guidelines, and for amendments to

the existing framework regulations implementing CAA 111(d) ''Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations.'' 80 FR 64966 (October 23, 2015) (the October 2015 Proposed Rule). Subsequently, on June 30, 2016, EPA published proposed design details of the Clean Energy Incentive Program (CEIP), an optional program that States could use to incentivize early emission reduction projects under the CPP. ''Clean Energy Incentive Program Design Details,'' 81 FR 42940 (June 30, 2016) (CEIP Proposed Rule). The EPA never finalized the October 2015 Proposed Rule or the CEIP Proposed Rule, and is not doing so today. Instead, it is withdrawing them both.

The CPP was promulgated under Section 111 of the CAA. 42 U.S.C. 7411. Section 111 of the Clean Air Act authorizes the EPA to issue nationally applicable New Source Performance Standards (NSPS) limiting air pollution from ''new sources'' in source categories that cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. 42 U.S.C. Section 7411(b)(1). Under this authority, the EPA had long regulated new fossil fuel-fired power plants to limit air pollution other than carbon dioxide, including particulate matter (PM); nitrogen oxides (NO_X) and sulfur dioxide (SO_2). See 40 CFR part 60 subparts D, Da. In 2015, the EPA issued a rule that for the first time set carbon dioxide emissions limits for new fossil fuel-fired power plants. Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units (New Source Rule), 80 FR 64510 (October 23, 2015). Under certain circumstances, when the EPA issues standards for new sources under Section 111(b), the EPA has the authority under Section 111(d), to prescribe regulations under which each State is to submit a plan to establish standards for existing sources in the same category. The EPA relied on that authority to issue the CPP, which for the first time required States to submit plans specifically designed to limit carbon dioxide emissions from existing fossil fuel-fired power plants.

Due to concerns about EPA's legal authority and record, 24 States and a number of other parties sought judicial review of the New Source Rule in the U.S. Court of Appeals for the District of Columbia. *State of North Dakota* v. *EPA,* No. 15–1381 (and consolidated cases) (D.C. Cir.). Similarly, due to concerns about EPA's legal authority and record, 27 States and a number of other parties sought judicial review of the CPP in the D.C. Circuit. *State of West Virginia* v. *EPA*, No. 15–1363 (and consolidated cases) (D.C. Cir.). On February 9, 2016, the Supreme Court stayed implementation of the CPP pending judicial review. Oral argument in the D.C. Circuit in *North Dakota* is currently scheduled for April 17, 2017. Following full merits briefing, oral argument in *West Virginia* was held before the D.C. Circuit, sitting *en banc*, on September 27, 2016. Both challenges to these rules are pending in the D.C. Circuit.

2. Energy Development Executive Order and Other Related Notices

On March 28, 2017, President Trump issued an Executive Order establishing a national policy in favor of energy independence, economic growth, and the rule of law. The purpose of that Executive Order is to facilitate the development of U.S. energy resources and to reduce unnecessary regulatory burdens associated with the development of those resources. The President has directed agencies to review existing regulations that potentially burden the development of domestic energy resources, and appropriately suspend, revise, or rescind regulations that unduly burden the development of U.S. energy resources beyond what is necessary to protect the public interest or otherwise comply with the law. The Executive Order also directs agencies to take appropriate actions, to the extent permitted by law, to promote clean air and clean water while also respecting the proper roles of Congress and the States. This Executive Order specifically directs EPA to review and, if appropriate, initiate proceedings to suspend, revise or rescind the CPP.

In EPA's notice announcing the initiation of its review of the CPP, EPA states that, if its review concludes that suspension, revision or rescission of the CPP may be appropriate, EPA's review will be followed by a rulemaking process that will be transparent, follow proper administrative procedures, include appropriate engagement with the public, employ sound science, and be firmly grounded in the law.

3. Why is the EPA withdrawing the October 2015 Proposed Rule and the CEIP Proposed Rule?

The Executive Order directs the EPA to review the October 2015 Proposed Rule and, if appropriate, as soon as practicable and consistent with law, consider revising or withdrawing the October 2015 Proposed Rule. In anticipation of the Executive Order, the EPA had already begun a review of both the October 2015 Proposed Rule, and of the CEIP Proposed Rule, which proposes implementation details for a program that is directly connected to the CPP. In light of the policies set forth in the Executive Order and the Agency's concurrent notice initiating a review of the CPP, EPA has decided to withdraw the Proposed Rules, for the reasons discussed below.

At this time, the EPA is not under an obligation to finalize these rulemakings, nor is there a time-sensitive need for them given the Supreme Court stay of the CPP. The October 2015 proposal and the CEIP proposal were issued at EPA's discretion to implement the 2015 CPP. First, the proposed model trading rules were designed to provide a sample for States wishing to adopt a trading program to implement the CPP. It was the CPP, however, that was designed to establish the binding requirements for state action, while the purpose of the proposed model rules was to give states examples of how to design an approvable program. While model rules may be helpful, they are not required under the CAA. Second, under the Clean Air Act's principles of cooperative federalism, hopefully a federal plan will never be needed to implement Section 111(d) emission guidelines, and a federal plan certainly is not statutorily required early in the implementation process, when the Agency's focus is to assist States in developing approvable state plans. Finally, the CEIP proposal provides details for a voluntary program that was designed to help States and tribes meet their CPP goals by removing barriers to investment in energy efficiency in low-income communities and encouraging early investments in zero-emitting renewable energy generation. The CEIP is not required by the CAA. Furthermore, because the energy markets continue to change, the appropriateness of the details of the CEIP proposal are dependent on projected market conditions during the time period when it would apply. Changes in CPP compliance dates, including state plan submission dates, would likely necessitate a re-evaluation of the CEIP proposal details.

When EPA initially made these proposals, it assumed that States needed immediate guidance to develop state plans because EPA had set state plan submission dates starting in September 2016. EPA also wanted to be prepared to institute a federal plan immediately if a State missed its submission date. Given the Supreme Court's stay of the CPP, however, the CPP compliance

dates must be reviewed. Indeed, the first state plan submission date has already passed, and other compliance dates are likely to pass while the Supreme Court stay is pending. Further, under the Supreme Court's stay of the CPP, States and other interested parties have not been required nor expected to work towards meeting the compliance dates set in the CPP. Thus, as the EPA conducts its review of the CPP and decides what further action to take on the EGU emission guidelines, EPA will ensure that any and all remaining compliance dates will be reasonable and appropriate in light of the Supreme Court stay of the CPP and other factors. Further state action will not be required unless and until there is resolution of the pending litigation or the EPA issues new EGU emission guidelines. This gives the EPA time to re-evaluate these CPP-related proposals.

The EPA believes it should use this time to re-evaluate these CPP-related proposals and, if appropriate, put out re-proposals or new proposals to ensure that the public is commenting on EPA's most up-to-date thinking on these issues. There are a number of reasons why these proposals may ultimately not reflect the Agency's reasoned policy decisions reflecting both the current state of the energy market and the agency's operative understanding of its statutory authority. First, the Agency has announced that it is reviewing and, as appropriate, may suspend, revise or rescind the CPP. Though our review of the CPP is ongoing and any final decision to suspend, revise or rescind it will be made only after EPA has provided notice and an opportunity for public comment, it is possible that the CPP as promulgated in 2015 will be rescinded and that new emission guidelines, if any, for existing EGUs will be different from the CPP. Because the CPP-related Proposed Rules are designed to provide implementation details related to the specific requirements of the CPP, any changes to the CPP or new emission guidelines would most likely require changes to these CPP-related proposals. Thus, this preliminary action to withdraw these CPP-related proposals will allow EPA to review them in light of its review of the CPP and, if they are still needed, to determine the appropriate next steps for these proposals, which may be to develop new proposals with revisions to ensure they are consistent with and appropriately implement revised emission guidelines, if any. Second, whether or not the EPA makes any changes as a result of its review of the CPP, it is appropriate for the EPA to re-evaluate the proposals in light of the policies set forth in the Executive Order and ensure that what the Agency proposes and seeks public comment on has been developed or reviewed in light of those policies.

As a final point, we want to be clear that our withdrawal of these proposals is not based on any final substantive decision that we have made with respect to these proposals. We are withdrawing these proposals for the procedural reasons that we have discussed above to promote the EPA's review of the CPP and future rulemaking process, and ensure that interested parties have a full opportunity to comment on proposals that reflect the Agency's most up-to-date and relevant thinking. Thus, for the reasons stated above, EPA concludes that, at this time, it is appropriate to withdraw the October 2015 Proposed Rule and the CEIP Proposed Rule. The

EPA intends to review these proposals in conjunction with its comprehensive review of the CPP. Based on that review, the Agency will determine how best to proceed, which may include the development of new proposals consistent with the requirements of CAA Section 307(d).

4. Statutory Authority

Pursuant to CAA Section 307(d)(1)(V), the Administrator is determining that this withdrawal is subject to the provisions of CAA Section 307(d). The statutory authority for this notice is provided by Sections 111, 301 and 307(d) of the CAA as amended (42 U.S.C. 7411, 7601 and 7607(d)).

5. Impact Analysis

Because the EPA is not promulgating any regulatory requirements, there are no compliance costs or impacts associated with today's final action.

6. Statutory and Executive Order Reviews

Today's action does not establish new regulatory requirements. Hence, the requirements of other regulatory statutes and Executive Orders that generally apply to rulemakings (*e.g.,* the Unfunded Mandate Reform Act) do not apply to this action.

Dated: March 28, 2017.

E. Scott Pruitt,

Administrator.

[FR Doc. 2017–06518 Filed 3–31–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 68

[EPA–HQ–OEM–2015–0725; FRL–9960–44–OLEM]

RIN 2050–AG91

Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Further Delay of Effective Date

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to delay the effective date of the final rule that amends the Risk Management Program regulations under the Clean Air Act published in the **Federal Register** on January 13, 2017. On March 16, 2017, the EPA published in the **Federal Register** a stay and delay of the effective date pending reconsideration to June 19, 2017. The EPA is proposing to further delay the effective date to February 19, 2019. This action would allow the Agency time to consider petitions for reconsideration of this final rule and take further regulatory action, which could include proposing and finalizing a rule to revise the Risk Management Program amendments.

DATES:

Comments. Written comments must be received by May 19, 2017.

Public Hearing. The EPA will hold a public hearing on this proposed rule on April 19, 2017 in Washington, DC.

ADDRESSES:

Comments. Submit your comments, identified by Docket ID No. EPA–HQ–OEM–2015–0725, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full

EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Public Hearing. A public hearing will be held in Washington, DC on April 19, 2017 at William J. Clinton East Building, Room 1153 (Map Room), 1201 Constitution Ave. NW., Washington, DC 20460. The hearing will convene at 9:00 a.m. through 4:00 p.m. (all times are Eastern Standard Time). The sessions will run from 9:00 a.m. to 12:00 Noon, with a break between 12:00 Noon and 1:00 p.m., continuing from 1:00 p.m. to 4:00 p.m. Persons wishing to preregister may be assigned a time according to this schedule. The afternoon session beginning at 1:00 p.m. will be extended one hour after all scheduled comments have been heard to accommodate those wishing to make a comment as a walk-in registrant. Please register at *https://www.eventbrite.com/e/rmp-proposed-rule-effective-date-public-hearing-tickets-32733701382* to speak at the hearing. The last day to preregister in advance to speak at the hearing is April 11, 2017. Additionally, requests to speak will be taken the day of the hearing at the hearing registration desk, although preferences on speaking times may not be able to be fulfilled. If you require the service of a translator or special accommodations such as audio description, we ask that you identify such needs during preregistration for the hearing, on or before April 11, 2017, to allow sufficient time to arrange such accommodations.

The hearing will provide interested parties the opportunity to present data, views or arguments concerning the proposed action. The EPA will make every effort to accommodate all speakers who arrive and register. Because this hearing is being held at U.S. government facilities, individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff in order to gain access to the meeting room. Please note that the REAL ID Act, passed by Congress in 2005, established new requirements for entering federal facilities. If your driver's license is issued by Alaska, American Samoa, Arizona, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Montana, New York, Oklahoma or the state of Washington, you must present an additional form of identification to enter the federal building. Acceptable alternative forms of identification include: Federal employee badges, passports, enhanced driver's licenses and military identification cards. In addition, you will need to obtain a property pass for any personal belongings you bring with you. Upon leaving the building, you will be required to return this property pass to the security desk. No large signs will be allowed in the building, cameras may only be used outside of the building and demonstrations will not be allowed on federal property for security reasons.

The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing. Verbatim transcripts of the hearing and written statements will be included in the docket for the rulemaking. The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearing to run either ahead of schedule or behind schedule.

FOR FURTHER INFORMATION CONTACT: James Belke, United States Environmental Protection Agency, Office of Land and Emergency Management, 1200 Pennsylvania Ave. NW. (Mail Code 5104A), Washington, DC 20460; telephone number: (202) 564–8023; email address: *belke.jim@epa.gov,* or: Kathy Franklin, United States Environmental Protection Agency, Office of Land and Emergency Management, 1200 Pennsylvania Ave. NW. (Mail Code 5104A), Washington, DC 20460; telephone number: (202) 564–7987; email address: *franklin.kathy@epa.gov.*

Electronic copies of this document and related news releases are available on EPA's Web site at *http://www.epa.gov/rmp.* Copies of this proposed rule are also available at *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

This rule applies to those facilities, referred to as ''stationary sources'' under the Clean Air Act (CAA), that are subject to the chemical accident prevention requirements at 40 CFR part 68. This includes stationary sources holding more than a threshold quantity (TQ) of a regulated substance in a process. Table 5 provides industrial sectors and the associated NAICS codes for entities potentially affected by this action. The Agency's goal is to provide a guide for readers to consider regarding entities that potentially could be affected by this action. However, this action may affect other entities not listed in this table. If you have questions regarding the applicability of this action to a particular entity, consult the person(s) listed in the introductory section of this action under the heading entitled **FOR FURTHER INFORMATION CONTACT.**

TABLE 5—INDUSTRIAL SECTORS AND ASSOCIATED NAICS CODES FOR ENTITIES POTENTIALLY AFFECTED BY THIS ACTION

Sector	NAICS code
Administration of Environmental Quality Programs	924.
Agricultural Chemical Distributors:	
Crop Production	111.
Animal Production and Aquaculture	112.
Support Activities for Agriculture and Forestry Farm	115.
Supplies Merchant Wholesalers	42491.
Chemical Manufacturing	325.
Chemical and Allied Products Merchant Wholesalers	4246.
Food Manufacturing	311.
Beverage Manufacturing	3121.
Oil and Gas Extraction	211.
Other	44, 45, 48, 54, 56, 61, 72.
Other manufacturing	313, 326, 327, 33.
Other Wholesale:	
Merchant Wholesalers, Durable Goods	423.
Merchant Wholesalers, Nondurable Goods	424.

TABLE 5—INDUSTRIAL SECTORS AND ASSOCIATED NAICS CODES FOR ENTITIES POTENTIALLY AFFECTED BY THIS ACTION—Continued

Sector	NAICS code
Paper Manufacturing	322.
Petroleum and Coal Products Manufacturing	324.
Petroleum and Petroleum Products Merchant Wholesalers	4247.
Utilities	221.
Warehousing and Storage	493.

II. Background

On January 13, 2017, the EPA issued a final rule amending 40 CFR part 68, the chemical accident prevention provisions under section 112(r)(7) of the CAA (42 U.S.C. 7412(r)). The amendments addressed various aspects of risk management programs, including prevention programs at stationary sources, emergency response preparedness requirements, information availability, and various other changes to streamline, clarify, and otherwise technically correct the underlying rules. Collectively, this rulemaking is known as the ''Risk Management Program Amendments.'' For further information on the Risk Management Program Amendments, see 82 FR 4594 (January 13, 2017).

On January 26, 2017, the EPA published a final rule delaying the effective date of the Risk Management Program Amendments from March 14, 2017, to March 21, 2017, see 82 FR 8499. This revision to the effective date of the Risk Management Program Amendments was part of an EPA final rule implementing a memorandum dated January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review.'' This memorandum directed the heads of agencies to postpone until 60 days after the date of its issuance the effective date of rules that were published prior to January 20, 2017 but which had not yet become effective.

In a letter dated February 28, 2017, a group known as the ''RMP Coalition,'' [1] submitted a petition for reconsideration of the Risk Management Program Amendments (''RMP Coalition Petition'') as provided for in CAA section 307(d)(7)(B) (42 U.S.C. 7607(d)(7)(B)).[2] Under that provision, the Administrator is to commence a reconsideration proceeding if, in the Administrator's judgement, the petitioner raises an objection to a rule that was impracticable to raise during the comment period or if the grounds for the objection arose after the comment period but within the period for judicial review. In either case, the Administrator must also conclude that the objection is of central relevance to the outcome of the rule. The Administrator may stay the effective date of the rule for up to three months during such reconsideration. On March 13, 2017, the Chemical Safety Advocacy Group (''CSAG'') also submitted a petition for reconsideration and stay.[3] On March 14, 2017, the EPA received a third petition for reconsideration and stay from the States of Louisiana, joined by Arizona, Arkansas, Florida, Kansas, Kentucky, Oklahoma, South Carolina, Texas, Wisconsin, and West Virginia. The petitions from CSAG and the eleven states also requested that EPA delay the various compliance dates of the Risk Management Program Amendments.

In a letter dated March 13, 2017, the Administrator announced the convening of a proceeding for reconsideration of the Risk Management Program Amendments (a copy of this letter is included in the docket for this rule, Docket ID No. EPA–HQ–OEM–2015–0725). As explained in that letter, having considered the objections raised in the RMP Coalition Petition, the Administrator determined that the criteria for reconsideration have been met for at least one of the objections. EPA issued a three-month (90-day) administrative stay of the effective date of the Risk Management Program Amendments until June 19, 2017 (82 FR 13968, March 16, 2017). EPA will prepare a notice of proposed rulemaking in the near future that will provide the RMP Coalition, CSAG, the states, and the public an opportunity to comment on the issues raised in the petitions that meet the standard of CAA section 307(d)(7)(B) as well as any other matter we believe will benefit from additional comment.

III. Proposal To Delay the Effective Date

As noted above, the Administrator's authority to administratively stay the effectiveness of a Clean Air Act rule pending reconsideration is limited to three months. On occasion, however, we have found three months to be insufficient to complete the necessary steps in the reconsideration process. Therefore, when we have issued similar administrative stays in the past, it has often been our practice to also propose an additional extension of the stay of effectiveness through a rulemaking process. We believe this practice is consistent with our rulemaking authority under CAA 307(d), which generally allows the EPA to set effective dates as appropriate unless other provisions of the CAA control. An additional extension enables us to take comment on issues that are in question and complete any revisions of the rule that become necessary as a result of the reconsideration process.

As with some of our past reconsiderations, we expect to take comment on a broad range of legal and policy issues as part of the Risk Management Program Amendments reconsideration, and we are in the process of preparing the necessary comment solicitation to help focus commenters on issues of central relevance to our decision-making. Recognizing that these issues may be difficult and time consuming to evaluate, and given the expected high level of interest from stakeholders in commenting on these issues, we are proposing a further delay of the effective date to allow additional time to open these issues for review and comment.

This proposed rule would delay the effective date of the Risk Management Program Amendments to February 19, 2019. This timeframe would allow the EPA time to evaluate the objections raised by the various petitions for reconsideration of the Risk Management Program Amendments, consider other issues that may benefit from additional

[1] The RMP Coalition is comprised of the American Chemistry Council, the American Forest & Paper Association, the American Fuel & Petrochemical Manufacturers, the American Petroleum Institute, the Chamber of Commerce of the United States of America, the National Association of Manufacturers, and the Utility Air Regulatory Group.

[2] A copy of the RMP Coalition petition is included in the docket for this rule, Docket ID No. EPA–HQ–OEM–2015–0725.

[3] A copy of the CSAG petition is included in the docket for this rule, Docket ID No. EPA–HQ–OEM–2015–0725. CSAG members include companies in the refining, oil and gas, chemicals, and general manufacturing sectors with operations throughout the United States that are subject to the RMP Rule.

comment, and take further regulatory action. This schedule allows time for developing and publishing any notices that focus comment on specific issues to be reconsidered as well as other issues for which additional comment may be appropriate. A delay of the effective date to February 19, 2019, provides a sufficient opportunity for public comment on the reconsideration in accordance with the requirements of CAA section 307(d), gives us an opportunity to evaluate and respond to such comments, and take any possible regulatory actions, which could include proposing and finalizing a rule to revise the Risk Management Program amendments, as appropriate. While it is possible that we may require less time to complete the reconsideration and any possible regulatory actions, we believe extending the effective date to February 19, 2019 is reasonable and prudent.

The EPA recognizes that compliance dates for some provisions in the Risk Management Program Amendments coincided with the rule's effective date, while compliance dates for other provisions would occur in later years, *i.e.,* 2018, 2021, or 2022, depending on the provision. Compliance with all of the rule provisions is not required as long as the rule does not become effective. The EPA is not proposing any action on any compliance dates at this time, as EPA plans to amend the compliance dates as necessary when considering future regulatory action.

The Agency is seeking comment on this proposal to delay the effective date of the Risk Management Program Amendments. Any alternative approaches or timeframes presented must include appropriate rationale and supporting data in order for the Agency to be able to consider them for final action. Because this proposal is solely focused on the issue of whether to further extend the effective date and for how long, comments should be limited to these issues. A separate **Federal Register** notice published in the near future will specifically solicit comment on the range of issues under reconsideration.

IV. Statutory 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.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This proposed rule would only delay the effective date of the Risk Management Program Amendments finalized on January 13, 2017 (see 82 FR 4594) and does not propose information collection activities.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This proposed rule would not impose a regulatory burden for small entities because it only proposes to delay the effective date of the Risk Management Program Amendments finalized on January 13, 2017 (see 82 FR 4594). We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act

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. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

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: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. This proposed rule would only delay the effective date of the Risk Management Program Amendments finalized on January 13, 2017 (see 82 FR 4594) and does not propose new regulatory requirements. 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 concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions Concerning Regulations 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 Populations

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This proposed rule would only delay the effective date of the Risk Management Program Amendments finalized on January 13, 2017 (see 82 FR 4594) and does not propose any regulatory requirements.

List of Subjects in 40 CFR Part 68

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 29, 2017.

E. Scott Pruitt,

Administrator.

[FR Doc. 2017–06526 Filed 3–31–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 409, 410, 418, 440, 484, 485 and 488

[CMS–3819–P2]

RIN 0938–AG81

Medicare and Medicaid Programs; Conditions of Participation for Home Health Agencies; Delay of Effective Date

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would delay the effective date for the final rule entitled ''Medicare and Medicaid Programs: Conditions of Participation for Home Health Agencies'' published in the **Federal Register** on January 13, 2017. The current effective date for the final rule is July 13, 2017, and this rule proposes to delay the effective date for an additional 6 months until January 13, 2018. This proposed rule would also make two conforming changes to dates that are included in the regulations text.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on June 2, 2017.

ADDRESSES: In commenting, please refer to file code CMS–3819–P2. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov*. Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3819–P2, P.O. Box 8010, Baltimore, MD 21244–1850.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3819–P2, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments ONLY to the following addresses prior to the close of the comment period:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Danielle Shearer (410) 786–6617. Mary Rossi-Coajou (410) 786–6051. Maria Hammel (410) 786–1775.

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov*. Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

On October 9, 2014, we published the proposed rule ''Medicare and Medicaid Programs: Conditions of Participation for Home Health Agencies'' (hereinafter ''October 2014 HHA CoPs proposed rule'') in the **Federal Register** (79 FR 61164) and provided a 60 day comment period. On December 1, 2014, in response to public comments requesting additional time to respond to the proposed rule, we published a notice of extension of the comment period (79 FR 71081), which extended the public comment period for the October 2014 HHA CoPs proposed rule an additional 30 days, from December 8, 2014 to January 7, 2015. The vast majority of commenters on the October 2014 HHA CoPs proposed rule made suggestions related to the effective date of the final rule (''Medicare and Medicaid Programs; Conditions of Participation for Home Health Agencies'', January 13, 2017, (82 FR 4504), hereinafter ''January 2017 HHA CoPs final rule''). Commenters strongly expressed a need for a significant period of time to prepare for implementation of the new rules, noting that HHAs would need to adjust resource allocation, staffing, and potentially even infrastructure. Recommended effective date time frames ranged from 6 months after publication of the final rule to 5 years after publication of the final rule. The most frequent recommendation received was to finalize an effective date that was 1 year after the publication of the final rule. We agreed with commenters that it was appropriate to allow additional time for HHAs to prepare for the changes being set forth in the HHA CoPs final rule. Therefore, when we published the January 2017 HHA CoPs final rule in the **Federal Register** on January 13, 2017, we finalized an effective date of July 13, 2017 (that is, 6 months after the final rule was published in the **Federal Register**).

The January 2017 HHA CoPs final rule revised the CoPs that HHAs must meet in order to participate in the Medicare and Medicaid programs. The requirements focus on the care delivered to patients by HHAs, reflect an interdisciplinary view of patient care, allow HHAs greater flexibility in meeting quality care standards, and eliminate unnecessary procedural requirements. These changes are an integral part of our overall effort to achieve broad-based, measurable improvements in the quality of care furnished through the Medicare and Medicaid programs, while at the same time eliminating unnecessary procedural burdens on providers. We

believe that the overall approach of the CoPs provides HHAs with greatly enhanced flexibility. At the same time, we believe the new requirements help HHAs achieve needed and desired outcomes for patients, increasing patient satisfaction with the services provided.

II. Provisions of the Proposed Regulations

Following publication of the January 2017 HHA CoPs final rule, we received inquiries that represented a large number of HHAs requesting that the agency delay the effective date for the new HHA CoPs. The inquiries asserted that HHAs were not able to effectively implement the new CoPs until CMS issued its revised Interpretive Guidelines (State Operations Manual, CMS Pub. 100–07, Appendix B). In addition, one of the inquiries stated that HHAs were unable to effectively implement the new CoPs until CMS issued further sub-regulatory guidance related to converting subunits to branches or independent HHAs, which would impact 216 HHAs nationwide. One of the inquiries cited the estimated $300 million cost to implement the new requirements as a reason for delaying the effective date.

We believe that the concerns expressed in the inquiries have merit, so in response to the concerns summarized above, we propose to delay the effective date of the January 2017 HHA CoPs final rule for an additional 6 months. The effective date for the January 2017 HHA CoPs final rule, which is currently set to become effective on July 13, 2017, would be delayed until January 13, 2018.

We also propose to make two conforming changes to dates that appear in the regulations text of the January 2017 HHA CoPs final rule. First, we included a phase-in date for the requirements at § 484.65(d)—''Standard: Performance improvement projects.'' This phase-in date allowed HHAs an additional 6 months after the January 2017 HHA CoPs final rule became effective to collect data before implementing data-driven performance improvement projects. We continue to believe that it is appropriate to phase-in the performance improvement project requirement 6 months after the provisions of the January 2017 HHA CoPs final rule become effective. Therefore, we propose to revise the phase-in date for the requirements at § 484.65(d) by replacing the January 13, 2018 date with a July 13, 2018 date.

Second, we propose to revise § 484.115(a)—''Standard: Administrator, home health agency.'' In this provision, we grandfathered in all administrators employed by HHAs prior to the effective date of the January 2017 HHA CoPs final rule, meaning that those administrators employed by an HHA prior to July 13, 2017 would not have to meet the new personnel requirements. We propose to replace the July 13, 2017 effective date at § 484.115(a)(1) and (2) with the proposed effective date of January 13, 2018.

III. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

V. Regulatory Impact Statement

We have examined the impact of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), the Congressional Review Act (5 U.S.C. 804(2), and Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs (January 30, 2017).

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). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This rule does not reach the economic threshold and thus is not considered a major rule.

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of less than $7.5 million to $38.5 million in any 1 year. Individuals and States are not included in the definition of a small entity. We are not preparing an analysis for the RFA because we have determined, and the Secretary certifies, that this proposed rule would not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Social Security Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that this proposed rule would not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. Currently, that threshold is approximately $146 million. This rule will have no consequential effect on state, local, or tribal governments or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. Since this regulation does not impose any costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

Executive Order 13771, entitled ''Reducing Regulation and Controlling Regulatory Costs,'' was issued on January 30, 2017 (82 FR 9339, February 3, 2017). Section 2(a) of Executive Order

13771 requires an agency, unless prohibited by law, to identify at least two existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation. In furtherance of this requirement, section 2(c) of Executive Order 13771 requires that the new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations. OMB's interim guidance, issued on February 2, 2017, *https://www.whitehouse.gov/the-press-office/2017/02/02/interim-guidance-implementing-section-2-executive-order-january-30-2017,* explains that for Fiscal Year 2017 the above requirements only apply to each new ''significant regulatory action that imposes costs.'' It has been determined that this proposed rule is not a ''significant regulatory action that imposes costs'' and thus does not trigger the above requirements of Executive Order 13771.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects

42 CFR Part 409

Health facilities, Medicare.

42 CFR Part 410

Health facilities, Health professions, Kidney diseases, Laboratories, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

42 CFR Part 418

Health facilities, Hospice care, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 440

Grant programs—health, Medicaid.

42 CFR Part 484

Health facilities, Health professions, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 485

Grant programs—health, Health facilities, Medicaid, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 488

Administrative practice and procedure, Health facilities, Medicare, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to delay the effective date for the final rule published on January 13, 2017 (82 FR 4504) and to further amend 42 CFR chapter IV as set forth below:

PART 484—HOME HEALTH SERVICES

■ 1. The authority citation for part 484 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395(hh)) unless otherwise indicated.

§ 484.65 [Amend]

■ 2. In § 484.65, amend paragraph (d) by removing the date ''January 13, 2018'' and adding in its place ''July 13, 2018''.

§ 484.115 [Amend]

■ 3. In § 484.115, amend paragraphs (a)(1) and (2) by removing the date ''July 13, 2017'' and adding in its place ''January 13, 2018''.

Dated: March 28, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated: March 28, 2017.

Thomas E. Price,

Secretary, Department of Health and Human Services.

[FR Doc. 2017–06540 Filed 3–31–17; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 36

[CC Docket No. 80–286; FCC 17–22]

Jurisdictional Separations and Referral to the Federal-State Joint Board

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes a further eighteen month extension of the current freeze of category relationships and allocation factors for price cap carriers and all allocation factors for rate-of-return carriers and seeks comment on several issues regarding the potential effects of the freeze extension.

DATES: Comments are due on or before April 17, 2017. Reply comments are due on or before April 24, 2017.

ADDRESSES: Federal Communications Commission, 445 12th St. SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rhonda Lien, Wireline Competition Bureau, Pricing Policy Division at (202) 418–1540 or at *rhonda.lien@fcc.gov*.

SUPPLEMENTARY INFORMATION: This a summary of the Commission Further Notice of Proposed Rulemaking released on March 20, 2017. The full text of this document may be accessed at the following internet address: *https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-22A1.docx*.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998). Section 1.415(b) of the Commission's rules does not establish a minimum time period for the Commission to receive comments on proposed rules. Rather, the rule states that a ''reasonable time will be provided for submission of comments.'' In this proceeding, because the current separations freeze will otherwise expire on June 30, 2017, and because we expect our proposal to extend the freeze will not generate controversy, we find that it is reasonable to allow 14 days after **Federal Register** publication for the filing of comments and seven days after that for the filing of any reply comments.

▪ *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/*.

▪ *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

▪ Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

▪ All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

▪ Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

▪ U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

Accessible Formats. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (tty).

Ex Parte Presentations. The proceeding this Further Notice initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

We propose to extend the existing separations freeze for an additional eighteen months while we work to reform the separations rules. As with our prior freezes, we propose that the freeze extension be implemented as described in the *2001 Separations Freeze Order.* Specifically, we propose to direct rate-of-return ILECs to continue to use the same frozen jurisdictional allocation factors, and the same frozen category relationships if they had opted previously to freeze those relationships. We seek comment on this proposal. Are there adjustments we should make on a going-forward basis to the current freeze?

The policy changes adopted by the Commission in recent years, particularly those arising from the Commission's fundamental reform of the high cost universal service support program and intercarrier compensation systems in the *USF/ICC Transformation Order* and from our recent changes to the Part 32 accounting rules, will significantly affect the Commission's and the Joint Board's analysis of interim and comprehensive separations reform. We believe that extending the freeze for eighteen months will allow the Joint Board sufficient time to consider the impact of our recent reforms on the separations rules and will allow us the opportunity to fashion a Notice of Proposed Rulemaking that benefits from the Joint Board's consideration of how best to approach separations reform. We seek comment on this proposed path forward, and invite commenters to identify alternative approaches.

One significant benefit of extending the freeze while we undertake reform will be to provide stability and regulatory certainty for ILECs during the reform process. As the Commission has observed, if the frozen category relationships and allocation factors were unfrozen, ILECs would be required to reinstitute their separations processes that have not been used since the inception of the freeze almost sixteen years ago. Reinstating these requirements would require substantial training and investment. Moreover, given the significant changes in technologies and investment decisions, as well as changes in regulatory approaches at both the state and federal levels, the existing separations rules are likely outdated. We anticipate that extending the jurisdictional separations freeze would provide rate-of-return ILECs with certainty in the near future as they continue apportioning costs as they have since the *2001 Separations Freeze Order,* and would be preferable to re-imposing the burden of the separations rules. We seek comment on these on other benefits or drawbacks to a continued freeze.

We also seek comment on the effect that our proposal to extend the freeze would have on small entities, and whether any rules that we adopt should apply differently to small entities. We seek comment on the costs and burdens of an extension on small ILECs and whether the extension would disproportionately affect specific types of carriers or ratepayers.

The Joint Board has a pending referral to consider broadly any appropriate changes to the separations rules. We will evaluate whether other discrete issues should be referred to the Joint Board. We anticipate that the Joint Board will meet in July 2017 to consider reform of the separations process. We expect to receive the Joint Board's recommendations for comprehensive separations reform within nine months thereafter, that is, in April 2018.

Procedureal Matters

Paperwork Reduction Act. This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

Initial Regulatory Flexibility Act Analysis. As required by the Regulatory Flexibility Act of 1980 (RFA), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) for this Further Notice of Proposed Rulemaking, of the possible significant economic impact on small entities of the policies and rules addressed in this document.

Need for, and Objectives of, the Proposed Rules

In the *1997 Separations Notice,* the Commission noted that the network infrastructure by that time had become vastly different from the network and services used to define the cost categories appearing in the Commission's Part 36 jurisdictional separations rules, and that the separations process codified in Part 36 was developed during a time when common carrier regulation presumed that interstate and intrastate telecommunications service must be provided through a regulated monopoly. Thus, the Commission initiated a proceeding with the goal of reviewing comprehensively the Commission's Part 36 procedures to ensure that they meet the objectives of the Telecommunications Act of 1996 (1996 Act). The Commission sought comment on the extent to which legislative

changes, technological changes, and market changes might warrant comprehensive reform of the separations process. More than eighteen years have elapsed since the closing of the comment cycle on the *1997 Separations Notice,* and more than fifteen years have elapsed since the imposition of the freeze. The industry has experienced myriad changes during that time, including reform of universal service and intercarrier compensation; therefore, we ask for comment on the impact of a further extension of the freeze. The purpose of the proposed extension of the freeze is to ensure that the Commission's separations rules meet the objectives of the 1996 Act, and to allow the Commission additional time to consider changes that may need to be made to the separations process in light of changes in the law, technology, and market structure of the telecommunications industry.

Legal Basis

The legal basis for the Further Notice of Proposed Rulemaking is contained in sections 1, 2, 4(i), 201–205, 215, 218, 220, and 410 of the Communications Act of 1934, as amended.

Description and Estimate of the Number of Small Entities to Which Rules May Apply

The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). Nationwide, there are a total of approximately 27.9 million small businesses, according to the SBA.

Incumbent Local Exchange Carriers (Incumbent LECs). Neither the Commission nor the SBA has developed a small business size standard specifically for providers of incumbent local exchange services. The closest applicable size standard under the SBA rules is for Wired Telecommunications Carriers. Under the SBA definition, a carrier is small if it has 1,500 or fewer employees. According to the FCC's Telephone Trends Report data, 1,307 incumbent LECs reported that they were engaged in the provision of local exchange services. Of these 1,307 carriers, an estimated 1,006 have 1,500 or fewer employees and 301 have more than 1,500 employees. Consequently, the Commission estimates that most incumbent LECs are small entities that may be affected by the rules and policies adopted herein.

We have included small incumbent LECs in this RFA analysis. As noted above, a ''small business'' under the RFA is one that, inter alia, meets the pertinent small business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. Because our proposals concerning the Part 36 separations process will affect all incumbent LECs providing interstate services, some entities employing 1,500 or fewer employees may be affected by the proposals made in this Further Notice. We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on the Commission's analyses and determinations in other, non-RFA contexts.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

None.

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

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

As described above, more than fifteen years have elapsed since the imposition of the freeze, thus, we are seeking comment on the impact of a further extension of the freeze. We seek comment on the effects our proposals would have on small entities, and whether any rules that we adopt should apply differently to small entities. We direct commenters to consider the costs and burdens of an extension on small incumbent LECs and whether the extension would disproportionately affect specific types of carriers or ratepayers.

We believe that implementation of the proposed freeze extension would ease the administrative burden of regulatory compliance for LECs, including small incumbent LECs. The freeze has eliminated the need for all incumbent LECs, including incumbent LECs with 1,500 employees or fewer, to complete certain annual studies formerly required by the Commission's rules. If an extension of the freeze can be said to have any effect under the RFA, it is to reduce a regulatory compliance burden for small incumbent LECs by relieving these carriers from the burden of preparing separations studies and providing these carriers with greater regulatory certainty.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Further Notice indicated on the first page of this document. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of this Further Notice of Proposed Rulemaking, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).

For further information regarding this proceeding, contact Rhonda J. Lien, Pricing Policy Division, Wireline Competition Bureau, at (202) 418–1520, or *rhonda.lien@fcc.gov.*

Ordering Clauses

Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1, 2, 4(i), 201–205, 215, 218, 220, and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 201–205, 215, 218, 220, 410, this Further Notice of Proposed Rulemaking IS ADOPTED.

It is further ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the

Chief Counsel for Advocacy of the Small Business Administration.

It is further ordered that, pursuant to sections 1.4(b)(1) and 1.103(a) of the Commission's rules, 47 CFR 1.4(b)(1), 1.103(a), this Further Notice of Proposed Rulemaking *shall be effective* on the date of publication in the **Federal Register**.

List of Subjects

Communications common carriers, Reporting and recordkeeping requirements; Telephone; Uniform System of Accounts.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–06532 Filed 3–31–17; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 82, No. 62

Monday, April 3, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Board for International Food and Agricultural Development; Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of the public meeting of the Board for International Food and Agricultural Development (BIFAD). The meeting will be held from 9:00 a.m. EDT on Tuesday, April 18, 2017 through 5:00 p.m. EDT on Thursday, April 20, 2017, online at *https://agrilinks.org/agexchange/aligning-research-investments-global-food-security-strategy-three-day-agexchange.*

This public meeting, hosted in partnership with the USAID's Bureau for Food Security, will inform the alignment of research investments to the new Global Food Security Strategy (GFSS). The three-day AgExchange will frame a research agenda around the themes described in the Results Framework of the GFSS, with emphasis on the Strategy's three objectives: Inclusive and sustainable agriculture-led economic growth; a well-nourished population, especially among women and children; and strengthened resilience among people and systems. Dr. Brady Deaton, BIFAD Chair and Chancellor Emeritus of the University of Missouri, along with Dr. Robert Bertram, Chief Scientist, Bureau for Food Security, USAID and Dr. Saharah Moon Chapotin, Deputy Assistant Administrator, Bureau for Food Security, USAID will open the public consultation through a webinar beginning on Tuesday, April 18th at 9:00 a.m. EDT. Throughout this meeting, the Board along with staff of USAID and the broader food security community will moderate discussions and seek input from public and other stakeholders.

A moderated discussion on research prioritization will begin on Tuesday, April 18th at 10:00 a.m. EDT. A moderated discussion on research opportunities around improved nutrition, especially among women and children, will begin on Tuesday, April 18, 2017 at 2:00 p.m. EDT and continue throughout the day. On Wednesday, April 19, 2017, at 9:00 a.m. EDT, a moderated discussion will focus on research opportunities around inclusive and sustainable agriculture-led economic growth and continue throughout the day. Facilitated discussions on Thursday, April 20, 2017, will turn to research opportunities around strengthened resilience among people and systems, beginning at 7:00 a.m. EDT and continuing through 3:30 p.m. EDT. A live audio wrap-up session will begin at 3:30 p.m. EDT on Thursday April 20, 2017 and will provide key takeaways and summary remarks from the discussion over the past three days. At 5:00 p.m. EDT on April 20, 2017, the meeting will conclude but unmoderated online discussions will be available through 5:00 p.m. EDT on Friday, April 21, 2017. The public is invited to comment at any time during these three days of moderated online discussions.

Those wishing to participate in the meeting online should create an account with Agrilinks at *https://agrilinks.org* by clicking ''Join Agrilinks'' from the homepage. Agrilinks members can then request access to the discussion through the Agrilinks events page. Those with questions about joining the meeting online should visit the Agrilinks FAQ, which can be found at *https://agrilinks.org/faq/#t4746n2100.* To obtain additional information about this public meeting or BIFAD, interested parties should contact Clara Cohen, Designated Federal Officer for BIFAD in the Bureau for Food Security at USAID. Interested persons may write to her in care of the U.S. Agency for International Development, Ronald Reagan Building, Bureau for Food Security, 1300 Pennsylvania Avenue NW., Washington, DC 20523–2110 or telephone her at (202) 712–0119.

Clara Cohen,

USAID Designated Federal Officer for BIFAD, Bureau for Food Security, U.S. Agency for International Development.

[FR Doc. 2017–06453 Filed 3–31–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 28, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden 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 through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by May 3, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Housing Service

Title: 7 CFR 1942–A, Community Facility Loans.

OMB Control Number: 0575–0015.

Summary of Collection: The Rural Housing Service (RHS) is a credit agency within the Rural Development mission area of the U.S. Department of Agriculture. The Community Programs Division of the RHS administers the Community Facilities program under 7 CFR part 1942, subpart A. Rural Development provides loan and grant funds through the Community Facilities program to finance many types of projects varying in size and complexity, from large general hospitals to small fire trucks. The facilities financed are designed to promote the development of rural communities by providing the infrastructure necessary to attract residents and rural jobs. RHS will collect information using multiple forms and in written format. The Rural Utilities Service (RUS) no longer uses the 1942–A regulation. The burden for RUS is now covered under 0572–0121.

Need and Use of the Information: Information will be collected by Rural Development field offices from applicants/borrowers and consultants. The information is used to determine eligibility, project feasibility, and to ensure borrowers operate on a sound basis and use loan and grant funds for authorized purposes. Failure to collect proper information could result in improper determinations of eligibility, improper use of funds, and/or unsound loans.

Description of Respondents: Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 2,769.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Annually.

Total Burden Hours: 48,319.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–06408 Filed 3–31–17; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2017–0013]

Codex Alimentarius Commission: Meeting of the Codex Committee on Methods of Analysis and Sampling

AGENCY: Office of Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), Center for Food Safety and Applied Nutrition (CFSAN) are sponsoring a public meeting on April 7, 2017. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 38th Session of the Codex Committee on Methods of Analysis and Sampling (CCMAS) of the Codex Alimentarius Commission (Codex), taking place in Budapest, Hungary, between May 8 and 12, 2017. The Administrator and Acting Deputy Under Secretary, Office of Food Safety, Office of Food Safety and the FDA recognize the importance of providing interested parties with the opportunity to obtain background information on the 38th Session of the CCMAS and to address items on the agenda.

DATES: The public meeting is scheduled for Friday, April 7, 2017, from 10:30 a.m.–12:30 p.m.

ADDRESSES: The public meeting will take place at the United States Department of Agriculture (USDA), Jamie L. Whitten Building, Room 107–A, 1400 Independence Avenue SW., Washington, DC 20250. Documents related to the 38th Session of the CCMAS will be accessible via the Internet at the following address: *http://www.codexalimentarius.org/meetings-reports/en/.*

Dr. Gregory O. Noonan, U.S. Delegate to the 38th Session of the CCMAS invites U.S. interested parties to submit their comments electronically to the following email address: *Gregory.Noonan@fda.hhs.gov.*

Call-in-Number

If you wish to participate in the public meeting for the 38th Session of the CCMAS by conference call, please use the call-in-number listed below:

Call-in-Number: 1–888–844–9904.

The participant code will be posted on the Web page below: *http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius/public-meetings.*

Registration

Attendees may register to attend the public meeting by emailing *Doreen.Chen-Moulec@fsis.usda.gov* by April 4, 2017. Early registration is encouraged because it will expedite entry into the building. The meeting will be held in a Federal building. Attendees should bring photo identification and plan for adequate time to pass through the security screening systems. Attendees who are not able to attend the meeting in person, but who wish to participate, may do so by phone.

FOR FURTHER INFORMATION CONTACT: For information about the 38th session of the CCMAS contact Gregory O. Noonan, Ph.D., Research Chemist, Center for Food Safety and Applied Nutrition (CFSAN), Food and Drug Administration, Harvey W. Wiley Federal Building, 5100 Paint Branch Parkway, College Park, MD 20740. Phone: (240) 402–2250, Fax: (301) 436–2634, Email: *Gregory.Noonan@fda.hhs.gov.*

For information about the public meeting contact Doreen Chen-Moulec, U.S. Codex Office, 1400 Independence Avenue SW., Room 4867, South Agriculture Building, Washington, DC 20250. Phone: (202) 205–7760, Fax: (202) 720–3157, Email: *Doreen.Chen-Moulec@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure that fair practices are used in trade.

The CCMAS is responsible for defining the criteria appropriate to Codex Methods of Analysis and Sampling; serving as a coordinating body for Codex with other international groups working in methods of analysis and sampling and quality assurance systems for laboratories; specifying, on the basis of final recommendations submitted to it by other bodies, reference methods of analysis and sampling; considering, amending, and endorsing, appropriate to Codex standards which are generally applicable to a number of foods; methods of analysis and sampling proposed by Codex (Commodity) Committees, (except that methods of analysis and sampling for residues of pesticides or veterinary drugs in food, the assessment of micro-biological quality and safety in food, and the assessment of specifications for food additives, do not fall within the terms of reference of this Committee); elaborating sampling plans and procedures; considering specific sampling and analysis problems submitted to it by the Commission or any of its Committees; and defining procedures, protocols, guidelines, or

related texts for the assessment of food laboratory proficiency, as well as quality assurance systems for laboratories.

The CCMAS is hosted by Hungary and the meeting is attended by the United States as a member country of the Codex Alimentarius.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 38th Session of the CCMAS will be discussed during the public meeting:

- Matters Referred to the Committee by the Codex Alimentarius Commission and Other Subsidiary Bodies;
- Endorsement of Methods of Analysis Provisions and Sampling Plans in Codex Standards;
- Guidance on the criteria approach for methods which use a ''sum of components;''
- Criteria for endorsement of biological methods used to detect chemicals of concern;
- Review and Update of Methods in Codex Standard 234–1999;
- Information document on Practical Examples of the Selection of Appropriate Sampling Plans
- Proposal to amend the guidelines on Measurement Uncertainty
- Proposal to amend the General Guidelines on Sampling; Report of an Inter-Agency Meeting on Methods of Analysis; and Other Business and Future Work.

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat before to the Committee Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the April 7, 2017 public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 38th Session of the CCMAS, Gregory Noonan (see **ADDRESSES**). Written comments should state that they relate to activities of the 38th Session of the CCMAS.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Dated: March 29, 2017.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2017–06523 Filed 3–31–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

San Bernardino National Forest, California, Withdrawal of Notice of Intent To Prepare a Joint Environmental Impact Report/Environmental Impact Statement for the Proposed North-South Project EIR/EIS

AGENCY: Forest Service, USDA.

ACTION: Withdrawal of notice of intent to prepare an EIR/EIS.

SUMMARY: On October 2, 2015 (**Federal Register** Vol. 80, No. 191, page 59728), the San Bernardino National Forest (Forest Service) gave notice that, together with the California Public Utilities Commission (CPUC), the Forest Service intended to prepare a joint Environmental Impact Report and Environmental Impact Statement (EIR/EIS) for the Southern California Gas Company (SoCalGas) and San Diego Gas and Electric (SDG&E) proposed North-South Project. The joint EIR/EIS would have met the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The CPUC denied the application on July 14, 2016 based on a lack of need for the proposed pipeline. SoCalGas withdrew their federal application on August 8, 2016 as a result of the CPUC action. Therefore, further preparation of an EIR/EIS is not necessary. The notice of intent is withdrawn and the NEPA process is hereby terminated.

FOR FURTHER INFORMATION CONTACT: Jerry Sirski, Natural Resource Specialist, San Bernardino National Forest, 602 South Tippecanoe Avenue, San Bernardino, CA 92408. Telephone: (909) 382–2690. Email: *jsirski@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The primary components of the Proposed Project included the construction of a 36-inch-diameter natural gas transmission pipeline and the rebuilding of the Adelanto Compressor Station. The pipeline would have been primarily constructed within existing public and private rights-of-way. The Adelanto to Moreno pipeline would have been approximately 65 miles in length and would have started at the Adelanto Compressor Station in the high desert city of Adelanto and proceeded in a southerly direction

through the Cajon Pass and the San Bernardino National Forest, terminating at the Moreno Pressure Limiting Station in the City of Moreno Valley. Approximately eight miles of the proposed pipeline and associated temporary construction areas would have crossed lands subject to Forest Service jurisdiction. The balance of the alignment crossed through non-federal land in San Bernardino and Riverside Counties along public roads. The project would have needed approval by both the Forest Service and the CPUC, and the project is not viable with the CPUC decision to deny the application.

Several agencies had agreed to be cooperating agencies for the NEPA review, including the Environmental Protection Agency, the California State Water Resources Control Board, San Bernardino County, and the Mojave Desert Air Quality Management District. Cooperative activities between the Forest Service and those agencies with respect to the proposed EIR/EIS have ended.

Dated: March 24, 2017.

Jody Noiron,

Forest Supervisor, San Bernardino National Forest, USDA Forest Service.

[FR Doc. 2017–06464 Filed 3–31–17; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–19–2017]

Foreign-Trade Zone (FTZ) 7—Mayaguez, Puerto Rico, Notification of Proposed Production Activity, MSD International GMBH (Puerto Rico Branch) LLC, (Pharmaceuticals), Las Piedras, Puerto Rico

MSD International GMBH (Puerto Rico Branch) LLC (MSD), operator of Subzone 7G, submitted a notification of proposed production activity to the FTZ Board for its facility in Las Piedras, Puerto Rico within Subzone 7G. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on March 28, 2017.

MSD already has authority to produce certain pharmaceutical products within Subzone 7G. The current request would add a finished pharmaceutical product and a foreign status material/component to the scope of authority. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt MSD from customs duty payments on the foreign-status components used in export production. On its domestic sales, MSD would be able to choose the duty rates during customs entry procedures that apply to anacetrapib pharmaceutical tablets for treatment of cardiovascular disease (duty free) for the foreign-status material/component noted below. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The component/material sourced from abroad is anacetrapib (duty rate 6.5%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 15, 2017.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov* or (202) 482–1963.

Dated: March 29, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–06533 Filed 3–31–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (''Sunset'') Reviews

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

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') is automatically initiating the five-year reviews (''Sunset Reviews'') of the antidumping and countervailing duty (''AD/CVD'') order(s) listed below. The International Trade Commission (''the Commission'') is publishing concurrently with this notice its notice of *Institution of Five-Year Review* which covers the same order(s).

DATES: Effective April 1, 2017.

FOR FURTHER INFORMATION CONTACT: The Department official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

The Department's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

Initiation of Review

In accordance with 19 CFR 351.218(c), we are initiating Sunset Reviews of the following antidumping and countervailing duty order(s):

DOC case No.	ITC case No.	Country	Product	Department contact
A–570–831	731–TA–683	PRC	Fresh Garlic (4th Review)	Jacqueline Arrowsmith (202) 482–5255.
A–570–972	731–TA–1186	PRC	Stilbenic Optical Brightening Agents (1st Review).	Matthew Renkey (202) 482–2312.

DOC case No.	ITC case No.	Country	Product	Department contact
A–583–848	731–TA–1187 ..	Taiwan	Stilbenic Optical Brightening Agents (1st Review).	Matthew Renkey (202) 482–2312.
A–520–804	731–TA–1185 ..	United Arab Emirates ...	Steel Nails (1st Review)	Matthew Renkey (202) 482–2312.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the pertinent statute and Department's regulations, the Department's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on the Department's Web site at the following address: ''*http://enforcement.trade.gov/sunset/*.'' All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''), can be found at 19 CFR 351.303.[1]

This notice serves as a reminder that any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information.[2] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in these segments.[3] The formats for the revised certifications are provided at the end of the *Final Rule.* The Department intends to reject factual submissions if the submitting party does not comply with the revised certification requirements.

On April 10, 2013, the Department modified two regulations related to AD/CVD proceedings: the definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301).[4] Parties are advised to review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in these segments. To the extent that other regulations govern the submission of factual information in a segment (such as 19 CFR 351.218), these time limits will continue to be applied. Parties are also advised to review the final rule concerning the extension of time limits for submissions in AD/CVD proceedings, available at *http://enforcement.trade.gov/frn/2013/1309frn/2013-22853.txt,* prior to submitting factual information in these segments.[5]

Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), the Department will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d)). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary information under administrative protective order (''APO'') to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties, as defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review.[6]

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the Commission's information requirements. Consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews. Consult the Department's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: March 24, 2017.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–06490 Filed 3–31–17; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See also Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

[2] *See* section 782(b) of the Act.

[3] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*'') (amending 19 CFR 351.303(g)).

[4] *See Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013).

[5] *See Extension of Time Limits,* 78 FR 57790 (September 20, 2013).

[6] *See* 19 CFR 351.218(d)(1)(iii).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–042]

Stainless Steel Sheet and Strip From the People's Republic of China: Antidumping Duty Order

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

SUMMARY: Based on the affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (ITC), the Department is issuing an antidumping duty order on stainless

steel sheet and strip from the People's Republic of China.

DATES: Effective April 3, 2017.

FOR FURTHER INFORMATION CONTACT: Kathryn Wallace; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6251.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on February 8, 2017, the Department published its final determination in the less-than-fair-value (LTFV) investigation, including the determination of critical circumstances, with respect to imports of stainless steel sheet and strip (stainless sheet and strip) from the People's Republic of China (PRC).[1] On March 24, 2017, pursuant to section 735(d) of the Act, the ITC notified the Department of its final determination that an industry in the United States is materially injured by reason of LTFV imports of subject merchandise from the PRC within the meaning of section 735(b)(1)(A)(i) of the Act, and its determination that critical circumstances do not exist with respect to imports of subject merchandise from the PRC.[2]

Scope of the Order

The product covered by this order is stainless sheet and strip. For a complete description of the scope of the order, *see* Appendix I.

Antidumping Duty Order

As stated above, on March 24, 2017, in accordance with sections 735(b)(1)(A)(i) and 735(d) of the Act, the ITC notified the Department of its final determination in its investigation, in which it found that the industry in the United States producing stainless sheet and strip is materially injured by reason of imports of stainless sheet and strip from the PRC, and that critical circumstances do not exist with respect to imports of subject merchandise from the PRC that are subject to the Department's affirmative critical circumstances findings. Therefore, in accordance with section 735(c)(2) of the Act, we are publishing this antidumping duty order.

As a result of the ITC's final determination, in accordance with section 736(a) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise adjusted for certain countervailable (CVD) subsidies, for all relevant entries of stainless sheet and strip. Antidumping duties will be assessed on unliquidated entries of stainless sheet and strip from the PRC entered, or withdrawn from warehouse, for consumption on or after September 19, 2016, the date on which the Department published its preliminary less-than-fair-value determination in the **Federal Register**,[3] but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final affirmative injury determination as further described below.

Provisional Measures

Section 733(d) of the Act states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for more than four months except where exporters representing a significant proportion of exports of the subject merchandise request the Department to extend that four-month period to no more than six months. At the request of mandatory respondent, Shanxi Taigang Stainless Steel Co., Ltd. (Taigang), who accounts for a significant proportion of stainless sheet and strip from the PRC, we extended the four-month period to no more than six months in this case.[4] The Department published the *AD Preliminary Determination* for this investigation on September 19, 2016. Therefore, the six-month period beginning on the date of publication of the preliminary determination ended on March 18, 2017. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of stainless sheet and strip from the PRC, entered, or withdrawn from warehouse, for consumption on or after March 18, 2017, the date the provisional measures expired, until and through the day preceding the date of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, the Department will direct CBP to reinstitute the suspension of liquidation on all relevant entries of stainless sheet and strip from the PRC. These instructions suspending liquidation will remain in effect until further notice.

The Department will also instruct CBP to require cash deposits equal to the amount as indicated below, which are adjusted for certain countervailable subsidies, as described below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determinations, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the cash deposit rates listed below.[5] The relevant PRC-wide entity rates apply to all producers or exporters not specifically listed. For the purpose of determining cash deposit rates, the estimated weighted-average dumping margins for imports of subject merchandise from the PRC have been adjusted, as appropriate, for export subsidies found in the final determination of the countervailing duty investigation of this merchandise imported from the PRC.[6] In addition, the estimated weighted-average dumping margins were also adjusted, where appropriate, for estimated domestic subsidy pass-through.[7]

[1] *See Antidumping Duty Investigation of Stainless Steel Sheet and Strip from the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances* 82 FR 9716 (February 8, 2017).

[2] *See* Letter to Ronald Lorentzen, Acting Assistant Secretary of Commerce for Enforcement and Compliance, from Rhonda K. Schmidtlein, Chairman of the U.S. International Trade Commission, regarding stainless steel sheet and strip from the People's Republic of China (March 24, 2017). *See also Stainless Steel Sheet and Strip from China,* Investigation Nos. 701–TA–557 and 731–TA–1312 (Final), USITC Publication 4676 (March 2017).

[3] *See Stainless Steel Sheet and Strip from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances,* 81 FR 64135 (September 19, 2016) (*AD Preliminary Determination*).

[4] *See Stainless Steel Sheet and Strip from the People's Republic of China: Postponement of Final Determination of Sales at Less Than Fair Value Investigation,* 81 FR 72776 (October 21, 2016).

[5] *See* section 736(a)(3) of the Act.

[6] *See* section 772(c)(1)(C) of the Act.

[7] *See* section 777A(f) of the Act.

Exporter	Producer	Weighted-average dumping margin (%)	Cash deposit (%)
Taiyuan Ridetaixing Precision Stainless Steel Incorporated Co., Ltd.	Taiyuan Ridetaixing Precision Stainless Steel Incorporated Co., Ltd.	63.86	45.26
Zhangjiagang Pohang Stainless Steel Co., Ltd	Zhangjiagang Pohang Stainless Steel Co., Ltd	63.86	45.26
PRC-Wide Entity	PRC-Wide Entity	76.64	58.04

Critical Circumstances

With regard to the ITC's negative critical circumstances determination on imports of stainless sheet and strip from the PRC, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated antidumping duties with respect to entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after June 21, 2016 (*i.e.,* 90 days prior to the date of the publication of the *AD Preliminary Determination*), but before September 19, 2016 (*i.e.,* the date of publication of the *AD Preliminary Determination*).

Notifications to Interested Parties

This notice constitutes the antidumping duty order with respect to stainless sheet and strip from the PRC, pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

This order is issued and published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: March 28, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Attachment I—Scope of the Orders

The merchandise covered by this order is stainless steel sheet and strip, whether in coils or straight lengths. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject sheet and strip is a flat-rolled product with a width that is greater than 9.5 mm and with a thickness of 0.3048 mm and greater but less than 4.75 mm, and that is annealed or otherwise heat treated, and pickled or otherwise descaled. The subject sheet and strip may also be further processed (*e.g.,* cold-rolled, annealed, tempered, polished, aluminized, coated, painted, varnished, trimmed, cut, punched, or slit, etc.) provided that it maintains the specific dimensions of sheet and strip set forth above following such processing. The products described include products regardless of shape, and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges).

For purposes of the width and thickness requirements referenced above: (1) Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above; and (2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, etc.), the measurement at its greatest width or thickness applies.

All products that meet the written physical description, and in which the chemistry quantities do not exceed any one of the noted element levels listed above, are within the scope of this order unless specifically excluded.

Subject merchandise includes stainless steel sheet and strip that has been further processed in a third country, including but not limited to cold-rolling, annealing, tempering, polishing, aluminizing, coating, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the order if performed in the country of manufacture of the stainless steel sheet and strip.

Excluded from the scope of this order are the following: (1) Sheet and strip that is not annealed or otherwise heat treated and not pickled or otherwise descaled; (2) plate (*i.e.,* flat-rolled stainless steel products of a thickness of 4.75 mm or more); and (3) flat wire (*i.e.,* cold-rolled sections, with a mill edge, rectangular in shape, of a width of not more than 9.5 mm).

The products under order are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7219.13.0031, 7219.13.0051, 7219.13.0071, 7219.13.0081, 7219.14.0030, 7219.14.0065, 7219.14.0090, 7219.23.0030, 7219.23.0060, 7219.24.0030, 7219.24.0060, 7219.32.0005, 7219.32.0020, 7219.32.0025, 7219.32.0035, 7219.32.0036, 7219.32.0038, 7219.32.0042, 7219.32.0044, 7219.32.0045, 7219.32.0060, 7219.33.0005, 7219.33.0020, 7219.33.0025, 7219.33.0035, 7219.33.0036, 7219.33.0038, 7219.33.0042, 7219.33.0044, 7219.33.0045, 7219.33.0070, 7219.33.0080, 7219.34.0005, 7219.34.0020, 7219.34.0025, 7219.34.0030, 7219.34.0035, 7219.34.0050, 7219.35.0005, 7219.35.0015, 7219.35.0030, 7219.35.0035, 7219.35.0050, 7219.90.0010, 7219.90.0020, 7219.90.0025, 7219.90.0060, 7219.90.0080, 7220.12.1000, 7220.12.5000, 7220.20.1010, 7220.20.1015, 7220.20.1060, 7220.20.1080, 7220.20.6005, 7220.20.6010, 7220.20.6015, 7220.20.6060, 7220.20.6080, 7220.20.7005, 7220.20.7010, 7220.20.7015, 7220.20.7060, 7220.20.7080, 7220.90.0010, 7220.90.0015, 7220.90.0060, and 7220.90.0080. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

[FR Doc. 2017–06488 Filed 3–31–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No.: 170328324–7324–01; A–570–053]

Certain Aluminum Foil From the People's Republic of China: Notice of Initiation of Inquiry Into the Status of the People's Republic of China as a Nonmarket Economy Country Under the Antidumping and Countervailing Duty Laws

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

ACTION: Notice of initiation and request for public comment and information.

SUMMARY: As part of the less-than-fair-value investigation of certain aluminum foil from the People's Republic of China (PRC), the Department of Commerce (Department) is initiating an inquiry into whether the PRC should continue to be treated as a nonmarket economy (NME) country under the antidumping and countervailing duty laws. As part of this inquiry, the Department is seeking public comment and information with respect to the factors to be considered under the Tariff Act of 1930, as amended (the Act).

DATES: To be assured of consideration, written comments and information must be received no later than May 3, 2017.

ADDRESSES: You may submit comments and information by either of the following methods:

- *Federal eRulemaking Portal: www.Regulations.gov.* The identification number is ITA–2017–0002.
- Postal Mail/Commercial Delivery to Leah Wils-Owens, Department of

Commerce, Enforcement and Compliance, Room 3720, 1401 Constitution Avenue NW., Washington, DC and reference ''Inquiry Into the Status of the People's Republic of China as a Nonmarket Economy Country Under the Antidumping and Countervailing Duty Laws, ITA–2017–0002'' in the subject line.

Instructions: You must submit comments by one of the above methods to ensure that the comments are received and considered. 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. All comments and information received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. Any comments and information must be in English or be accompanied by English translations to be considered. The Department will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only. Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/ITA-2017-0002.*

FOR FURTHER INFORMATION CONTACT: Albert Hsu at (202) 482–4491 or Daniel Calhoun at (202) 482–1439.

SUPPLEMENTARY INFORMATION:

Background

Section 771(18)(A) of the Act defines the term ''nonmarket economy country'' as any foreign country determined by the Department not to ''operate on market principles of cost or pricing structures, so that sales of merchandise in such country do not reflect the fair value of the merchandise.''

The Department has treated the PRC as an NME country in all past antidumping duty investigations and administrative reviews. *See, e.g., Seamless Refined Copper Pipe and Tube From the People's Republic of China: Preliminary Results and Partial Rescission of Administrative Review; 2012–2013,* 79 FR 71089 (December 1, 2014), unchanged in *Seamless Refined Copper Pipe and Tube From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013,* 80 FR 32087 (June 5, 2015); *Notice of Final Determination of Sales at Less Than Fair Value, and Affirmative Critical Circumstances, In Part: Certain Lined Paper Products From the People's Republic of China,* 71 FR 53079 (September 8, 2006); *Final Determination of Sales at Less than Fair Value: Certain Paper Clips from the People's Republic of China,* 59 FR 51168 (October 7, 1994). The Department last reviewed the PRC's NME status in 2006 and determined to continue to treat the PRC as an NME country. *See* Memorandum for David M. Spooner, Assistant Secretary for Import Administration, ''Antidumping Duty Investigation of Certain Lined Paper Products from the People's Republic of China ('China')—China's Status as a Non-Market Economy ('NME')'' (August 30, 2006) (2006 PRC NME Determination), *available at http://enforcement.trade.gov/download/prc-nme-status/prc-lined-paper-memo-08302006.pdf.*

Initiation of Inquiry

As part of the less-than-fair-value investigation of certain aluminum foil from the People's Republic of China,[1] and pursuant to its authority under section 771(18)(C)(ii) of the Act, which states that the Department may make a determination with respect to a country's NME status ''at any time,'' the Department is initiating an inquiry into the PRC's status as an NME country. The Department intends to issue its final determination regarding this review of the PRC's NME status prior to the issuance of the Department's preliminary determination in this investigation.[2]

The Department is conducting this inquiry to solicit and collect the most recent information following the December 11, 2016, change in the PRC's Protocol of Accession to the World Trade Organization. This inquiry is being conducted solely pursuant to section 771(18) of the Act. Until such time that the Department's determination of the PRC as an NME country may be revoked as set forth in section 771(18)(C)(i) of the Act, the PRC remains a nonmarket economy under the antidumping and countervailing duty laws.

[1] *See Certain Aluminum Foil from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* signed March 28, 2017.

[2] Once the Department issues its final determination regarding this inquiry into the PRC's status as an NME country, the Department will consider whether to seek additional information from interested parties to the investigation for purposes of calculating normal value.

Opportunity for Public Comment and Information

As part of this inquiry to review the PRC's NME status, the Department is interested in receiving public comment and information with respect to the PRC on the following factors enumerated by section 771(18)(B) of the Act, which the Department must take into account in making a market/nonmarket economy determination:

(i) The extent to which the currency of the foreign country is convertible into the currency of other countries;

(ii) the extent to which wage rates in the foreign country are determined by free bargaining between labor and management;

(iii) the extent to which joint ventures or other investments by firms of other foreign countries are permitted in the foreign country;

(iv) the extent of government ownership or control of the means of production;

(v) the extent of government control over allocation of resources and over price and output decisions of enterprises; and

(vi) such other factors as the administering authority considers appropriate.

As specified above, to be assured of consideration, any comments and information must be received no later than May 3, 2017.

This notice is issued and published pursuant to section 771(18)(C)(ii) of the Act.

Dated: March 29, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–06535 Filed 3–31–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (''the Act''), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (''the Department'') conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after April 2017, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its ''Opportunity to Request Administrative Review'' notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

Opportunity To Request A Review: Not later than the last day of April 2017,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in April for the following periods:

	Period of review
Antidumping Duty Proceedings	
THE PEOPLE'S REPUBLIC OF CHINA:	
Activated Carbon, A–570–904	4/1/16–3/31/17
Drawn Stainless Sinks, A–570–983	4/1/16–3/31/17
Magnesium Metal, A–570–896	4/1/16–3/31/17
Non-Malleable Cast Iron Pipe Fittings, A–570–875	4/1/16–3/31/17
Steel Threaded Rod, A–570–932	4/1/16–3/31/17
Countervailing Duty Proceedings	
THE PEOPLE'S REPUBLIC OF CHINA: Drawn Stainless Sinks C–570–984	1/1/16–12/31/16
Suspension Agreements	
None.	

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), the Department clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[2]

The Department no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.[3] Accordingly, the NME entity will not be under review unless the Department specifically receives a request for, or self-initiates, a review of the NME entity.[4] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, the Department will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity).

Following initiation of an antidumping administrative review when there is no review requested of the NME entity, the Department will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'') on Enforcement and Compliance's ACCESS Web site at *http://access.trade.gov.*[5] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of April 2017. If the Department does not receive, by the last day of April 2017, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 24, 2017.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–06491 Filed 3–31–17; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See also* the Enforcement and Compliance Web site at *http://trade.gov/enforcement/.*

[3] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[4] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

[5] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews

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

Background

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for May 2017

The following Sunset Reviews are scheduled for initiation in April 2017 and will appear in that month's Notice

of Initiation of Five-Year Sunset Reviews (''Sunset Reviews'').

	Department contact
Antidumping Duty Proceedings	
Foundry Coke from China (A–570–862) (3rd Review)	Matthew Renkey, (202) 482–2312.
High Pressure Steel Cylinders from China (A–570–977) (1st Review)	Matthew Renkey, (202) 482–2312.
Tin Mill Products from China (A–588–854) (3rd Review)	Jacqueline Arrowsmith, (202) 482–5255.
Countervailing Duty Proceedings	
High Pressure Steel Cylinders from China (C–570–978) (1st Review)	Robert James, (202) 482–0649.

Suspended Investigations

No Sunset Review of suspended investigations is scheduled for initiation in May 2017.

The Department's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. The Notice of Initiation of Five-Year (''Sunset'') Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Please note that if the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue. Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 24, 2017.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–06492 Filed 3–31–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–043]

Stainless Steel Sheet and Strip From the People's Republic of China: Countervailing Duty Order

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (ITC), the Department is issuing a countervailing duty order on stainless steel sheet and strip from the People's Republic of China.

DATES: Effective April 3, 2017.

FOR FURTHER INFORMATION CONTACT: Spencer Toubia; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0123.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(d) and 777(i) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on February 8, 2017, the Department published its final determination in the countervailing duty investigation of stainless steel sheet and strip (stainless sheet and strip) from the People's Republic of China (PRC).[1] On March 24, 2017, the ITC notified the Department of its final determination that an industry in the United States is materially injured by reason of subsidized imports of subject merchandise from the PRC within the meaning of section 705(b)(1)(A)(i) of the Act, and its determination that critical circumstances do not exist with respect to imports of subject merchandise from the PRC.[2]

Scope of the Order

The product covered by this order is stainless steel sheet and strip. For a complete description of the scope of the order, *see* Appendix I.

Countervailing Duty Order

In accordance with sections 705(b)(1)(A)(i) and 705(d) of the Act, the ITC notified the Department of its final determinations that the industry in the United States producing stainless sheet and strip is materially injured by reason of subsidized imports of stainless sheet and strip from the PRC and that critical circumstances do not exist with respect to imports of subject merchandise from the PRC that are subject to the Department's affirmative critical circumstances findings. Therefore, in accordance with section 705(c)(2) of the Act, we are publishing this countervailing duty order.

As a result of the ITC's final determination, in accordance with section 706(a) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, countervailing duties on unliquidated entries of stainless steel sheet and strip entered, or withdrawn from warehouse, for consumption on or after July 18, 2016, the date on which the Department published its preliminary countervailing duty determination in the **Federal Register**,[3]

[1] *See Countervailing Duty Investigation of Stainless Steel Sheet and Strip from the People's Republic of China: Final Affirmative Determination, and Final Affirmative Critical Circumstances Determination, in Part,* 82 FR 9714 (February 8, 2017).

[2] *See* Letter to Ronald Lorentzen, Acting Assistant Secretary of Commerce for Enforcement and Compliance, from Rhonda K. Schmidtlein, Chairman of the U.S. International Trade Commission, regarding stainless steel sheet and strip from the People's Republic of China (March 24, 2017). *See also Stainless Steel Sheet and Strip from China,* Investigation Nos. 701–TA–557 and 731–TA–1312 (Final), USITC Publication 4676 (March 2017).

[3] *See Countervailing Duty Investigation of Stainless Steel Sheet and Strip from the People's Republic of China: Preliminary Affirmative*

and before November 14, 2016, the date on which the Department instructed CBP to discontinue the suspension of liquidation on subject merchandise from the PRC, in accordance with section 703(d) of the Act. Section 703(d) of the Act states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for more than four months. Therefore, entries of stainless sheet and strip from the PRC, made on or after November 14, 2016, and prior to the date of publication of the ITC's final determination in the **Federal Register** are not liable for the assessment of countervailing duties due to the Department's discontinuation, effective November 14, 2016, for stainless sheet and strip from the PRC, of the suspension of liquidation.

Suspension of Liquidation

In accordance with section 706 of the Act, the Department will direct CBP to reinstitute the suspension of liquidation of stainless sheet and strip from the PRC, effective the date of publication of the ITC's notice of final determination in the **Federal Register**, and to assess, upon further instruction by the Department, pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates for the subject merchandise. On or after the date of publication of the ITC's final injury determination in the **Federal Register**, CBP must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the rates noted below:

Company	Subsidy rate (percent)
Shanxi Taigang Stainless Steel Co. Ltd	75.60
Ningbo Baoxin Stainless Steel Co., Ltd., Baosteel Stainless Steel Co Ltd, Baoshan Iron & Steel Co, Ltd., Baosteel Desheng Stainless Steel Co., Ltd, Baosteel Co., Ltd., Bayi Iron & Steel Co., Ltd., Ningbo Iron & Steel Co., Ltd., Shaoguan Iron & Steel Co., Ltd., Guangdong Shaoguan Iron & Steel Co., Ltd., and Zhanjiang Iron & Steel Co., Ltd	190.71
Daming International Import Export Co Ltd. and Tianjin Taigang Daming Metal Product Co., Ltd	190.71
All-Others	75.60

Critical Circumstances

With regard to the ITC's negative critical circumstances determination on imports of stainless sheet and strip from the PRC, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated countervailing duties with respect to entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after April 19, 2016 (*i.e.,* 90 days prior to the date of the publication of the *CVD Preliminary Determination*), but before July 18, 2016 (*i.e.,* the date of publication of the *CVD Preliminary Determination*).

Notifications to Interested Parties

This notice constitutes the countervailing duty order with respect to stainless sheet and strip from the PRC, pursuant to section 706(a) of the Act. Interested parties can find a list of antidumping and countervailing duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html*.

This order is issued and published in accordance with section 706(a) of the Act and 19 CFR 351.211(b).

Dated: March 28, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Attachment I

Scope of the Order

The merchandise covered by this order is stainless steel sheet and strip, whether in coils or straight lengths. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject sheet and strip is a flat-rolled product with a width that is greater than 9.5 mm and with a thickness of 0.3048 mm and greater but less than 4.75 mm, and that is annealed or otherwise heat treated, and pickled or otherwise descaled. The subject sheet and strip may also be further processed (*e.g.,* cold-rolled, annealed, tempered, polished, aluminized, coated, painted, varnished, trimmed, cut, punched, or slit, etc.) provided that it maintains the specific dimensions of sheet and strip set forth above following such processing. The products described include products regardless of shape, and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges).

For purposes of the width and thickness requirements referenced above: (1) Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above; and (2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, etc.), the measurement at its greatest width or thickness applies.

All products that meet the written physical description, and in which the chemistry quantities do not exceed any one of the noted element levels listed above, are within the scope of this order unless specifically excluded.

Subject merchandise includes stainless steel sheet and strip that has been further processed in a third country, including but not limited to cold-rolling, annealing, tempering, polishing, aluminizing, coating, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the order if performed in the country of manufacture of the stainless steel sheet and strip.

Excluded from the scope of this order are the following: (1) Sheet and strip that is not annealed or otherwise heat treated and not pickled or otherwise descaled; (2) plate (*i.e.,* flat-rolled stainless steel products of a thickness of 4.75 mm or more); and (3) flat wire (*i.e.,* cold-rolled sections, with a mill edge, rectangular in shape, of a width of not more than 9.5 mm).

The products under order are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7219.13.0031, 7219.13.0051, 7219.13.0071, 7219.13.0081, 7219.14.0030, 7219.14.0065, 7219.14.0090, 7219.23.0030, 7219.23.0060, 7219.24.0030, 7219.24.0060, 7219.32.0005, 7219.32.0020, 7219.32.0025, 7219.32.0035, 7219.32.0036, 7219.32.0038, 7219.32.0042, 7219.32.0044, 7219.32.0045, 7219.32.0060, 7219.33.0005, 7219.33.0020, 7219.33.0025, 7219.33.0035, 7219.33.0036, 7219.33.0038, 7219.33.0042, 7219.33.0044, 7219.33.0045, 7219.33.0070, 7219.33.0080,

Determination and Alignment of Final Determination with Final Antidumping Duty Determination, 81 FR 46643 (July 18, 2016) (*Preliminary Determination*).

7219.34.0005, 7219.34.0020, 7219.34.0025, 7219.34.0030, 7219.34.0035, 7219.34.0050, 7219.35.0005, 7219.35.0015, 7219.35.0030, 7219.35.0035, 7219.35.0050, 7219.90.0010, 7219.90.0020, 7219.90.0025, 7219.90.0060, 7219.90.0080, 7220.12.1000, 7220.12.5000, 7220.20.1010, 7220.20.1015, 7220.20.1060, 7220.20.1080, 7220.20.6005, 7220.20.6010, 7220.20.6015, 7220.20.6060, 7220.20.6080, 7220.20.7005, 7220.20.7010, 7220.20.7015, 7220.20.7060, 7220.20.7080, 7220.90.0010, 7220.90.0015, 7220.90.0060, and 7220.90.0080. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

[FR Doc. 2017–06489 Filed 3–31–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF322

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of a public hearing.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a public hearing via webinar pertaining to Regulatory Amendment 4 to the Spiny Lobster Fishery Management Plan (FMP) for the Gulf of Mexico and South Atlantic Region. The amendment addresses updates to biological parameters for spiny lobster in the Gulf of Mexico and South Atlantic, and a prohibition on traps for recreational harvest of spiny lobster in the South Atlantic Economic Exclusive Zone (EEZ).

DATES: The public hearing will be held via webinar May 9, 2017.

ADDRESSES: *Council address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The public hearing will be conducted via webinar accessible via the Internet from the Council's Web site at *www.safmc.net.* The hearing will begin at 6 p.m. Eastern Standard Time. Registration for the webinar is required. Registration information and public hearing materials will be posted on the Council's Web site at *http://safmc.net/safmc-meetings/public-hearing-and-scoping-meeting-schedule/* by April 25, 2017.

During the webinar, Council staff will present an overview of the amendment and will be available for informal discussions and to answer questions via webinar. Members of the public will also have the opportunity to provide formal comments for consideration by the Council.

Spiny Lobster Regulatory Amendment 4 contains actions to update management benchmarks for spiny lobster in the Gulf of Mexico and South Atlantic including the overfishing level (OFL), annual catch limit (ACL), and annual catch target (ACT) based on new scientific recommendations. The amendment also includes an action to prohibit the use of traps for recreational harvest of spiny lobster in the South Atlantic EEZ. All comments received will be provided to the South Atlantic Council and the Gulf of Mexico Council, and included in the administrative record. Written comments may also be submitted online at: *http://gulfcouncil.org/council_meetings/comment_forms/Spiny%20Lobster%20Regulatory%20Amendment%204.php.*

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 29, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–06465 Filed 3–31–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Sea Grant College Program (NSGCP)

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of solicitation of letters of intent to apply to become the Lake Champlain Sea Grant Institutional Program.

SUMMARY: The National Sea Grant College Program is requesting letters of intent from eligible applicants to become a Sea Grant Institutional Program serving the Lake Champlain Region. An Institutional Program can be defined as a program that has demonstrated competence as a Coherent Area Program (or higher status) and has broad responsibilities for the development of Sea Grant state, regional, and national activities, engaging all of the institutions of higher learning in the region. Only institutions that have been the host entity of a Sea Grant Coherent Area Program for at least three years are eligible to apply. The National Sea Grant College Act of 1976, as amended, (the ''Act'' hereinafter) authorizes the NOAA to designate a Sea Grant institution on the basis of merit and that such designation is consistent with the goals of the Act.

DATES: Letters of intent must be received by April, 28, 2017, 5:00 p.m. EDT.

ADDRESSES: Letters of intent will be accepted by email or mail. Email is preferred. Mail letters should be sent to: Attention: Lake Champlain Institutional Program, Director, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 1315 East-West Highway, SSMC 3, Room 11735, Silver Spring, Maryland 20910.

Letters may be attached to an email to *oar.sg.info-admin@noaa.gov.* Please put ''Lake Champlain Institutional Program'' in the Subject line. All letters of intent will be acknowledged. If you do not receive an acknowledgement of your letter of intent within two weeks of sending it, please contact us using the information in **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: For any additional questions concerning this solicitation, please contact Elizabeth Rohring at 301–734–1082 or by email at *elizabeth.rohring@noaa.gov.* Please put ''Lake Champlain Institutional Status'' in the subject line.

SUPPLEMENTARY INFORMATION: Currently, 33 Sea Grant Programs are located in coastal and Great Lakes states. These Programs are partnerships between the Federal government and universities or other institutions with higher learning mandates, funded by Federal grants. More information about the National Sea Grant College Program can be found at *http://seagrant.noaa.gov/.*

There is currently no Sea Grant Program whose main area of service is Lake Champlain that has been recognized with Institutional or College status.

Eligibility to Apply: To be eligible to apply to this solicitation, an institution

must have been the host entity of a Sea Grant Coherent Area Program for a minimum of three years. A ''Coherent Area Program'' is a grant-funded program selected by NOAA in order to conduct Sea Grant activities limited in geographic area and/or scope. All Coherent Area Programs are subject to Sea Grant review procedures and are periodically evaluated against Sea Grant project evaluation criteria.

A group of institutions may together apply to this solicitation, if at least one major member of this group has been the host entity of Coherent Area Program as described above.

A letter of intent must include:

- A non-binding statement of intent to submit a full proposal to be considered for a Lake Champlain Institutional Sea Grant Program;
- Identification (name, address, and type of organization) of the institution, or group of institutions, that will submit the application;
- Affirmation that the sender of the letter is authorized to represent that institution or group in seeking designation as an Institutional Sea Grant Program;
- Name and contact details (including email address) of the person to whom correspondence and full application information should be sent.

Eligible applicants who submit a letter of intent will be provided a complete information package on how to prepare and submit a full application, the criteria against which the application will be evaluated (which are drawn from regulation at 15 CFR 918.3 ''Eligibility, qualifications, and responsibility of a Sea Grant College''), the evaluation procedure (which may include both document review and a site visit), and the conditions on the institution or group that are associated with accepting Sea Grant Institutional Program status.

Dated: March 29, 2017.

Paul Johnson,

Acting Deputy Chief Financial Officer/CAO, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2017–06541 Filed 3–31–17; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF324

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings and hearings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will convene a meeting of its Archipelagic Fishery Ecosystem Plan Team (FEP) and the Fishery Data Collection and Research Committee—Technical Committee (FDCRC–TC). The Archipelagic FEP Team will review the fishery performance, ecosystem consideration, and data integration chapter of the Stock Assessment and Fishery Evaluation (SAFE) Report for the Western Pacific region, conduct the evaluation of the 2016 catches to the 2016 Annual Catch Limits (ACL) for the coral reef, crustacean, and Territory bottomfish fisheries, review of the ecosystem component analysis, monument expansion area regulations, aquaculture, and essential fish habitat. The FDCRC–TC will review the status of the data collection improvement efforts in the Western Pacific region, identify gaps in the non-commercial data collection and conduct a writing workshop to develop the Marine Recreational Information Program—Pacific Islands Regional Implementation Plan.

DATES: The Archipelagic FEP Team meeting will be held between 8:30 a.m. and 5 p.m. on April 18–19, 2017. The FDCRC–TC will be held on April 20–21, 2017. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The FEP Team and FDCRC–TC meetings will be held at the Western Pacific Regional Fishery Management Council Conference Room, 1164 Bishop St., Suite 1400, Honolulu, HI 96813; phone: (808) 522–8220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: Public comment periods will be provided throughout the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Agenda for Archipelagic FEP Team Meeting

8:30 a.m.–5 p.m., Tuesday, April 18, 2017

1. Welcome and introductions
2. Approval of draft agenda, 2016 report & assignment of rapporteurs
3. Report on previous Plan Team recommendations and Council actions
4. 2017 Annual/Stock Assessment and Fishery Evaluation (SAFE) Report
   A. Fishery Performance
   1. Archipelagic fisheries modules
   a. American Samoa
   1. Coral reef fisheries
   2. Bottomfish fishery
   3. Crustacean fishery
   4. Precious coral fishery
   b. Guam
   1. Coral reef fisheries
   2. Bottomfish fishery
   3. Crustacean fishery
   4. Precious coral fishery
   c. CNMI
   1. Coral reef fisheries
   2. Bottomfish fishery
   3. Crustacean fishery
   4. Precious coral fishery
   d. Hawaii
   1. Coral reef fisheries (commercial and non-commercial)
   2. Bottomfish fishery
   3. Crustacean fishery
   4. Precious coral fishery
   2. Team discussion on the species groupings for the SAFE report
   3. Discussions
   4. Public Comment
   B. Ecosystem Considerations
   1. Protected species section
   2. Climate, ecosystems and biological section
   a. Environmental and climate variables
   b. Life history and length-derived variables
   3. Habitat section
   4. Socioeconomics section
   5. Marine Planning section
   6. Discussions
   7. Public Comment
   C. Administrative Reports
   1. Number of federal permits
   2. Regulatory actions in 2016
   3. Discussions
   4. Public Comment
   D. Data Integration Chapter
   1. Report on the Data Integration Workshop
   2. Archipelagic data integration analytical framework
   3. Discussions
   4. Public Comment

8:30 a.m.–5 p.m., Wednesday, April 19, 2017

5. Action agenda items
   A. Evaluating 2016 catches to its respective 2016 ACLs
   1. Coral reef fisheries
   2. Crustacean fisheries
   3. Territory bottomfish fisheries
   B. Options for Ecosystem Component (EC) designation based on the EC analysis
   C. Monument expansion area regulations
   D. Aquaculture management alternatives
   E. Non-fishing impacts to Essential Fish Habitat (EFH) review and options for omnibus EFH refinement

F. Precious corals EFH review and options for refinement
G. Discussions
H. Public Comment
6. Community snap-shot tool
7. Monitoring and updating priorities
A. Council's 5-year research priorities—work item (process of monitoring the status of the research priorities)
B. Cooperative Research priorities
8. General Discussions
9. Archipelagic Fishery Ecosystem Plan Team Recommendations
10. Other Business

Agenda for FDCRC–TC Meeting

8:30 a.m.–5 p.m., Thursday, April 20, 2017

1. Welcome and introductions
2. Approval of draft agenda, 2016 report & assignment of rapporteurs
3. Report on previous FDCRC–TC recommendations and Council actions
4. Status of the fishery dependent data collection improvement efforts
A. American Samoa
B. Guam
C. CNMI
D. Hawaii
E. Marine Recreational Information Program (MRIP) and Territory Science Initiative (TSI) Projects
F. Western Pacific Fishery Information Network (WPacFIN) Database Transition and Online Interface
G. Discussions
H. Public Comment
5. Status of the ecosystem monitoring and research
A. Pacific Island Fisheries Research Program
B. Life history research
C. Hawaii ecosystem research
D. Socio-economics
E. Guam ecosystem research
F. Discussions
G. Public Comment
6. MRIP Updates
A. MRIP overview
B. MRIP National Academy of Science Review
C. MRIP Strategic Plan
D. MRIP Regional Implementation Plan
1. Discussion on status of current data collection
2. Discussion on gaps and need
E. Discussions
F. Public Comment
7. General Discussions
8. FDCRC–TC Recommendations
9. Other Business

8:30 a.m.–12 p.m. Friday, April 21, 2017

10. MRIP Regional Implementation Plan Writing Workshop (sub-group of the FDCRC-Tech Committee only)
A. Instruction for drafting the implementation plan
B. Overview of available text from WPacFIN
C. Drafting of Territory Sections of the Regional Implementation Plan

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: March 28, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–06410 Filed 3–31–17; 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: Nautical Discrepancy Reporting System.

OMB Control Number: 0648–0007.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 300.

Average Hours per Response: 30 minutes.

Burden Hours: 150.

Needs and Uses: This request is for extension of a currently approved information collection.

National Oceanic and Atmospheric Administration (NOAA) Office of Coast Survey is the nation's nautical chartmaker, maintaining and updating over a thousand charts covering the 3.5 million square nautical miles of coastal waters in the U.S. Exclusive Economic Zone and the Great Lakes. Coast Survey also writes and publishes the *United States Coast Pilot*®, a series of nine nautical books that supplement nautical charts with essential marine information that cannot be shown graphically on the charts and are not readily available elsewhere.

Coast Survey solicits information through the online Nautical Discrepancy Reporting System (*http://ocsdata.ncd.noaa.gov/idrs/discrepancy.aspx*).

Data obtained through this system is used to update U.S. nautical charts and the *United States Coast Pilot.*

Affected Public: Business or other for-profit; individuals or households; not-for-profit institutions; federal government; state, local or tribal government.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: March 28, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–06438 Filed 3–31–17; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF DEFENSE

Department of the Army

Open Season Announcement for the Defense Personal Property Program (DP3)

AGENCY: Department of the Army, DOD.

ACTION: Solicitation of applications.

SUMMARY: The Military Surface Deployment and Distribution Command (SDDC) will officially have an Open Season thru April 25, 2017. New entrants will be sought for Hawaii and certain Interstate channel combinations where origins/destinations have demonstrated shortage of capacity as determined by SDDC and the Military Services.

ADDRESSES: Submit applications no later than April 25, 2017 to Military Surface Deployment and Distribution Command at *usarmy.scott.sddc.mbx.pp-quality@mail.mil.* Application forms will be available from this office or on our Web site listed below. Applications will also be accepted by mail at Military Surface Deployment and Distribution Command, ATTN: AMSSD–PP, 1 Soldier Way, Scott AFB, IL 62225–5006.

FOR FURTHER INFORMATION CONTACT: PP Operational and Quality Support Team, *usarmy.scott.sddc.mbx.pp-quality@mail.mil,* (618) 220–6789, (618) 220–5775, (618) 220–5407.

SUPPLEMENTARY INFORMATION: Transportation Service Providers (TSPs)

interested in applying during this open season must comply with the following:

(1) TSPs must meet all requirements set forth in SDDC Regulation 55–4, Transportation Service Provider Qualifications.

Additional requirements:

(2) New entrant applications will be accepted for the following Interstate origin rate areas: District of Columbia, Virginia, Maryland, Oregon, Arizona, Georgia, South Carolina, New Mexico, Montana, North Dakota, South Dakota, Wyoming, Kansas, Oklahoma, Missouri, North Carolina. Accepted new entrants will be able to file rates from the Origin Rate Areas identified above to all Regions (224 of 833 channels).

(3) New entrant applications will be accepted for the International origin rate area of Hawaii. Accepted new entrants will be able to file rates from Hawaii to ALL channels in all codes of service.

(4) Currently approved TSP's will be able to expand their current scope to only the Interstate/International channel combinations as stated above.

(5) New entrant applicants must declare domestic and/or international Common Financial and/or Administrative Control (CFAC) with any current DP3 TSP or potential new entrant. TSPs declaring CFAC cannot compete in the same rate channel in the same code of service in either the domestic or international markets.

(6) New entrant applicants must be a Motor Carrier if applying for the Interstate market or Freight Forwarders if applying for Hawaii.

(7) New entrant applicants must have a suitable warehouse (not shared with a TSP currently in the program) and equipment in-rate area/bordering rate area. See Appendix D of the DTR Part IV for general guidelines.

(8) New entrant applicants will serve a probationary period of three years and may be granted authority to file for additional channels within the Interstate market within 3 years of entry into the DP3 program upon SDDC approval. The intent is for SDDC to progressively transition a successful new entrant into an unrestricted interstate participant within 3 years of program entry, subject to any other existing program rules and requirements.

(9) Change of Ownership novation's for New Entrants will not be accepted, reviewed or approved for New Entrant's within the first 3 years of entry.

(10) New entrants must perform the following at the offices of the TSP independent of any other person, firm, or corporation: (1) Shipment management; (2) coordinating operational functions. Only outsourcing of claims and invoicing is permitted.

(11) TSPs disqualified, revoked or that have voluntary withdrawn from the DP3 program prior to July 20, 2015 may apply as new entrants and will be assessed on a ''Case by Case'' and upon the discretion of SDDC.

References: SDDC Regulation 55–4; Defense Transportation Regulation Part IV Appendix D.

Miscellaneous: This announcement can be accessed via the SDDC Web site at: *http://www.sddc.army.mil/.*

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–06459 Filed 3–31–17; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Board of Advisors (BOA) to the President of the Naval Postgraduate School (NPS) Subcommittee

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of The Federal Advisory Committee Act, notice is hereby given that the following meeting of the Board of Advisors to the President of the Naval Postgraduate School Subcommittee will be held. This meeting will be open to the public.

DATES: The meeting will be held on Wednesday, April 26, 2017, from 8:00 a.m. to 4:30 p.m. and on Thursday, April 27, 2017, from 7:30 a.m. to 11:00 p.m. Pacific Time Zone.

ADDRESSES: The meeting will be held at the Naval Postgraduate School, Executive Briefing Center, Herrmann Hall, 1 University Circle, Monterey, CA.

FOR FURTHER INFORMATION CONTACT: Ms. Jaye Panza, Designated Federal Official, 1 University Circle, Monterey, CA 93943–5001, telephone number 831–656–2514.

SUPPLEMENTARY INFORMATION: The purpose of the Board is to advise and assist the President, NPS, in educational and support areas, providing independent advice and recommendations on items such as, but not limited to, organizational management, curricula, methods of instruction, facilities, and other matters of interest.

The agenda for Wednesday is as follows:

8:00 a.m.–8:30 a.m.: Welcome/Administrative Business
8:30 a.m.–8:45 a.m.: Annual Ethics Training
8:45 a.m.–9:45 a.m.: President's Update
9:45 a.m.–10:15 a.m.: Strategic Plan Discussion
10:15 a.m.–10:30 a.m.: AFIT Partnership Update
10:45 a.m.–11:45 a.m.: Round Table Discussion with Deans
12:00 p.m.–1:00 p.m.: Meet with Students
1:15 p.m.–3:45 p.m.: Campus Tour Classroom/Labs
3:45 p.m.–4:15 p.m.: NPS Foundation Update

The agenda for Thursday is as follows:

7:30 a.m.–8:30 a.m.: Meet with Faculty
8:45 a.m.–9:15 a.m.: Facilities Update
9:15 a.m.–11:00 a.m.: Board Discussion
11:00 a.m.: Meeting Adjourned

Individuals without a DoD Government Common Access Card require an escort at the meeting location. For access, information, or to send written statements for consideration at the committee meeting contact Ms. Jaye Panza, Designated Federal Officer, Naval Postgraduate School, 1 University Circle, Code 00H, Monterey, CA 93943–5001 or by fax (831) 656–2337 by April 21, 2017.

Dated: March 22, 2017.

A.M. Nichols,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2017–06458 Filed 3–31–17; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; Epitracker, Inc.

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Epitracker, Inc. a revocable, nonassignable, exclusive license to practice the Government-Owned inventions described in the following U.S. Patent Applications: U.S. Patent Application No. 14/591660 (Navy Case No. 103395; U.S. Patent No. 9561206) titled ''Use of Heptadecanoic Acid (C17:0) to Detect Risk of and Treat Hyperferritinemia and Metabolic Syndrome''; U.S. Patent Application No. 14/980304 (Navy Case No. 103856) titled ''Heptadecanoic Acid Supplement to Human Diet''; U.S. Patent Application No. 14/980695 (Navy Case No. 103854) titled ''Method for Detecting Risk Factor for Metabolic Syndrome or Hyperferritinemia''; U.S. Patent Application No. 14/981130 (Navy

Case No. 103855) titled ''Method for Treating Metabolic Syndrome''; U.S. Patent Application No. 15/030031 (Navy Case No. 105202) titled ''Compositions and methods for diagnosis and treatment of metabolic syndrome''; U.S. Patent Application No. 15/393771 (Navy Case No. 104602) titled ''Compositions and methods for diagnosis and treatment of anemia''; and U.S. Patent Application No. 15/393799 (Navy Case No. 105245) titled ''Compositions and methods for diagnosis and treatment of inflammation''; as well as any patent issuing thereon, any corresponding foreign patent applications and any foreign patent issuing thereon, and any re-issue, substitution, continuation (but not a continuation-in-part), or division thereof (to the extent that the inventions in the applications are claimed in the parent application on the effective date of the license.)

DATES: Anyone wishing to object to the grant of this license has fifteen (15) days from the publication date of this notice to file written objections along with supporting evidence, if any.

ADDRESSES: Written objections are to be filed with the Office of Research and Technology Applications, Space and Naval Warfare Systems Center Pacific, Code 72120, 53560 Hull St., Bldg. A33, Room 2531, San Diego, CA 92152–5001.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Herbert, Office of Research and Technology Applications, Space and Naval Warfare Systems Center Pacific, Code 72120, 53560 Hull St., Bldg. A33, Room 2308, San Diego, CA 92152–5001, telephone 619–553–5118, or *paul.a.herbert@navy.mil.*

Authority: 35 U.S.C. 209(e), 37 CFR part 404.7

Dated: March 27, 2017.

A.M. Nichols,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2017–06454 Filed 3–31–17; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0042]

Agency Information Collection Activities; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Office of Management (OM), 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 June 2, 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–0042. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–82, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Stephanie Valentine, 202–401–0526.

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: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 1880–0542.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 450,000.

Total Estimated Number of Annual Burden Hours: 225,000.

Abstract: This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency's programs.

Dated: March 29, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–06462 Filed 3–31–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Orders Granting Authority To Import and Export Natural Gas, To Import and Export Liquefied Natural Gas, Amending Authority, Vacating Authority, Request for Rehearing and Motion for Leave To Answer, and Errata During January 2017

	FE Docket No.
Engie Gas & LNG LLC (formerly GDF Suez Gas NA LLC)	95–100–LNG 09–135–LNG 15–69–LNG
Small Ventures U.S.A., L.L.C	01–54–LNG
Gasfin Development USA, LLC	13–06–LNG
SV Global LNG Trading Company, LLC	15–85–LNG
Blue Roads Solutions, LLC	16–173–NG
J.D. Irving Limited	16–182–NG
Sabine Pass Liquefaction, LLC	16–197–LNG
Active Energy INC	16–178–NG
Altagas LTD	16–192–NG
Royal Bank of Canada	16–194–NG
Gas Natural Puerto Rico, INC	16–196–LNG
Techgen S.A. DE C.V	16–195–NG
Alaska Pipeline Company	16–190–NG
Hartree Partners, LP	16–198–NG
Puget Sound Energy, INC	16–187–LNG
Advance Energy LNG	16–193–NG
Dominion Cove Point LNG, LP	16–191–LNG
Plum Energy LLC	16–201–LNG
Fortisbc Energy INC	16–200–NG
Gas Natural Aprovisionamientos SDG, S.A	16–199–LNG
Total Gas & Power North America, INC	16–204–NG
Sequent Energy Canada Corp	16–203–NG
Enhanced Energy Services of America, LLC	16–202–NG
The Brooklyn Union Gas Company d/b/a National Grid NY	16–153–NG
Magnolia LNG, LLC	13–132–LNG

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during January 2017, it issued orders granting authority to import and export natural gas, to import and export liquefied natural gas (LNG), amending authority, vacating authority, Request for Rehearing and Motion for Leave to Answer, and Errata. These orders are summarized in the attached appendix and may be found on the FE Web site at *http://energy.gov/fe/listing-doefe-authorizationsorders-issued-2017.*

They are also available for inspection and copying in the U.S. Department of Energy (FE–34), Division of Natural Gas Regulation, Office of Regulation and International Engagement, Office of Fossil Energy, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on February 23, 2017.

John A. Anderson,

Director, Office of Regulation and International Engagement, Office of Oil and Natural Gas.

APPENDIX

DOE/FE ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS

1115–B; 2752–A; 3647–A.	01/17/17	95–100–LNG; 09–135–LNG; 15–69–LNG	Engie Gas & LNG LLC (formerly GDF SUEZ Gas NA LLC).	Orders 1115–B, 2752–A and 3647–A amending authorities to import LNG to reflect name change.
1718–A	01/17/17	01–54–LNG	Small Ventures U.S.A., L.L.C	Order 1718–A vacating blanket authority to import natural gas from Canada.
3253–A	01/05/17	13–06–LNG	Gasfin Development USA, LLC	Order 3253–A vacating Long-term, Multi-contract authority to export LNG by vessel to Free Trade Agreement Nations.
3666–A	01/17/17	15–85–LNG	SV Global LNG Trading Company, LLC	Order 3666–A vacating blanket authority to import LNG from various international sources by vessel.
3942	01/17/17	16–173–NG	Blue Roads Solutions, LLC	Order 3942 granting blanket authority to export LNG to import/export LNG from/to Canada/Mexico by truck.
3959	01/04/17	16–182–NG	J.D. Irving Limited	Order 3959 granting blanket authority to import/export natural gas from/to Canada.
3960	01/04/17	16–197–LNG	Sabine Pass Liquefaction, LLC	Order 3960 granting blanket authority to import LNG from various international sources by vessel.
3961	01/04/17	16–178–NG	Active Energy Inc	Order 3961 granting blanket authority to export natural gas to Canada.
3962	01/04/17	16–192–NG	AltaGas Ltd	Order 3962 granting blanket authority to import/export natural gas from/to Canada.
3963	01/04/17	16–194–NG	Royal Bank of Canada	Order 3963 granting blanket authority to import/export natural gas from/to Canada.
3964	01/04/17	16–196–LNG	Gas Natural Puerto Rico, Inc	Order 3964 granting blanket authority to import LNG from various international sources by vessel.
3965	01/04/17	16–195–NG	Techgen S.A. de C.V	Order 3965 granting blanket authority to export natural gas to Mexico.
3966	01/04/17	16–190–NG	Alaska Pipeline Company	Order 3966 granting blanket authority to import natural gas from Canada.
3967	01/04/17	16–198–NG	Hartree Partners, LP	Order 3967 granting blanket authority to import/export natural gas from/to Canada.

DOE/FE ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS—Continued

3969	01/17/17	16–187–LNG	Puget Sound Energy, Inc	Order 3969 granting blanket authority import LNG from Canada by truck.
3970	01/17/17	16–193–NG	Advance Energy LNG	Order 3970 granting blanket authority to import/export natural gas from/to Canada/Mexico, and to import LNG from various international sources by vessel.
3971	01/17/17	16–191–LNG	Dominion Cove Point LNG, LP	Order 3971 granting blanket authority to import LNG from various international sources by vessel.
3972	01/17/17	16–201–LNG	Plum Energy LLC	Order 3972 granting blanket authority to import LNG from Canada by truck and export LNG to Canada/Mexico by truck.
3973	01/17/17	16–200–NG	FortisBC Energy, Inc	Order 3973 granting blanket authority to import LNG from various international sources by vessel.
3974	01/17/17	16–199–LNG	Gas Natural Aprovisionamientos SDG, S.A.	Order 3932 granting blanket authority to import/export natural gas from/to Canada.
3975	01/17/17	16–204–NG	Total Gas & Power North America, Inc	Order 3975 granting blanket authority to import/export natural gas from/to Canada/Mexico, and to import LNG from various international sources by vessel.
3976	01/17/17	16–203–NG	Sequent Energy Canada Corp	Order 3976 granting blanket authority to import/export natural gas from/to Canada.
3977	01/17/17	16–202–NG	Enhanced Energy Services of America, LLC.	Order 3977 granting blanket authority to import natural gas to Canada.
Errata	01/04/17	16–153–NG	The Brooklyn Union Gas Company d/b/a National Grid NY.	Order 3932 Errata Notice.
Tolling Order	01/27/17	13–132–LNG	Magnolia LNG, LLC	Order granting Request for Rehearing and Motion for Leave to Answer for the purpose of further consideration.

[FR Doc. 2017–06544 Filed 3–31–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and Arms Control, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This document is being issued under the authority of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Peaceful Uses of Nuclear Energy.

DATES: This subsequent arrangement will take effect no sooner than April 18, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Richard S. Goorevich, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–0589 or email: *Richard.Goorevich@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: This proposed subsequent arrangement concerns the addition of Kazakhstan to the List of Agreed Countries pursuant to sub-paragraph (b) of paragraph 1 of Article 1 of the Implementing Agreement Between the Government of the United States of America and the Government of Japan pursuant to Article 11 of their Agreement for Cooperation Concerning Peaceful Uses of Nuclear Energy. Pursuant to Article 4 of the Agreement for Cooperation and Article 1 of the Implementing Agreement thereto, countries on the list are eligible to receive retransfers of unirradiated source material and low enriched uranium, so long as the purpose of the retransfer is not for the production of high enriched uranium. The United States has an Agreement for Cooperation in the Peaceful Uses of Nuclear Energy, under the authority of section 123 of the Atomic Energy Act of 1954, as amended, in force with Kazakhstan.

In accordance with section 131a. of the Atomic Energy Act of 1954, as amended, it has been determined that this proposed subsequent arrangement will not be inimical to the common defense and security of the United States of America.

Dated: February 6, 2017.

For the Department of Energy.

David G. Huizenga,

Acting Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2017–06498 Filed 3–31–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, April 20, 2017, 6:00 p.m.

ADDRESSES: Barkley Centre, 111 Memorial Drive, Paducah, Kentucky 42001.

FOR FURTHER INFORMATION CONTACT: Jennifer Woodard, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (270) 441–6825.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda:

- Call to Order, Introductions, Review of Agenda
- Administrative Issues
- Public Comments (15 minutes)
- Adjourn

Breaks Taken As Appropriate

Public Participation: The EM SSAB, Paducah, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Jennifer Woodard as soon as possible in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Jennifer Woodard at the telephone number listed above. Requests must be received as soon as possible prior to the meeting and reasonable provision will be made

to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. The EM SSAB, Paducah, will hear public comments pertaining to its scope (clean-up standards and environmental restoration; waste management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use and long-term stewardship; risk assessment and management; and clean-up science and technology activities). Comments outside of the scope may be submitted via written statement as directed above.

Minutes: Minutes will be available by writing or calling Jennifer Woodard at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.pgdpcab.energy.gov/2017_meetings.htm.*

Issued at Washington, DC, on March 28, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–06514 Filed 3–31–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a combined meeting of the Environmental Monitoring and Remediation Committee and Waste Management Committee of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico (known locally as the Northern New Mexico Citizens' Advisory Board [NNMCAB]). The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, April 19, 2017, 1:00 p.m.–4:00 p.m.

ADDRESSES: NNMCAB Office, 94 Cities of Gold Road, Pojoaque, NM 87506.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board, 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *menice.santistevan@em.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Purpose of the Environmental Monitoring and Remediation Committee (EM&R): The EM&R Committee provides a citizens' perspective to NNMCAB on current and future environmental remediation activities resulting from historical Los Alamos National Laboratory (LANL) operations and, in particular, issues pertaining to groundwater, surface water and work required under the New Mexico Environment Department Order on Consent. The EM&R Committee will keep abreast of DOE–EM and site programs and plans. The committee will work with the NNMCAB to provide assistance in determining priorities and the best use of limited funds and time. Formal recommendations will be proposed when needed and, after consideration and approval by the full NNMCAB, may be sent to DOE–EM for action.

Purpose of the Waste Management (WM) Committee: The WM Committee reviews policies, practices and procedures, existing and proposed, so as to provide recommendations, advice, suggestions and opinions to the NNMCAB regarding waste management operations at the Los Alamos site.

Tentative Agenda

- Call to Order and Introductions
- Approval of Agenda
- Old Business
  - Mid-year Review of Committee Work Plans
- New Business
- Update from NNMCAB Co-Deputy Designated Federal Officers
- Public Comment Period
- Presentation by DOE–EM
- Update on Budget and Priorities from DOE–EM
- Adjourn

Public Participation: The NNMCAB's Committees welcome the attendance of the public at their combined committee meeting and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Committees either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://energy.gov/em/nnmcab/northern-new-mexico-citizens-advisory-board.*

Issued at Washington, DC, on March 28, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–06513 Filed 3–31–17; 8:45 am]

BILLING CODE 6405–01–P

DEPARTMENT OF ENERGY

Notice of Intent to Grant Exclusive License

AGENCY: Office of the General Counsel, Department of Energy.

ACTION: Notice of intent to grant exclusive patent license.

SUMMARY: The Department of Energy (DOE) hereby gives notice that DOE intends to grant an exclusive license to practice the inventions described and claimed in U.S. Patent Number 7,531,808, titled ''Method for the Depth Connected Detection of Ionizing Events from a Co-Planar Grids Sensor'' to Brookhaven Science Associates, LLC., having its principal place of business at Upton, New York. The patent is owned by the United States of America, as represented by DOE. The prospective exclusive license complies with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: Written comments, objections, or nonexclusive license applications must be received at the address listed no later than April 18, 2017.

ADDRESSES: Comments, applications for nonexclusive licenses, or objections relating to the prospective exclusive license should be submitted to the Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy, Room 6F–067, 1000 Independence Ave. SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Marianne Lynch, Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy, Room 6F–067, 1000 Independence Ave. SW., Washington, DC 20585; Email: *marianne.lynch@hq.doe.gov;* and Phone: (202) 586–3815.

SUPPLEMENTARY INFORMATION: 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) give DOE the authority to grant exclusive or partially exclusive licenses in federally-owned inventions where a determination is made, among other things, that the desired practical application of the invention has not been achieved, or is not likely to be achieved expeditiously, under a nonexclusive license. The statute and implementing regulations (37 CFR 404) require that the necessary determinations be made after public notice and opportunity for filing written comments and objections.

Brookhaven Science Associates has applied for an exclusive license to practice the inventions embodied in the patent and has plans for commercialization of the invention.

Within 15 days of publication of this notice, any person may submit in writing to DOE's General Counsel for Intellectual Property and Technology Transfer Office (see contact information), either of the following, together with supporting documents:

(i) A statement setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or (ii) An application for a nonexclusive license to the invention, in which applicant states that it already has brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The proposed license would be exclusive, subject to a license and other rights retained by the United States, and subject to a negotiated royalty. DOE will review all timely written responses to this notice, and will grant the licenses if, after expiration of the 15-day notice period, and after consideration of any written responses to this notice, a determination is made in accordance with 35 U.S.C. 209(c) that the licenses are in the public interest.

Brian Lally,

Assistant General Counsel for Technology Transfer and Intellectual Property.

[FR Doc. 2017–06477 Filed 3–31–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket Nos. PP–423, PP–424 and PP–425]

Notice of Issuance of Presidential Permits

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of Issuance.

SUMMARY: On February 13, 2017, the Department of Energy (DOE) Office of Electricity Delivery and Energy Reliability issued Presidential permits PP–423, PP–424, and PP–425 to AEP Texas Inc., transferring the authorizations in PP–94, PP–210, and PP–317 to a new corporate entity.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence (Program Office) at 202–586–5260, or by email to *Christopher.Lawrence@hq.doe.gov,* or Katherine Konieczny (Program Attorney) at 202–586–0503.

SUPPLEMENTARY INFORMATION: AEP Texas Central Company (AEP TCC) and AEP Utilities, Inc. (AEP Utilities) filed joint applications to voluntarily transfer the facilities authorized by Presidential permit Nos. PP–94, PP–219, and PP–317 to AEP Texas Inc. on July 20, 2016. The applications requested that the Department of Energy (DOE) rescind the Presidential permits held by AEP TCC and simultaneously issue permits to AEP Texas Inc., the new name of AEP Utilities, covering the same international transmission facilities from the previous permits. DOE issued the new Presidential permits on February 13, 2017.

DOE deemed the rescission and reissuance of these permits to be primarily clerical in nature because the facilities at issue already exist and there will be no physical or operational changes to the facilities. The prior permit holder is a direct, wholly-owned subsidiary of the current entity that will own and operate the facilities after a corporate reorganization. There will be no change in ultimate control of the facilities; they will be owned and operated by a different entity in the same chain of ownership of the facilities.

Prior to issuing any new Presidential permit, however, DOE must obtain concurrence from the Departments of State and Defense pursuant to Executive Order 10485, as amended by Executive Order 12038. DOE obtained such concurrence from the Department of State and the Department of Defense on December 28, 2016 and January 18, 2017, respectively, for the issuances of PP–423, PP–424 and PP–425.

Issued in Washington, DC, on February 13, 2017.

Christopher A. Lawrence,

Electricity Policy Analyst, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2017–06480 Filed 3–31–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and Arms Control, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This document is being issued under the authority of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy between the United States and the European Atomic Energy Community (Euratom).

DATES: This subsequent arrangement will take effect no sooner than April 18, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Goorevich, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–0589 or email: *Richard.Goorevich@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: This subsequent arrangement concerns the change of end use and alteration in form and content of 3.510 kg of U.S.-obligated high enriched uranium (HEU), 3.264 kg of which is in the isotope of U–235 (~93.00 percent enrichment). This material was among the 93.5 kg of HEU, 87.3 kg of which was in the isotope of U–235 (93.35 percent enrichment), which was exported, pursuant to export license XSNM3622, to Compagnie pour l'Etude et la Réalisation de Combustibles Atomiques (CERCA), Romans, France to be manufactured into fuel for the BR2 research and isotope production reactor in Belgium. The remaining HEU that is at CERCA, currently in the form of U-metal (1.410 kg U^{Tot}) and UAl_x-powder (2.10 kg U U^{Tot}), will be fabricated into HEU targets (dispersion UAl_x-Al, annular geometry) for commercial production of medical radioisotopes. The targets will be irradiated in BR2 (Belgium), High Flux Reactor (The Netherlands), LVR–15 (Czech Republic) and Maria (Poland) research reactors. The irradiated targets will be transferred to the Institute for Radioelements facility in Belgium

where Molybdenum-99 and other isotopes will be extracted.

In accordance with section 131a. of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement concerning the change of end use and alternation in form or content of U.S. obligated nuclear material will not be inimical to the common defense and security of the United States of America.

Dated: March 21, 2017.

For the Department of Energy.

David Huizenga,

Acting Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2017–06543 Filed 3–31–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. PP–435]

Application for Presidential Permit; Houlton Water Company

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: Houlton Water Company (Houlton) has applied for a Presidential permit to construct, operate, maintain, and connect an electric transmission line across the United States border with Canada.

DATES: Comments or motions to intervene must be submitted on or before May 3, 2017.

ADDRESSES: Comments or motions to intervene should be addressed as follows: Office of Electricity Delivery and Energy Reliability (OE–20), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence (Program Office) at 202–586–5260 or via electronic mail at *Christopher.Lawrence@hq.doe.gov,* Rishi Garg (Program Attorney) at 202–586–0258.

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (E.O.) 10485, as amended by E.O. 12038.

On January 13, 2017, Houlton filed an application with the Office of Electricity Delivery and Energy Reliability of the Department of Energy (DOE) for a Presidential permit. Houlton Water Company has its principal place of business in Houlton, Maine. Houlton Water Company is the municipal utility owned by the Town of Houlton, Maine.

Houlton proposes to construct and operate the U.S. portion of the Houlton/New Brunswick Power Interconnection (the Project). In total, the project would be an approximately 11.8 mile overhead transmission system originating at the Woodstock, New Brunswick substation in Canada and terminate in the town of Houlton, Maine. From the Woodstock Substation, a 69kV transmission line would run approximately 9.3 miles to a new substation near the Canadian/U.S. border in Canada. From that substation, a 38kV line would run less than a mile to the U.S. border. From there a 1.5 mile, 38kV transmission line would extend from the U.S. border to connect into the Houlton, Maine electric distribution system.

The U.S. portion of the proposed project would cross the U.S.-Canada border near 67 degrees—46 min—52.48 sec W.; and 46 degrees—7 min—58.16 sec N.

The Project will be operated in accordance with mandatory reliability standards enforced by the North American Electric Reliability Corporation (NERC).

Since the restructuring of the electric industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission facilities. Specifically, DOE expects transmitting utilities owning border facilities to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the Federal Power Act and articulated in Federal Energy Regulatory Commission (FERC) Order No. 888 (Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; FERC Stats. & Regs. ¶31,036 (1996)), as amended.

Procedural Matters: Any person may comment on this application by filing such comment at the address provided above. Any person seeking to become a party to this proceeding must file a motion to intervene at the address provided above in accordance with Rule 214 of FERC's Rules of Practice and Procedure (18 CFR 385.214). Two copies of each comment or motion to intervene should be filed with DOE on or before the date listed above.

Additional copies of such motions to intervene also should be filed directly with: John Clark, General Manager, Houlton Water Company, 21 Bangor Street, Houlton, ME 04730 AND Greg Sherman, Assistant General Manager, Houlton Water Company, 21 Bangor Street, Houlton, ME 04730 AND Greg Williams, Temco Legal, LLC, 5060 Amesbury Drive, Columbia, MD 21044.

Before a Presidential permit may be issued or amended, DOE must determine that the proposed action is in the public interest. In making that determination, DOE considers the environmental impacts of the proposed project pursuant to the National Environmental Policy Act of 1969, determines the project's impact on electric reliability by ascertaining whether the proposed project would adversely affect the operation of the U.S. electric power supply system under normal and contingency conditions, and any other factors that DOE may also consider relevant to the public interest. Also, DOE must obtain the concurrences of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://energy.gov/oe/services/electricity-policy-coordination-and-implementation/international-electricity-regulatio-2.*

Issued in Washington, DC, on January 31, 2017.

Christopher A. Lawrence,

Electricity Policy Analyst, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2017–06487 Filed 3–31–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, April 19, 2017, 4:00 p.m.

ADDRESSES: Frank H. Rogers Science and Technology Building, 755 East Flamingo, Las Vegas, Nevada 89119.

FOR FURTHER INFORMATION CONTACT: Barbara Ulmer, Board Administrator, 232 Energy Way, M/S 167, North Las Vegas, Nevada 89030. Phone: (702) 630–0522; Fax (702) 295–2025 or Email: *NSSAB@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Briefing for Groundwater Sampling Techniques—Work Plan Item #5
2. Briefing for Radioactive Waste Acceptance Program Assessment Improvement Opportunities—Work Plan Item #4

Public Participation: The EM SSAB, Nevada, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Barbara Ulmer at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Barbara Ulmer at the telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments can do so during the 15 minutes allotted for public comments.

Minutes: Minutes will be available by writing to Barbara Ulmer at the address listed above or at the following Web site: *http://www.nnss.gov/NSSAB/pages/MM_FY17.html.*

Issued at Washington, DC, on March 28, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–06512 Filed 3–31–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and Arms Control, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This document is being issued under the authority of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Korea Concerning Peaceful Uses of Nuclear Energy.

DATES: This subsequent arrangement will take effect no sooner than April 18, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Richard S. Goorevich, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–0589 or email: *Richard.Goorevich@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: This proposed subsequent arrangement concerns the advance consent list of countries or destinations referred to in paragraph 1.(c) of Article 18 of the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Korea Concerning Peaceful Uses of Nuclear Energy, done at Washington on June 15, 2015 (the Agreement) and paragraph 1.a. of section 3 of the Agreed Minute to the Agreement. Argentina, Australia, Brazil, Canada, Egypt, European Atomic Energy Community, Indonesia, Japan, Kazakhstan, Morocco, South Africa, Switzerland, Turkey, Ukraine, United Arab Emirates, and Vietnam are countries or destinations on the advance consent list and, therefore, are eligible to receive retransfers from the Republic of Korea of unirradiated low enriched uranium, unirradiated source material, equipment and components subject to paragraph 2 of Article 10 of the Agreement. The United States has an Agreement for Cooperation in the Peaceful Uses of Nuclear Energy, under the authority of section 123 of the Atomic Energy Act of 1954, as amended, in force with each of the countries or destinations that are on the advance consent list.

In accordance with section 131a. of the Atomic Energy Act of 1954, as amended, it has been determined that this proposed subsequent arrangement will not be inimical to the common defense and security of the United States of America.

Dated: February 27, 2017.

For the Department of Energy.

David G. Huizenga,

Acting Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2017–06500 Filed 3–31–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy.

ACTION: Agency information collection activities: Information collection extension, with changes; notice and request for comments.

SUMMARY: EIA, pursuant to the Paperwork Reduction Act of 1995, intends to submit an information collection request for the Petroleum Marketing Program, OMB Control Number 1905–0174, to the Office of Management and Budget (OMB). EIA is requesting a three-year extension to the program and soliciting comments on the proposed changes to Form EIA–182, Form EIA–863, Form EIA–878, Form EIA–888, and Form EIA–877. No changes are proposed for the remaining survey forms that comprise the Petroleum Marketing Program.

DATES: Comments regarding this proposed information collection must be received on or before June 2, 2017. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Written comments may be sent to Ms. Tammy Heppner, U.S. Department of Energy, U.S. Energy Information Administration, Mail Stop EI–25, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585. To ensure receipt of the comments by the due date, submission by email (*Tammy.Heppner@eia.gov*) is recommended. Alternatively, Ms. Heppner may be contacted by telephone at 202–586–4748.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Ms. Tammy Heppner at the contact information listed above. The forms and instructions, along with related information on this clearance

package, can be viewed at *http://www.eia.gov/survey/notice/marketing2017.cfm.*

SUPPLEMENTARY INFORMATION: The Petroleum Marketing Program consists of the following surveys:

- EIA–14, ''Refiners' Monthly Cost Report;''
- EIA–182, ''Domestic Crude Oil First Purchase Report;''
- EIA–782A, ''Refiners'/Gas Plant Operators' Monthly Petroleum Product Sales Report;''
- EIA–782C, ''Monthly Report of Prime Supplier Sales of Petroleum Products Sold For Local Consumption;''
- EIA–821, ''Annual Fuel Oil and Kerosene Sales Report;''
- EIA–856, ''Monthly Foreign Crude Oil Acquisition Report;''
- EIA–863, ''Petroleum Product Sales Identification Survey;''
- EIA–877, ''Winter Heating Fuels Telephone Survey;''
- EIA–878, ''Motor Gasoline Price Survey;''
- EIA–888, ''On-Highway Diesel Fuel Price Survey.''

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, 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 respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains: (1) OMB No. 1905–0174; (2) Information Collection Request Title: Petroleum Marketing Program; (3) Type of Request: Revision of a currently approved collection; (4) Purpose: The Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*) and the DOE Organization Act (42 U.S.C. 7101 *et seq.*) require EIA to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer term domestic demands.

EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with EIA. Also, EIA will later seek approval for this collection by the Office of Management and Budget (OMB) under Section 3507(a) of the Paperwork Reduction Act of 1995.

EIA's petroleum marketing survey forms collect volumetric and price information needed for determining the supply of and demand for crude oil and refined petroleum products. These surveys provide a basic set of data pertaining to the structure, efficiency, and behavior of petroleum markets. These data are published by EIA on its Web site, *http://www.eia.gov,* as well as in publications such as the *Monthly Energy Review* (*http://www.eia.gov/totalenergy/data/monthly/*), *Annual Energy Review* (*http://www.eia.gov/totalenergy/data/annual/*), *Petroleum Marketing Monthly* (*http://www.eia.gov/oil_gas/petroleum/data_publications/petroleum_marketing_monthly/pmm.html*), *Weekly Petroleum Status Report* (*http://www.eia.gov/oil_gas/petroleum/data_publications/weekly_petroleum_status_report/wpsr.html*), *and the International Energy Outlook* (*http://www.eia.gov/forecasts/ieo/*); (4a) Proposed Changes to Information Collection:

Form EIA–878: Motor Gasoline Price Survey

EIA is proposing to collect annual sales volumes of motor gasoline by regular, midgrade, and premium grades on Form EIA–878, ''Motor Gasoline Price Survey'' on a triennial basis. This survey collects weekly retail gasoline prices from a sample of gasoline stations and publishes price estimates at various regional, state, and city levels. EIA is updating its frame of retail gasoline outlets and proposing to re-select the sample of retail outlets using a new sample design. EIA will use annual sales volumes of motor gasoline to determine the measure of size and weights for the new outlets selected to report in the sample. EIA will obtain annual sales volume from corporate offices of suppliers of whole sale and retail gasoline, hypermarkets, and individual station owners in the sample. The new sample will replace the current sample that reports on Form EIA–878. In the alternative, EIA is also considering to eliminate this survey due to budget constraints. In the event this survey is eliminated EIA may utilize third party price data for information on retail gasoline prices. EIA solicits comments on both proposals, to select a new sample using annual retail sales volumes as the sample weights; or discontinue Form EIA–878.

Form EIA–182: Domestic Crude Oil First Purchase Report

EIA is proposing to replace ''North Dakota Sweet'' crude stream with ''North Dakota Bakken'' crude stream on Form EIA–182, ''Domestic Crude Oil First Purchase Report.'' Due to increased crude oil production of the Bakken crude steam, this replacement will provide more accurate price estimates for an important domestic crude stream.

Forms EIA–863, EIA–878, and EIA–888

EIA proposes a permanent change in its statistical confidentiality pledge to respondents to Forms EIA–863, EIA–878, and EIA–888. EIA revised its confidentiality pledge to respondents to Forms EIA–863, EIA–878, and EIA–888 in an emergency **Federal Register** notice released on January 12, 2017 in 82 FR 3764. These revisions were required by provisions of the Federal Cybersecurity Enhancement Act of 2015 (pub. L. 114–11, Division N. Title II Subtitle B, Sec. 223). This Act, among other provisions, permits and requires DHS to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. Federal statistics provide key information that the Nation uses to measure its performance and make informed choices about budgets, energy, employment, health, investments, taxes, and a host of other significant topics. Strong and trusted confidentiality and exclusively statistical use pledges under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) and similar statistical confidentiality pledges are effective and necessary in honoring the trust that businesses, individuals, and institutions, by their responses, place in statistical agencies. In this notice EIA proposes to make this change permanent and use the following EIA statistical confidentiality pledge to protect information collected on Forms EIA–863, EIA–878, and EIA–888.

''The information you provide on this survey form will be used for statistical purposes only and is confidential by law. In accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 and other applicable Federal laws, your responses will not be disclosed in identifiable form without your consent. Per the Federal Cybersecurity Enhancement Act of 2015, Federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. Every EIA employee, as well as every agent, is subject to a jail term, a fine, or both if he or she makes public ANY identifiable information you reported.''

Data reported on Forms EIA–878 and EIA–888 are collected over the telephone. These two surveys have a shorter version of the CIPSEA pledge that is read to the respondent over the telephone. EIA is proposing to permanently modify the pledge provided to respondents over the telephone to read:

The information you provide on Form EIA-xxx will be used for statistical purposes only. Your responses will be kept confidential and will not be disclosed in identifiable form. Per the Federal Cybersecurity Enhancement Act of 2015, Federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. By law, every EIA employee, as well as every agent, is subject to a jail term, a fine, or both if he or she makes public ANY identifiable information you reported.''

EIA–877: Winter Heating Fuels Telephone Survey

EIA is proposing to add annual sales volumes of residential heating oil for statistical estimation purposes. This survey collects annual volumes of propane and residential heating oil and propane prices during the heating season. The accuracy of the price estimates of heating oil will improve by having annual volumes of heating oil as a reliable measure for calculating weighted average point-in-time price estimates. (5) Annual Estimated Number of Respondents: 10,578 Respondents; (6) Annual Estimated Number of Total Responses: 125,490; (7) Annual Estimated Number of Burden Hours: 48,777 hours; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: $3,775,000. The cost of the burden hours is estimated to be $3,592,914 (48,777 burden hours times $73.66 per hour). EIA estimates that there are no additional costs to respondents associated with the surveys other than the costs associated with the burden hours.

Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified as 15 U.S. C. 772(b).

Issued in Washington, DC, on March 15, 2017.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2017–06527 Filed 3–31–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–98–000.
Applicants: Tonopah Solar Energy, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Waivers and Expedited Action of Tonopah Solar Energy, LLC.
Filed Date: 3/24/17.
Accession Number: 20170324–5332.
Comments Due: 5 p.m. ET 4/14/17.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG17–83–000.
Applicants: Willow Springs Windfarm, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Willow Springs Windfarm, LLC.
Filed Date: 3/27/17.
Accession Number: 20170327–5180.
Comments Due: 5 p.m. ET 4/17/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–2855–022;ER11–2856–022; ER11–2857–022;ER10–2488–014; ER10–2722–008;ER10–2787–006; ER12–2037–009.
Applicants: Avenal Park LLC, Sand Drag LLC, Sun City Project LLC, Oasis Power Partners, LLC, Eurus Combine Hills I LLC, Eurus Combine Hills II LLC, Spearville 3, LLC.
Description: Notice of Non-Material Change in Status of the Eurus MBR Entities.
Filed Date: 3/24/17.
Accession Number: 20170324–5338.
Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER16–1983–002.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing: 2017–03–24 Second Petition Waiver Delay Implementation RTD LMPM to be effective N/A.
Filed Date: 3/24/17.
Accession Number: 20170324–5331.
Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–415–002.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing: 2017–03–24 Second Petition Waiver Delay Implementation Admin Pricing to be effective N/A.
Filed Date: 3/24/17.
Accession Number: 20170324–5328.
Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–853–001.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing: 2017–03–24 Petition Waiver Delay Implementation CRR Clawback Modification to be effective N/A.
Filed Date: 3/24/17.
Accession Number: 20170324–5330.
Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1099–001.
Applicants: Arizona Public Service Company.
Description: Tariff Amendment: Amendment to Formula Rate Protocol Modification to be effective 5/1/2017.
Filed Date: 3/24/17.
Accession Number: 20170324–5312.
Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1301–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: First Revised ISA, Service Agreement No. 2185, Non-Queue position NQ140 to be effective 12/3/2009.
Filed Date: 3/24/17.
Accession Number: 20170324–5308.
Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1302–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–03–24_Revisions to Attachment LL for implementation of EARs to be effective 6/1/2017.
Filed Date: 3/24/17.
Accession Number: 20170324–5309.
Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1303–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–03–24_RS 8 Manitoba Hydro-MISO Seams Opr Agr EAR Revisions to be effective 6/1/2017.
Filed Date: 3/24/17.
Accession Number: 20170324–5310.
Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1304–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–03–24_Revisions to RS 46 Minnkota-MISO Coor Opr Agr to implement EARs to be effective 6/1/2017.
Filed Date: 3/24/17.
Accession Number: 20170324–5311.
Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1305–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–03–24_Revisions to MISO–PJM

JOA to implement EARs to be effective 6/1/2017.

Filed Date: 3/24/17.

Accession Number: 20170324–5318.

Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1306–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revisions to PJM–MISO JOA re: CMP Dynamic Schedules (EAR) and DA FFE Adjustments to be effective 6/1/2017.

Filed Date: 3/24/17.

Accession Number: 20170324–5329.

Comments Due: 5 p.m. ET 4/14/17.

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 27, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06415 Filed 3–31–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1851–007; ER10–1852–015; ER10–1930–007; ER10–1931–008; ER10–1966–008; ER10–1971–034; ER10–1976–008; ER10–1985–008; ER11–4462–025; ER12–2225–007; ER12–2226–007; ER14–2138–004; ER15–2101–004; ER15–2582–002.

Applicants: ESI Vansycle Partners, L.P., Florida Power & Light Company, FPL Energy Stateline II, Inc., FPL Energy Vansycle L.L.C., Logan Wind Energy LLC, NextEra Energy Power Marketing, LLC, Northern Colorado Wind Energy, LLC, Peetz Table Wind Energy, LLC, NEPM II, LLC, Limon Wind II, LLC, Limon Wind, LLC, Limon Wind III, LLC, Golden West Power Partners, LLC, Carousel Wind Farm, LLC.

Description: Supplement to December 30, 3016 Triennial Market Power Update for the Northwest Region of NextEra Companies.

Filed Date: 3/24/17.

Accession Number: 20170324–5175.

Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–989–000; ER17–990–000; ER17–991–000; ER17–992–000; ER17–993–000.

Applicants: Chambersburg Energy, LLC, Gans Energy, LLC, Hunlock Energy, LLC, Springdale Energy, LLC, Bath County Energy, LLC.

Description: Supplement to February 17, 2017 Chambersburg Energy, LLC, et al. tariff filings.

Filed Date: 3/24/17.

Accession Number: 20170324–5177.

Comments Due: 5 p.m. ET 4/7/17.

Docket Numbers: ER17–1287–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: Three E&P Agreements: Little Bear Solar 3, Little Bear Solar 4 and Pacific Wind to be effective 3/24/2017.

Filed Date: 3/23/17.

Accession Number: 20170323–5002.

Comments Due: 5 p.m. ET 4/13/17.

Docket Numbers: ER17–1289–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–03–23 SA 2468 Ameren-Sugar Creek GIA Termination (J034) to be effective 4/25/2017.

Filed Date: 3/24/17.

Accession Number: 20170324–5289.

Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1290–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–03–24_SA 3007 ATC-Upper Michigan E&P Agreement (J703) to be effective 3/17/2017.

Filed Date: 3/24/17.

Accession Number: 20170324–5291.

Comments Due: 5 p.m. ET 4/14/17

Docket Numbers: ER17–1291–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–03–24_SA 3008 ATC-Upper Michigan E&P Agreement (J704) to be effective 3/17/2017.

Filed Date: 3/24/17.

Accession Number: 20170324–5292.

Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1292–000.

Applicants: Pennsylvania Electric Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Penelec submits Original CA, Service Agreement No. 4664, with Borough of Berlin to be effective 2/22/2017.

Filed Date: 3/24/17.

Accession Number: 20170324–5293.

Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1293–000.

Applicants: Boulder Solar Power, LLC.

Description: § 205(d) Rate Filing: Ministerial Amendment of Boulder Solar Market-Based Rate Tariff to be effective 3/25/2017.

Filed Date: 3/24/17.

Accession Number: 20170324–5295.

Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1294–000.

Applicants: Mankato Energy Center, LLC.

Description: § 205(d) Rate Filing: Ministerial Amendment to Mankato Market-Based Rate Tariff to be effective 3/25/2017.

Filed Date: 3/24/17.

Accession Number: 20170324–5296.

Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1295–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Queue Position AA2–088, Original Service Agreement No. 4658 to be effective 2/22/2017.

Filed Date: 3/24/17.

Accession Number: 20170324–5297.

Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1296–000.

Applicants: ISO New England Inc., Green Mountain Power Corporation.

Description: § 205(d) Rate Filing: ISO–NE & GMP Original Service Agreement No. SGIA–ISONE/GMP–17–01 under Sched. 23 to be effective 3/8/2017.

Filed Date: 3/24/17.

Accession Number: 20170324–5298.

Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1297–000.

Applicants: R. R. Donnelley & Sons Company.

Description: Tariff Cancellation: RR Donnelley MBR Tariff Cancellation to be effective 3/31/2017.

Filed Date: 3/24/17.

Accession Number: 20170324–5300.

Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1298–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of Original Service Agreement No. 4282, Queue No. AA1–100 to be effective 2/27/2017.

Filed Date: 3/24/17.

Accession Number: 20170324–5301.

Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1299–000.

Applicants: Southern California Edison Company.

Description: Tariff Cancellation: Notice of Cancellation SGIA and Distribution Service Agmt Joshua Tree Solar Farm to be effective 3/11/2017.

Filed Date: 3/24/17

Accession Number: 20170324–5302.

Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1300–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2017–03–24 EIM Implementation Agreement with BANC to be effective 6/1/2017.

Filed Date: 3/24/17.

Accession Number: 20170324–5304.

Comments Due: 5 p.m. ET 4/14/17.

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 24, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06424 Filed 3–31–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14835–000]

Merchant Hydro Developers, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On January 18, 2017, Merchant Hydro Developers, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Susan Russ Memorial Pumped Storage Hydro Project to be located near the town of Manhattan in Tioga County, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new upper reservoir having a surface area of 70 acres and a storage capacity of 1,050 acre-feet at a surface elevation of approximately 2,200 feet above mean sea level (msl) created through construction of new roller-compacted concrete or rock-filled dams and/or dikes; (2) excavating a new lower reservoir with a surface area of 60 acres and a total storage capacity of 1,260 acre-feet at a surface elevation of 1,300 feet msl; (3) a new 3,337-foot-long, 48-inch-diameter penstock connecting the upper and lower reservoirs; (4) a new 150-foot-long, 50-foot-wide powerhouse containing two turbine-generator units with a total rated capacity of 77 megawatts; (5) a new transmission line connecting the powerhouse to a nearby electric grid interconnection point with options to evaluate multiple grid interconnection locations; and (6) appurtenant facilities. Possible initial fill water and make-up water would come from Pine Creek. The proposed project would have an annual generation of 282,778 megawatt-hours.

Applicant Contact: Adam Rousselle, Merchant Hydro Developers, LLC, 5710 Oak Crest Drive, Doylestown, PA 18902; phone: (267) 254–6107.

FERC Contact: Tim Looney; phone: (202) 502–6096.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14835–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14835) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: March 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06475 Filed 3–31–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14808–000]

Merchant Hydro Developers, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On December 19, 2016, Merchant Hydro Developers, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Panther Pumped Storage Hydroelectric Project to be located near the town of Simpson in Lackawanna and Wayne Counties, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new upper reservoir with a surface area of 175 acres and a storage capacity of 2,625 acre-feet at a surface elevation of approximately 1,960 feet above mean sea level (msl) created through construction of new roller-compacted concrete or rock-filled dams and/or dikes; (2) excavating a new lower reservoir with a surface area of 180 acres and a total storage capacity of 4,500 acre-feet at a surface elevation of 1,325 feet msl; (3) a new 6,045-foot-long, 48-inch-diameter penstock connecting the upper and lower reservoirs; (5) a new 150-foot-long, 50-foot-wide powerhouse

containing two turbine-generator units with a total rated capacity of 172 megawatts; (6) a new transmission line connecting the powerhouse to a nearby electric grid interconnection point with options to evaluate multiple grid interconnection locations; and (7) appurtenant facilities. Possible initial fill water and make-up water would come from the Lackawanna River. The proposed project would have an annual generation of 502,717 megawatt-hours.

Applicant Contact: Adam Rousselle, Merchant Hydro Developers, LLC, 5710 Oak Crest Drive, Doylestown, PA 18902; phone: (267) 254–6107.

FERC Contact: Tim Looney; phone: (202) 502–6096.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14808–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14808) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: March 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06469 Filed 3–31–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–38–000]

Columbia Gas Transmission, LLC; Notice of Availability of the Environmental Assessment for the Proposed WB Xpress Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the WB XPress Project, proposed by Columbia Gas Transmission, LLC (Columbia) in the above-referenced docket. Columbia requests authorization to perform the following: (i) Installation, construction, and operation of about 29.3 miles of various diameter pipeline; (ii) modifications to seven existing compressor stations; (iii) construction and operation of two new compressor stations; (iv) uprates and restoration of the maximum allowable operating pressure (MAOP) on various segments of the existing WB and VB natural gas transmission pipeline systems; and (v) installation of various appurtenant and auxiliary facilities, all located in either Braxton, Clay, Grant, Hardy, Kanawha, Pendleton, Randolph, and Upshur Counties, West Virginia, or Clark, Fairfax, Fauquier, Loudoun, Shenandoah, or Warren Counties, Virginia.

The EA assesses the potential environmental effects of the construction and operation of the WB XPress Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Forest Service (USFS), U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, West Virginia Department of Environmental Protection, and West Virginia Division of Natural Resources participated as cooperating agencies in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The USFS and U.S. Army Corps of Engineers will adopt the EA to fulfill their agency's NEPA obligations. The USFS will use the EA, as well as other supporting documentation, to consider the issuance of right-of-way authorization for the portion of the project on National Forest System lands. The U.S. Army Corps of Engineers will use the EA and supporting documentation to consider the issuance of Clean Water Act Section 404 and Rivers and Harbors Act Section 10 permits.

The proposed WB XPress Project includes the following facilities:

West Virginia

Aboveground Facilities:

- One new West Virginia Compressor Station: A new, natural gas-fired compressor station at approximately MP 0.3 of the Line WB–5 Extension in Kanawha County, West Virginia.
- Installation of new valve sites and launcher/receiver facilities along Line WB–5 in Kanawha, Grant and Clay Counties, West Virginia.
- Modifications to increase horsepower at four (4) existing Compressor Stations including Cleveland, Files Creek, Seneca, and Lost River Compressor Stations in Upshur, Randolph, Pendleton, and Hardy Counties, West Virginia, respectively.
- Modifications to existing natural gas pipeline appurtenances at the Frametown Compressor Station in Braxton County, West Virginia.
- Modifications to four existing Valve Sites including Glady Valve Site in Randolph County, West Virginia; Dink Valve Site in Clay County, West Virginia; Whitmer and Smokehole in Pendleton County, West Virginia; and one regulator station, Panther Mountain Regulator Station, in Kanawha County, West Virginia.

Pipeline Facilities:

- Line WB–5 Extension: Installation of approximately 0.3 mile of new 36-inch-diameter natural gas transmission pipeline from the planned new Compressor Station to the Panther Mountain Regulator Station in Kanawha County, West Virginia.
- Line WB–22: Installation of approximately 0.6 mile of new 36-inch-diameter natural gas transmission pipeline from the proposed new West Virginia Compressor Stations to the Panther Regulator Station, ending at the proposed WB–22 Receiver Site in Kanawha County, West Virginia.
- Line WB: Generally lift and lay replacement of approximately 25.5 miles of 26-inch-diameter natural gas transmission pipeline loop and associated appurtenances in Randolph and Pendleton Counties, West Virginia.
- Line WB: Replacement of 5 sections, totaling approximately 0.3 mile of 26-inch-diameter natural gas transmission pipeline between Mileposts (MP) 134.6 and 146.4 in Pendleton, Grant, and Hardy Counties, West Virginia.

• Line WB–5: Replacement of approximately 1,185 feet (0.2 mile) of 36-inch-diameter natural gas transmission pipeline between MP 4.5 and MP 4.7 in Grant County, West Virginia.

MAOP Restoration:

• Line WB–5: Incremental pressure increase of approximately 72.4 miles of the Line WB–5 Segment to restore this segment to its originally certificated MAOP of 1,000 square inch gauge (psig) in Upshur, Randolph, Pendleton, Grant and Hardy Counties, West Virginia.

Uprate Segments:

• Line WB–6: Incremental pressure increase of approximately 2.4 miles of the Line WB–6 to 1,000 psig MAOP in Randolph County, West Virginia.

• Line WB–5: Incremental pressure increase of approximately 22.1 miles of the Line WB–5 Segment to 1,000 psig in Pendleton, Grant, and Hardy Counties, West Virginia.

Virginia

Aboveground Facilities:

• One new, electric-driven compressor station at approximately MP 0.0 of the proposed new Line VA–1 in Fairfax County, Virginia.

• Installation of a receiver facility at the end of the proposed Line VA–1, in Fairfax County, Virginia.

• Modifications to increase horsepower at the existing Strasburg Compressor Station located in Shenandoah County Virginia, in order to increase capacity for the transportation of additional volume along Columbia's Line VB natural gas pipeline system.

• Modifications to existing natural gas pipeline appurtenances at the Loudoun Compressor Station in Loudoun County, Virginia.

• Modifications to the existing Dysart Valve Site, in Shenandoah County, Virginia and one metering station, Nineveh Meter Station, in Warren County, Virginia.

Pipeline Facilities:

• Line VA–1: Installation of approximately 2.2 miles of new 12-inch-diameter natural gas transmission pipeline and associated appurtenances in Fairfax County, Virginia.

MAOP Restoration:

• Line VB–5: Incremental pressure increase of approximately 70.4 miles of the Line VB–5 Segment to restore this segment to its originally certificated MAOP of 1,000 psig in Shenandoah, Warren, Clark, Fauquier, and Loudoun Counties, Virginia.

The USFS's purpose and need for the proposed action is to respond to a special use application, submitted by Columbia on August 19, 2016, to allow the construction and operation of the WB XPress project on national forest system lands managed by the Monongahela National Forest.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners; interested individuals and groups; and newspapers and libraries in the project area. Everyone on our environmental mailing list will receive a CD version of the EA. In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission Public Reference Room 888 First Street NE., Room 2A Washington, DC 20426 (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before April 24, 2017.

For your convenience, there are three methods you can use to file your comments to the Commission. In all instances, please reference the project docket number (CP16–38–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP16–38). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp*.

Dated: March 24, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06417 Filed 3–31–17; 8:45 am]

BILLING CODE 6717–01–P

[1] See the previous discussion on the methods for filing comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2195–148]

Portland General Electric Company; Notice of Application Accepted for Filing, Soliciting Comments, Protests, and Motions To Intervene

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

a. *Type of Application:* Non-project use of project lands and water.

b. *Project No:* 2195–148.

c. *Date Filed:* November 7, 2016 and supplemented on March 22, 2017.

d. *Applicant:* Portland General Electric Company (licensee).

e. *Name of Project:* Clackamas River Hydroelectric Project.

f. *Location:* River Mill Development (Estacada Lake) of the Clackamas River Hydroelectric Project located in Clackamas County, Oregon.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Thomas Nilan, Manager, Portland General Electric Company, 121 SW. Salmon Street, 3 WTC–BR05, Portland, Oregon 97204; phone (503) 464–8738.

i. *FERC Contact:* Robert Ballantine at 202–502–6289, *robert.ballantine@ferc.gov.*

j. Deadline for filing comments, protests, or motions to intervene is 30 days from the issuance of this notice by the Commission. The Commission strongly encourages electronic filing. Please file comments, protests, or motions to intervene using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2195–148.

k. *Description of Request:* Portland General Electric Company requests Commission approval to grant the Oregon Department of Fish and Wildlife (Oregon DFW) an easement to use project lands and water within the River Mill development of the Clackamas River Hydroelectric Project, for the construction and operation of a gravity fed intake system. The intake would provide water to the Oregon DFW owned Clackamas Hatchery located outside of the project boundary on Dog Creek, a tributary of the Clackamas River. The intake would provide a continuous gravity fed 50 cubic feet per second (approximately 32 million gallons per day) from Estacada Lake, to the fish hatchery. The intake system would be located within the project boundary approximately 250 feet upstream of the River Mill Dam on the south side of the forebay and consist of a dual-cylindrical intake screen, track system for deploying the intake screens into the reservoir, control building, and conveyance pipes. Project water routed to the hatchery would be returned to the Clackamas River via Dog Creek, downstream of the project.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling 202–502–8371. This filing may also 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. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call 202–502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all comments or protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENT''; ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or motioning to intervene; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, protests, or motions to intervene must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: March 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06468 Filed 3–31–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD17–10–000]

Hurricane Creek Irrigating Ditch Company; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On March 21, 2017, the Hurricane Creek Irrigating Ditch Company, filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed Hurricane Hydro Station #2 & #4 Project would have a combined installed capacity of 104 kilowatts (kW), and would be located along two sections of

an existing irrigation pipeline. The project would be located near the Town of Joseph in Wallowa County, Oregon.

Applicant Contact: Kyle Petrocine, 401 NE 1st St., Suite A, Enterprise, OR 97828 Phone No. (541) 398–0018.

FERC Contact: Robert Bell, Phone No. (202) 502–6062, email: *robert.bell@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of the following two developments:

Hydro Station #2 Development

A new powerhouse containing one turbine/generating unit with an installed capacity of 61 kW in the existing 30-inch diameter irrigation pipeline; and (2) appurtenant facilities. The project will also include a bypass section through a pressure reducing valve. The proposed project would have an estimated annual generating capacity of 115,846 kilowatt-hours.

Hydro Station #4 Development

A new powerhouse containing one turbine/generating unit with an installed capacity of 43 kW in the existing 20-inch diameter pipeline; and (2) appurtenant facilities. The project will also include a bypass section through a pressure reducing valve. The proposed project would have an estimated annual generating capacity of 98,500 kilowatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A), as amended by HREA	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i), as amended by HREA	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii), as amended by HREA	The facility has an installed capacity that does not exceed 5 megawatts	Y
FPA 30(a)(3)(C)(iii), as amended by HREA.	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: The proposed addition of the hydroelectric project along the existing irrigation pipeline will not alter its primary purpose. Therefore, based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the ''COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY'' or ''MOTION TO INTERVENE,'' as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

[1] 18 CFR 385.2001–2005 (2016).

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the ''eLibrary'' link. Enter the docket number (*i.e.,* CD17–10) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: March 27, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06423 Filed 3–31–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP17–56–000; CP17–57–000]

Texas Eastern Transmission, L.P.; Brazoria Interconnector Gas Pipeline, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Stratton Ridge Expansion Project, and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Stratton Ridge Expansion Project (Project) involving construction and operation of facilities by Texas Eastern Transmission, L.P. (Texas Eastern), and Brazoria Interconnector Gas Pipeline, LLC (BIG) (referred to as Applicants) in Brazoria, Chambers, San Jacinto, Waller, Shelby, and Lavaca Counties, Texas. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before April 24, 2017.

If you sent comments on this project to the Commission before the opening of this docket on February 2, 2017, you will need to file those comments in Docket Nos. CP17–56–000 and CP17–57–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

The Applicants provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket numbers (CP17–56–000, and CP17–57–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of the Proposed Project

The Project is designed to provide the capacity necessary for Texas Eastern to transport up to 322,000 dekatherms per day of natural gas on a firm basis from certain of Texas Eastern's existing interconnections to a delivery point on the BIG pipeline near Stratton Ridge, Texas.

The Applicant's Project would consist of the following facilities:

- The new Angleton Compressor Station, consisting of a 12,500 horsepower electric motor-driven compressor, as well as metering and regulation facilities, at an existing site owned by Texas Eastern;
- a new 0.5 mile, 30-inch-diameter pipeline lateral in Brazoria County, Texas to interconnect with the BIG intrastate pipeline system;
- a new aboveground wire-line launcher/receiver assembly site and interconnect valve site near milepost 0.5 of the BIG Interconnect;
- Clean Burn equipment for one unit at Texas Eastern's existing Mont Belvieu Compressor Station in Chambers County, Texas;
- modified station piping for pressure regulation at Texas Eastern's Joaquin Compressor Station in Shelby County, Texas;
- modified existing launcher and receiver facilities at Texas Eastern's existing Huntsville Compressor Station, in San Jacinto County, Texas;
- modified existing launcher and receiver facilities at Texas Eastern's Hempstead and Provident City station sites; in Waller and Lavaca County, Texas; and
- replacement of existing 16-inch crossover piping and valve with new 24-inch crossover piping and valve at an existing facility approximately 0.2 mile southwest of the Provident City station site in Lavaca County, Texas.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 143 acres of land for the aboveground facilities and the pipeline. Following construction, the Applicants would maintain about 48 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- socioeconomics;
- air quality and noise;
- endangered and threatened species;
- public safety; and
- cumulative impacts

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by the Applicants.

This preliminary list of issues may be changed based on your comments and our analysis.

- Operational noise impacts
- Socioeconomic impacts
- Cumulative impacts

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies of the EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the ''Document-less Intervention Guide'' under the ''e-filing'' link on the Commission's Web site. Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.*

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP17–56, CP17–57). Be sure you have selected an appropriate date range.

For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, part 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

documents. Go to *www.ferc.gov/docs-filing/esubscription.asp*.

Finally, public sessions or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: March 24, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06418 Filed 3–31–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2520–076]

Great Lakes Hydro America, LLC; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Major License.

b. *Project No.:* 2520–076.

c. *Date filed:* August 31, 2016.

d. *Applicant:* Great Lakes Hydro America, LLC (Great Lakes Hydro).

e. *Name of Project:* Mattaceunk Hydroelectric Project.

f. *Location:* The existing project is located on the Penobscot River in Aroostook and Penobscot Counties, Maine. The project does not affect federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Kevin Bernier, Senior Compliance Specialist, Great Lakes Hydro America, LLC, 1024 Central Street, Millinocket, Maine 04462; Telephone (207) 723–4341, x118.

i. *FERC Contact:* Adam Peer, (202) 502–8449 or *adam.peer@ferc.gov*.

j. *Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2520–076.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. The existing Mattaceunk Hydroelectric Project consists of: (1) A 1,060-foot-long, 45-foot-high dam (Weldon Dam) with a crest elevation of 236.0 feet (USGS datum), and includes: (i) A 110-foot-long earthen embankment extending to the left abutment; (ii) a combined intake and powerhouse structure; (iii) an upstream fish ladder; (iv) a 10-foot-wide log sluice structure, controlled by an 8-foot-high vertical slide gate; (v) a 90-foot-long, 19-foot-high gated spillway with a single roller gate; (vi) a 657.5-foot-long, 70-foot high concrete gravity overflow spillway with 4-foot-high flashboards to create a maximum flashboard crest elevation of 240.0 feet; and (vii) a retaining wall at the right abutment; (2) a 1,664-acre reservoir with a total storage capacity of 20,981 acre-feet at a normal pool elevation of 240.00 feet (USGS datum); (3) a 142-foot-long, 99-foot-wide powerhouse (Weldon Station) integral to the dam containing two Kaplan turbines rated at 5,479 kilowatt (kW) and two fixed-blade propeller turbines rated at 5,489 kW, each driving a 6,000 kilovolt-ampere (kVA), 4,800 kW vertical synchronous generator for an authorized installed capacity of 19.2 megawatts (MW); (4) a downstream fishway; (5) an outdoor substation adjacent to the powerhouse; (6) a 9-mile-long, 34.5-kilovolt (kV) transmission line within a 120-foot-wide right of way; and (7) appurtenant facilities. The project generates about 123,332 megawatt-hours (MWh) annually.

The Mattaceunk Project is operated with minimal fluctuations of the reservoir surface elevation. Flexibility on reservoir elevations is required to provide for safe installation of the project's flashboards and to allow an adequate margin for wave action, debris loads, or sudden pool increases that might cause flashboard failure. The existing license requires a reservoir surface elevation no lower than 1.0 foot below the dam crest elevation of 236.0 feet when the 4-foot-high flashboards are not in use, and no lower than 2.0 feet below the top of flashboard elevation of 240.0 feet when the 4-foot-high flashboards are in use. The existing license also requires a year-round continuous minimum flow of 1,674 cubic feet per second (cfs) or inflow, whichever is less, and a daily average minimum flow of 2,392 cfs from July 1 through September 30 and 2,000 cfs from October 1 through June 30, unless inflow is less than the stated daily average minimum flows (in which case outflow from the project must equal the inflow to the project). Great Lakes Hydro proposes to: (1) Install a seasonal upstream eel ramp; (2) install an upstream passage structure for American shad, alewife, and blueback herring; (3) install trashracks having 1-inch clear spacing to the full depth of the turbine intakes during the fish passage season; and (4) improve the recreation facility at the downstream angler access area.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in

accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''PRELIMINARY TERMS AND CONDITIONS,'' or ''PRELIMINARY FISHWAY PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. *Procedural Schedule:*

The application will be processed according to the following revised Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of recommendations, preliminary terms and conditions, and preliminary fishway prescriptions.	May 2017.
Commission issues Draft EA or EIS.	November 2017.
Comments on Draft EA or EIS	December 2017.
Modified Terms and Conditions	February 2017.
Commission Issues Final EA or EIS.	May 2018.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in 5.22: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: March 24, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06422 Filed 3–31–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG17–84–000.
Applicants: Midlothian Energy, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 3/28/17.
Accession Number: 20170328–5201.
Comments Due: 5 p.m. ET 4/18/17.

Docket Numbers: EG17–85–000.
Applicants: Hays Energy, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 3/28/17.
Accession Number: 20170328–5205.
Comments Due: 5 p.m. ET 4/18/17.

Docket Numbers: EG17–86–000.
Applicants: COLETO CREEK POWER, LP.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 3/28/17.
Accession Number: 20170328–5207.
Comments Due: 5 p.m. ET 4/18/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–714–001.
Applicants: Virginia Electric and Power Company, PJM Interconnection, LLC.
Description: Compliance filing: Compliance filing per 2/28/2017 order to correct Att. H–16A eff 1/1/17 & 2/1/17 to be effective 1/1/2017.
Filed Date: 3/28/17.
Accession Number: 20170328–5126.
Comments Due: 5 p.m. ET 4/18/17.

Docket Numbers: ER17–1318–000.
Applicants: Redbed Plains Wind Farm LLC.
Description: Baseline eTariff Filing: MBR Application to be effective 5/28/2017.
Filed Date: 3/28/17.
Accession Number: 20170328–5102.
Comments Due: 5 p.m. ET 4/18/17.

Docket Numbers: ER17–1319–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2646R4 Kansas Municipal Energy Agency NITSA and NOA to be effective 3/1/2017.
Filed Date: 3/28/17.
Accession Number: 20170328–5121.
Comments Due: 5 p.m. ET 4/18/17.

Docket Numbers: ER17–1320–000.
Applicants: Odyssey Solar, LLC.
Description: Baseline eTariff Filing: Baseline new to be effective 12/13/9998.
Filed Date: 3/28/17.
Accession Number: 20170328–5183.
Comments Due: 5 p.m. ET 4/18/17.

Docket Numbers: ER17–1321–000.
Applicants: Puget Sound Energy, Inc.
Description: Initial rate filing: RES Engineering and Procurement Agreement, Original Service Agreement No. 831 to be effective 3/1/2017.
Filed Date: 3/28/17.
Accession Number: 20170328–5212
Comments Due: 5 p.m. ET 4/18/17.

Docket Numbers: ER17–1322–000.
Applicants: Western Massachusetts Electric Company.
Description: § 205(d) Rate Filing: Interconnection and Operating Agreement with Essential Power MA. Amendment No. 2 to be effective 3/29/2017.
Filed Date: 3/28/17.
Accession Number: 20170328–5214.
Comments Due: 5 p.m. ET 4/18/17.

Docket Numbers: ER17–1323–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company, MidAmerican Energy Company.
Description: § 205(d) Rate Filing: 2017–03–28_SA 3009 ATXI–MEC TIA to be effective 3/30/2017.
Filed Date: 3/28/17.
Accession Number: 20170328–5224.
Comments Due: 5 p.m. ET 4/18/17.

Docket Numbers: ER17–1324–000.
Applicants: Playa Solar 2, LLC.
Description: Baseline eTariff Filing: Application for Initial Market-Based Rate Tariff and Granting Certain Waivers to be effective 3/29/2017.
Filed Date: 3/28/17.
Accession Number: 20170328–5242
Comments Due: 5 p.m. ET 4/18/17.

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 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06467 Filed 3–31–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–76–000]

Northern Natural Gas Company; Notice of Request Under Blanket Authorization

Take notice that on March 15, 2017, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed in Docket No. CP17–76–000 a prior notice request pursuant to sections 157.205, 157.208, and 157.216 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act (NGA) and Northern's blanket authorizations issued in Docket No. CP82–401–000. Northern seeks authorization to (1) install and operate a compressor station and (2) abandon segments of pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Northern proposes to install and operate a new 15,900-horsepower (HP) compressor station (Lake Mills Compressor Station) in Worth County, Iowa. Additionally, Northern proposes to abandon approximately 60 feet of pipe from both the D- and E-lines to facilitate tie-ins. Northern states that the facilities proposed herein constitute a discrete, stand-alone project under the large umbrella of the Northern Lights expansion plan. The total cost is approximately $30,500,000.

Any questions regarding this Application should be directed to Michael T Loeffler, Senior Director, Certificates and External Affairs for Northern, 1111 South 103rd Street, Omaha, Nebraska 68124, by phone (402) 398–7103, by fax (402) 398–7592, or by email at *mike.loeffler@nngco.com.*

Any person or the Commission's Staff may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: March 24, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06419 Filed 3–31–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC17–9–000]

Commission Information Collection Activities (FERC–510, FERC–520, FERC–561, and FERC–583); Consolidated Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collections and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the requirements and burden of the information collections described below.

DATES: Comments on the collections of information are due June 2, 2017.

ADDRESSES: You may submit comments (identified by Docket No. IC17–9–000) by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Please reference the specific collection number and/or title in your comments.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Type of Request: Three-year extension of the information collection requirements for all collections described below with no changes to the current reporting requirements. Please note that each collection is distinct from the next.

Comments: Comments are invited on: (1) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FERC–510 [Application for Surrender of a Hydropower License]

OMB Control No.: 1902–0068

Abstract: The information collected under the requirements of FERC–510 is used by the Commission to implement the statutory provisions of sections 4(e), 6 and 13 of the Federal Power Act (FPA) (16 U.S.C. 797(e), 799, and 806). Section 4(e) gives the Commission authority to issue licenses for the purposes of constructing, operating and maintaining dams, water conduits, reservoirs, powerhouses, transmission lines or other power project works necessary or convenient for developing and improving navigation, transmission and utilization of power using bodies of water over which Congress has jurisdiction. Section 6 gives the Commission the authority to prescribe the conditions of licenses including the revocation or surrender of the license. Section 13 defines the Commission's authority to delegate time periods for when a license must be terminated if project construction has not begun. Surrender of a license may be desired by a licensee when a licensed project is retired or not constructed or natural catastrophes have damaged or destroyed the project facilities.

FERC–510 is the application for the surrender of a hydropower license. The information is used by Commission staff to determine the broad impact of such surrender. The Commission will issue a notice soliciting comments from the public and other agencies and conduct a careful review of the application before issuing an order for Surrender of a License. The order is the result of an analysis of the information produced (*i.e.,* dam safety, public safety, and environmental concerns, etc.), which is examined to determine whether any conditions must be satisfied before granting the surrender. The order implements the existing regulations and is inclusive for surrender of all types of hydropower licenses issued by FERC and its predecessor, the Federal Power Commission. The Commission implements these mandatory filing requirements in the Code of Federal Regulations (CFR) under 18 CFR 6.1 through 6.4.

Type of Respondent: Private or Municipal Hydropower Licensees.

Estimate of Annual Burden: [1] The Commission estimates the total annual burden and cost [2] for this information collection as follows:

FERC–510 APPLICATION FOR SURRENDER OF A HYDROPOWER LICENSE

Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden and cost per response	Total annual burden hours and total annual cost	Cost per respondent ($)
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
14	1	14	80 hrs.; [3] $6,120	1,120 hrs.; $85,680	$6,120

FERC–520 [Application for Authority To Hold Interlocking Directorate Positions]

OMB Control No.: 1902–0083

Abstract: The Federal Power Act (FPA), as amended by the Public Utility Regulatory Policies Act of 1978 (PURPA), mandates federal oversight and approval of certain electric corporate activities to ensure that neither public nor private interests are adversely affected. Accordingly, the FPA proscribes related information filing requirements to achieve this goal. Such filing requirements are found in the Code of Federal Regulations (CFR), specifically in 18 CFR part 45, and serve as the basis for FERC–520.

FERC–520 is divided into two types of applications: Full and informational. The full application, as specified in 18 CFR 45.8, implements the FPA requirement under section 305(b) that it is unlawful for any person to concurrently hold the positions of officer or director of more than one public utility; or a public utility and a financial institution that is authorized to underwrite or participate in the marketing of public utility securities; or a public utility and an electrical equipment supplier to that public utility, unless authorized by order of the Commission. In order to obtain authorization, an applicant must demonstrate that neither public nor private interests will be adversely affected by the holding of the position. The full application provides the

[1] "Burden" is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For additional information, refer to Title 5 Code of Federal Regulations 1320.3.

[2] The Commission staff thinks that the average respondent for this collection is similarly situated to the Commission, in terms of salary plus benefits. Based upon FERC's 2017 annual average of $158,754 (for salary plus benefits), the average hourly cost is $76.50/hour.

[3] Based on additional information, we are revising the estimated average burden per response to 80 hours (rather than 10 hours). The reporting requirements have not changed.

Commission with information about any interlocking position for which the applicant seeks authorization including, but not limited to, a description of duties and the estimated time devoted to the position.

An informational application, specified in 18 CFR 45.9, allows an applicant to receive automatic authorization for an interlocked position upon receipt of the filing by the Commission. The informational application applies only to those individuals who seek authorization as: (1) An officer or director of two or more public utilities where the same holding company owns, directly or indirectly, that percentage of each utility's stock (of whatever class or classes) which is required by each utility's by-laws to elect directors; (2) an officer or director of two public utilities, if one utility is owned, wholly or in part, by the other and, as its primary business, owns or operates transmission or generation facilities to provide transmission service or electric power for sale to its owners; or (3) an officer or director of more than one public utility, if such person is already authorized under part 45 to hold different positions as officer or director of those utilities where the interlock involves affiliated public utilities.

Pursuant to 18 CFR 45.5, in the event that an applicant resigns or withdraws from Commission-authorized interlocked positions or is not re-elected or re-appointed to such interlocked positions, the Commission requires that the applicant submit a notice of change within 30 days from the date of the change.

Type of Respondents: Individuals who plan to concurrently become officers or directors of public utilities and of certain other covered entities must request authorization to hold such interlocking positions by submitting a FERC–520.

Estimate of Annual Burden: [1] The Commission estimates the total annual burden and cost [2] for this information collection as follows:

FERC–520 APPLICATION FOR AUTHORITY TO HOLD INTERLOCKING DIRECTORATE POSITIONS

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden and cost per response (4)	Total annual burden hours (total annual cost) (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
Full	16	1	16	50 hrs.; $3,825	800 hrs.; $61,200	$3,825
Informational	500	1	500	8 hrs.; $612	4,000 hrs.; $306,000	612
Notice of Change	200	1	200	0.25 hrs.; $19.13	50 hrs.; $3,825	19.13
Total					4,850 hrs.; $371,025	

FERC–561 [Annual Report of Interlocking Positions]

OMB Control No.: 1902–0099

Abstract: The FERC Form 561 responds to the FPA requirements for annual reporting of similar types of positions which public utility officers and directors hold with financial institutions, insurance companies, utility equipment and fuel providers, and with any of an electric utility's 20 largest purchasers of electric energy (*i.e.,* the 20 entities with high expenditures of electricity). The FPA specifically defines most of the information elements in the Form 561 including the information that must be filed, the required filers, the directive to make the information available to the public, and the filing deadline.

The Commission uses the information required by 18 CFR 131.31 and collected by the Form 561 to implement the FPA requirement that those who are authorized to hold interlocked directorates annually disclose all the interlocked positions held within the prior year. The Form 561 data identifies persons holding interlocking positions between public utilities and other entities, allows the Commission to review these interlocking positions, and allows identification of possible conflicts of interest.

Type of Respondents: Public utility officers and directors holding financial positions, insurance companies, security underwriters, electrical equipment suppliers, fuel provider, and any entity which is controlled by these.

Estimate of Annual Burden: [1] The Commission estimates the total annual burden and cost [2] for this information collection as follows:

FERC FORM 561—ANNUAL REPORT OF INTERLOCKING POSITIONS

Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden and cost per response (4)	Total annual burden hours and total annual cost (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
2,700	1	2,700	0.25 hrs.; $19.13	675.00 hrs.; $51,637.50.	$19.13

FERC–583 [Annual Kilowatt Generating Report (Annual Charges)]

OMB Control No.: 1902–0136

Abstract: The FERC–583 is used by the Commission to implement the statutory provisions of section 10(e) of the Federal Power Act (FPA) (16 U.S.C. 803(e)), which requires the Commission to collect annual charges from hydropower licensees for, among other things, the cost of administering part I of the FPA and for the use of United States dams. In addition, section 3401 of the Omnibus Budget Reconciliation Act of 1986 (OBRA) authorizes the Commission to ''assess and collect fees and annual charges in any fiscal year in amounts equal to all of the costs incurred by the Commission in that fiscal year.'' The information is

collected annually and used to determine the amounts of the annual charges to be assessed licensees for reimbursable government administrative costs and for the use of government dams. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR part 11.1 through 11.8.[4]

Type of Respondent: FERC-regulated private and public hydropower licensees.

Estimate of Annual Burden:[1] The Commission estimates the total annual burden and cost[2] for this information collection as follows:

FERC–583—ANNUAL KILOWATT GENERATING REPORT

[Annual Charges]

Number of respondents[5]	Annual number of responses per respondent	Total number of responses	Average burden and cost per response	Total annual burden hours and total annual cost	Cost per respondent ($)
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
520	1	520	2 hrs.; $153	1,040 hrs.; $79,560	$153

Dated: March 24, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06420 Filed 3–31–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2221–038]

Empire District Electric Company; Notice of Intent To File License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the PAD and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 2221–038.

c. *Dated Filed:* January 26, 2017.

d. *Submitted By:* Empire District Electric Company.

e. *Name of Project:* Ozark Beach Hydroelectric Project.

f. *Location:* On the White River near the Town of Forsyth, in Taney County, Missouri. The project occupies 5.1 acres of United States lands administered by the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Blake Mertens, Vice President of Energy Supply and Delivery Operations, Empire District Electric Company, P.O. Box 127, Joplin, MO 64802, (417) 625–6587 or *bmertens@empiredistrict.com;* and Randy Richardson, Plant Manager, Empire District Electric Company, 2537 Fir Road, Sarcoxie, MO 64862, (417) 625–6138 or *RRichardson@empiredistrict.com.*

i. *FERC Contact:* Colleen Corballis at (202) 502–8598 or email at *colleen.corballis@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Empire District Electric Company as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. Empire District Electric Company filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to Randy Richardson at the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of

[4] As discussed in 18 CFR part 11, selected federal agencies (such as the United States Fish and Wildlife Service and the National Marine Fisheries Service) submit annual reports to the Commission on their federal costs in administering part I of the Federal Power Act. The filing requirements imposed on those federal agencies are not collected for general statistical purposes and are not a ''collection of information'' as defined by 5 CFR 1320.3(c)(3). (The form and additional information on the information provided by those agencies is posted at *https://www.ferc.gov/docs-filing/forms.asp#ofa.*)

[5] Based on data from Fiscal Year 2016, there were 520 projects, owned by 242 FERC-regulated private and public licensees. Many of the licensees owned multiple projects.

the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2221–038.

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by May 26, 2017.

p. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, this meeting will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the times and places noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Evening Scoping Meeting

Date: April 18, 2017.
Time: 6:30 p.m.
Location: Taney County Courthouse, 1st Floor Hearing Room, 132 David Street, Forsyth, MO 65653.
Phone: (417) 546–7204.

Daytime Scoping Meeting

Date: April 19, 2017.
Time: 9:00 a.m.
Location: Taney County Courthouse, 1st Floor Hearing Room, 132 David Street, Forsyth, MO 65653.
Phone: (417) 546–7204.

SD1, which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

The potential applicant and Commission staff will conduct an *Environmental Site Review* of the project on Tuesday, April 18, 2017, starting at 1:00 p.m. All participants should meet at the Ozark Beach Dam parking lot, located at 3292 State Highway Y, Forsyth, MO 65653. All participants are responsible for their own transportation. Anyone planning on participating in the site visit, or with questions about it, should contact Mr. Randy Richardson of Empire District Electric Company at (417) 625–6138 or *RRichardson@empiredistrict.com* on or before April 11, 2017.

Meeting Objectives

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in paragraph n of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public records of the project.

Dated: March 24, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06421 Filed 3–31–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2835–008.
Applicants: Google Energy LLC.
Description: Compliance filing: Google Energy LLC Amended Market-Based Rate Tariff Filing to be effective 1/20/2017.
Filed Date: 3/28/17.
Accession Number: 20170328–5007.
Comments Due: 5 p.m. ET 4/18/17.

Docket Numbers: ER17–756–002.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Amendment: 2017–03–27_SA 2884 OTP-Crowned Ridge Wind—Amended GIA (G736) to be effective 3/16/2017.
Filed Date: 3/27/17.
Accession Number: 20170327–5268.
Comments Due: 5 p.m. ET 4/17/17.

Docket Numbers: ER17–775–001.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: PJM Response to February 23, 2017 Deficiency Letter to be effective 2/1/2018.
Filed Date: 3/27/17.
Accession Number: 20170327–5224.
Comments Due: 5 p.m. ET 4/17/17.

Docket Numbers: ER17–940–001.
Applicants: Wisconsin Electric Power Company.
Description: Tariff Amendment: Amendment to Wisconsin Electric FERC Electric Rate Schedule No. 137 to be effective 4/4/2017.
Filed Date: 3/27/17.
Accession Number: 20170327–5273.
Comments Due: 5 p.m. ET 4/17/17.

Docket Numbers: ER17–1027–001.
Applicants: New Creek Wind LLC.
Description: Tariff Amendment: Re-collation filing clean-up to be effective 2/20/2017.

Filed Date: 3/28/17.
Accession Number: 20170328–5051.
Comments Due: 5 p.m. ET 4/18/17.

Docket Numbers: ER17–1307–000.
Applicants: Wisconsin River Power Company.
Description: Tariff Cancellation: Cancellation—Combustion Turbine Power Purchase Contract to be effective 3/1/2017.
Filed Date: 3/27/17.
Accession Number: 20170327–5136.
Comments Due: 5 p.m. ET 4/17/17.

Docket Numbers: ER17–1308–000.
Applicants: Wabash Valley Power Association, Inc.
Description: § 205(d) Rate Filing: Amendment to Formulary Rate Tariff—Optional Coop Solar Energy Rider to be effective 6/1/2017.
Filed Date: 3/27/17.
Accession Number: 20170327–5200.
Comments Due: 5 p.m. ET 4/17/17.

Docket Numbers: ER17–1309–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2017–03–27_SA 2765 MidAmerican Energy Company-Ameren Illinois TIA to be effective 3/28/2017.
Filed Date: 3/27/17.
Accession Number: 20170327–5211.
Comments Due: 5 p.m. ET 4/17/17.

Docket Numbers: ER17–1310–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: NYDPS section 205—cost allocation for PPTPP to be effective 5/26/2017.
Filed Date: 3/27/17.
Accession Number: 20170327–5213.
Comments Due: 5 p.m. ET 4/17/17.

Docket Numbers: ER17–1311–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Cancellation: 2017–03–27_SA 2884 Cancellation of Amended G736 v32 to be effective 1/7/2017.
Filed Date: 3/27/17.
Accession Number: 20170327–5270.
Comments Due: 5 p.m. ET 4/17/17.

Docket Numbers: ER17–1312–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2017–03–27 Department of Market Monitoring Oversight Committee Amendment to be effective 4/1/2017.
Filed Date: 3/27/17.
Accession Number: 20170327–5272.
Comments Due: 5 p.m. ET 4/17/17.

Docket Numbers: ER17–1313–000.
Applicants: NorthWestern Corporation.
Description: § 205(d) Rate Filing: SA 808—LGIA with Orion Wind Resources, LLC to be effective 3/31/2017.
Filed Date: 3/28/17.
Accession Number: 20170328–5000.
Comments Due: 5 p.m. ET 4/18/17.

Docket Numbers: ER17–1314–000.
Applicants: Arkwright Summit Wind Farm LLC.
Description: Baseline eTariff Filing: MBR Application to be effective 5/28/2017.
Filed Date: 3/28/17.
Accession Number: 20170328–5070.
Comments Due: 5 p.m. ET 4/18/17.

Docket Numbers: ER17–1315–000.
Applicants: Meadow Lake Wind Farm V LLC.
Description: Baseline eTariff Filing: MBR Application to be effective 5/28/2017.
Filed Date: 3/28/17.
Accession Number: 20170328–5072.
Comments Due: 5 p.m. ET 4/18/17.

Docket Numbers: ER17–1316–000.
Applicants: Quilt Block Wind Farm LLC.
Description: Baseline eTariff Filing: MBR Application to be effective 5/28/2017.
Filed Date: 3/28/17.
Accession Number: 20170328–5073.
Comments Due: 5 p.m. ET 4/18/17.

Docket Numbers: ER17–1317–000.
Applicants: Duke Energy Progress, LLC, Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: DEC–DEP PBOP Filing to be effective 1/1/2015.
Filed Date: 3/28/17.
Accession Number: 20170328–5075.
Comments Due: 5 p.m. ET 4/18/17.

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 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–06470 Filed 3–31–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

TransWest Express Transmission Project Environmental Impact Statement (DOE/EIS–0450)

AGENCY: Western Area Power Administration, DOE.

ACTION: Record of decision.

SUMMARY: The Western Area Power Administration (WAPA) and the U.S. Bureau of Land Management (BLM), acting as joint lead agencies, issued the proposed TransWest Express Transmission Project (Project) Final Environmental Impact Statement (EIS) (DOE/EIS–0450) on May 1, 2015. The Agency Preferred Alternative developed by WAPA and the BLM through the National Environmental Policy Act (NEPA) process and described in the Final EIS is summarized in this Record of Decision (ROD).

Because the BLM and WAPA were joint lead agencies in the preparation of the EIS, each agency will issue its own ROD(s) addressing the overall Project and the specific matters within its jurisdiction and authority. This ROD constitutes WAPA's decision with respect to the alternatives considered in the Final EIS. The U.S. Forest Service (USFS), Bureau of Reclamation (BOR), and Utah Reclamation Mitigation Conservation Commission (URMCC) are cooperating agencies in the proposed Project based on their potential Federal action to issue use permits across lands under their respective management. These agencies also will issue their own decisions regarding their specific agency actions. Additional cooperating agencies include Federal, state, tribal, and local agencies.

WAPA has selected the Agency Preferred Alternative identified in the Final EIS as the route for the Project. This decision on the route will enable design and engineering activities to proceed and help inform WAPA's Federal action(s) to consider any received or anticipated loan application permitted under its borrowing authority and/or exercise its options for participation in the Project. These considerations are contingent on the successful development of participation agreements as well as any and all documentation and commitments needed to satisfy financial underwriting standards.

FOR FURTHER INFORMATION CONTACT: For information on WAPA's participation in the Project contact Stacey Harris, Public Utilities Specialist, Transmission Infrastructure Program (TIP) Office

A0700, Headquarters Office, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228–8213, telephone (720) 962–7714, facsimile (720) 962–7083, email *sharris@wapa.gov.* For information about the Project EIS process or to request a CD of the document, contact Steve Blazek, NEPA Document Manager, Natural Resources Office A7400, Headquarters Office, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228–8213, telephone (720) 962–7265, facsimile (720) 962–7263, email *sblazek@wapa.gov.* The Final EIS and this ROD are also available at *http://energy.gov/nepa/downloads/eis-0450-final-environmental-impact-statement.*

For general information on the Department of Energy (DOE) NEPA process, please contact Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, telephone (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: TransWest Express LLC (TransWest) is the TransWest Express (TWE) Transmission Project (Project) proponent. The Project is proposed as an extra high voltage, direct current (DC) transmission system extending from south-central Wyoming to southern Nevada. The proposed transmission line (and alternatives) would cross four states (Wyoming, Colorado, Utah, and Nevada) encompassing lands owned or administered by the BLM, USFS, BOR, URMCC, National Park Service, various state agencies, Native American tribes, municipalities, and private parties. The Project would provide the transmission infrastructure and capacity necessary to deliver approximately 3,000 megawatts (MW) of electric power from renewable and/or non-renewable energy resources in south-central Wyoming to southern Nevada. The TransWest proposed action would consist of an approximately 725-mile-long, 600–kilovolt (kV), DC transmission line and two terminals, each containing a converter station that converts alternating current (AC) to DC or vice-versa. The northern AC/DC converter station would be located near Sinclair, Wyoming, and the southern AC/DC station near the Marketplace Hub in the Eldorado Valley, approximately 25 miles south of Las Vegas, Nevada. The Project would retain an option for a future interconnection with the existing Intermountain Power Project (IPP) transmission system in Millard County, Utah.

In April 2009, TransWest submitted a Statement of Interest (SOI) to WAPA for consideration of its Project under the authority provided to WAPA under the American Recovery and Reinvestment Act of 2009 amendment of the Hoover Power Plant Act of 1984. WAPA is considering whether to use its borrowing authority, if a loan application is submitted and successfully underwritten, to finance and/or exercise its options for partial ownership in the proposed Project. TransWest's SOI prompted WAPA to initiate a request to the BLM to become a joint lead agency for the development of the EIS to determine the environmental impacts of the Project.

TransWest also filed a Right-Of-Way (ROW) application with the BLM pursuant to Title V of the Federal Land Policy and Management Act of 1976, as amended, proposing to construct, operate, maintain, and eventually decommission a high-voltage electric transmission line on land managed by the BLM. The BLM initiated its own NEPA process to address whether to grant a ROW permit. Because both agencies had NEPA decisions to consider, WAPA and the BLM agreed to be joint lead agencies in accordance with NEPA, 40 CFR 1501.5(b), for the purpose of preparing the EIS for the Project. The agencies issued the Final EIS for the Project on November May 1, 2015.

Each agency will issue its own ROD(s) addressing the overall Project and the specific matters within its jurisdiction and authority. While WAPA's potential involvement relates to use of its borrowing authority, the decision at hand is a selection of project route.

Project Description

TransWest's Proposed Action would include:

- A 600-kV DC line, approximately 725 miles in length, extending across public and private lands in Wyoming, Colorado, Utah, and Nevada. The transmission line ROW would be approximately 250 feet wide;
- Two terminal stations located at either end of the transmission line; the Northern Terminal located near Sinclair, Wyoming, and the Southern Terminal at the Marketplace Hub in the Eldorado Valley, within Boulder City, Nevada. Terminal facilities would include converter stations and related substation facilities necessary for interconnections to existing and planned regional AC transmission systems;
- Access routes, including improvements to existing roads, new overland access, and new unpaved roads to access the proposed Project facilities and work areas during the construction, operation, and maintenance Project phases;
- Ancillary facilities including a network of 15 to 20 fiber optic communication regeneration sites and two ground electrode facilities; and
- Temporary construction sites that would include wire pulling/fly yards, material storage and concrete batch plant sites.

TransWest also identified and retained two design options to provide the Project with flexibility to adapt to potential regional transmission changes. The design options do not currently meet the interests and objectives of the Project; however, they could be considered if/when capacity becomes available on the Southern Transmission Systems.

Alternatives

An iterative, adaptive process was used for this Project to identify an adequate range of alternative transmission corridors that directly respond to addressing potential resource or siting constraints and help inform decision-makers. Due to the length of the transmission line, the alternative transmission routes were split into four distinct regions for the purpose of presenting clear impact comparisons between alternative segments:

- Region I: Sinclair, Wyoming, to Northwest Colorado near Rangely, Colorado;
- Region II: Northwest Colorado to IPP near Delta, Utah;
- Region III: IPP to North Las Vegas, Nevada; and
- Region IV: North Las Vegas to Marketplace Hub in Boulder City, Nevada.

One alternative within each of these regions is combined with the others to define a distinct end-to-end route from Wyoming to Nevada. A depiction of the four regions and the alternatives can be found as Figures 2–22 through 2–25 in Chapter 2 of the Final EIS.

Alternatives Facilities and Transmission Line Routes for Four Regions

Region I

Northern Terminal

The Northern Terminal would be located approximately three miles southwest of Sinclair, Wyoming (Carbon County) on private lands. The terminal would include an AC/DC converter station and adjacent AC substation. The AC/DC converter station would include a 600–kV DC switchyard; AC/DC conversion equipment; transformers;

and multiple equipment, control, maintenance, and administrative buildings. Two buildings would house the AC/DC conversion equipment; smaller buildings would house the control room, control and protection equipment, auxiliary equipment; and cooling equipment. Connections to the existing transmission infrastructure also would be constructed. The three major components (AC/DC converter station, 500/230–kV AC substation, and 230–kV AC substation) are planned to be co-located and contiguous.

Alternative I–A Transmission Line Route (Proposed Action)

TransWest's proposed alignment would begin in Sinclair, Wyoming, and would travel west just south of the Interstate 80 (I–80) corridor to Wamsutter. At Wamsutter, it would turn south and generally follow the Carbon-Sweetwater county line along a corridor preferred by the Wyoming Governor's Office and Carbon and Sweetwater counties. It then would continue south-southwest across the Wyoming-Colorado state line and south along a corridor preferred by Moffat County and coordinated with the BLM Northwest Colorado District Office's ongoing greater sage-grouse planning effort. It would then intersect with U.S. Highway 40 (U.S.–40) just west of Maybell, Colorado. The alignment would then generally parallel U.S.–40, turning southwest toward the Colorado-Utah border.

Alternative I–A is approximately 156 miles in length, 66 percent of which would be located on BLM lands. There would be 24 miles would be in BLM Resource Management Plan (RMP) utility corridors and 25 miles would be in West Wide Energy Corridors (WWECs). There would be approximately 201 miles of access roads associated with this alternative.

Alternative I–B Transmission Line Route (Final EIS Agency Preferred Alternative)

Alternative I–B as considered in the Final EIS would be the same as Alternative I–A for nearly its entire length, with one exception just north of the Wyoming-Colorado state line. A length of approximately 8 miles of Alternative I–B diverges to the southeast from Alternative I–A in this area to minimize potential impacts to areas eligible for historic trail designation.

Alternative I–B includes is approximately 158 miles in length, 67 percent of which would be located on BLM lands. There would be 24 miles would be in BLM RMP utility corridors and 25 miles would be in WWECs. There would be approximately 204 miles of access roads associated with this alternative.

Alternative I–C Transmission Line Route

This alternative was developed to reduce the overall proliferation of utility corridors and associated impacts by following existing designated utility corridors. Alternative I–C would begin by following Alternative I–A to near Creston, Wyoming, where Alternative I–C would turn south and parallel Wyoming State Highway 789 (SH–789) toward Baggs, Wyoming. From there, Alternative I–C would continue south, deviating from SH–789 to the east and passing east of Baggs. After crossing into Colorado, this alternative would parallel Colorado State Highway 13 into Craig, Colorado. Alternative I–C would pass east and south of Craig, turning to the west after crossing U.S.–40, generally paralleling the highway and joining with Alternative I–A to the end of Region I.

Alternative I–C is approximately 186 miles in length, 44 percent of which would be located on BLM lands. There would be 53 miles would be in BLM RMP utility corridors and 60 miles would be in WWECs. There would be 237 miles of access roads associated with this alternative.

Alternative I–D Transmission Line Route

Alternative I–D was developed to reduce multiple resource concerns, including impacts to visual resources and greater sage-grouse. It would follow the route of Alternative I–A, going west from Sinclair, Wyoming (Carbon County, Wyoming), basically paralleling I–80 in a designated WWEC, until turning south near Wamsutter. It would follow Alternative I–A south for approximately 15 miles. Alternative I–D then would diverge to the east, where it generally would parallel SH–789 at an offset distance of 2 to 5 miles to the west. Before reaching the Baggs area, Alternative I–D would turn west and follow the Shell Creek Stock Trail road for approximately 20 miles, where it would cross into Sweetwater County and again join Alternative I–A while turning south into Colorado (Moffat County).

Alternative I–D is approximately 168 miles in length, 70 percent of which would be located on BLM lands. There would be 24 miles would be in BLM RMP utility corridors and 25 miles would be in WWECs. There would be 213 miles of access roads associated with this alternative.

Alternative Variations, Connectors, and Micro-Siting Options

There are no alternative variations within Region I. The Region I alternative connectors were removed from further consideration at the request of the lead agencies in response to public comments received on the Draft EIS.

Two micro-siting options have been developed to address specific land use concerns in all Region I alternative routes related to the Tuttle Ranch Conservation Easement and the Cross Mountain Ranch proposed conservation easement:

- Tuttle Ranch Micro-siting Option 3; and
- Tuttle Ranch Micro-siting Option 4.

Tuttle Ranch Micro-siting Option 3 would avoid the Tuttle Ranch Conservation Easement, but would cross the NPS Deerlodge Road west of U.S.–40 and would cross the largest portion of the Cross Mountain Ranch property. Tuttle Ranch Micro-siting Option 4 would avoid the Tuttle Ranch Conservation Easement and the NPS Deerlodge Road, and would cross the least amount of the Cross Mountain Ranch property.

Ground Electrode Locations

One ground electrode system would be required within approximately 100 miles of the Northern Terminal to establish and maintain electrical current continuity during normal operations, and any unexpected outage of one of the two poles (or circuits) of the 600–kV DC terminal or converter station equipment. The ground electrode facility would consist of a network of approximately 60 deep earth electrode wells arranged along the perimeter of a circle expected to be about 3,000 feet in diameter. All wells at a site would be electrically interconnected and wired via approximately 10 low-voltage underground cable ''spokes'' to a small control building. A low voltage electrode line would connect the ground electrode facilities to the AC/DC converter stations. General siting areas and conceptual alternative site locations have been identified in Regions I; selection of specific location of the ground electrode systems would be identified during final engineering and design stages.

There are four potential locations for ground electrode systems in Region I (Bolten Ranch, Separation Flat, Separation Creek, and Eight Mile Basin). All locations would apply to all alternatives.

Region II

Alternative II–A Transmission Line Route (Proposed Action)

The TransWest proposed alignment would continue into Utah in a westerly direction, and then deviate south from U.S.–40 toward Roosevelt, Utah. From Roosevelt, it would pass north of Duchesne, again paralleling U.S.–40 for several miles, then turn southwest and cross the Uinta National Forest Planning Area [1] generally within a designated WWEC, then turn west along U.S. Highway 6 (U.S.–6) and Soldier Creek. At the junction with U.S. Highway 89 (U.S.–89), Alternative II–A would then turn south generally along U.S.–89 where it would cross a portion of the Manti-La Sal National Forest. The alignment would pass through Salt Creek Canyon then north around Nephi. It would continue west and then turn southwest following a path north of and adjacent to IPP. Portions of this corridor have been identified as preferred in a joint resolution by representatives of Juab and Millard counties.

Alternative II–A would be approximately 258 miles in length, 45 percent of which would be located on BLM/USFS lands. There would be approximately 34 miles in BLM RMP utility corridors and 63 miles would be in WWECs. There would be approximately 395 miles of access roads associated with this alternative.

Alternative II–B Transmission Line Route

Alternative II–B was developed to address impacts to private lands and to generally follow established utility corridors. These corridors are designated for underground utilities only and use of the corridor for the transmission line would require a plan amendment. The route would travel southwest in Colorado from the beginning of Region II, cross the Yampa River, and pass east of Rangely, Colorado. It would continue southwest where it would cross the Colorado-Utah state line and turn generally south, crossing back into Colorado in the Baxter Pass area. At that location, it would intersect the Interstate 70 (I–70) corridor, turning in a southwesterly and westerly direction, paralleling I–70. After passing south of Green River, Utah, Alternative II–B would diverge from I–70 and turn to the north along U.S. Highway 191 (U.S.–191). This highway generally would be followed until just south of the Emery-Carbon county line, where Alternative II–B would turn west and pass near the county line for approximately 25 miles. Then it would generally would turn south, pass west of Huntington, Utah, turn northwest, cross a portion of the Manti-La Sal National Forest, and pass northeast of Mount Pleasant, Utah. From there, it would pass through Salt Creek Canyon to Nephi, and then south around Nephi. It then would turn southwest and west adjacent to IPP, following a path south of Alternative II–A across a portion of the Fishlake National Forest.

Alternative II–A would be approximately 346 miles in length, 65 percent of which would be located on BLM/USFS lands. There would be approximately 136 miles would be in BLM RMP utility corridors and 33 miles would be in WWECs. There would be 492 miles of access roads associated with this alternative.

Alternative II–C Transmission Line Route

Alternative II–C also would decrease impacts to private lands and generally would follow established utility corridors as well as avoid USFS IRAs. Alternative II–C would follow Alternative II–B through Colorado, along I–70 into Utah, and north at US–191. Approximately 15 miles north on US–191, Alternative II–C would diverge from Alternative II–B and turn in a general westerly direction toward Castle Dale. Approximately 3 miles east of Castle Dale, this alternative would turn south and roughly parallel Utah State Highway 10 at a distance of approximately 3 miles to the east. The alternative would cross Utah State Route 10 near the Emery-Sevier county line and turn west, again generally following the I–70 corridor across a portion of the Fishlake National Forest into the Salina, Utah, area. Alternative II–C would pass south of Salina, turn north, and parallel U.S. Highway 50 toward Scipio, Utah. The alternative would turn west and pass Scipio on the south, again crossing a portion of the Fishlake National Forest, then turn north, passing east of Delta, Utah, continuing into IPP.

Alternative II–C would be approximately 365 miles in length, 67 percent of which would be located on BLM/USFS lands. Approximately 146 miles would be in BLM RMP utility corridors and 17 miles would be in WWECs. There would be 488 miles of access roads associated with this alternative.

Alternative II–D Transmission Line Route

This alternative was developed to avoid USFS IRAs and to provide additional northern route options to avoid impacts to historic trails and areas designated for special resource management along the southern routes (Alternatives II–B and II–C). It would begin along the same route as Alternative II–A. However, as it would enter Utah, it would diverge briefly to follow a designated utility corridor, causing it to zigzag once across Alternative II–A. It then would diverge to the south of the designated utility corridor and turn west-southwest, skirting the edge of the Ashley National Forest. Alternative II–D would cross into Carbon County northwest of Price, and then turn southwest in the Emma Park area along US–191. It would follow this highway west of Helper, across a portion of the Manti-La Sal National Forest and then turn west toward Salt Creek Canyon where it would join and follow Alternative II–B, skirt the edge of the Uinta National Forest Planning Area, then join and follow Alternative II–A into IPP.

Alternative II–D is approximately 259 miles in length, 57 percent of which would be located on BLM/USFS lands. Approximately 71 miles would be in BLM RMP utility corridors and 46 miles would be in WWECs. There would be 422 miles of access roads associated with this alternative.

Alternative II–E Transmission Line Route

Alternative II–E also was developed to provide additional northern route options to address the previously mentioned resource impacts from the southern routes. This alternative would follow Alternative II–D into Utah and along the designated utility corridor, zigzagging across Alternative II–A. It then would rejoin Alternative II–A to continue west across the Uintah/Duchesne county line. Approximately 10 miles east of Duchesne, Alternative II–E would turn southwest and generally parallel SH–191, offset by 1 to 6 miles, through a utility window of the Ashley National Forest. At the Utah-Carbon county line, this alternative would turn west through the Emma Park area, then northwest along US–6 through a utility window of the Uinta National Forest Planning Area until rejoining Alternative II–A and following its siting through the Manti-La Sal National Forest to Salt Creek Canyon. At this canyon, Alternative II–E would

[1] In March 2008, the Uinta National Forest and the Wasatch-Cache National Forest were combined into one administrative unit (Uinta-Wasatch-Cache National Forest). Each of these forests continues to operate under individual forest plans approved in 2003. The term Uinta National Forest Planning Area is used to refer to that portion of the Uinta-Wasatch-Cache National Forest managed under the Uinta National Forest Land and Resource Management Plan.

begin to follow the alignment of Alternative II–B south of Nephi, then join and follow Alternative II–A adjacent and into IPP.

Alternative II–E is approximately 268 miles in length, 44 percent of which would be located on BLM/USFS lands. Approximately 40 miles would be in BLM RMP utility corridors and 66 miles would be in WWECs. There would be approximately 412 miles of access roads associated with this alternative.

Alternative II–F Transmission Line Route

Alternative II–F was adjusted in the Final EIS at the request of the lead agencies in response to public comments on the Draft EIS. This alternative combines portions of other alternatives in the region and contains unique segments in the Emma Park area that together would minimize impacts to USFS IRAs, Tribal and private lands, greater sage-grouse habitat, and avoid impacts to National Historic Trails (NHT). It would begin in southwest Moffat County (Colorado) by following Alternative II–A in designated WWEC and BLM utility corridors. As it enters Utah (Uintah County), it would separate from Alternative II–A to the northwest and follow the designated utility corridors, which then turn southwest and cross Alternative II–A. It then would diverge to the south off of the designated WWEC (still following the BLM-designated corridor) and turn west-southwest, crossing the Uintah and Ouray Indian Reservation. It then would cross into Duchesne County, where it would turn west-southwest out of the BLM utility corridor, skirt the Ashley National Forest and generally follow the southern county line. The alternative would follow Argyle Ridge west and US–191 to the southwest for a short distance and then would turn west and follow the base of Reservation Ridge. It would then turn northwest and cross US–6 at Soldier Summit where it would turn west-northwest and follow US–6 to Thistle (Utah County) through a portion of designated WWEC and BLM utility corridors and a utility window of the Uinta National Forest Planning Area. It then would turn south, following US–89 for about 10 miles and through a portion of the Manti-La Sal National Forest before cutting south-southwest (Sanpete County) to Utah State Route 132. At this highway, it would turn west into Nephi (Juab County) and follow a path south around the community and continue west until turning southwest where it would parallel US–6 north of Lynndyl for a short distance, then diverging west, southwest and finally west along the southern edge of the Millard-Juab county line into IPP north of Delta (Millard County); the end of Region II.

Alternative II–F is approximately 265 miles in length, 55 percent of which would be located on BLM/USFS lands. Approximately 72 miles would be in BLM RMP utility corridors and 31 miles would be in WWECs. There would be approximately 455 miles of access roads associated with this alternative.

Alternative II–G Transmission Line Route (Final EIS Agency Preferred Alternative)

Alternative II–G is a reconfiguration of segments that are also included in multiple other alternatives, mainly Alternatives II–A and II–F. This specific alternative configuration was not included in the Draft EIS, but was added to the Final EIS to reflect the Agency Preferred Alternative in Region II. This alternative avoids crossing Tribal trust lands of the Uintah and Ouray Indian Reservation, while also avoiding NHT, maximizing avoidance of potential habitat of Federally protected plant species, and maximizing co-location with existing above-ground utilities. It would begin in southwest Moffat County (Colorado) by following the other alternatives in designated WWEC and BLM utility corridors. After entering Utah, this alternative would follow Alternatives II–F, II–D, and II–E and continue along the designated utility corridor, zigzagging across Alternative II–A. At this point, it would follow Alternative II–E to the northwest, and rejoin Alternative II–A to continue west across the Uintah/Duchesne county line. Alternative II–G would continue to follow Alternative II–A to near Fruitland. East of Fruitland it would diverge from Alternative II–A, but parallel closely to the south for several miles avoiding a conservation easement, and then rejoin Alternative II–A. The alignment would then turn southwest and cross portions of the Uinta National Forest Planning Area, then turn west along US–6 and Soldier Creek, rejoining Alternative II–F. At the junction with US–89, Alternative II–G would then turn south generally along US–89 where it would cross a portion of the Manti-La Sal National Forest. The alignment would pass through Salt Creek Canyon. Here Alternative II–G would again diverge from Alternative II–A and pass south around Nephi. It would continue west and then turn southwest following a path north of and adjacent to IPP. Portions of this corridor have been identified as preferred in a joint resolution by representatives of Juab and Millard counties.

Alternative II–G is approximately 252 miles in length, 45 percent of which would be located on BLM/USFS lands. Approximately 32 miles would be in BLM RMP utility corridors and 63 miles would be in WWECs. There would be approximately 395 miles of access roads associated with this alternative.

Alternative Variations, Connectors, and Micro-Siting Options

One alternative variation (Reservation Ridge Alternative Variation) was developed to address potential impacts to greater sage-grouse issues along comparable portions of Alternative II–F.

Micro-siting options for Alternative II A and Alternative II–G have been developed to address concerns with construction in Uinta National Forest Planning Area IRAs at a location where the designated WWEC offsets from a continual corridor: Strawberry IRA Micro-siting Option 2 and Strawberry IRA Micro-siting Option 3.

Three micro-siting options for Alternative II–A and Alternative II–G were also developed and to address conflicts with siting through the Town of Fruitland, a Utah Division of Wildlife Resources conservation easement, and greater sage-grouse habitat:

- Fruitland Micro-siting Option 1;
- Fruitland Micro-siting Option 2; and
- Fruitland Micro-siting Option 3.

Five alternative connectors were developed in Region II to provide the flexibility to combine alternative segments to address resource conflicts. One connector could be used with Alternative II–B, two connectors could be used with Alternative II–C and one could be used with Alternative II–E.

Region III

Alternative III–A Transmission Line Route (Proposed Action)

The TransWest proposed alignment would leave IPP to the west and turn south toward Milford, Utah, following the WWEC. For the remainder of Utah, the alignment roughly would parallel Interstate 15 (I–15) approximately 20 miles west of the highway. The alignment would pass west of Milford, then generally trend south-southwest, passing east of Enterprise, Utah, across a portion of the Dixie National Forest, and directly west of Central, Utah; exiting Utah just north of the southwest corner of the state. In Nevada, the alignment would cross I–15 west of Mesquite, Nevada, and remain on the south side of I–15 until reaching the North Las Vegas area northeast of Nellis Air Force Base.

Alternative III–A is approximately 276 miles in length, 84 percent of which would be located on BLM/USFS lands.

Approximately 67 percent of the route would be within a designated RMP or WWEC (107 miles and 158 miles, respectively). There would be approximately 335 miles of access roads associated with this alternative.

Alternative III–B Transmission Line Route

Alternative III–B was developed to decrease resource impacts in southwestern Utah (including potential impacts to the Mountain Meadows National Historic Landmark and Site and IRAs in the Dixie National Forest). It would begin following Alternative III–A through Millard and Beaver counties. Near the Beaver-Iron county line, it would diverge toward the west. Alternative III–B would follow a west-southwest course, crossing into Lincoln County, Nevada, near Uvada, Utah, where it would turn to a general southerly direction, rejoining Alternative III–A to the northwest of Mesquite. It then would diverge to the west from Alternative III–A approximately 16 miles west of Mesquite, cross into Clark County, pass southeast of Moapa, Nevada, pass through the designated utility corridor on the Moapa Reservation, and rejoin Alternative III–A approximately 4 miles north of the end of Region III.

Alternative III–B is approximately 284 miles in length, 74 percent of which would be located on BLM lands. Approximately 54 percent of the route would be within a designated RMP or WWEC (103 miles and 80 miles, respectively). There would be approximately 320 miles of access roads associated with this alternative.

Alternative III–C Transmission Line Route

Alternative III–C also was developed to address the same resource impacts as Alternative III–B and to take advantage of an existing corridor with existing transmission line development, thereby potentially consolidating cumulative transmission line impacts. This alternative would follow Alternatives III–A and III–B before diverging from them shortly after traveling west out of IPP, where it would follow the existing IPP power line to the south for approximately 30 miles and then rejoin Alternative III–B to the Utah-Nevada state line. After passing into Nevada at Uvada, Alternative III–C would turn west away from Alternative III–B, passing north of Caliente, Nevada; turning south approximately 15 miles west of Caliente. This alternative would follow that southern course, intersecting with U.S. Highway 93 and paralleling the highway for all but the last 15 miles into North Las Vegas. Alternative III–C would rejoin Alternative III–A northeast of Nellis Air Force Base at the end of Region III.

Alternative III–C is approximately 308 miles in length, 83 percent of which would be located on BLM lands. Approximately 63 percent of the route would be within a designated RMP or WWEC (160 miles and 121 miles, respectively). There would be approximately 338 miles of access roads associated with this alternative.

Alternative III–D Transmission Line Route (Final EIS Agency Preferred Alternative)

Alternative III–D was developed as a minor reconfiguration to Alternative III–B for the purpose of decreased resource impacts in southwestern Utah (including potential impacts to the Mountain Meadows NHL and Site and IRAs in the Dixie National Forest) as well as addressing concerns raised by the DOD. Alternative III–D would begin following Alternative III–B, and then diverge through Millard County to maintain co-location with the existing IPP power line to the south for approximately 30 miles, and then rejoin Alternative III–B through the remainder to the Region III.

Alternative III–D is approximately 281 miles in length, 75 percent of which would be located on BLM/USFS lands. Approximately 55 percent of the route would be within a designated RMP or WWEC (137 miles and 50 miles, respectively). There would be approximately 303 miles of access roads associated with this alternative.

Alternative Variations, Connectors, and Micro-Siting Options

Three alternative variations were developed to address potential impacts to the Mountain Meadows National Historic Landmark resulting from Alternative III–A: The Ox Valley East Variation, the Ox Valley West and the Pinto Alternative Variation.

Three alternative connectors were also developed in Region III to provide the flexibility to combine alternative segments to address resource conflicts. One connector could be used with Alternative III–A, two connectors could be used with Alternative III–B and III–D and one could be used with Alternative III–C.

Ground Electrode Locations

There are eight potential locations for ground electrode systems in Region III. Three of the locations would only apply to Alternative III–A (Mormon Mesa-Carp Elgin Rd, Halfway Wash-Virgin River, and Halfway Wash East); three would apply only to Alternative III–B or Alternative III–D (Mormon Mesa-Carp Elgin Rd, Halfway Wash-Virgin River, and Halfway Wash East), one would apply only to Alternative III–C (Meadow Valley 2) and one would apply only to Design Option 2 as discussed in the Final EIS.

Region IV

Southern Terminal

The Southern Terminal facilities would be located in the Eldorado Valley on private land, within the city limits of Boulder City, in Clark County, Nevada. The Southern Terminal would include an AC/DC converter station and adjacent AC substation. The AC/DC converter station would include a 600–kV DC switchyard and a converter building containing power electronics and control equipment.) The Southern Terminal would connect to all four of the existing 500–kV substations (Eldorado, Marketplace, Mead, and McCullough) located at the Marketplace Hub. Connections to the existing transmission infrastructure at the Mead and Marketplace substations would be via the existing Mead–Marketplace 500–kV transmission line, and connections to the Eldorado and McCullough substations also would be constructed. The three major components (AC/DC converter station, 500/230–kV AC substation, and 230–kV AC substation) are planned to be co-located and contiguous.

Alternative IV–A Transmission Line Route (Proposed Action and Final EIS Agency Preferred Alternative)

The TransWest proposed action would follow a designated WWEC following existing transmission lines running to the south, passing North Las Vegas to the east, and through the Rainbow Gardens area. It would run between Whitney, Nevada, and the Lake Las Vegas development skirting the edge of Henderson, Nevada. It would then turn in a general southwest direction at Railroad Pass, and then in a southern direction to the Marketplace endpoint.

Alternative IV–A is approximately 37 miles in length, 92 percent of which would be located on Federally managed lands. There would be 11 miles of BLM RMP corridors and 14 miles of designated WWEC. There would be 49 miles of access roads associated with this alternative.

Alternative IV–B Transmission Line Route

Alternative IV–B would follow the proposed alternative for approximately seven miles, diverge to the southeast as

it passed directly east of Nellis Air Force Base and travel south through the Lake Mead National Recreation Area (NRA), passing between the Lake Las Vegas development and Lake Mead. Along the south edge of Lake Las Vegas, it would turn southwest, north of the Boulder City, Nevada, then turn west and join with Alternative IV–A west of Henderson to the Marketplace endpoint. This alternative was originally developed to provide an alternative that did not require crossing the recent congressionally released Sunrise Mountain Instant Study Area (ISA).

Alternative IV–B is approximately 40 miles in length, 55 percent of which would be located on Federally managed lands. There would be 5 miles of BLM RMP corridors and 5 miles of designated WWEC. There would be 51 miles of access roads associated with this alternative.

Alternative IV–C Transmission Line Route

Alternative IV–C would decrease impacts to populated areas. This alternative would follow Alternative IV–B through the Lake Mead NRA and between the Lake Las Vegas development and Lake Mead to north of the Boulder City. It would then continue south before it turned southwest around the southeast edge of the metropolitan area of Boulder City, and into the Marketplace endpoint. It also was originally developed to provide an alternative that did not require crossing the recent congressionally released Sunrise Mountain ISA. Alternative IV–C is approximately 44 miles in length, 55 percent of which would be located on Federally managed lands. There would be 5 miles of BLM RMP corridors and 5 miles of designated WWEC. There would be 54 miles of access roads associated with this alternative.

Alternative Variations, Connectors, and Micro-Siting Options

One alternative variation (the Marketplace Variation) was developed to address impacts to private lands located on Alternative IV–B.

Five alternative connectors were developed in Region IV to provide the flexibility to combine alternative segments to address resource conflicts. Each of the five connectors could be used with Alternative IV–B and four would be used with Alternative IV–C.

No Action Alternative

Under the No Action Alternative, the BLM and USFS would not issue ROW grants or special use permits and the Project would not be constructed. Under the No Action Alternative, WAPA would not assume ownership interest or provide funding to the Project. No RMPs or Forest Plans would need to be amended if the No Action Alternative were selected.

Environmentally Preferable Alternative

The Council on Environmental Quality (CEQ) regulations (40 CFR 1505.2(b)) require the ROD to identify one or more environmentally preferred alternatives. An environmentally preferred alternative is an alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historic, cultural, and natural resources.

Because it would cause the least damage to the biological and physical environment, WAPA has determined that the No Action Alternative is the environmentally preferable alternative.

However, the No Action Alternative would not allow development of a project that would potentially transmit renewable and conventional energy, and would not meet WAPA's purpose and need, including the facilitation of delivery of renewable energy. For these reasons WAPA has not selected the No Action Alternative.

Identification of the environmentally preferable alternative among the action alternatives involves some difficult judgments regarding tradeoffs between different natural and cultural impacts and values. After considering these tradeoffs, WAPA has determined that the Agency Preferred Alternative is the environmentally preferable action alternative. Among other things, WAPA selected the Agency Preferred Alternative because it:

- Maximizes use of existing utility corridors and co-location with existing transmission to the extent practicable;
- Avoids or minimizes impacts to physical, biological, and cultural resource that are regulated by law (Endangered Species Act, Clean Water Act, etc.);
- Minimizes impacts to sage-grouse habitat;
- Minimizes impacts to big game crucial winter range;
- Avoids desert tortoise habitat in Utah, and minimizes impacts to desert tortoise in Nevada;
- Avoids potential habitat for threatened and endangered plant species, including Uintah Basin hookless cactus;
- Minimizes impacts to modeled potentially suitable clay phacelia habitat;
- Minimizes impacts to the Overland Trail and Cherokee trail by crossing the trails at segments that are not eligible for the National Register of Historic Places (NRHP);
- Minimizes impacts to important and sensitive cultural and historic resources in southwestern Utah by avoiding the crossings in and near the Dixie National Forest, which has the highest known and expected density of archaeological sites among the alternatives. These resources include three sites of particular cultural importance: Yellow-Springs cultural complex, Mountain Meadows National Historic Landmark, and the Old Spanish NHT; and
- Avoids the Old Spanish NHT in the Moab and Price BLM Field Office areas.

Section 7 and Section 106 Consultation

The BLM, as the main affected Federal land management agency, retained the lead role for Section 7 and Section 106 consultation. Consultation with the U.S. Fish and Wildlife Service resulted in the issuance of a final Biological Opinion on November 10, 2015. The requirements of the Biological Opinion will apply to the entire Project. The Biological Opinion is provided as Appendix C of the BLM ROD. WAPA executed the Project Programmatic Agreement as an invited signatory to the Section 106 process. The Programmatic Agreement will govern Section 106 actions as they apply to the entire Project and is provided as Appendix E of the BLM ROD.

Mitigation Measures

Minimization of environmental impacts was an integral part of Project design, routing, and planning. Appendix C to the Final EIS was a compilation of all involved Federal agencies' best management practices, design features, specific stipulations, standards, and guidelines to minimize Project impacts that were considered by the appropriate agencies. Informed by Appendix C to the Final EIS, TransWest and the BLM have developed an extensive Plan of Development (POD) (Appendix B to the BLM ROD). All practicable means have been adopted to avoid or minimize environmental harm. WAPA may implement applicable provisions of the POD and its attached framework plans on State and private lands as appropriate.

WAPA's Decision

Informed by the analyses and environmental impacts documented in the Final EIS, WAPA has selected [2] the

[2] On November 16, 2011, DOE's Acting General Counsel restated the delegation to WAPA's Administrator all the authorities of the General Counsel respecting environmental impact statements.

Agency Preferred Alternative identified in the Final EIS as the route for the Project. The Agency Preferred Alternative route will be the basis for design and engineering activities that will finalize the centerline, ROW, and access road locations. Additionally, this ROD commits WAPA and TransWest to implement mitigation measures committed to in the project POD, as practicable, to minimize environmental impacts. WAPA will continue coordination of the detailed POD with TransWest, the BLM and other applicable land-managing agencies. Selection of the Agency Preferred Alternative will help inform WAPA's Federal action(s) to consider any received or anticipated loan application permitted under its borrowing authority and/or exercise its options for participation in the Project. These considerations are contingent on the successful development of participation agreements as well as any and all documentation and commitments needed to satisfy customary financial underwriting standards. This ROD was prepared in accordance with the requirements of the CEQ regulations for implementing NEPA (40 CFR parts 1500–1508) and DOE NEPA regulations (10 CFR part 1021).

Dated: January 12, 2017.

Mark A. Gabriel,

Administrator.

[FR Doc. 2017–06479 Filed 3–31–17; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9959–98–OECA]

National Environmental Justice Advisory Council; Notification of Public Meeting, Public Teleconference and Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), the U.S. Environmental Protection Agency (EPA) hereby provides notice that the National Environmental Justice Advisory Council (NEJAC) will meet on the dates and times described below. All meetings are open to the public. Members of the public are encouraged to provide comments relevant to the specific issues being considered by the NEJAC. For additional information about registering to attend the meeting or to provide public comment, please see ''Registration'' under **SUPPLEMENTARY INFORMATION**. Due to a limited space, seating at the NEJAC meeting will be on a first-come, first served basis. Pre-registration is highly suggested.

DATES: The NEJAC will convene Tuesday, April 25, 2017, through Thursday, April 27, 2017, starting at 6:00 p.m., Central Time Tuesday, April 25, 2017. The meeting will convene April 26–27, 2017, from 9:00 a.m. until 5:00 p.m., Central Time.

One public comment period relevant to the specific issues being considered by the NEJAC (see **SUPPLEMENTARY INFORMATION**) is scheduled for Tuesday, April 25, 2017, starting at 6:00 p.m., Central Time. Members of the public who wish to participate during the public comment period are highly encouraged to pre-register by 11:59 p.m., Central Time on Monday, April 17, 2017.

ADDRESSES: The NEJAC meeting will be held at the Crowne Plaza Minneapolis Northstar Downtown, 618 Second Avenue, Minneapolis, MN 55402.

FOR FURTHER INFORMATION CONTACT: Questions or correspondence concerning the public meeting should be directed to Karen L. Martin, U.S. Environmental Protection Agency, by mail at 1200 Pennsylvania Avenue NW. (MC2201A), Washington, DC 20460; by telephone at 202–564–0203; via email at *martin.karenl@epa.gov;* or by fax at 202–564–1624. Additional information about the NEJAC is available at *https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council.*

SUPPLEMENTARY INFORMATION: The Charter of the NEJAC states that the advisory committee ''will provide independent advice and recommendations to the Administrator about broad, crosscutting issues related to environmental justice. The NEJAC's efforts will include evaluation of a broad range of strategic, scientific, technological, regulatory, community engagement and economic issues related to environmental justice.'' The meeting discussion will focus on several topics including, but not limited to, environmental justice concerns of communities in Minneapolis, MN and surrounding areas and proactive efforts of states to advance environmental justice.

Registration

Registration for the April 25–27, 2017, pubic face-to-face meeting will be processed at *https://nejac-spring-public-meeting-april-2017.eventbrite.com.* Pre-registration is highly suggested. Registration for the April 26–27, 2017, pubic meeting teleconference option will be processed at *https://nejac-spring-public-teleconference-april-2017.eventbrite.com.* Pre-registration is required. Registration for the April 26–27, 2017, meeting closes at 11:59 p.m., Central Time on Monday, April 17, 2017. The deadline to sign up to speak during the public comment period, or to submit written public comments, is 11:59 p.m., Central Time on Monday, April 17, 2017. When registering, please provide your name, organization, city and state, email address, and telephone number for follow up. Please also indicate whether you would like to provide public comment during the meeting, and whether you are submitting written comments before the Monday, April 17, 2017, deadline.

A. Public Comment

Individuals or groups making remarks during the public comment period will be limited to seven (7) minutes. To accommodate the number of people who want to address the NEJAC, only one representative of a particular community, organization, or group will be allowed to speak. Written comments can also be submitted for the record. The suggested format for individuals providing public comments is as follows: Name of speaker; name of organization/community; city and state; and email address; brief description of the concern, and what you want the NEJAC to advise EPA to do. Written comments received by registration deadline, will be included in the materials distributed to the NEJAC prior to the teleconference. Written comments received after that time will be provided to the NEJAC as time allows. All written comments should be sent to Karen L. Martin, EPA, via email at *martin.karenl@epa.gov.*

B. Information About Services for Individuals With Disabilities or Requiring English Language Translation Assistance

For information about access or services for individuals requiring assistance, please contact Karen L. Martin, at (202) 564–0203 or via email at *martin.karenl@epa.gov.* To request special accommodations for a disability or other assistance, please submit your request at least fourteen (14) working days prior to the meeting, to give EPA sufficient time to process your request. All requests should be sent to the address, email, or phone/fax number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Dated: March 2, 2017.

Matthew Tejada,

Designated Federal Officer, National Environmental Justice Advisory Council.

[FR Doc. 2017–06510 Filed 3–31–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0214 and 3060–0649]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before May 3, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0214.

Title: Sections 73.3526 and 73.3527, Local Public Inspection Files; Sections 73.1212, 76.1701 and 73.1943, Political Files.

Form Number: None.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for profit entities; Not for profit institutions; State, local or Tribal government.

Number of Respondents/Responses: 41,695 respondents; 63,364 responses.

Estimated Hours per Response: 1–52 hours per response.

Frequency of Response: On occasion reporting requirement, Recordkeeping requirement, Third party disclosure requirement.

Total Annual Burden: 2,073,048 hours.

Total Annual Cost: $3,667,339.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in sections 151, 152, 154(i), 303, 307, and 308 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Act Assessment: No impact(s).

Needs and Uses: The Commission is revising this collection to reflect the Commission's adoption of a Report and Order (''R&O'') in MB Docket No. 16–161, FCC 17–3, In the Matter of Revisions to Public Inspection File Requirements—Broadcaster Correspondence File and Cable Principal Headend Location, adopted on January 31, 2017. The R&O removes the information collection requirements and the associated burdens of 47 CFR 73.1202 and 73.3526(e)(9). This collection is being resubmitted as a result of the final rule—initially submitted at the proposed rule stage. The Commission is now seeking final approval from the information collection requirements from the Office of Management and Budget (OMB).

While the general public does not need principal headend location information, that information must be made available to certain entities, including the FCC and local television stations. The R&O requires cable operators to provide this information to the FCC, television stations, and franchisors upon request. In lieu of responding to individual requests for such information, operators may alternatively elect voluntarily to provide this information to the Commission for inclusion in the Commission's online public inspection file (''OPIF'') database and may elect to make the information publicly available there.

OMB Control Number: 3060–0649.

Title: Section 76.1601, Deletion or Repositioning of Broadcast Signals; Section 76.1617, Initial Must-Carry Notice; Section 76.1607, Principal Headend.

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for profit entities; Not for profit institutions.

Number of Respondents/Responses: 3,300 respondents; 3,950 responses.

Estimated Hours per Response: 0.5 hours–1 hour.

Frequency of Response: On occasion reporting requirement, Third party disclosure requirement.

Total Annual Burden: 2,050 hours.

Total Annual Cost: No cost.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in section 4(i) of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Act Assessment: No impact(s).

Needs and Uses: The Commission is revising this collection to reflect the Commission's adoption of a Report and Order (''R&O'') in MB Docket No. 16–161, FCC 17–3, In the Matter of Revisions to Public Inspection File Requirements—Broadcaster Correspondence File and Cable Principal Headend Location, adopted on January 31, 2017. The R&O removes and reserves 47 CFR Section 76.1708. This collection is being resubmitted as a result of the final rule—initially submitted at the proposed rule stage. The Commission is now seeking final approval from the information collection requirements from the Office of Management and Budget (OMB).

While it appears that the general public does not need access to it, principal headend information must be made available to certain entities, including the FCC and local television stations. The R&O requires that this information be made available upon request.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary, Office of the Secretary.

[FR Doc. 2017–06482 Filed 3–31–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1224]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before June 2, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–1224.

Title: Reverse Auction (Auction 1001) Incentive Payment Instructions from the Reverse Auction Winning Bidder.

Form Number: FCC Form 1875.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions and state, local or tribal government.

Number of Respondents and Responses: 750 respondents; 1,500 responses.

Estimated Time per Response: 2.5 hours.

Frequency of Response: One-time reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112–96 (Spectrum Act) § 6403(a)(1).

Total Annual Burden: 3,750 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The information collection includes information identifying bank accounts and providing account and routing numbers to access those accounts. FCC considers that information to be records not routinely available for public inspection under 47 CFR 0.457, and exempt from disclosure under FOIA exemption 4 (5 U.S.C. 552(b)(4)).

Needs and Uses: The Spectrum Act mandates ''a reverse auction to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its broadcast television spectrum usage rights in order to make spectrum available for assignment through a system of competitive bidding''.[1]

The Commission conducted notice-and-comment rulemaking to implement the Spectrum Act, and ruled in the Incentive Auction Report and Order that:

''we adopt the Commission's proposal to require successful bidders in the reverse

[1] Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96 (Spectrum Act) § 6403(a)(1).

auction to submit additional information to facilitate incentive payments As mentioned in the NPRM, we envision that the information would be submitted on standardized incentive payment forms similar to the Automated Clearing House (''ACH'') forms unsuccessful bidders in typical spectrum license auctions use to request refunds of their deposits and upfront payments. This information collection is necessary to facilitate incentive payments and should not be burdensome to successful bidders. Specifically, without further instruction and bank account information from successful bidders, the Commission would not know where to send the incentive payments.'' [footnotes omitted] [2]

The information collection for which we are requesting approval is the standardized incentive payment form referred to in the paragraph above.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–06531 Filed 3–31–17; 8:45 am]

BILLING CODE 6712–01–P

[2] Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12–268, Report and Order, 29 FCC Rcd 6567 (2014) (''Incentive Auction R&O'') at 537.

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0767]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before May 3, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0767.

Title: Sections 1.2110, 1.2111 and 1.2112, Auction and Licensing Disclosures—Ownership and Designated Entity Status.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for profit, Not-for-profit institutions, and State, local or tribal government.

Number of Respondents: 310 respondents; 310 responses.

Estimated Time per Response: 0.50 hours to 2 hours.

Frequency of Response: On occasion reporting requirement, Third party disclosure requirement, and Recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for both the currently approved information collection and the revised information collection is contained in sections 154(i) and 309(j) of the Communications Act, as amended, 47 U.S.C. 4(i) and 309(j)(5).

Total Annual Burden: 470 hours.

Total Annual Costs: $31,500.

Nature and Extent of Confidentiality: The Commission is not requesting that respondents submit confidential information to the Commission as part of this information collection. However, to the extent a respondent wishes to request confidential treatment of information submitted in response to this collection, it may do so in accordance with section 0.459 of the Commission's rules, 47 CFR 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The Commission will submit this revised information collection to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three-year clearance from OMB. In FCC 15–80, Updating Part 1 Report and Order, the Commission updated many of its Part 1 competitive bidding rules. Among other things, the Commission

amended its definition of ''designated entities'' to include ''eligible rural service providers,'' and established a new designated entity benefit/bidding credit for eligible rural service providers. The Commission is reporting program changes/increases of 10 potential new designated entity respondents/responses 20 total annual hours, and $1,500 in annual cost due to the inclusion of eligible rural service providers among the potential respondents from which the Commission may collect information under this collection. While there may be as many as 10 new designated entity respondents/responses under this collection, the estimated time per response is unchanged because the type of information that must be provided by the new designated entity respondents is comparable to that required by designated entities under the currently-approved collection and is expected to take the same estimated amount of time to prepare.

Beginning first on May 5, 1997, OMB approved under OMB Control No. 3060–0767, the Commission's collections of information pursuant to sections 1.2110, 1.2111, and 1.2112 of the Commission's rules, 47 CFR 1.2110, 1.2111, and 1.2112, and their predecessors, regarding ownership and designated entity status of parties involved with Commission licenses. The Commission collects this information in several contexts, including when determining the eligibility of applicants to participate in Commission auctions (including eligibility to claim designated entity benefits), the eligibility of parties to hold a Commission license/authorization (including eligibility for designated entity benefits), the eligibility of parties to whom licenses/authorizations are being assigned or transferred, and the repayment by license/authorization holders of the amount of bidding credits received in Commission auctions to avoid unjust enrichment. Applicants and licensees/authorization holders claiming eligibility for designated entity status are subject to audits and a record-keeping requirement regarding FCC-licensed service concerning such claims of eligibility, to confirm that their representations are, and remain, accurate. The collection of this information will enable the Commission to determine whether applicants are qualified to bid on and hold Commission licenses/authorizations and, if applicable, to receive designated entity benefits, and is designed to ensure the fairness of the auction, licensing, and license/authorization assignment and transfer processes. The information collected will be reviewed and, if warranted, referred to the Commission's Enforcement Bureau for possible investigation and administrative action. The Commission may also refer allegations of anticompetitive auction conduct to the Department of Justice for investigation.

OMB has approved separately the routine collections of information pursuant to these Commission rules in applications to participate in Commission auctions, FCC Form 175, OMB Control No. 3060–0600, and in Commission licensing applications, FCC Form 601, OMB Control No. 3060–0798, and assignment/transfer of control applications, FCC Form 603, OMB Control No. 3060–0800. On occasion, the Commission may collect information from auction applicants and license/authorization holders pursuant to these rules under this information collection to clarify information provided in these forms or in circumstances to which the standard forms may not directly apply.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–06530 Filed 3–31–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0798]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before June 2, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0798.

Title: FCC Application for Radio Service Authorization; Wireless Telecommunications Bureau; Public Safety and Homeland Security Bureau.

Form Number: FCC Form 601.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals and households; Business or other for-profit entities; Not-for-profit institutions; and State, local or tribal government.

Number of Respondents and Responses: 253,320 respondents and 253,320 responses.

Estimated Time per Response: 0.5–1.25 hours.

Frequency of Response: Recordkeeping requirement, third party disclosure requirement, on occasion reporting requirement and periodic reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 151, 152, 154, 154(i), 155(c), 157, 201, 202, 208, 214, 301, 302a, 303, 307, 308, 309, 310, 311, 314, 316, 319, 324, 331, 332, 333, 336, 534, 535 and 554.

Total Annual Burden: 222,055 hours.

Total Annual Cost: $71,306,250.

Privacy Impact Assessment: Yes.

Nature and Extent of Confidentiality: In general there is no need for confidentiality with this collection of information.

Needs and Uses: FCC Form 601 is a consolidated, multi-part application form that is used for market-based and site-based licensing for wireless telecommunications services, including public safety licenses, which are filed through the Commission's Universal Licensing System (ULS). FCC Form 601 is composed of a main form that contains administrative information and a series of schedules used for filing technical and other information. This form is used to apply for a new license, to amend or withdraw a pending application, to modify or renew an existing license, cancel a license, request a duplicate license, submit required notifications, request an extension of time to satisfy construction requirements, or request an administrative update to an existing license (such as mailing address change), request a Special Temporary Authority or Developmental License. Respondents are encouraged to submit FCC Form 601 electronically and are required to do so when submitting FCC Form 601 to apply for an authorization for which the applicant was the winning bidder in a spectrum auction.

The data collected on FCC Form 601 includes the FCC Registration Number (FRN), which serves as a ''common link'' for all filings an entity has with the FCC. The Debt Collection Improvement Act of 1996 requires entities filing with the Commission use an FRN.

On July 14, 2016, the Commission released a Report and Order in which it established the Upper Microwave Flexible Use Service authorizing mobile use in the 27.5–28.35 GHz, 37–38.6 GHz, and 38.6–40 GHz (39 GHz) bands, See Use of Spectrum Bands Above 24 GHz For Mobile Radio Services, et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 16–89, 31 FCC Rcd 8014 (2016). Of relevance to the information collection at issue here, the Commission established a process by which 39 GHz licensees can conduct a voluntary, pre-auction license swap or exchange which would give licensees the opportunity to consolidate their licensed blocks into larger tranches of contiguous spectrum thereby leaving more valuable empty contiguous channel blocks for the Commission to auction.

The Commission seeks approval for revisions to its currently approved collection of information under OMB Control Number 3060–0798 to permit the collection of the additional information for Commission licenses and permits, pursuant to the information collection requirements adopted by the Commission in the *Spectrum Frontiers R&O,* including the provisions authorizing voluntary channel swaps. We are proposing to revise schedule E of form 601 to allow licensees to file a modification to indicate active licenses and leases they are requesting authorization to swap. We do not anticipate that this revision will have any impact on the burden to complete the form.

The Commission therefore seeks approval for a revision to its currently approved information collection on FCC Form 601 to revise FCC Form 601 accordingly.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary, Office of the Secretary.

[FR Doc. 2017–06486 Filed 3–31–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0874 and 3060–1203]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before May 3, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov*; and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to

further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control No.: 3060–1203.

Title: Section 79.107 User Interfaces Provided by Digital Apparatus; Section *4878 79.108 Video Programming Guides and Menus Provided by Navigation Devices; Section 79.110 Complaint Procedures for User Interfaces, Menus and Guides, and Activating Accessibility Features on Digital Apparatus and Navigation Devices.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; Business or other for-profit entities; Not for profit institutions; State, Local or Tribal government.

Number of Respondents and Responses: 4,175 respondents and 516,982 responses.

Estimated Time per Response: 0.0167 hours to 10 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement; Recordkeeping requirement.

Obligation To Respond: Voluntary. The statutory authority for this information collection is contained in the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), Public Law 111–260, 124 Stat. 2751, and sections 4(i), 4(j), 303(r), 303(u), 303(aa), 303(bb), and 716(g) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), 303(u), 303(aa), 303(bb), and 617(g).

Total Annual Burden: 24,043 hours.

Annual Cost Burden: $70,500.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's updated system of records notice (SORN), FCC/CGB–1, ''Informal Complaints, Inquiries, and Requests for Dispute Assistance.'' As required by the Privacy Act, 5 U.S.C. 552a, the Commission also published a SORN, FCC/CGB–1 ''Informal Complaints, Inquiries, and Requests for Dispute Assistance,'' in the **Federal Register** on August 15, 2014 (79 FR 48152) which became effective on September 24, 2014.

Privacy Act Impact Assessment: The FCC completed a Privacy Impact Assessment (PIA) on June 28, 2007. It may be reviewed at *http://www.fcc.gov/omd/privacyact/Privacy-Impact-Assessment.html.* The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

Needs and Uses: On October 29, 2013, in document FCC 13–138, Report and Order and Further Notice of Proposed Rulemaking (the User Interfaces Accessibility Order), MB Docket Nos. 12–108, 12–107, published at 78 FR 77210, December 20, 2013, the Commission adopted rules implementing sections 204 and 205 of the CVAA related to making accessible the user interfaces, text menus and guides of digital apparatus designed to receive or play back video programming and navigation devices for the display or selection of multichannel video programming. On November 20, 2015, in document FCC 15–156, the Commission released a Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking (the Second User Interfaces Accessibility Order), MB Docket No. 12–108, published at 81 FR 5921, February 14, 2016, adopting additional rules to ensure that consumers are able to find out about what accessible devices and features are available from covered manufacturers and multichannel video programming distributors (MVPDs) and how to use such devices and features. Collectively, these rules are codified at 47 CFR 79.107–79.110.

Covered entities are required to comply with the rules and information collection requirements contained in the User Interfaces Accessibility Order and in the Second User Interfaces Accessibility Order beginning December 20, 2016.

The Commission is submitting this revised information collection to transfer certain information collection burdens associated with this OMB Control Number 3060–1203 to OMB Control Number 3060–0874. This transfer is being made because the Commission's online consumer complaint portal, which is part of the information collection contained in OMB Control Number 3060–0874, is being revised to enable consumers to file complaints related to the Commission's user interfaces accessibility requirements through the Commission's online complaint portal.

OMB Control Number: 3060–0874.

Title: Consumer Complaint Portal: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, Slamming Complaints, RDAs and Communications Accessibility Complaints.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; Business or other for-profit entities; Not for profit institutions; State, Local or Tribal Government.

Number of Respondents and Responses: 335,979 respondents; 335,979 responses.

Estimated Time per Response: 15 minutes (.25 hours) to 30 minutes (.50 hours).

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Voluntary. The statutory authority for this collection is contained in 47 U.S.C. 208 of the Communications Act of 1934, as amended (the Act).

Total Annual Burden: 84,006 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's updated system of records notice (SORN), FCC/CGB–1, ''Informal Complaints, Inquiries and Requests for Dispute Assistance.'' As required by the Privacy Act, 5 U.S.C. 552a, the Commission also published a SORN, FCC/CGB–1 ''Informal Complaints, Inquiries, and Requests for Dispute Assistance,'' in the **Federal Register** on August 15, 2014 (79 FR 48152) which became effective on September 24, 2014.

Privacy Impact Assessment: The FCC completed a Privacy Impact Assessment (PIA) on June 28, 2007. It may be reviewed at *http://www.fcc.gov/omd/privacyact/Privacy-Impact-Assessment.html.* The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

Needs and Uses: The Commission consolidated all of the FCC informal consumer complaint intake into an online consumer complaint portal, which allows the Commission to better manage the collection of informal consumer complaints. Informal consumer complaints consist of informal consumer complaints, inquiries and comments. This revised information collection requests OMB approval for the addition of a layer of consumer reported complaint information related to the FCC's disability accessibility requirements for video programming digital apparatus and navigation device user interfaces (*e.g.,* TV and set-top box controls, menus, and program guides).

The information collection burdens associated with these complaints is being transferred from OMB Control Number 3060–1203 to OMB Control Number 3060–0874 to enable consumers to file complaints related to the

Commission's user interfaces accessibility requirements through the Commission's online complaint portal.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary, Office of the Secretary.

[FR Doc. 2017–06484 Filed 3–31–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, March 21, 2017 At 10:00 a.m. and Its Continuation at the Conclusion of the Open Meeting on March 23, 2017.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This Meeting Was Closed To The Public.

Federal Register Notice of Previous Announcement—82 FR 14000

Change in the Meeting: This meeting was continued on March 29, 2017.

This meeting also discussed: Investigatory records compiled for law enforcement purposes and production would disclose investigative techniques.

* * * * *

Person To Contact for Information: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017–06559 Filed 3–30–17; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comments.

SUMMARY: The Board of Governors of the Federal Reserve System (Board or Federal Reserve) invites comment on a proposal to extend, without revision, the recordkeeping and disclosure requirements associated with Regulation R.

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

DATES: Comments must be submitted on or before June 2, 2017.

ADDRESSES: You may submit comments, identified by FR 4025, by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW.,) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Federal Reserve should modify the proposed revisions prior to giving final approval.

Proposal to approve under OMB delegated authority the extension for three years, without revision, of the following report(s):

Report title: Recordkeeping and Disclosure Requirements Associated with Regulation R.

OMB control number: 7100–0316.

Frequency: On occasion.

Respondents: Commercial banks and savings associations.

Estimated number of respondents: Section 701 disclosures to customers: 1,500; Section 701 disclosures to brokers: 1,500, Section 723 recordkeeping: 75; Section 741 disclosures to customers: 750.

Estimated average hours per response: Section 701 disclosures to customers: 5 minutes; Section 701 disclosures to brokers: 15 minutes, Section 723 recordkeeping: 15 minutes; Section 741 disclosures to customers: 5 minutes.

Estimated annual burden hours: 75,563.

General Description of Report: Sections 701, 723, and 741 contain information collection requirements. Details of the requirements for each section are provided below.

Section 701. Section 701(a)(2)(i) and (b) require banks (or their broker-dealer partners) that utilize the exemption provided in this section to make certain disclosures to high net worth or institutional customers. Specifically, these banks must clearly and conspicuously disclose (i) the name of the broker-dealer and (ii) that the bank employee participates in an incentive compensation program under which the bank employee may receive a fee of more than a nominal amount for referring the customer to the broker-dealer and payment of this fee may be contingent on whether the referral results in a transaction with the broker-dealer.

In addition, one of the conditions of the exemption is that the broker-dealer and the bank have a contractual or other written arrangement containing certain elements, including notification and information requirements. The bank must provide its broker-dealer partner with the name of the bank employee receiving a referral fee under the exemption and certain other identifying information relating to the bank employee.

Section 723. Section 723(e)(1) requires a bank that desires to exclude a trust or fiduciary account in determining its compliance with the chiefly compensated test in section 721, pursuant to a de minimis exclusion, to maintain records demonstrating that the securities transactions conducted by or on behalf of the account were undertaken by the bank in the exercise of its trust or fiduciary responsibilities with respect to the account.

Section 741. Section 741(a)(2)(ii)(A) requires a bank relying on this exemption, which permits banks to effect transactions in the shares of a money market fund, to provide customers with a prospectus for the money market fund securities, not later than the time the customer authorizes the bank to effect the transaction in such securities, if the class or series of securities are not no-load. In situations where a bank effects transactions under the exemption as part of a program for the investment or reinvestment of deposit funds of, or collected by, another bank, the Section permits either the effecting bank or the deposit-taking bank to provide the customer a prospectus for the money market fund securities.

Legal authorization and confidentiality: The Board's Legal Division has determined that section 3(a)(4)(F) of the Exchange Act (15 U.S.C. 78c(a)(4)(F)) authorizes the Board and the SEC to require the information collection. The FR 4025 is required to obtain a benefit because banks wishing to utilize exemptions provided by the rules 701, 723, and 741 are required to comply with the recordkeeping and disclosure requirements. If an institution considers the information to be trade secrets and/or privileged such information could be withheld from the public under the authority of the Freedom of Information Act (5 U.S.C. 552(b)(4)). Additionally, to the extent that such information may be contained in an examination report such information maybe also be withheld from the public (5 U.S.C. 552 (b)(8)).

Board of Governors of the Federal Reserve System, March 27, 2017.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2017–06401 Filed 3–31–17; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0121; Docket No. 2017–0001; Sequence 1]

General Services Administration Acquisition Regulation; Submission for OMB Review; Industrial Funding Fee and Sales Reporting

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division is submitting a request to the Office of Management and Budget (OMB) to review and approve an extension of a previously approved information collection associated with General Services Administration Acquisition Regulation clause 552.238–74, Industrial Funding Fee and Sales Reporting. GSA uses this information to collect the Industrial Funding Fee and administer the Federal Supply Schedule (FSS) program. A notice was published in the **Federal Register** on January 13, 2017. No comments were received.

DATES: Submit comments on or before: May 3, 2017.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 3090–0121, Industrial Funding Fee and Sales Reporting.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–0121, Industrial Funding Fee and Sales Reporting'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Sosa/IC 3090–0121, Industrial Funding Fee and Sales Reporting.

Instructions: Please submit comments only and cite Information Collection 3090–0121, Industrial Funding Fee and Sales Reporting, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Matthew McFarland, Senior Policy Advisor, GSA Acquisition Policy Division, at 202–690–9232, or *matthew.mcfarland@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

GSA's Federal Supply Schedule (FSS) program, commonly known as the GSA Schedules program or Multiple Award Schedule (MAS) program provides federal agencies with a simplified process for acquiring commercial supplies and services. The FSS program is the Government's preeminent contracting vehicle, accounting for approximately 10 percent of all federal contract dollars with $33 billion of purchases made through the program in fiscal year 2016.

Activities placing orders against a GSA Schedule contract must pay an Industrial Funding Fee (IFF) that reimburses GSA's Federal Acquisition Service (FAS) for the costs of operating the FSS program. FAS recoups its operating costs from ordering activities (*i.e.* customers) as set forth in 40 U.S.C. 321: Acquisition Services Fund. Net operating revenues generated by the IFF are also applied to fund initiatives

benefitting other authorized FAS programs, in accordance with 40 U.S.C. 321. The IFF, currently set at 0.75 percent, is included in the order price, so when a vendor is paid for an FSS order, it is also collecting the IFF. Collection is similar to a state sales tax, where a customer pays the tax due to a merchant, and then the merchant remits the taxes collected to the state government.

GSA requires vendors to report their FSS sales each quarter so it can determine the amount of IFF the vendors have collected from customers, and therefore must remit to GSA. However, GSA also uses this information for other purposes, including budgeting, determining whether vendors have met the minimum sales requirement,[1] evaluating the program's performance, and monitoring small business participation.

Vendor reporting and remittance requirements are set forth in General Services Administration Acquisition Regulation (GSAR) clause 552.238–74, Industrial Funding Fee and Sales Reporting, or Alternate I of that clause. While both clause versions govern how the IFF is calculated and remitted, the reporting requirements differ between the basic version and Alternate I:

Clause 552.238–75: Basic Version: This version requires vendors to report their FSS contract sales to GSA once a quarter. GSA then calculates the IFF due based on the total amount of sales reported, and the vendor must remit that amount within 30 days after the end of the quarter. The basic version of the clause applies to approximately 72 percent of GSA Schedule contracts.

Clause 552.238–75: Alternate I: While the basic version requires vendors to report their total FSS sales each quarter, Alternate I requires vendors to report the transactional data generated from orders each month. GSA then calculates the IFF due based on the transactional data reported, and the vendor must remit that amount within 30 days after the end of the quarter. Alternate I of the clause applies to FSS contracts participating in the Transactional Data Reporting pilot. The pilot commenced on June 23, 2016 and will run for at least a year before substantial changes are considered. Approximately 28 percent of GSA Schedule contracts are eligible to participate in the pilot.

Since the reporting requirements vary by the two versions of clause 552.238–74, separate Paperwork Reduction Act information collections have been established for each version. The information collection associated with OMB control number 3090–0306, which expires on 8/31/2019, applies to Alternate I. This information collection (OMB control number 3090–0121) applies to the basic version of the clause.

Information Collection Changes and Updates

- The population of vendors subject to this information collection is smaller than the previous version, as FSS contracts eligible to participate in the Transactional Data Reporting pilot (approximately 28 percent of all GSA Schedule contracts) are now included under OMB control number 3090–0306.
- Previous justifications for this information collection limited the burden to the amount of time needed for vendors to input sales data in the 72A Reporting System and remit IFF payments. However, GSA now recognizes recordkeeping, quality assurance, reporting, and remittance should be included in the burden estimates. Since recordkeeping and quality assurance are the largest burden drivers for both vendors and the Government, the burden estimates for both the public and Government have increased.

B. Annual Reporting Burden

Population Overview: The basic version of clause 552.238–74 is included in 14,306 contracts held by 12,254 vendors. This includes 1,128 new contracts awarded to 819 vendors.[2]

Cost Estimates: The estimated cost burden for respondents was calculated by multiplying the burden hours by an estimated cost of $68/hour ($50/hour with a 36% overhead rate).[3]

Categorization of Vendors by Quarterly Sales Revenue: Sales reporting imposes a progressive burden—one that increases with a vendor's sales volume. Quarterly reporting times will increase with a vendor's applicable sales volume, as vendors with lower to no reportable sales will spend little time on quarterly reporting, while those with more reportable sales with face a higher reporting burden.

GSA separated vendors into categories based on average quarterly sales volume[4] in order to account for the differences in reporting burden. These categories are:

- *Category 1:* No sales activity (average quarterly sales of $0)
- *Category 2:* Average quarterly sales between $0 and $60,000
- *Category 3:* Average quarterly sales between $60,000 and $600,000
- *Category 4:* Average quarterly sales between $600,000 and $3 million
- *Category 5:* Average quarterly sales over $3 million

The distribution of vendors by sales category is as follows:

FSS AND VENDORS BY SALES CATEGORY

	FSS vendors (count)	FSS vendors (percentage)
Category 1	4,217	34
Category 2	4,020	33
Category 3	2,768	23
Category 4	970	8
Category 5	279	2
Total	12,254	100.00

[1] The FSS Contract Sales Criteria clause requires vendors to have at least $25,000 in sales over the first two years of a contract and then $25,000/year in sales for each year thereafter. Vendors that have not satisfied the minimum sales requirement are subject to cancellation in accordance with GSAR clause 552.238–73 *Cancellation.*

[2] These are approximations based on FY2015 data. The number of vendors equals the number of unique Data Universal Numbering System (DUNS) numbers, which are assigned to business entities.

[3] The 36% overhead rate was used in reference Office of Management and Budget (OMB) Circular No. A–76. Circular A–76 requires agencies to use standard cost factors to estimate certain costs of government performance. These cost factors ensure that specific government costs are calculated in a standard and consistent manner to reasonably reflect the cost of performing commercial activities with government personnel. The standard cost factor for fringe benefits is 36.25%; GSA opted to round to the nearest whole number for the basis of its burden estimates.

[4] Average quarterly sales volume was computed by taking a vendor's total annual sales volume and dividing it by 4. All sales data is from FY2015.

Automated vs. Manual Reporting Systems: Vendors subject to these clauses must create systems or processes to produce and report accurate data. Generally, vendors will use automated or manual systems to identify the quarter's reportable sales. An automated system is one that relies on information technology, such as an accounting system or data management software, to identify and compile reportable data. These systems can tremendously streamline the reporting process but require upfront configuration to perform the tasks, such as coding the sales types to be retrieved. Conversely, a manual system is one that incorporates little to no automation and instead relies on personnel to manually identify and compile the reportable data. An example of a manual system would be an accountant reviewing invoices to identify the reportable data and then transferring the findings to a spreadsheet. In contrast to automation, a manual system requires relatively little setup time but the reporting effort will generally increase with the vendor's sales volume.

The likelihood of a vendor adopting an automated system increases with their applicable sales volume. Vendors with little to no reportable data are unlikely to expend the effort needed to establish an automated reporting system since it will be relatively easy to identify and report a limited amount of data. In fiscal year 2015, 34 percent of FSS vendors subject to this collection reported $0 sales, while another 33 percent reported average quarterly sales between $1 and $60,000 per quarter. However, as a vendor's applicable average quarterly sales increase, they will be increasingly likely to establish an automated system to reduce the quarterly reporting burden. Consequently, vendors with higher reportable sales will likely bear a higher setup burden to create an automated system, or absorb a high quarterly reporting burden if they choose to rely on manual reporting methods.

The following chart depicts the likelihood of the population of vendors adopting manual and automated reporting systems:

VENDORS BY REPORTING SYSTEM TYPE

[Manual vs. Automated]

	Manual system (vendor percentage)	Automated system (vendor percentage)	Manual system (vendor count)	Automated system (vendor count)
Category 1	100	0	4,217	0
Category 2	100	0	4,020	0
Category 3	90	10	2,491	277
Category 4	50	50	485	485
Category 5	10	90	28	251
Total Vendor Count by System Type			11,241	1,013
Vendor Percentage by System Type			92%	8%

Initial Setup: Vendors with active FSS contracts already have procedures in place to meet these longstanding reporting requirements. However, new FSS vendors will absorb a one-time setup burden to establish reporting systems. The estimated setup time varies between automated and manual reporting systems. Vendors implementing a manual system must acclimate themselves with the new reporting requirements and train their staff as accordingly, while those with automated systems must perform these tasks in addition to configuring information technology resources. GSA is attributing the setup burden by vendor, not by contracts, because a vendor holding multiple contracts subject to this rule will likely use a single reporting system.

GSA estimates the average one-time setup burden is 8 hours for vendors with a manual system and 40 hours for those with an automated system. GSA also attributes the same system type probabilities (manual system 92%, automated system 8%) to the population of new vendors. These estimates apply to the 819 vendors awarded FSS contracts in fiscal year 2015.

Quarterly Reporting: Vendors are required to report sales within 30 calendar days after the end of each quarter. The average reporting times vary by system type (manual or automated) and by sales categories. GSA estimates vendors using a manual system will have average quarterly reporting times ranging from 15 minutes (0.25 hours) per quarter for vendors with $0 sales, to an average of 8 hours per quarter for vendors with quarterly sales over $3 million. On the other hand, GSA projects vendors with automated systems will have reporting times of 2 hours per quarter, irrespective of quarterly sales volume, as a result of efficiencies achieved through automated processes. The following table shows GSA's projected quarterly reporting times per sales category and system type.

QUARTERLY REPORTING HOURS BY SYSTEM TYPE AND CATEGORY

	Manual systems	Automated systems
Category 1	0.25	2.00
Category 2	1.00	2.00
Category 3	2.00	2.00
Category 4	4.00	2.00
Category 5	8.00	2.00

Annualized Public Burden Estimates

The burden estimates consist of quarterly reporting times for all 12,254 participating vendors and a one-time setup burden for the 819 new vendors:

Quarterly Reporting

Annual Burden (Hours): 56,983.
Annual Burden (Cost): $3,874,817.

Initial Setup

Annual Burden (Hours): 8,718.
Annual Burden (Cost): $592,846.

Total Information Collection Burden

Number of Respondents: 12,254.
Response per Respondent: 4.
Total Annual Responses: 49, 016.
Hours per Response: 1.3404.
Total Burden (Hours): 65,701.
Annual Burden (Cost): $4,467,663.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755.

Please cite OMB Control No. 3090–0235, Price Reductions Clause, in all correspondence.

Dated: March 29, 2017.

Jeffrey A. Koses,

Director, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2017–06520 Filed 3–31–17; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: Application Requirements for the Low Income Home Energy Assistance Program (LIHEAP) Model Plan.

OMB No.: 0970–0075.

Description: States, including the District of Columbia, tribes, tribal organizations, and U.S. territories applying for LIHEAP block grant funds must, prior to receiving federal funds, submit an annual application (Model Plan, ACF–122) that meets the LIHEAP statutory and regulatory requirements. In addition to the Model Plan, grantees are also required to complete the Mandatory Grant Application SF–424-Mandatory, which is the first section of the Model Plan.

The LIHEAP Model Plan is an electronic form and is submitted to the Administration for Children and Families (ACF), Office of Community Services (OCS) through the On-line Data Collection (OLDC) system within GrantSolutions, which is currently being used by all LIHEAP grantees to submit other required LIHEAP reporting forms. In order to reduce the reporting burden, all data entries from each grantee's prior year's submission of the Model Plan in OLDC is saved and re-populated (cloned) into the form for the following fiscal year's application. OCS seeks renewal of this form without any changes.

Respondents: State, the District of Columbia, U.S. Territories and Tribal governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
LIHEAP Detailed Model Plan	210	1	0.50	105

Estimated Total Annual Burden Hours (all respondents): 105.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201. Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments 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) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–06521 Filed 3–31–17; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place NW., Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 08N146B, Rockville, MD 20857; (301) 443–6593, or visit our Web site at: *http://www.hrsa.gov/vaccinecompensation/index.html.*

SUPPLEMENTARY INFORMATION: The program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on February 1, 2017, through February 28, 2017. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

a. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or

b. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, 5600 Fishers Lane, 08N146B, Rockville, MD 20857. The Court's caption (*Petitioner's Name* v. *Secretary of Health and Human Services*) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the program.

Dated: March 28, 2017.

James Macrae,

Acting Administrator.

List of Petitions Filed

1. Susan Jennings, Warrensburg, New York, Court of Federal Claims No: 17–0153V.
2. Erik Lindholm and Lisa Lindholm on behalf of K. E. L., Brookings, South Dakota, Court of Federal Claims No: 17–0154V.
3. Jayna Litz, Reno, Nevada, Court of Federal Claims No: 17–0155V.
4. Matthew Tuckfield and Christy Tuckfield on behalf of E. T., Boston, Massachusetts, Court of Federal Claims No: 17–0156V.
5. Nancy Hass, Prosper, Texas, Court of Federal Claims No: 17–0157V.
6. Sue Weaver, Claremore, Oklahoma, Court of Federal Claims No: 17–0159V.
7. Joseph Lamonde, Moon Township, Pennsylvania, Court of Federal Claims No: 17–0160V.
8. Linda Russell, O'Fallon, Missouri, Court of Federal Claims No: 17–0161V.
9. Raymonde L. Forjette, Worcester, Massachusetts, Court of Federal Claims No: 17–0162V.
10. Betty Jenkins, Durham, North Carolina, Court of Federal Claims No: 17–0164V.
11. Andrea Morris, St. Peters, Missouri, Court of Federal Claims No: 17–0165V.
12. Jean Kaslick, Tacoma, Washington, Court of Federal Claims No: 17–0167V.
13. Patrick Hock, Port Orchard, Washington, Court of Federal Claims No: 17–0168V.
14. Wendy Borders, Parkville, Missouri, Court of Federal Claims No: 17–0169V.
15. Christi Fieselman on behalf of M. V., Phoenix, Arizona, Court of Federal Claims No: 17–0170V.
16. Ronald Sturdevant, Hornell, New York, Court of Federal Claims No: 17–0172V.
17. Alfredo Gonzalez, Springfield, Massachusetts, Court of Federal Claims No: 17–0174V.
18. Moneca Douglass, Washington, District of Columbia, Court of Federal Claims No: 17–0175V.
19. Adam Peek, Fort Meyers, Florida, Court of Federal Claims No: 17–0176V.
20. Lisa Lis, Fuquay-Varina, North Carolina, Court of Federal Claims No: 17–0178V.
21. Nicole Girardi, Hillsborough, New Jersey, Court of Federal Claims No: 17–0181V.
22. Gweyne Phillips, Hershey, Pennsylvania, Court of Federal Claims No: 17–0184V.
23. Mostafa Bousheha on behalf of Y. M. B., Greensboro, North Carolina, Court of Federal Claims No: 17–0185V.
24. Cara Peden, Friendswood, Texas, Court of Federal Claims No: 17–0186V.
25. Dennis Pickens, Phoenix, Arizona, Court of Federal Claims No: 17–0187V.
26. Joyce Keenan, Peabody, Massachusetts, Court of Federal Claims No: 17–0189V.
27. Amber McAteer, Pittsburgh, Pennsylvania, Court of Federal Claims No: 17–0190V.
28. Janet Clawson, Durango, Colorado, Court of Federal Claims No: 17–0191V.
29. Priscilla Gonzalez on behalf of A. W., Chicopee, Massachusetts, Court of Federal Claims No: 17–0192V.
30. Brandi Kostal, Norfolk, Virginia, Court of Federal Claims No: 17–0193V.
31. Susan Hargrafen, Beverly Hills, California, Court of Federal Claims No: 17–0195V.
32. Claire LaPier, Plattsburgh, New York, Court of Federal Claims No: 17–0196V.
33. Ryan Leong, Modesto, California, Court of Federal Claims No: 17–0197V.
34. Alice Odom, Florissant, Missouri, Court of Federal Claims No: 17–0198V.
35. Margaret Stephen, Roswell, Georgia, Court of Federal Claims No: 17–0199V.
36. Bonnie Gambardella, Bethlehem, Pennsylvania, Court of Federal Claims

No: 17–0201V.
37. Rebecca Hill, Green Bay, Wisconsin, Court of Federal Claims No: 17–0202V.
38. Mary Petty on behalf of L. P., Strongsville, Ohio, Court of Federal Claims No: 17–0203V.
39. Doris Foley, Wakefield, Rhode Island, Court of Federal Claims No: 17–0208V.
40. Peter Long, Wellesley Hills, Massachusetts, Court of Federal Claims No: 17–0209V.
41. Chirag Palsana, Sarasota, Florida, Court of Federal Claims No: 17–0214V.
42. Michaela Balasco and Steven Balasco on behalf of J. B., Barrington, Rhode Island, Court of Federal Claims No: 17–0215V.
43. Ralph LaGamma, Glen Rock, New Jersey, Court of Federal Claims No: 17–0219V.
44. Joelle Chilazi and Claire Chilazi on behalf of Zakaria Chilazi, Deceased, Woodland Park, New Jersey, Court of Federal Claims No: 17–0221V.
45. Dominique Lewis on behalf of Jacqueline Lewis, Deceased, Lynchburg, Virginia, Court of Federal Claims No: 17–0224V.
46. Nathalie Collado, Staten Island, New York, Court of Federal Claims No: 17–0225V.
47. Lisa LeBeau, Gulfport, Mississippi, Court of Federal Claims No: 17–0226V.
48. Eric LaPierre, Aliso Viejo, California, Court of Federal Claims No: 17–0227V.
49. Kesha Phelps, Edenton, North Carolina, Court of Federal Claims No: 17–0229V.
50. Candace M. Berlin, Lakeland, Florida, Court of Federal Claims No: 17–0230V.
51. David Suarez, Westbury, Connecticut, Court of Federal Claims No: 17–0231V.
52. Pauline Hardy, Norfolk, Virginia, Court of Federal Claims No: 17–0232V.
53. Destanie Hargrove on behalf of A. F. M., Henderson, Kentucky, Court of Federal Claims No: 17–0233V.
54. Marie Francis, Philadelphia, Pennsylvania, Court of Federal Claims No: 17–0234V.
55. Matthew Rodela and Cassandra Rodela on behalf of Violet Skye Rodela, Deceased, Foothill Ranch, California, Court of Federal Claims No: 17–0236V.
56. Sonya Bowen, Bronx, New York, Court of Federal Claims No: 17–0238V.
57. Sarah Walley, Sonora, California, Court of Federal Claims No: 17–0240V.
58. Kimberly Bergin on behalf of P. B., Matthews, North Carolina, Court of Federal Claims No: 17–0241V.
59. Stephen Acker, Madison, Wisconsin, Court of Federal Claims No: 17–0242V.
60. Aron Beraki, Texas City, Texas, Court of Federal Claims No: 17–0243V.
61. Laura Roetgerman, Minster, Ohio, Court of Federal Claims No: 17–0244V.
62. Martha Boone, Westerville, Ohio, Court of Federal Claims No: 17–0245V.
63. Amy Booth, Memphis, Tennessee, Court of Federal Claims No: 17–0246V.
64. Emory Newsome, Tampa, Florida, Court of Federal Claims No: 17–0247V.
65. Carl J. Colopietro, Rochester, New York, Court of Federal Claims No: 17–0249V.
66. Neona Martin on behalf of Joseph James Martin, Deceased, Huntsville, Alabama, Court of Federal Claims No: 17–0250V.
67. Debra D. Moore, Wichita Falls, Texas, Court of Federal Claims No: 17–0251V.
68. Jeffrey Faulk, Birmingham, Alabama, Court of Federal Claims No: 17–0252V.
69. Annie Brown, Montgomery, Alabama, Court of Federal Claims No: 17–0253V.
70. William LaHera, Troy, New York, Court of Federal Claims No: 17–0254V.
71. Sylvester Williams, Nashville, North Carolina, Court of Federal Claims No: 17–0255V.
72. Christine Coglaiti, Katy, Texas, Court of Federal Claims No: 17–0257V.
73. Dionne Edwards on behalf of J. M. E., Birmingham, Alabama, Court of Federal Claims No: 17–0258V.
74. Heather Goff, Phoenix, Arizona, Court of Federal Claims No: 17–0259V.
75. Ronald Culberson, Montgomery, Alabama, Court of Federal Claims No: 17–0260V.
76. Judith Bruegging, Dresher, Pennsylvania, Court of Federal Claims No: 17–0261V.
77. Sherry Briggs, Louisville, Kentucky, Court of Federal Claims No: 17–0262V.
78. Michele Carusotto, Boston, Massachusetts, Court of Federal Claims No: 17–0263V.
79. Sharon Cain, Cordova, Tennessee, Court of Federal Claims No: 17–0264V.
80. Lizette Stillabower on behalf of A. H., Houston, Texas, Court of Federal Claims No: 17–0265V.
81. Emily Dickson, Dresher, Pennsylvania, Court of Federal Claims No: 17–0267V.
82. Charles A. Hightower, Janesville, Wisconsin, Court of Federal Claims No: 17–0268V.
83. Jeanne Hendrickson on behalf of E. H., New Haven, Connecticut, Court of Federal Claims No: 17–0269V.
84. Jennifer Lugo on behalf of K. L., La Crosse, Wisconsin, Court of Federal Claims No: 17–0270V.
85. Janice Bacon, Boston, Massachusetts, Court of Federal Claims No: 17–0271V.
86. Mary M. Hubbell, Shelbyville, Indiana, Court of Federal Claims No: 17–0272V.
87. Vincent Anderson, Los Angeles, California, Court of Federal Claims No: 17–0273V.
88. Patricia Millender on behalf of J. R., Greensboro, North Carolina, Court of Federal Claims No: 17–0274V.
89. Paul Goodman, Kahului, Hawaii, Court of Federal Claims No: 17–0275V.
90. Christine Smith, Lackawanna, New York, Court of Federal Claims No: 17–0276V.
91. Desiree Danger, Dallas, Texas, Court of Federal Claims No: 17–0278V.
92. Cheryl Gill, Dresher, Pennsylvania, Court of Federal Claims No: 17–0280V.
93. Brittany K. Brown, Colonial Heights, Virginia, Court of Federal Claims No: 17–0281V.
94. Marla Kramer, Dresher, Pennsylvania, Court of Federal Claims No: 17–0283V.
95. Jennifer M. Warkoczewski, Dresher, Pennsylvania, Court of Federal Claims No: 17–0284V.
96. Angel Dandrea, Dresher, Pennsylvania, Court of Federal Claims No: 17–0285V.
97. Kris Aley, Beverly Hills, California, Court of Federal Claims No: 17–0286V.

[FR Doc. 2017–06499 Filed 3–31–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meetings of the National Preparedness and Response Science Board and the National Advisory Committee on Children and Disasters

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that the National Preparedness and Response Science Board (NPRSB) will hold a public meeting on April 12, 2017, and a joint public meeting with the National Advisory Committee on Children and Disasters (NACCD) on April 13, 2017.

DATES: The April 12, 2017, NPRSB public meeting is scheduled from 9:00 a.m. to 11:00 a.m. EST. The NPRSB and NACCD will hold a joint public meeting on April 13, 2017, from 9:00 p.m. to 4:00 p.m. EST. The agenda is subject to change as priorities dictate.

ADDRESSES: Individuals who wish to participate should send an email, under the ''Contact Us'' link, to *http://www.phe.gov/nprsb* and *http://www.phe.gov/naccd* with ''NACCD Registration'' or ''NPRSB Registration'' in the subject line. The meeting will occur in person and via teleconference. To attend in-person or via teleconference, please visit the NPRSB and NACCD Web sites at *http://www.phe.gov/nprsb* and *http://www.phe.gov/naccd* for further instructions.

FOR FURTHER INFORMATION CONTACT: Please submit an inquiry via the NPRSB Contact Form or the NACCD Contact Form located at *http://www.phe.gov/NACCDComments* or *http://www.phe.gov/NBSBComments.*

SUPPLEMENTARY INFORMATION: Pursuant to section 319M of the PHS Act (42 U.S.C. 247d–7f) and section 222 of the PHS Act (42 U.S.C. 217a), HHS established the NPRSB. The Board shall provide expert advice and guidance to the Secretary on scientific, technical, and other matters of special interest to HHS regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate. The NPRSB may also provide advice and guidance to the Secretary and/or the Assistant Secretary for Preparedness and Response (ASPR) on other matters related to public health emergency

preparedness and response. Pursuant to the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), and section 2811A of the Public Health Service (PHS) Act (42 U.S.C. 300hh–10a), as added by section 103 of the Pandemic and All Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113–5), the HHS Secretary, in consultation with the Secretary of the U.S. Department of Homeland Security, established the NACCD. The purpose of the NACCD is to provide advice and consultation to the HHS Secretary with respect to the medical and public health needs of children in relation to disasters.

Background: The NPRSB public meeting on April 12, 2017, will be dedicated to the swearing-in of one new voting member and the re-appointment of five existing members. The NPRSB and NACCD will hold a joint public meeting and ASPR Day on April 13, 2017, with presentations on ASPR priorities, the National Health Security Strategy, and stakeholder updates. Subsequent agenda topics will be added as priorities dictate. Any additional agenda topics will be available on the April 12 and 13, 2017 meeting Web pages of the NPRSB and NACCD, which are available at *http://www.phe.gov/nprsb* and *http://www.phe.gov/naccd.*

Availability of Materials: The joint meeting agenda and materials are posted prior to the meeting on April 12 and 13, 2017 meeting Web pages at *http://www.phe.gov/nprsb* and *http://www.phe.gov/naccd.*

Procedures for Providing Public Input: Members of the public attend in-person or by teleconference via a toll-free call-in phone number, which is available on the NPRSB or NACCD Web sites at *http://www.phe.gov/nprsb* and *http://www.phe.gov/naccd.* All members of the public are encouraged to provide written comment to the NPRSB and NACCD. Submit all written comments prior to April 12, 2017, to their Web sites, under the ''Contact Us'' link, at *http://www.phe.gov/nprsb* and *http://www.phe.gov/naccd* with ''NACCD Public Comment'' or ''NPRSB Public Comment'' as the subject line. Public comments received by close of business one week prior to the teleconference are distributed to the NACCD or NPRSB.

Dated: March 13, 2017.

George W. Korch, Jr.,

Acting Assistant Secretary for Preparedness and Response.

[FR Doc. 2017–06409 Filed 3–31–17; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; AIDSRRC Independent SEP.

Date: April 25, 2017.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Peter R. Jackson, Ph.D., Chief, AIDS Research Review Branch, Scientific Review Program, Division of Extramural Activities, Room #3G20, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5049, *pjackson@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS).

Dated: March 28, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06403 Filed 3–31–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health (NIH)

National Institute of Mental Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of an Interagency Autism Coordinating Committee (IACC or Committee) meeting.

The purpose of the IACC meeting is to discuss business, agency updates, and issues related to autism spectrum disorder (ASD) research and services activities. The Committee will discuss the 2017 update of the IACC Strategic Plan. The meeting will be open to the public and will be accessible by webcast and conference call.

Name of Committee: Interagency Autism Coordinating Committee (IACC).

Type of meeting: Open Meeting.

Date: April 26, 2017.

Time: 9:00 a.m. to 5:00 p.m.* Eastern Time * Approximate end time.

Agenda: To discuss business, updates, and issues related to ASD research and services activities. The Committee will discuss updates of the IACC Strategic Plan.

Place: National Institutes of Health, 31 Center St, Building 31, C Wing, 6th Floor, Conference Room 6, Bethesda, MD 20892.

Webcast Live: https://videocast.nih.gov.

Conference Call Access: Dial: 800–857–9708; Access code: 4617338.

Cost: The meeting is free and open to the public.

Registration: A registration web link will be posted on the IACC Web site (*www.iacc.hhs.gov*) prior to the meeting. Pre-registration is recommended to expedite check-in. Seating in the meeting room is limited to room capacity and on a first come, first served basis. Onsite registration will also be available.

Deadlines:

Notification of intent to present oral comments: Friday, April 14, 2017 by 5:00 p.m. ET.

Submission of written/electronic statement for oral comments: Tuesday, April 18, 2017 by 5:00 p.m. ET.

Submission of written comments: Tuesday, April 18, 2017 by 5:00 p.m. ET.

For IACC Public Comment guidelines please see: *https://iacc.hhs.gov/meetings/public-comments/guidelines/.*

Access: Medical Center Metro Station (Red Line).

Contact Person: Ms. Angelice Mitrakas, Office of Autism Research Coordination, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6182A, Bethesda, MD 20892–9669, Phone: 301–435–9269, Email: *IACCPublicInquiries@mail.nih.gov.*

Public Comments

Any member of the public interested in presenting oral comments to the Committee must notify the Contact Person listed on this notice by 5:00 p.m. ET on Friday, April 14, 2017, with their request to present oral comments at the meeting, and a written/electronic copy

of the oral presentation/statement must be submitted by 5:00 p.m. ET on Tuesday, April 18, 2017. A limited number of slots for oral comment are available, and in order to ensure that as many different individuals are able to present throughout the year as possible, any given individual only will be permitted to present oral comments once per calendar year (2017). Only one representative of an organization will be allowed to present oral comments in any given meeting; other representatives of the same group may provide written comments. If the oral comment session is full, individuals who could not be accommodated are welcome to provide written comments instead. Comments to be read or presented in the meeting must not exceed 250 words or 3 minutes, but a longer version may be submitted in writing for the record. Commenters going beyond the 250 word or 3 minute time limit in the meeting may be asked to conclude immediately in order to allow other comments and presentations to proceed on schedule.

Any interested person may submit written public comments to the IACC prior to the meeting by emailing the comments to *IACCPublicInquiries@mail.nih.gov* or by submitting comments at the web link: *https://iacc.hhs.gov/meetings/public-comments/submit/index.jsp* by 5:00 p.m. ET on Tuesday, April 18, 2017. The comments should include the name, address, telephone number, and when applicable, the business or professional affiliation of the interested person. NIMH anticipates written public comments received by 5:00 p.m. ET on Tuesday, April 18, 2017 will be presented to the Committee prior to the meeting for the Committee's consideration. Any written comments received after the 5:00 p.m. ET, April 14, 2017 deadline through April 18, 2017 will be provided to the Committee either before or after the meeting, depending on the volume of comments received and the time required to process them in accordance with privacy regulations and other applicable Federal policies. All written public comments and oral public comment statements received by the deadlines for both oral and written public comments will be provided to the IACC for their consideration and will become part of the public record. Attachments of copyrighted publications are not permitted, but web links or citations for any copyrighted works cited may be provided.

In the 2009 IACC Strategic Plan, the IACC listed the ''Spirit of Collaboration'' as one of its core values, stating that, ''We will treat others with respect, listen to diverse views with open minds, discuss submitted public comments, and foster discussions where participants can comfortably offer opposing opinions.'' In keeping with this core value, the IACC and the NIMH Office of Autism Research Coordination (OARC) ask that members of the public who provide public comments or participate in meetings of the IACC also seek to treat others with respect and consideration in their communications and actions, even when discussing issues of genuine concern or disagreement.

Remote Access

The meeting will be open to the public through a conference call phone number and webcast live on the Internet. Members of the public who participate using the conference call phone number will be able to listen to the meeting but will not be heard. If you experience any technical problems with the webcast or conference call, please send an email to *IACCPublicInquiries@mail.nih.gov.*

Individuals wishing to participate in person or by using these electronic services and who need special assistance, such as captioning of the conference call or other reasonable accommodations, should submit a request to the Contact Person listed on this notice at least five days prior to the meeting.

Security

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs and hotel and airport shuttles, will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit. Also as a part of security procedures, attendees should be prepared to present a photo ID at the meeting registration desk during the check-in process. Pre-registration is recommended. Seating will be limited to the room capacity and seats will be on a first come, first served basis, with expedited check-in for those who are pre-registered.

Meeting schedule subject to change.

Information about the IACC is available on the Web site: *http://www.iacc.hhs.gov.*

Dated: March 28, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06407 Filed 3–31–17; 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; Clinical Neuroimmunology and Brain Tumor SEP.

Date: April 14, 2017.

Time: 2:00 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: Wei-Qin Zhao, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5181, MSC 7846, Bethesda, MD 20892–7846, 301–827–7238, *zhaow@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: HIV and Related Research.

Date: April 19, 2017.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Barna Dey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796, *bdey@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Clinical Oncology.

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: Nicholas J. Donato, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040, Bethesda, MD 20817, 301–827–4810, *nick.donato@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 28, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–06402 Filed 3–31–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines).

A notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at *http://www.samhsa.gov/workplace.*

FOR FURTHER INFORMATION CONTACT: Giselle Hersh, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N03A, Rockville, Maryland 20857; 240–276–2600 (voice).

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); and on April 30, 2010 (75 FR 22809).

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71. The ''Mandatory Guidelines for Federal Workplace Drug Testing Programs,'' as amended in the revisions listed above, requires strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on urine specimens for federal agencies.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that it has met minimum standards.

In accordance with the Mandatory Guidelines dated November 25, 2008 (73 FR 71858), the following HHS-certified laboratories and IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

HHS-Certified Instrumented Initial Testing Facilities

Dynacare, 6628 50th Street NW., Edmonton, AB Canada T6B 2N7, 780–784–1190, (Formerly: Gamma-Dynacare Medical Laboratories)

HHS-Certified Laboratories

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 844–486–9226

Aegis Analytical Laboratories, Inc., 345 Hill Ave., Nashville, TN 37210, 615–255–2400, (Formerly: Aegis Sciences Corporation, Aegis Analytical Laboratories, Inc., Aegis Analytical Laboratories)

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823, (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130, (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.)

Baptist Medical Center-Toxicology Laboratory, 11401 I–30, Little Rock, AR 72209–7056, 501–202–2783, (Formerly: Forensic Toxicology Laboratory Baptist Medical Center)

Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890

Dynacare,* 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630, (Formerly: Gamma-Dynacare Medical Laboratories)

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986, (Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on November 25, 2008 (73 FR 71858). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339, (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center)

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244

MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088, Testing for Veterans Affairs (VA) Employees Only

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515

One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX 77504, 888–747–3774, (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory)

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory)

Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509–755–8991/800–541–7891x7

Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888–635–5840

Quest Diagnostics Incorporated, 1777 Montreal Circle, Tucker, GA 30084, 800–729–6432, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610–631–4600/877–642–2216, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 8401 Fallbrook Ave., West Hills, CA 91304, 818–737–6370, (Formerly: SmithKline Beecham Clinical Laboratories)

Redwood Toxicology Laboratory, 3700 Westwind Blvd., Santa Rosa, CA 95403, 800–255–2159

STERLING Reference Laboratories, 2617 East L Street, Tacoma, Washington 98421, 800–442–0438

US Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085, Testing for Department of Defense (DoD) Employees Only

The following laboratory voluntarily withdrew from the NLCP effective February 28, 2017:

Fortes Laboratories, Inc., 25749 SW Canyon Creek Road, Suite 600, Wilsonville, OR 97070, 503–486–1023

Charles LoDico,

Chemist.

[FR Doc. 2017–06476 Filed 3–31–17; 8:45 am]

BILLING CODE 4160–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4297–DR; Docket ID FEMA–2017–0001]

Georgia; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4297–DR), dated January 26, 2017, and related determinations.

DATES: *Effective Date:* March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Georgia is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of January 26, 2017.

Putnam County for Public Assistance

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–06430 Filed 3–31–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4297–DR; Docket ID FEMA–2017–0001]

Georgia; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4297–DR), dated January 26, 2017, and related determinations.

DATES: Effective March 3, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Warren J. Riley, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Kevin L. Hannes as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–06433 Filed 3–31–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4298–DR; Docket ID FEMA–2017–0001]

South Dakota; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of South Dakota (FEMA–4298–DR), dated February 1, 2017, and related determinations.

DATES: *Effective Date:* March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of South Dakota is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 1, 2017.

The Lake Traverse Reservation for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–06431 Filed 3–31–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4269–DR; Docket ID FEMA–2017–0001]

Texas; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for State of Texas (FEMA–4272–DR), dated April 25, 2016, and related determinations.

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

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Jerry S. Thomas, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of William J. Doran III as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–06434 Filed 3–31–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4294–DR; Docket ID FEMA–2017–0001]

Georgia; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4294–DR), dated January 25, 2017, and related determinations.

DATES: *Effective Date:* March 3, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Warren J. Riley, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Kevin L. Hannes as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–06435 Filed 3–31–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Docket No. ONRR–2012–0003; DS63600000 DR2000000.PMN000 178D0102R2]

Royalty Policy Committee Establishment; Request for Nominations

AGENCY: Office of Natural Resources Revenue, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior (DOI) is establishing and seeking nominations for the Royalty Policy Committee (Committee). The Committee will provide advice to the Secretary on the fair market value of, and the collection of revenues derived from, the development of energy and mineral resources on Federal and Indian lands.

DATES: Comments regarding the establishment of this Committee must be submitted no later than April 18, 2017. Nominations for the Committee must be submitted by May 3, 2017.

ADDRESSES: You may submit comments and/or nominations by any of the following methods:

- Mail or hand-carry nominations to Ms. Kim Oliver, Department of the Interior, Office of Natural Resources Revenue, 1849 C Street NW., MS 5134, Washington, DC 20240; or
- *Email nominations to: Kimiko.oliver@onrr.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Judy Wilson, Office of Natural Resources Revenue; telephone (202) 208–4410; email: *judith.wilson@onrr.gov.*

SUPPLEMENTARY INFORMATION: The Committee is established under the authority of the Secretary of the Interior (Secretary) and regulated by the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. Appendix 2). The Secretary seeks to ensure that the public receives the full value of the natural resources produced from Federal lands. The duties of the Committee are solely advisory in nature. The Committee will, at the request of the Designated Federal Officer (DFO), advise on current and emerging issues related to the determination of fair market value, and the collection of revenue from energy and mineral resources on Federal and Indian lands. The Committee also will advise on the potential impacts of proposed policies and regulations related to revenue collection from such development, including whether a need exists for regulatory reform.

We are seeking nominations for individuals to be considered as Committee members. The Committee will not exceed 28 members and will be composed of Federal and non-Federal members in order to ensure fair and balanced representation. The Secretary will appoint non-Federal members and their alternates to the Committee to serve up to a three-year term. The Assistant Secretary—Land and Minerals Management and the Director of ONRR, or their designee(s), shall serve as co-Chairs of the Committee.

Federal Members: The Secretary will appoint the following officials as non-voting, ex-officio members of the Committee:

- A representative of the Secretary's Immediate Office
- Assistant Secretary—Indian Affairs
- Director, Bureau of Indian Affairs
- Director, Bureau of Land Management
- Director, Bureau of Ocean Energy Management
- Director, Bureau of Safety and Environmental Enforcement

These officials may designate a senior official to act on their behalf.

Non-Federal Members: The Secretary will appoint members in the following categories:

- Up to six members representing the Governors of States that receive more than $10,000,000 annually in royalty revenues from onshore and offshore Federal leases.
- Up to four members representing the Indian Tribes that are engaged in activities subject to: The Act of May 11, 1938 (commonly known as the ''Indian Mineral Leasing Act of 1938'') (25 U.S.C. 396a *et seq.*); Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 *et seq.*); The Indian Mineral Development Act of 1982 (25 U.S.C. 2101 *et seq.*); and any other law relating to mineral development that is specific to one or more Indian Tribes.
- Up to six members representing various mineral and/or energy stakeholders in Federal and Indian royalty policy.
- Up to four members representing academia and public interest groups. Nominations should include a resume providing an adequate description of the nominee's qualifications, including information that would enable DOI to make an informed decision regarding meeting the membership requirements of the Committee and to permit DOI to contact a potential member.

The Committee will meet at least once each calendar year and at such other times as the DFO determines to be necessary. Members of the Committee serve without compensation. However, while away from their homes or regular places of business, Committee and subcommittee members engaged in Committee or subcommittee business that the DFO approves may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703, in the same manner as persons employed intermittently in Federal Government service.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Certification Statement: I hereby certify that the Royalty Policy Committee is necessary, is in the public interest, and is established under the authority of the Secretary of the Interior, in support of greater transparency in creating royalty and leasing policy for mineral production on Federal and Tribal lands.

Authority: 5 U.S.C. Appendix 2.

Dated: March 29, 2017.

Ryan K. Zinke,

Secretary, Department of the Interior.

[FR Doc. 2017–06542 Filed 3–31–17; 8:45 am]

BILLING CODE 4335–30–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22749; PPWOCRADN0–PCU00RP15.R50000]

Native American Graves Protection and Repatriation Review Committee: Request for Nominations

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting nominations for one member of the Native American Graves Protection and Repatriation Review Committee (Review Committee). The Secretary of the Interior will appoint one member from nominations submitted by Indian tribes, Native Hawaiian organizations, or traditional Native American religious leaders. The nominee need not be a traditional Indian religious leader. The Review Committee was established by the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), and is regulated by the Federal Advisory Committee Act (FACA).

DATES: Nominations must be received by July 3, 2017.

ADDRESSES: Melanie O'Brien, Designated Federal Officer, Native American Graves Protection and Repatriation Review Committee, National NAGPRA Program (2253), National Park Service, 1849 C Street NW., Room 7360, Washington, DC 20240, (202) 354–2201 or via email *nagpra_dfo@nps.gov.*

FOR FURTHER INFORMATION CONTACT: Melanie O'Brien, Designated Federal Officer, Native American Graves Protection and Repatriation Review Committee, National NAGPRA Program (2253), National Park Service, 1849 C Street NW., Room 7360, Washington, DC 20240, (202) 354–2201 or via email *nagpra_dfo@nps.gov.*

SUPPLEMENTARY INFORMATION: The Review Committee is responsible for:

1. Monitoring the NAGPRA inventory and identification process;
2. Reviewing and making findings related to the identity or cultural affiliation of cultural items, or the return of such items;
3. Facilitating the resolution of disputes;
4. Compiling an inventory of culturally unidentifiable human remains and developing a process for disposition of such remains;
5. Consulting with Indian tribes and Native Hawaiian organizations and museums on matters within the scope of the work of the Review Committee affecting such tribes or organizations;
6. Consulting with the Secretary of the Interior in the development of regulations to carry out NAGPRA; and
7. Making recommendations regarding future care of repatriated cultural items.

The Review Committee consists of seven members appointed by the Secretary of the Interior. The Secretary may not appoint Federal officers or employees to the Review Committee. Three members are appointed from nominations submitted by Indian tribes, Native Hawaiian organizations, or traditional Native American religious leaders. At least two of these members must be traditional Indian religious leaders. Three members are appointed from nominations submitted by national museum or scientific organizations. One member is appointed from a list of persons developed and consented to by all of the other members.

Members serve as Special Government Employees and are required to complete annual ethics training. Members are appointed for 4-year terms and incumbent members may be reappointed for 2-year terms. The Review Committee's work is completed during public meetings. The Review Committee attempts to meet in person twice a year and meetings normally last two or three days. The Review Committee may hold one or more public teleconferences of several hours duration.

The Review Committee members serve without pay but reimbursed for each day of meeting attendance. Review Committee members are also reimbursed for travel expenses incurred in association with Review Committee meetings (25 U.S.C. 3006(b)(4)). Additional information regarding the Review Committee, including the Review Committee's charter, meeting protocol, and dispute resolution procedures, is available on the National NAGPRA Program Web site, at *www.nps.gov/NAGPRA/REVIEW/.*

Individuals who are federally registered lobbyists are ineligible to serve on all FACA and non-FACA boards, committees, or councils in an individual capacity. The term ''individual capacity'' refers to individuals who are appointed to exercise their own individual best judgment on behalf of the government, such as when they are designated Special Government Employees, rather than being appointed to represent a particular interest.

Nominations must:

1. Be submitted by an Indian tribe or Native Hawaiian organization on the official letterhead of the Indian tribe or Native Hawaiian organization.
2. If submitted by an Indian tribe or Native Hawaiian organization, affirm that the signatory is the official authorized by the Indian tribe or Native Hawaiian organization to submit the nomination.
3. If submitted by a Native American traditional religious leader, affirm that the signatory meets the definition of traditional Native American religious leader.
4. Provide the nominator's original signature, daytime telephone number, and email address.
5. Include the nominee's full legal name, home address, home telephone number, and email address.

Nominations should include the nominee's resume providing an adequate description of a nominee's qualifications, including information that would enable the Department of the Interior to make an informed decision regarding meeting the membership requirements of the Committee and permit the Department of the Interior to contact a potential member.

Authority: (5 U.S.C. Appendix 2); (25 U.S.C. 3006).

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2017–06444 Filed 3–31–17; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–683 (Fourth Review)]

Fresh Garlic From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping duty order on fresh garlic from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Effective April 3, 2017. To be assured of consideration, the deadline for responses is May 3, 2017. Comments on the adequacy of responses may be filed with the Commission by June 15, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On November 16, 1994, the Department of Commerce (''Commerce'') issued an antidumping duty order on imports of fresh garlic from China (59 FR 59209). Following first five-year reviews by Commerce and the Commission, effective March 13, 2001, Commerce issued a continuation

of the antidumping duty order on imports of fresh garlic from China (66 FR 14544). Following second five-year reviews by Commerce and the Commission, effective October 19, 2006, Commerce issued a continuation of the antidumping duty order on imports of fresh garlic from China (71 FR 61708). Following the third five-year reviews by Commerce and the Commission, effective April 30, 2012, Commerce issued a continuation of the antidumping duty order on imports of fresh garlic from China (77 FR 28355, May 14, 2012). The Commission is now conducting a fourth review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR parts 201, subparts A and B and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination, the Commission found three separate *Domestic Like Products* consisting of fresh garlic, dehydrated garlic, and seed garlic corresponding with the broader scope of the original investigation. However, the Commission found that the domestic industries producing garlic for dehydration and seed garlic were neither materially injured nor threatened with material injury by reason of the subject imports from China. One Commissioner defined the *Domestic Like Product* differently in the original determination. Consistent with its *Domestic Like Product* definition in the original investigation, the Commission found in its full first five-year review determination and its expedited second and third five-year review determinations a single *Domestic Like Product* consisting of all fresh garlic, coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, the Commission found three *Domestic Industries* consisting of the domestic producers of fresh garlic, the domestic producers of dehydrated garlic, and the domestic producers of seed garlic to coincide with the three *Domestic Like Products.* The Commission also found that crop tenders were not members of the *Domestic Industry.* One Commissioner defined the *Domestic Industry* differently in the original determination. In its full first five-year review determination, consistent with Commerce's narrower scope and the Commission's *Domestic Like Product* definition of a single *Domestic Like Product* consisting of all fresh garlic, the Commission found a single *Domestic Industry* consisting of all producers of fresh garlic. In its expedited second and third five-year review determinations, the Commission again found a single *Domestic Industry* consisting of all domestic producers of fresh garlic.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will

sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 3, 2017. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is June 15, 2017. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's rules with respect to electronic filing. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117 0016/USITC No. 17–5–381, expiration date June 30, 2017. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information to be Provided in Response to this Notice of Institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandi*se, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2011.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during crop year 2016 (June 2015–May 2016), except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during crop year 2016 (June 2015–May 2016) (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for

the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during crop year 2016 (June 2015–May 2016) (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2011, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (*Optional*) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: March 28, 2017.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–06427 Filed 3–31–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1186–1187 (Review)]

Certain Stilbenic Optical Brightening Agents From China and Taiwan; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping duty orders on certain stilbenic optical brightening agents from China and Taiwan would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Effective April 3, 2017. To be assured of consideration, the deadline for responses is May 3, 2017. Comments on the adequacy of responses may be filed with the Commission by June 15, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On May 10, 2012, the Department of Commerce issued antidumping duty orders on imports of certain stilbenic optical brightening agents from China and Taiwan (77 FR 27419 and 27423). The Commission is conducting reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR parts 201, Subparts A and B and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full reviews or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by the Department of Commerce.

(2) The *Subject Countries* in these reviews are China and Taiwan.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in

characteristics and uses with, the *Subject Merchandise.* In its original determinations, the Commission found a single *Domestic Like Product* consisting of all forms, states, concentrations, and compositions of stilbenic optical brightening agent products co-extensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined the *Domestic Industry* to consist of all U.S. producers of the *Domestic Like Product,* namely Clariant Corporation, BASF Corporation, and 3V Incorporated.

(5) The *Order Date* is the date that the antidumping duty orders under review became effective. In these reviews, the *Order Date* is May 10, 2012.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 3, 2017. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is June 15, 2017. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's rules with respect to electronic filing. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117 0016/USITC No. 17–5–383, expiration date June 30, 2017. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information to be provided in response to this Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one

Subject Country; or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandi*se, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date.*

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2016, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* since the *Order Date,* and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include

technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (Optional) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: March 28, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–06429 Filed 3–31–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1185 (Review)]

Certain Steel Nails From the United Arab Emirates; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping duty order on certain steel nails from the United Arab Emirates would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Effective April 3, 2017. To be assured of consideration, the deadline for responses is May 3, 2017. Comments on the adequacy of responses may be filed with the Commission by June 15, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On May 10, 2012, the Department of Commerce issued an antidumping duty order on imports of certain steel nails from the United Arab Emirates (77 FR 27421). The Commission is conducting a review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR parts 201, subparts A and B and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is the United Arab Emirates.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination, the Commission defined the *Domestic Like Product* as steel nails, coextensive with the scope of the investigation.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, the Commission defined the *Domestic Industry* as all U.S. producers of steel nails.

(5) The *Order Date* is the date that the antidumping duty order under review became effective. In this review, the *Order Date* is May 10, 2012.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission

employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 3, 2017. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is June 15, 2017. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's rules with respect to electronic filing. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117 0016/USITC No. 17–5–382, expiration date June 30, 2017. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information to be provided in response to this notice of institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date.*

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2016, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are

employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* since the *Order Date,* and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (*Optional*) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: March 28, 2017.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–06428 Filed 3–31–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–638 (Fourth Review)]

Stainless Steel Wire Rod From India; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on stainless steel wire rod from India would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: *Effective Date:* March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Amelia Shister (202–205–2047), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On March 6, 2017, the Commission determined that the domestic interested party group response to its notice of institution (81 FR 86728, December 1, 2016) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on April 19, 2017, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before April 24, 2017 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by April 24, 2017. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: March 29, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–06504 Filed 3–31–17; 8:45 am]

BILLING CODE 7020–02–P

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

[2] The Commission has found the responses submitted by Carpenter Technology Corporation, North American Stainless, and Universal Stainless and Alloy Products, Inc. to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–573–574 and 731–TA–1349–1358 (Preliminary)]

Carbon and Certain Alloy Steel Wire Rod From Belarus, Italy, Korea, Russia, South Africa, Spain, Turkey, Ukraine, United Arab Emirates, and United Kingdom; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–573–574 and 731–TA–1349–1358 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of wire rod from Belarus, Italy, Korea, Russia, South Africa, Spain, Turkey, Ukraine, United Arab Emirates, and United Kingdom, provided for in subheadings 7213.91.30, 7213.91.45, 7213.99.00, 7227.20.00, and 7227.90.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Governments of Italy and Turkey. Unless the Department of Commerce extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by May 12, 2017. The Commission's views must be transmitted to Commerce within five business days thereafter, or by May 19, 2017.

DATES: *Effective Date:* March 28, 2017.

FOR FURTHER INFORMATION CONTACT: Michael Szustakowski ((202) 205–3169), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to petitions filed on March 28, 2017, by Charter Steel, Saukville, Wisconsin; Gerdau Ameristeel US Inc., Tampa, Florida; Keystone Consolidated Industries, Inc., Peoria, Illinois; and Nucor Corporation, Charlotte, North Carolina.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Tuesday, April 18, 2017, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to *William.bishop@usitc.gov* and *Sharon.bellamy@usitc.gov* (DO NOT FILE ON EDIS) on or before April 14, 2017. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before April 21, 2017, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations 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 these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: March 28, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–06457 Filed 3–31–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Two-Way Radio Equipment and Systems, Related Software and Components Thereof, DN 3211;* 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 Motorola Solutions, Inc. on March 29, 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 two-way radio equipment and systems, related software and components thereof. The complaint names as respondents Hytera

Communications Corp. Ltd. of China; Hytera America, Inc. of Miramar, FL; and Hytera Communications America (West), Inc. of Irvine, CA. The complainant requests that the Commission issue an 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. 3211'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures).[1] Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: March 29, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–06481 Filed 3–31–17; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJJDP) Docket No. 1735]

Meeting of the Federal Advisory Committee on Juvenile Justice

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Department of Justice.

ACTION: Notice of in-person meeting.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has scheduled an In-Person Meeting of the Federal Advisory Committee on Juvenile Justice (FACJJ).

DATES AND LOCATION: The Meeting will take place on Thursday, April 27, 2017 at 8:30 a.m.–5:00 p.m. Central Time and Friday, April 28, 2017 at 8:30 a.m.–1:00 p.m. Central Time. The meeting will take place in the main conference room at the Hotel Centric The Loop Chicago, 100 West Monroe Street, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: Visit the Web site *https://facjj.ojjdp.gov* or contact Jeff Slowikowski, Designated Federal Official, OJJDP, *Jeff.Slowikowski@usdoj.gov* or (202) 616–3646. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: The Federal Advisory Committee on Juvenile Justice (FACJJ), established pursuant to Section 3(2)A of the Federal Advisory Committee Act (5 U.S.C. App. 2), will meet to carry out its advisory functions under Section 223(f)(2)(C–E) of the Juvenile Justice and Delinquency Prevention Act of 2002. The FACJJ is composed of representatives from the states and territories. FACJJ member duties include: Reviewing Federal policies regarding juvenile justice and delinquency prevention; advising the OJJDP Administrator with respect to particular functions and aspects of OJJDP; and advising the President and Congress with regard to State perspectives on the operation of OJJDP and Federal legislation pertaining to juvenile justice and delinquency prevention. More information on the FACJJ may be found at *https://facjj.ojjdp.gov*.

Meeting Agenda: The proposed agenda includes: (a) Opening Introductions, and Meeting Logistics; (b)

Remarks of the Administrator, OJJDP; (c) FACJJ Subcommittee Reports (Legislation; Transitioning Youth; Research/Publications; Confidentiality of Records); (d) FACJJ Administrative Business; (e) Summary, Next Steps, and Meeting Adjournment.

Registration: To register to attend the meeting in person or to view the webcast, members of the public must pre-register online at *https://attendee.gotowebinar.com/register/143603403527271142* no later than Thursday, April 21, 2017. Upon registration, information will be sent to you at the email address you provide confirming your attendance and enabling you to connect to the webcast.

Note: The meeting space is limited and identification may be required for admission to the meeting.

Should problems arise with registration, contact Melissa Kanaya, Senior Program Manager/Federal Contractor, at 202–532–0121 or *Melissa.Kanaya@usdoj.gov.* Note that this is not a toll-free telephone number.

Written Comments: Interested parties may submit written comments by email message in advance to Jeff Slowikowski, Designated Federal Official, at *Jeff.Slowikowski@usdoj.gov,* no later than Friday, April 21, 2017. In the alternative, interested parties may fax comments to 202–307–2819 and contact Melissa Kanaya at 202–532–0121 to ensure that they are received. [These are not toll-free numbers.]

Eileen Garry,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 2017–06432 Filed 3–31–17; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Job Corps Placement and Assistance Record

ACTION: Notice.

SUMMARY: On March 31, 2017, the Department of Labor (DOL) will submit the Employment Training Administration (ETA) sponsored information collection request (ICR) revision titled, ''Job Corps Placement and Assistance Record,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 3, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201703-1205-003* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Job Corps Placement and Assistance Record, Form ETA–678, information collection that the ETA uses to obtain information about a student's training and subsequent job placement, further education, or military service. The ETA also uses the form to record the name of the placement provider agency. In addition, the ETA uses information collected through the form to evaluate overall program effectiveness. Form ETA–678 is the only form that documents a student's post-center status. Job Corps centers and placement specialists prepare the form for each student separating from a Job Corps center. This information collection has been classified as a revision, because the ETA is revising Form ETA–678 to clarify information sought and simplify data entry. Workforce Innovation and Opportunity Act sections 149 and 159 authorize this information collection. *See* 29 U.S.C. 3199, 3209.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0035. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 9, 2016 (81 FR 89152).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty-(30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0035. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Job Corps Placement and Assistance Record.

OMB Control Number: 1205–0035.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 34,000.

Total Estimated Number of Responses: 34,000.

Total Estimated Annual Time Burden: 4,210 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: March 28, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–06436 Filed 3–31–17; 8:45 am]

BILLING CODE 4510–FT–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office

[NARA–2017–035]

National Industrial Security Program Policy Advisory Committee (NISPPAC)

AGENCY: Information Security Oversight Office, National Archives and Records Administration (NARA).

ACTION: Notice of advisory committee meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act and implementing regulations, we announce the following committee meeting.

DATES: The meeting will be on May 10, 2017, from 10:00 a.m. to 12:00 p.m. EST.

ADDRESSES: National Archives and Records Administration, 700 Pennsylvania Avenue NW., Archivist's Reception Room, Room 105, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Robert Tringali, Program Analyst, by mail at ISOO, National Archives and Records Administration, 700 Pennsylvania Avenue NW., Washington, DC 20408, by telephone at 202.357.5335, or by email at *robert.tringali@nara.gov.* Contact ISOO at *ISOO@nara.gov* and the NISPPAC at *NISPPAC@nara.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to discuss National Industrial Security Program policy matters. The meeting will be open to the public. However, due to space limitations and access procedures, you must submit to ISOO the name and telephone number of individuals planning to attend, no later than Friday, May 5, 2017. We will provide additional instructions for accessing the meeting's location.

Patrice Little Murray,

Committee Management Officer.

[FR Doc. 2017–06525 Filed 3–31–17; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2017–032]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when agencies no longer need them for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives of the United States and to destroy, after a specified period, records lacking administrative, legal, research, or other value. NARA publishes notice in the **Federal Register** for records schedules in which agencies propose to destroy records they no longer need to conduct agency business. NARA invites public comments on such records schedules.

DATES: NARA must receive requests for copies in writing by May 3, 2017. Once NARA finishes appraising the records, we will send you a copy of the schedule you requested. We usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. You may also request these. If you do, we will also provide them once we have completed the appraisal. You have 30 days after we send to you these requested documents in which to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Appraisal and Agency Assistance (ACRA) using one of the following means:

Mail: NARA (ACRA); 8601 Adelphi Road, College Park, MD 20740–6001

Email: request.schedule@nara.gov.

FAX: 301–837–3698.

You must cite the control number, which appears in parentheses after the name of the agency that submitted the schedule, and a mailing address. If you would like an appraisal report, please include that in your request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, by mail at Records Appraisal and Agency Assistance (ACRA), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001, by phone at 301–837–1799, or by email at *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: NARA publishes notice in the **Federal Register** for records schedules they no longer need to conduct agency business. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

Each year, Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing records retention periods and submit these schedules for NARA's approval. These schedules provide for timely transfer into the National Archives of historically valuable records and authorize the agency to dispose of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless otherwise specified. An item in a schedule is media neutral when an agency may apply the disposition instructions to records regardless of the medium in which it creates or maintains the records. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is expressly limited to a specific medium. (See 36 CFR 1225.12(e).)

Agencies may not destroy Federal records without Archivist of the United States' approval. The Archivist approves destruction only after thoroughly considering the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value.

In addition to identifying the Federal agencies and any subdivisions requesting disposition authority, this notice lists the organizational unit(s)

accumulating the records (or notes that the schedule has agency-wide applicability when schedules cover records that may be accumulated throughout an agency); provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction); and includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it also includes information about the records. You may request additional information about the disposition process at the addresses above.

Schedules Pending

1. Department of Homeland Security, Immigration and Customs Enforcement (DAA–0567–2015–0007, 7 items, 7 temporary items). Personnel records related to position reviews, retirement eligibility reviews, employee awards, non-hire applicant medical examinations, performance reviews for appointees, litigation case files regarding staffing, and related materials.

2. Department of Homeland Security, United States Citizenship and Immigration Services (DAA–0566–2017–0002, 19 items, 17 temporary items). Forms establishing parental eligibility for international adoptions and classifying prospective adoptees as relatives, and supporting documentation, when application is approved but no adoption petition is filed; when approved but the adoption is returned without visa issuance; when denied; when abandoned; when administratively closed; when withdrawn; when terminated; when rejected for incorrect fees or non-sufficient funds, and when incomplete or missing signature(s). Proposed for permanent retention are adoption forms when approved and used to support the adoption petition.

3. Department of Justice, Agency-wide (DAA–0060–2017–0006, 1 item, 1 temporary item). Records collected for the purpose of access to potential witness or affiant impeachment information.

4. Department of Justice, Agency-wide (DAA–0060–2017–0007, 1 item, 1 temporary item). Records documenting compliance with preservation obligations levied by an oversight entity such as Congress, a special counsel, or an Inspector General.

5. Department of Justice, Agency-wide (DAA–0060–2017–0008, 1 item, 1 temporary item). Records relating to managing a formal mentoring program, but not about individuals in the program.

6. Central Intelligence Agency, Agency-wide (N1–263–13–1, 7 items, 7 temporary items). Included are records related to human resources, employee medical files, information management, intelligence collection and operations, and security records.

7. National Archives and Records Administration, Government-wide (DAA–GRS–2017–0005, 1 item, 1 temporary item). Addition to a General Records Schedule of administrative claims both by the United States and against the United States.

8. National Archives and Records Administration, Government-wide (DAA–GRS–2017–0006, 31 items, 31 temporary items). A revised General Records Schedule for records related to security, including routine administrative functions, facility and physical security, personnel security, and insider threat records.

9. National Archives and Records Administration, Government-wide (DAA–GRS–2017–0007, 18 items, 18 temporary items). A revised General Records Schedule for records related to employee management, including workforce and succession planning, employee incentive awards, employment eligibility verification, Official Personnel Folders, performance management, official passports, volunteer service, and skill set records.

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2017–06439 Filed 3–31–17; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2017–034]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when agencies no longer need them for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives of the United States and to destroy, after a specified period, records lacking administrative, legal, research, or other value. NARA publishes notice in the **Federal Register** for records schedules in which agencies propose to destroy records they no longer need to conduct agency business. NARA invites public comments on such records schedules.

DATES: NARA must receive requests for copies in writing by May 3, 2017. Once NARA finishes appraising the records, we will send you a copy of the schedule you requested. We usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. You may also request these. If you do, we will also provide them once we have completed the appraisal. You have 30 days after we send to you these requested documents in which to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Appraisal and Agency Assistance (ACRA) using one of the following means:

Mail: NARA (ACRA); 8601 Adelphi Road; College Park, MD 20740–6001.

Email: request.schedule@nara.gov.

FAX: 301–837–3698.

You must cite the control number, which appears in parentheses after the name of the agency that submitted the schedule, and a mailing address. If you would like an appraisal report, please include that in your request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, by mail at Records Appraisal and Agency Assistance (ACRA); National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001, by phone at 301–837–1799, or by email at *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: NARA publishes notice in the **Federal Register** for records schedules they no longer need to conduct agency business. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

Each year, Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing records retention periods and submit these schedules for NARA's approval. These schedules provide for timely transfer into the National Archives of historically valuable records and authorize the agency to dispose of all other records after the agency no

longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless otherwise specified. An item in a schedule is media neutral when an agency may apply the disposition instructions to records regardless of the medium in which it creates or maintains the records. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is expressly limited to a specific medium. (See 36 CFR 1225.12(e).)

Agencies may not destroy Federal records without Archivist of the United States' approval. The Archivist approves destruction only after thoroughly considering the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value.

In addition to identifying the Federal agencies and any subdivisions requesting disposition authority, this notice lists the organizational unit(s) accumulating the records (or notes that the schedule has agency-wide applicability when schedules cover records that may be accumulated throughout an agency); provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction); and includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it also includes information about the records. You may request additional information about the disposition process at the addresses above.

Schedules Pending

1. Department of Health and Human Services, Centers for Medicare & Medicaid Services (DAA–0440–2015–0002, 2 items, 2 temporary items). Records related to general administration of various agency programs, including working files, correspondence, and agreements.

2. Department of Health and Human Services, Centers for Medicare & Medicaid Services (DAA–0440–2015–0004, 1 item, 1 temporary item). Records related to financial and pricing aspects of agency programs, including medical claims, checks, billing, grants, and financial reports.

3. Department of Health and Human Services, Centers for Medicare & Medicaid Services (DAA–0440–2015–0006, 1 item, 1 temporary item). Records related to enrollment processes and activities of agency programs.

4. Department of Health and Human Services, Centers for Medicare & Medicaid Services (DAA–0440–2015–0007, 1 item, 1 temporary item). Records related to participants and beneficiaries of agency programs.

5. Department of Health and Human Services, Centers for Medicare & Medicaid Services (DAA–0440–2015–0008, 1 item, 1 temporary item). Records related to providers participating in agency programs, including records of health plans and provider registration processes.

6. Department of Health and Human Services, Centers for Medicare & Medicaid Services (DAA–0440–2015–0011, 3 items, 1 temporary item). Records related to routine public outreach and engagement, including training records, grant records, and Web site content. Proposed for permanent retention are press releases, news releases, formal education products, and photographs related to activities of senior officials and agency events.

7. Department of Health and Human Services, Centers for Medicare & Medicaid Services (DAA–0440–2015–0012, 1 item, 1 temporary item). Records related to program integrity and compliance, including program review files, surveys, action plans, and hotline records.

8. Department of Homeland Security, Immigration and Customs Enforcement (DAA–0567–2015–0010, 5 items, 5 temporary items). Records to include case files in which no further action is taken regarding detainee medical, facility, and general civil rights complaints; language access documents; and materials about minority intern staffing initiatives.

9. Department of Homeland Security, Immigration and Customs Enforcement (DAA–0567–2017–0005, 1 item, 1 temporary item). Master file of an electronic information system used for tracking air and ground transit and status of detainee enforcement and removal operations.

10. Department of Homeland Security, Immigration and Customs Enforcement (DAA–0567–2017–0007, 1 item, 1 temporary item). Master file of an electronic information system used for interdepartmental and intradepartmental information sharing and to support biometric interoperability.

11. Department of Homeland Security, United States Citizenship and Immigration Services (DAA–0566–2017–0007, 17 items, 16 temporary items). Applications for long-term employment-based benefits when approved but not used; for short-term employment-based benefits when approved; and for all other employment-based benefits when denied, abandoned, withdrawn, terminated, administratively closed, rejected for incorrect fees or non-sufficient funds, or incomplete or missing signature(s). Proposed for permanent retention are applications for long-term employment-based benefits when approved and used.

12. National Archives and Records Administration, Research Services (N2–469–16–1, 3 items, 3 temporary items). Records of the United States Agency for International Development including accessioned records covered by the General Records Schedule and reference copies of publications duplicated in other accessioned records. These records were accessioned to the National Archives but lack sufficient historical value to warrant their continued preservation.

13. Office of Management and Budget, Resource Management Offices (DAA–0051–2015–0001, 7 items, 5 temporary items). Records relating to the process of review, oversight and preparation for the President's budget including materials used to assemble the final budget submission. Proposed for permanent retention are publications, budget submissions, justifications, and strategic plans from agencies.

14. United States Judiciary, Judicial Conference of the United States (DAA–0516–2016–0001, 35 items, 25 temporary items). Records of the Federal Judicial Center related to program development, judicial history and research, education and training, internal and external publications, and international judicial relations. Proposed for permanent retention are records of the Federal Judicial Center including high level correspondence, records setting policy and program direction, publications and educational products, and historical data related to workload and the development of the judiciary.

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2017–06524 Filed 3–31–17; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–271; NRC–2017–0085]

Vermont Yankee Nuclear Power Station Vernon, Vermont and US Ecology Idaho Resource Conservation and Recovery Act Subtitle C Hazardous and Low-Activity Radioactive Waste Treatment and Disposal Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuing an approval to Entergy Nuclear Operations, Inc. (ENO, or the licensee) for alternate disposal of low-activity radioactive waste water containing byproduct material from the Vermont Yankee Nuclear Power Station (VY). Additionally, the NRC is considering the related action of approving an exemption to US Ecology Idaho (USEI) from the licensing requirements of section 30.3 of title 10 of the *Code of Federal Regulations* (10 CFR), to allow USEI to receive and possess the byproduct radioactive materials from VY without an NRC license. The NRC staff is issuing an environmental assessment (EA) and finding of no significant impact (FONSI) associated with the proposed approvals.

DATES: The EA is available on April 3, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0085 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0085. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, the ADAMS Accession numbers are provided in a table in the Availability of Documents section of this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Jack D. Parrott, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–00001; telephone: 301–415–6634, email: *Jack.Parrott@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering a request dated January 14, 2016, ADAMS Accession No. ML16029A071, as supplemented by letter dated June 28, 2016 (ADAMS Accession No. ML16182A035), and email dated August 11, 2016 (ADAMS Accession No. ML16231A028) by ENO for alternate disposal of approximately 757,082 l (200,000 gal) of low-activity radioactive waste water containing byproduct material from VY to the USEI Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous and low-activity radioactive waste treatment and disposal facility located near Grand View, Idaho. Additionally, USEI requested, by letter dated January 14, 2016 (ADAMS Accession No. ML16021A173), an exemption from the licensing requirements of 10 CFR 30.3 to allow USEI to receive and possess the byproduct radioactive materials from VY without an NRC license. These requests were made under the alternate disposal provision contained in 10 CFR 20.2002 and the exemption provisions in 10 CFR 30.11. This EA has been developed in accordance with the requirements of 10 CFR 51.30.

II. Environmental Assessment

Description of Proposed Action

The proposed action consists of NRC approval of ENO's alternate disposal request under 10 CFR 20.2002 and USEI's exemption request under 10 CFR 30.11. The proposed action arises from the licensee's shutdown of its VY power reactor facility on December 29, 2014. By January 12, 2015, ENO certified that VY had permanently ceased power operations and that all fuel had been permanently removed from the reactor vessel and placed in the spent fuel pool, thus beginning the decommissioning phase for VY (ADAMS Accession No. ML15013A426).

In its January 14, 2016 letter, ENO requested approval for the alternative waste disposal of certain low-activity radioactive waste water containing byproduct material (waste water) resulting from activities associated with preparing for long-term dormancy of VY as part of the decommissioning process. The ENO's January 14, 2016 letter transmitted its application for alternative waste disposal, which was submitted in accordance with 10 CFR 20.2002. The ENO's application described the transport and the disposal of the waste water at the USEI facility.

In its January 14, 2016 letter, USEI also requested an exemption from the licensing requirements of 10 CFR 30.3, pursuant to 10 CFR 30.11, for the USEI facility in Grand View, Idaho, to allow for the disposal of the ENO waste water. Because the USEI facility is not licensed by the NRC, this proposed action would require the NRC to exempt USEI from the Atomic Energy Act of 1954, as amended (AEA) and NRC licensing requirements in 10 CFR part 30 with respect to the low-activity material authorized for disposal.

The USEI facility is a RCRA Subtitle C hazardous waste disposal facility permitted by the State of Idaho. The USEI site has both natural and engineered features that limit the release of any stored radioactive material into the environment. The natural features include a low annual precipitation rate of 18.4 cm (7.4 in)/year, and a long average vertical distance to groundwater below the disposal zone of 61 m (203 ft). The [engineered features include the cover, the liners, and the leachate monitoring systems. The waste water would be transported by truck from the VY facility in Vernon, Vermont to the USEI facility in 40 shipments of 18,927 liters (5,000 gal) each.

The subject waste consists of approximately 757,082 liters (200,000 gal) of water associated with the decommissioning of VY and preparing the VY facility for long-term dormancy. Since the cessation of plant operations, plant process water has been drained from systems creating a surplus of water. The waste water to be disposed of is currently stored in the former VY suppression chamber (Torus). The Torus has a capacity of 41,639,953 liters (1,100,000 gal) and, as of January 14, 2016, was filled to approximately 96% of capacity. The water in the Torus is continuously circulated and filtered/demineralized to minimize suspended solids. For disposal, the waste water will be pumped from the Torus, from an upper elevation in the Torus that

minimizes entrainment of bottom sediment, through the former high pressure coolant injection suction strainers located inside the Torus. The waste water being considered under this request will include fission and activation products resulting from VY operations. The radionuclide concentrations, which are described in ENO's January 14, 2016 submittal and its June 28, 2016 supplemental information, are expected to be low and to remain low through the shipment campaign.

Need for Proposed Action

The need for the proposed action is to authorize an appropriate method of disposal for surplus waste water containing radioactive material currently stored at the shutdown VY power reactor in Vernon, VT. The waste water was generated as a result of the subsequent draining of plant process water from the various plant systems following cessation of plant operations. The VY waste water storage system, the Torus, is at approximately 96% of its capacity. The USEI facility in Grand View, Idaho has the capability to receive and process the waste water. Upon receipt at USEI, the waste water will be solidified with clay and disposed as a soil-like waste.

Environmental Impacts of the Proposed Action

The NRC staff has reviewed the evaluation performed by the licensee to demonstrate compliance with the 10 CFR 20.2002 alternate disposal criteria. Under these criteria, a licensee may seek NRC authorization to dispose of licensed material using procedures not otherwise authorized by NRC regulations. The licensee's application must include a description of the waste containing licensed material, including the physical and chemical properties important to risk evaluation, and the proposed manner and conditions of waste disposal. The application must also include an analysis and evaluation of pertinent environmental information and the nature and location of any other potentially affected licensed and unlicensed facilities. Finally, the licensee's supporting analysis must show that the radiological doses arising from the proposed 10 CFR 20.2002 disposal will be as low as reasonably achievable and within the 10 CFR part 20 dose limits.

The licensee performed a radiological assessment. Based on this assessment, ENO concludes that the dose equivalent for the Maximally Exposed Individual, which includes workers involved in the transportation and placement of this waste, will not exceed ''a few mrem per year.'' The standard of a ''few [millirem per year] mrem/yr'' to a member of the public is set forth in NRC Regulatory Issues Summary 2004–08, ''Results of the License Termination Rule Analysis'' (ADAMS Accession No. ML041460385). The transportation workers and USEI workers are treated as members of the public because the USEI site, while permitted by the State of Idaho under RCRA to accept certain radioactive materials, is not licensed by the NRC.

The NRC staff evaluated activities and potential doses associated with transportation, waste handling and disposal as part of the review of this 10 CFR 20.2002 application. This evaluation is documented in a Safety Evaluation Report (ADAMS Accession No. ML16320A442). The projected doses to individual transportation and USEI workers have been appropriately estimated and are demonstrated to meet the NRC's alternate disposal requirement of not more than ''a few mrem/yr'' to any member of the public.

The licensee also performed a radiological assessment of the potential dose to the general public from the USEI RCRA facility after its closure. They evaluated a post-closure dose to a member of the public, the intruder construction scenario, the intruder well drilling scenario, and the intruder driller occupancy scenario. All of the results were not more than ''a few mrem/yr'' for approval of an alternate disposal authorization at an operating site.

The NRC staff's independent review of the post-closure and intruder scenarios confirmed that the maximum projected dose over a period of 1,000 years is also within ''a few mrem/yr.'' Additionally, the proposed action would not significantly increase occupational or public radiation exposures.

With regard to potential non-radiological impacts, the NRC staff concludes that the proposed action would not have significant impacts upon any environmental resources. Activities associated with the proposed action occurring at the VY facility are bounded by prior environmental analyses, including the NRC's ''Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities,'' NUREG–0586, Supplement 1 (2002). The transportation of the waste water is also similarly bounded by the transportation analyses in NUREG–0586, Supplement 1.[1] This environmental assessment incorporates by reference and tiers off of NUREG–0586, Supplement 1. Additionally, the NRC staff determined that the proposed action (*i.e.,* undertaking) is not the type of activity that would have the potential to cause effects on historic properties, and that the proposed action would have no effect on endangered or threatened species or their critical habitat.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered the no-action alternative, under which the staff would deny the disposal request. The denial of the request would result in the waste water being transported to another out-of-state waste disposal facility that is authorized to take this waste water (the current practice). All other factors would remain the same or similar. Therefore, the environmental impacts of the proposed action and the no-action alternative are similar and the no-action alternative is accordingly was not further considered.

Agencies and Persons Consulted

The NRC provided a draft of this EA and draft of the NRC Safety Evaluation Report (SER) for this proposed action to the State of Idaho Department of Environmental Quality and the State of Vermont Department of Public Service for review on December 12, 2016 (ADAMS Accession Nos. ML17013A250, ML17013A257, and ML17013A303) for a 30-day review. No comments were received from the State of Idaho. Comments were received from the State of Vermont by letter dated January 11, 2017 (ADAMS Accession No. ML17012A240). The State of Vermont commented on the potential for changes to the radionuclide concentrations in the water to be disposed and how that would affect dose, how particulate contamination in the water to be disposed would be avoided, how the concentration of radionuclides in the water to be disposed would be verified and how those concentrations would be controlled relative to dose, and on the calculated dose rate to the drivers of the tanker trucks. These comments were all comments on the NRC's SER, and were addressed by revising or supplementing the final SER (ADAMS Accession No. ML17055C780). An additional comment came from the State of Vermont on the potential for non-radioactive hazardous contamination in the water to be

[1] NUREG–0586, Supplement 1, is available on the NRC's public Web site at: *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0586/s1/v1.*

shipped. Non-radiological impacts from this disposal have been addressed in this EA as having been bounded by previous environmental analysis. Further State of Vermont concerns about non-radiological constituents in the water to be shipped should be addressed to ENO under the State's authority for regulation of hazardous wastes.

III. Finding of No Significant Impact

The proposed action consists of the NRC approval of ENO's alternate disposal request under 10 CFR 20.2002 and USEI's exemption request under 10 CFR 30.11. The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA and NUREG–0586, Supplement 1, which are incorporated by reference, the NRC finds that the proposed action will not have a significant effect on the quality of the human environment, and therefore, the preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

IV. Availability of Documents

Documents related to the proposed action, including the application and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's ADAMS, which provides text and image files of NRC's public documents. The documents related to this action are listed below, along with their ADAMS accession numbers.

Document	Date	ADAMS accession No.
ENO letter to NRC, Vermont Yankee—Submittal of 10 CFR 20.2002 Request for Alternate Waste Disposal at US Ecology.	01/14/2016	ML16029A071
USEI letter to NRC, US Ecology Idaho, Inc.—Request for Exemptions under 10 CFR 30.11 for Alternate Disposal of Wastes from Vermont Yankee Nuclear Plant Under 10 CFR 20.2002.	01/14/2016	ML16021A173
NRC letter to ENO, Request for Additional Information Related to 10 CFR 20.2002 Alternate Waste Disposal Request for Vermont Yankee Nuclear Power Station.	03/22/2016	ML16077A345
ENO letter to NRC, Vermont Yankee Nuclear Power Station—Response to Request for Additional Information Related to 10 CFR 20.2002, Alternate Waste Disposal Request.	06/28/2016	ML16182A035
NRC email to ENO, Follow-up Questions Related to Entergy Request for 20.2002 Disposal of Contaminated Water.	07/28/2016	ML16231A219
ENO email to NRC, Response to NRC Questions Related to Request for 20.2002 Disposal of Contaminated Water.	08/11/2016	ML16231A028

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by email at *pdr@nrc.gov.* These documents may also be viewed on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 20th day of March 2017.

For the U.S. Nuclear Regulatory Commission.

Bruce A. Watson,

Chief, Reactor Decommissioning Branch, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Materials Safety and Safeguards.

[FR Doc. 2017–06495 Filed 3–31–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–040–COL and 52–041–COL; ASLBP No. 10–903–02–COL–BD01]

Atomic Safety and Licensing Board; Notice of Hearing

March 28, 2017.

Before Administrative Judges: E. Roy Hawkens, Chairman, Dr. Michael F. Kennedy, Dr. William C. Burnett.

In the Matter of FLORIDA POWER & LIGHT COMPANY (Turkey Point Units 6 and 7)

Pursuant to 10 CFR 2.312, this Atomic Safety and Licensing Board gives notice that it will convene an evidentiary hearing with regard to a challenge by Mark Oncavage, Dan Kipnis, Southern Alliance for Clean Energy, and National Parks Conservation Association (Joint Intervenors) to an application by Florida Power & Light Company (FPL) to construct and operate two new nuclear power reactors, Units 6 and 7, at the FPL Turkey Point facility near Homestead, Florida.[1]

A. Date, Time, and Location of Evidentiary Hearing

The Board will convene the evidentiary hearing on Tuesday, May 2, 2017 at 9:30 a.m. EDT, in the Council Chambers of the Homestead City Hall. The City Hall is located at 100 Civic Court, Homestead, Florida 33033. If the evidentiary hearing lasts longer than one day, we will adjourn on Tuesday afternoon and will reconvene and continue at 9:30 a.m. EDT on Wednesday, May 3, 2017. We anticipate that the evidentiary hearing will not take more than two days.

The evidentiary hearing will be held under the authority of the Atomic Energy Act, 42 U.S.C. 2231, 2239, and 2241. It will be conducted pursuant to the NRC hearing procedures set forth in 10 CFR part 2, subpart L, 10 CFR 2.1200–2.1213.

Members of the public and media are welcome to attend and observe the evidentiary hearing.[2] Actual participation in the hearing will be limited to the parties, interested local governmental bodies, and their lawyers and witnesses.[3] Please be aware that security measures may be employed at the entrance to the facility, including searches of hand-carried items such as briefcases or backpacks. No signs will be permitted in the Council Chambers.

[1] *See* LBP–16–03, 83 NRC 169, 186 (2016); LBP–11–06, 73 NRC 149, 251 (2011).

[2] The Council Chambers of the Homestead City Hall can accommodate approximately 100 attendees in the audience.

[3] The parties consist of (1) Joint Intervenors; (2) FPL; and (3) the NRC Staff. The interested local governmental bodies in this proceeding are (1) the Village of Pinecrest, Florida; and (2) the City of Miami, Florida. *See* LBP–15–19, 81 NRC 815, 828 (2015); LBP–11–06, 73 NRC at 251.

B. Matters To Be Considered

Joint Intervenors advance the following challenge (*i.e.,* Contention 2.1) that will be litigated during the May 2, 2017 evidentiary hearing:

> The [Final Environmental Impact Statement (FEIS)] is deficient in concluding that the environmental impacts from FPL's proposed deep injection wells will be ''small.'' The chemical concentrations of ethylbenzene, heptachlor, tetrachloroethylene, and toluene in the wastewater injections, *see* FEIS Table 3–5, may adversely impact the groundwater should they migrate from the Boulder Zone to the Upper Floridan Aquifer.[4]

C. Limited Appearance Statements

As provided in 10 CFR 2.315(a), any person (other than a party or the representative of a party to this proceeding) may submit a written statement, known as a written limited appearance statement, setting forth a position on matters of concern related to this proceeding. Although these statements are not considered testimony or evidence in this proceeding, they nonetheless may assist this Licensing Board or the parties in considering the matters at issue. Anyone who submits a written limited appearance statement should be aware that the jurisdiction of this Licensing Board and the scope of this proceeding are limited solely to the specific matters described in Contention 2.1.

Written limited appearance statements may be submitted at any time, and should be sent by mail, fax, or email to the Office of the Secretary and also to the Chairman of this Licensing Board:

Office of the Secretary

Mail: Office of the Secretary, Rulemakings and Adjudications Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Fax: (301) 415–1101 (verification (301) 415–1966).

Email: hearingdocket@nrc.gov.

Chairman of the Licensing Board

Mail: Chief Administrative Judge E. Roy Hawkens, c/o Jennifer Scro & Kimberly Hsu, Board Law Clerks, Atomic Safety and Licensing Board Panel, Mail Stop T–3F23, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Fax: (301) 415–5599 (verification (301) 415–4128).

Email: Jennifer.Scro@nrc.gov & *Kimberly.Hsu@nrc.gov.*

[4] *See* LBP–16–03, 83 NRC at 186. In LBP–16–03, we formulated Contention 2.1 as a challenge to the Draft EIS. When the NRC Staff issued the FEIS in October 2016, Contention 2.1 automatically converted to a challenge to the FEIS.

D. Availability of Documentary Information Regarding the Proceeding

Documents relating to this proceeding (including any updated or revised scheduling information regarding the evidentiary hearing) are available for public inspection electronically on the NRC's Electronic Hearing Docket (EHD). EHD is accessible from the NRC Web site at *https://adams.nrc.gov/ehd.* For additional information regarding the EHD please see *http://www.nrc.gov/about-nrc/regulatory/adjudicatory.html#ehd.* Persons who do not have access to the internet or who encounter problems in accessing the documents located on the NRC's Web site may contact the NRC Public Document Room reference staff by email to *pdr@nrc.gov* or by telephone at (800) 397–4209 or (301) 415–4737. Reference staff are available Monday through Friday between 8:00 a.m. and 4:00 p.m. ET, except federal holidays. For additional information regarding the NRC Public Document Room please see *http://www.nrc.gov/reading-rm/pdr.html.*

It is so *ordered.*

For The Atomic Safety and Licensing Board. Rockville, Maryland.

Dated: March 28, 2017.

E. Roy Hawkens,

Chairman, Administrative Judge.

[FR Doc. 2017–06502 Filed 3–31–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2017–100 and CP2017–147; MC2017–101 and CP2017–148; MC2017–102 and CP2017–149; MC2017–103 and CP2017–150; MC2017–104 and CP2017–151]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing recent Postal Service filings for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 4, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2017–100 and CP2017–147; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 299 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted

Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* March 27, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Kenneth R. Moeller; *Comments Due:* April 4, 2017.

2. *Docket No(s).:* MC2017–101 and CP2017–148; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 300 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* March 27, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Kenneth R. Moeller; *Comments Due:* April 4, 2017.

3. *Docket No(s).:* MC2017–102 and CP2017–149; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 301 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* March 27, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr; *Comments Due:* April 4, 2017.

4. *Docket No(s).:* MC2017–103 and CP2017–150; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 302 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* March 27, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr; *Comments Due:* April 4, 2017.

5. *Docket No(s).:* MC2017–104 and CP2017–151; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 303 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* March 27, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr; *Comments Due:* April 4, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–06446 Filed 3–31–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* April 3, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 27, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 303 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–104, CP2017–151.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–06411 Filed 3–31–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* April 3, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 27, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 301 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–102, CP2017–149.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–06413 Filed 3–31–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* April 3, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 27, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 302 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–103, CP2017–150.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–06412 Filed 3–31–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* April 3, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 27, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 300 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–101, CP2017–148.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–06414 Filed 3–31–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* April 3, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 27, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 299 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–100, CP2017–147.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–06425 Filed 3–31–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80324; File No. SR–ICC–2017–002]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change To Revise Liquidity Thresholds for Euro Denominated Products

March 28, 2017.

I. Introduction

On January 27, 2017, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–ICC–2017–002) to amend the ICC Clearing Rules, the ICC Treasury Operations Policies and Procedures and the ICC Liquidity Risk Management Framework to update ICC's liquidity thresholds for non-client Euro denominated products. The proposed rule change was published for comment in the **Federal Register** on February 14, 2017.[3] The Commission received no comment letters regarding the proposed change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

ICC has proposed changes to Schedule 401 of its Clearing Rules, Treasury Operations Policies and Procedures and Liquidity Risk Management Framework. The proposed changes will reduce Clearing Participants' Non-Client Initial Margin and Guaranty Fund Liquidity Requirements (''Non-Client Liquidity Requirements'') for products denominated in Euros from 65% Euro cash to 45% Euro cash.[4] The proposed rule change further gives Clearing Participants the option of posting the next 20% of Non-Client Liquidity Requirements for these products in either Euro or US Dollar cash. The proposed rule change does not alter Clearing Participants' existing ability to post the final 35% of their Non-Client Liquidity requirements in US Treasuries or cash issued by any G7 nation.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [5] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. Section 17A(b)(3)(F) of the Act requires,[6] among other things, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest. Rule 17Ad–22(d)(3) [7] requires that a registered clearing agency shall establish, implement, maintain, and enforce written policies and procedures reasonably designed to hold assets in a manner that minimizes risk of loss or of delay in its access to them.

The Commission finds that the proposed rule change, which adjusts the amount of Euro cash required in respect of non-client Euro denominated products, is consistent with Section 17A of the Act and Rule 17Ad–22 thereunder. The proposed rule change should not impact ICC's access to liquidity in the event of a clearing participant's default. ICC represented that ''the 45% minimum percentage requirement is equivalent to the maximum assumed one day movement in Initial Margin (assuming a 5-day risk horizon).'' [8] Moreover, if additional Euro cash is needed, ICC asserts that it can rely on its committed foreign exchange facility for settled spot dollar-to-Euro foreign exchange transactions.[9] Accordingly, because there is unlikely to be a diminution in ICC's ability to meet its obligations, this proposed rule change is consistent with the prompt and accurate clearance and settlement requirement of Section 17A(b)(3)(F) of the Act.[10]

The proposed rule change also is consistent with the requirements in Section 17A(b)(3)(F) and Rule 17Ad–22(d)(3) that assets of a clearinghouse be safeguarded. As noted above, the proposed rule change now permits ICC's Clearing Participants to post an additional 20% of their Non-Client Liquidity Requirements in US Dollars. ICC in turn has represented that ''to the extent possible, ICC deposits US Dollar cash in its account at the Federal Reserve Bank of Chicago.'' [11] Thus, giving ICC's Clearing Participants the option to post additional US Dollar cash, which may result in an increased amount of funds on deposit with a Federal Reserve Bank should further assure the safeguarding of those funds and minimize the risk of loss or delay in access to those funds, consistent with Section 17A(b)(3)(F) of the Act,[12] and Rule 17Ad–22(d)(3).[13]

IV. Conclusion

It is therefore ordered pursuant to Section 19(b)(2) of the Act that the proposed rule change (SR–ICC–2017–002) be, and hereby is, approved.[14]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–79988 (February 8, 2017), 82 FR 10611 (February 14, 2017) (SR–ICC–2017–002) (''Notice'').

[4] Capitalized terms used in this order, but not defined herein, have the same meaning as in the ICC Clearing Rules.

[5] 15 U.S.C. 78s(b)(2)(C).

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 17 CFR 240.17Ad–22(d)(3).

[8] Notice, 82 FR at 10612.

[9] *Id.*

[10] 15 U.S.C. 78q–1(b)(3)(F).

[11] Notice, 82 FR at 10612.

[12] 15 U.S.C. 78q–1(b)(3)(F).

[13] 17 U.S.C. 240.17Ad–22(d)(3).

[14] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[15]

Brent J. Fields,

Secretary.

[FR Doc. 2017–06440 Filed 3–31–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80321; File No. SR–FINRA–2017–008]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Private Placement Filer Form Under FINRA Rules 5122 and 5123

March 28, 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 17, 2017, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.[4]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing changes to the Private Placement Filer Form (''Filer Form'') that members complete when submitting private placement filings under FINRA Rules 5122 (Private Placements of Securities Issued by Members) or 5123 (Private Placements of Securities). The proposal does not make any changes to the text of FINRA rules.

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6). FINRA has given 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.

[4] The text of the proposed rule change is available at the principal office of FINRA, on FINRA's Web site at *http://www.finra.org,* 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, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rules 5122 and 5123 require a FINRA member to file information regarding private placements in which the member participates.[5] When Rule 5123 became effective on December 3, 2012,[6] FINRA required members to use the Filer Form for filings under both rules.[7] Members submit the Filer Form and relevant offering documents to FINRA through the FINRA Firm Gateway.[8] On July 1, 2013, FINRA amended Rule 5123 to require members to file the requisite information ''in a manner prescribed by FINRA'' and also began using an updated version of the Filer Form.[9] The changes proposed herein would further update the version of the Filer Form that has been in use since 2013 for filings made pursuant to Rule 5122 and Rule 5123.

[5] Both Rules 5122 and 5123 provide exemptions from the filing requirement when certain types of securities are sold or securities are sold to certain types of investors. *See* Rules 5122(c) and 5123(b).

[6] *See* Securities Exchange Act Release No. 67157 (June 7, 2012), 77 FR 35457 (June 13, 2012) (Notice of Filing of Amendments No. 2 and No. 3 and Order Granting Accelerated Approval of File No. SR–FINRA–2011–057); *Regulatory Notice* 12–40 (September 2012).

[7] *See Regulatory Notice* 12–40 (September 2012). *See also Regulatory Notice* 13–26 (August 2013); Securities Exchange Act Release No. 69843 (June 25, 2013), 78 FR 39367 (July 1, 2013) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Members' Filing Obligations under FINRA Rule 5123 (Private Placements of Securities) File No. SR–FINRA–2013–026).

[8] FINRA Firm Gateway is an online compliance tool that provides consolidated access to FINRA applications and allows members to submit required filings electronically to meet their compliance and regulatory obligations.

[9] *See* Securities Exchange Act Release No. 69843 (June 25, 2013), 78 FR 39367 (July 1, 2013) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Members' Filing Obligations under FINRA Rule 5123 (Private Placements of Securities) File No. SR–FINRA–2013–026).

The Filer Form has three main components: (1) The ''Participating Member Information'' section, which seeks information about the members that are selling the private placement; (2) the ''Issuer Information'' section, which captures basic information about the issuer; and (3) the ''Offering Information'' section, which seeks information about the offering. FINRA proposes changes to the Filer Form that will add, clarify and eliminate questions or other information requested in each section. Members may respond ''unknown'' for all new requests for information. Therefore, the Filer Form, as proposed to be modified, would not impose any new obligation on broker-dealers to seek out information that they do not already have. FINRA describes these proposed changes below.

The Participating Member section of the Filer Form would add questions regarding whether the member making the filing (''filing member'') is the exclusive selling agent in the private placement and whether there is any affiliation between the issuer or sponsor of the private placement with any member participating in the offering upon whose behalf the filing member is submitting the Filer Form. This section would no longer require the title and email address for the contact person of the filing member or the contact name, title and telephone number for other members identified in the filing.

The Issuer Information section of the Filer Form would add a question asking whether the issuer is a reporting company. This section would no longer require the filing member to enter the name, title and email address of the issuer's contact person.

The Offering Information section would add questions regarding:

- The type of security the issuer is offering;
- whether the issuer raised capital within the preceding 12 months from any source (excluding loans or investments by affiliates);
- minimum investment amount that the issuer will accept and whether the issuer can waive that minimum;
- whether the filing member sold or will sell the offering to any non-accredited investors;
- the exemption from the Securities Act of 1933 that the issuer is relying upon;[10] and

[10] FINRA notes that one of the exemptions listed on the Filer Form is Rule 505 of Regulation D. The SEC has recently repealed Rule 505, with a stated effective date of May 22, 2017, in connection with its amendments to exemptions to facilitate intrastate and regional securities offerings. *See* Securities Exchange Act Release No. 79161, 81 FR

Continued

• for contingency offerings, whether a contingency has been met as of the date of the filing.

The Offering Information section would also request the date on which the filing member first offered or sold the private placement and allow the filing member to indicate that sales have yet to commence. The Offering Information section would no longer include the requirements to provide the aggregate amount of non-commission compensation and the offering's conclusion date. This section also would no longer include the questions asking whether the member used a term sheet, whether the issuer has any independently audited financial statements and whether the issuer's directors are independent. In addition, the Offering Information section would clarify that the requirement to provide the stated or target rate of return is relevant, only if an offering document provides an actual or target rate of return to investors. Finally, this section also would clarify that the question regarding general solicitation only seeks information regarding whether the filing member or the issuer has, in fact, engaged in general solicitation in connection with the private placement at or before the time of filing.

FINRA believes that these revisions will assist it in fulfilling its regulatory responsibilities by improving the information about the nature of the private placement and members' role in offering the securities. Specifically, FINRA proposes to eliminate questions or data fields that were not as useful as anticipated, clarify questions that may have raised questions with members, and add other questions that, with the benefit of experience, FINRA believes will help it better understand the issues and potential risks associated with a private placement (*e.g.,* an offering with an unmet contingency).[11]

FINRA has filed the proposed changes for immediate effectiveness. FINRA anticipates that the implementation date will be May 22, 2017.

2. Statutory Basis

FINRA believes that the proposed changes to the Filer Form are consistent with the provisions of Section 15A(b)(6) of the Act,[12] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, in that it will assist in FINRA's efforts to detect and prevent fraud in connection with specified private placements. In addition, the proposed changes will assist FINRA in evaluating the specified private placement activities of members and assess whether members are conducting a reasonable investigation for specified private placement offerings in which they participate.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed changes to the Filer Form will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. FINRA notes that all members that participate in specified private placements will have to file electronically (or have another member that is participating in the specified private placement file on its behalf) a Filer Form in connection with the rules. In addition, all of the new questions proposed herein permit members to respond ''unknown.''

Because the proposed Filer Form does not impose an affirmative duty on members to obtain answers, but only requires the member to provide the information on the Filer Form if known, FINRA believes that the proposed changes present no new burden upon filing members. In light of the role of the rules and the accompanying Filer Form in assisting FINRA in its efforts to detect and prevent fraudulent and manipulative acts and practices and enhance the protection of investors, FINRA does not believe that the proposed changes will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2017–008 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–FINRA–2017–008. 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

83494 (November 21, 2016). FINRA will modify the Filer Form to remove the reference to Rule 505 following the effective date of the repeal of that rule.

[11] FINRA published *Regulatory Notice* 16–08 (February 2016) to highlight issues that FINRA has observed concerning members' compliance with SEA Rules 10b–9 and 15c2–4.

[12] 15 U.S.C. 78*o*–3(b)(6).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

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 FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–FINRA–2017–008 and should be submitted on or before April 24, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–06442 Filed 3–31–17; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80319; File No. SR–NYSEArca–2016–101]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Disapproving a Proposed Rule Change, as Modified by Amendment No. 1, Relating to the Listing and Trading of Shares of the SolidX Bitcoin Trust Under NYSE Arca Equities Rule 8.201

March 28, 2017.

NYSE Arca (''Exchange'' or ''NYSE Arca'') has filed a proposed rule change to list and trade shares of the SolidX Bitcoin Trust.[1] When an exchange makes such a filing,[2] the Commission must determine whether the proposed rule change is consistent with the statutory provisions, and the rules and regulations, that apply to national securities exchanges.[3] The Commission must approve the filing if it finds that the proposed rule change is consistent with these legal requirements, and it must disapprove the filing if it does not make such a finding.[4]

As discussed further below, the Commission is disapproving this proposed rule change because it does not find the proposal to be consistent with Section 6(b)(5) of the Exchange Act, which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest.[5] The Commission believes that, in order to meet this standard, an exchange that lists and trades shares of commodity-trust exchange-traded products (''ETPs'') must, in addition to other applicable requirements, satisfy two requirements that are dispositive in this matter.[6] First, the exchange must have surveillance-sharing agreements with significant markets for trading the underlying commodity or derivatives on that commodity. And second, those markets must be regulated.[7]

Based on the record before it, the Commission believes that the significant markets for bitcoin are unregulated. Therefore, as the Exchange has not entered into, and would currently be unable to enter into, the type of surveillance-sharing agreement that has been in place with respect to all previously approved commodity-trust ETPs—agreements that help address concerns about the potential for fraudulent or manipulative acts and practices in this market—the Commission does not find the proposed rule change to be consistent with the Exchange Act.

I. Description of the Proposal

The Exchange proposes to list and trade shares (''Shares'') of the SolidX Bitcoin Trust (''Trust'') as Commodity-Based Trust Shares under NYSE Arca Equities Rule 8.201.[8]

The Trust would hold bitcoins as its primary asset,[9] along with smaller amounts of cash, and the bitcoins would be in the custody of, and secured by, the Trust's bitcoin custodian, SolidX Management LLC, which would also serve as the sponsor (''Sponsor'') of the Trust.[10] The Bank of New York Mellon would serve as the Trust's cash custodian and its administrator (''Administrator'').[11] According to the Exchange, the Sponsor has arranged for insurance coverage to protect investors against loss or theft of the Trust's bitcoins.[12]

The investment objective of the Trust would be for the Shares to track the price of bitcoins as measured by the TradeBlock XBX Index (''XBX Index'').[13] The XBX Index is licensed by the Sponsor from Schvey, Inc., d/b/a TradeBlock, the index sponsor and calculation agent.[14] As of January 15,

[1] The Exchange filed the proposed rule change on July 13, 2016, and the Commission published notice of the proposed rule change in the **Federal Register** on August 2, 2016. *See* Exchange Act Release No. 78426 (July 27, 2016), 81 FR 50763 (Aug. 2, 2016) (''Notice''). On September 6, 2016, the Commission designated a longer period within which to act on the proposed rule change. *See* Exchange Act Release No. 78770 (Sept. 6, 2016), 81 FR 62780 (Sept. 12, 2016). On October 27, 2016, the Commission instituted proceedings under Section 19(b)(2)(B) of the Securities Exchange Act of 1934 (''Exchange Act''), 15 U.S.C. 78s(b)(2)(B), to determine whether to approve or disapprove the proposed rule change. *See* Exchange Act Release No. 79171 (Oct. 27, 2016), 81 FR 76400 (Nov. 2, 2016) (''Order Instituting Proceedings''). On January 3, 2017, the Commission designated a longer period for Commission action on the proposed rule change. *See* Exchange Act Release No. 79726 (Jan. 3, 2017), 82 FR 2426 (Jan. 9, 2017) (designating March 30, 2017, as the date by which the Commission must either approve or disapprove the proposed rule change). On February 15, 2017, the Exchange filed Amendment No. 1 to the proposed rule change, amending and replacing the original filing in its entirety, and Amendment No. 1 was published for comment in the **Federal Register** on March 1, 2017, with a 15-day comment period that ended on March 16, 2017. *See* Exchange Act Release No. 80099 (Feb. 24, 2017), 82 FR 12253 (Mar. 1, 2017) (''Amendment No. 1'').

[2] Such filings are made under Section 19(b)(1) of the Exchange Act, 15 U.S.C. 78s(b)(1), and Exchange Act Rule 19b–4, 17 CFR 240.19b–4.

[3] *See* Exchange Act Section 19(b)(2)(C), 15 U.S.C. 78s(b)(2)(C).

[4] *See id.*

[5] 15 U.S.C. 78f(b)(5).

[6] This approach is consistent with standards the Commission has applied to previous commodity-trust ETPs as well as the Commission's recent action disapproving the proposed rule change of Bats BZX Exchange to list and trade shares issued by the Winklevoss Bitcoin Trust. *See, e.g.,* Exchange Act Release No. 80206 (Mar. 10, 2017), 82 FR 14076, 14077 n.6 (Mar. 16, 2017) (''Bats BZX Order'').

[7] As discussed below, *infra* notes 125–126 and accompanying text, the significant markets relating to the commodity-trust ETPs approved to date have been well-established regulated futures markets for the underlying commodity.

[8] *See* NYSE Arca Equities Rule 8.201 (permitting the listing and trading of ''Commodity-Based Trust Shares,'' defined as a security (a) that is issued by a trust that holds a specified commodity deposited with the trust; (b) that is issued by the trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity; and (c) that, when aggregated in the same specified minimum number, may be redeemed at a holder's request by the trust, which will deliver to the redeeming holder the quantity of the underlying commodity). Other national securities exchanges that list and trade shares of commodity-trust ETPs have similar rules. *See, e.g.,* BZX Rule 14.11(e)(4)(C) (permitting the listing and trading of Commodity-Based Trust Shares) and Nasdaq Rule 5711(d) (permitting the listing and trading of Commodity-Based Trust Shares). Commodity-trust ETPs differ from exchange-traded funds (ETFs) in a number of ways, including that they hold as an asset a single commodity, rather than a portfolio of multiple securities, and that they are not regulated under the Investment Company Act of 1940.

[9] According to the Exchange, bitcoin is ''an asset that can be transferred among parties via the Internet, but without the use of a central administrator or clearing agency.'' Amendment No. 1, *supra* note 1, 82 FR at 12254 n.14. The Exchange also states that ''[t]he Bitcoin Network (*i.e.,* the network of computers running the software protocol underlying bitcoin involved in maintaining the database of bitcoin ownership and facilitating the transfer of bitcoin among parties) and the asset, bitcoin, are intrinsically linked and inseparable.'' *Id.* at 12255. For the purpose of considering this proposal, this order describes bitcoin as a ''digital asset'' and a ''commodity.''

[10] *See id.* at 12254.

[11] *See id.*

[12] *See id.* at 12261.

[13] *See id.* at 12255.

[14] *See id.* at 12257.

2017, the eligible bitcoin exchanges for inclusion in the XBX Index are Bitfinex, Bitstamp, GDAX (f/k/a Coinbase), itBit, and OKCoin International.[15] According to the Exchange:

> [T]he XBX represents the value of one bitcoin in U.S. dollars at any point in time and closes as of 4:00 p.m. Eastern time (''E.T.'') each weekday. The intra-day levels of the XBX incorporate the real-time price of bitcoin based on trading activity derived from constituent exchanges throughout each trading day. The closing level of the XBX is calculated using a proprietary methodology utilizing bitcoin trading data from constituent exchanges and is published at or after 4:00 p.m. E.T. each weekday. The XBX is published to two decimal places rounded on the last digit.[16]

The Net Asset Value (''NAV'') of the Trust would be calculated each business day by the Administrator, as promptly as practicable after 4:00 p.m. E.T., using the price set for bitcoin by the XBX Index.[17] The Intraday Indicative Value (''IIV'') of the Trust would be calculated and disseminated by the Sponsor every 15 seconds during the Exchange's regular trading session. The IIV would be calculated by using the prior day's closing NAV per Share as a base and updating that value during the regular trading session on the Exchange to reflect intraday changes in the value of the Trust's bitcoin holdings.[18]

The Trust would issue and redeem the Shares only in baskets of 100,000 Shares and only to authorized participants (''Authorized Participants''), and these transactions would be conducted ''in-kind'' for bitcoin or for cash.[19] The Exchange states that for creating and redeeming baskets in-kind or for cash, Authorized Participants and market makers would be able to hedge their exposure to bitcoin using non-deliverable forward contracts (''NDFs'') and swap contracts that would create synthetic long or short exposure to bitcoin for hedging.[20]

According to the Exchange, the underlying bitcoin marketplace operates 24 hours per day, 365 days per year. The Exchange cites the Trust's registration statement (''Registration Statement'') for the proposition that the majority of bitcoin transactions are executed on public bitcoin exchanges where bitcoins are bought and sold daily for value in U.S. dollar (''USD''), euro, and other government-issued currencies,[21] and the Exchange states that there are currently 30 bitcoin exchanges across the world.[22] According to the Exchange, the various bitcoin exchanges are generally available to the public through online web portals, and trading information (including pricing, volume, and pending orders) is available on the exchanges' Web sites, with most of this information publicly available to anyone who visits the Web sites.[23]

The Exchange states that, according to the Registration Statement, there are currently several U.S.-based regulated entities that facilitate bitcoin trading and that comply with anti-money laundering (''AML'') and know your customer (''KYC'') regulatory requirements:[24]

- GDAX, which is based in California, is a bitcoin exchange that maintains money transmitter licenses in over 30 states, the District of Columbia, and Puerto Rico. GDAX is subject to the regulations enforced by the various state agencies that issued their respective money transmitter licenses to GDAX. In New York, GDAX applied for a BitLicense, a regulatory framework created by the New York Department of Financial Services (''NYSDFS'') that sets forth consumer protection, AML compliance, and cybersecurity rules tailored for digital currency companies operating and transacting business in New York. The NYSDFS granted a BitLicense to GDAX in January 2017.[25]
- itBit is a bitcoin exchange that was granted a limited-purpose-trust-company charter by the NYSDFS in May 2015. Limited-purpose trusts, according to the NYSDFS, are permitted to undertake certain activities, such as transfer agency, securities clearance, investment management, and custodial services, but without the power to take deposits or make loans.[26]
- Gemini is a bitcoin exchange that is also regulated by the NYSDFS. In October 2015, the NYSDFS granted Gemini authorization to operate as a limited-purpose trust company.[27]
- SecondMarket, Inc., d/b/a Genesis Global Trading, is a member firm of the Financial Industry Regulatory Authority (''FINRA'') that makes a market in bitcoin by offering two-sided liquidity.[28]

The Exchange notes that the CFTC has stated that bitcoins and other virtual currencies are encompassed in the definition of ''commodity'' under the Commodity Exchange Act and are thus within the regulatory jurisdiction of the CFTC.[29]

According to the Exchange, the exchanges with the most significant bitcoin trading by volume—Bitfinex, Bitstamp, BTCC, BTC-e, GDAX, Huobi, itBit, Kraken, LakeBTC, OKCoin Exchange China, and OKCoin International—traded approximately 1.34 billion bitcoins, at USD-converted prices ranging between $199 and $1,203, for a total trade volume of over $784 billion from February 2014 through January 2017. The Sponsor represents that average global daily trading volume during this period was approximately $693 million.[30]

According to the Exchange, between January 16, 2016, and January 15, 2017 (including weekends and holidays), average daily bitcoin trading on Bitfinex, Bitstamp, GDAX, Gemini, itBit, and OKCoin International totaled approximately 44,000 bitcoins across all of those exchanges at prices that ranged between $371 and $1,161. Of that

[15] *See id.* at 12258.

[16] *Id.* at 12257. The Exchange represents that, according to the Sponsor, the XBX Index's price variance weighting decreases the influence on the XBX Index of any particular exchange that diverges from the rest of the data points used by the XBX Index and thereby reduces the possibility of an attempt to manipulate the price of bitcoin as reflected by the XBX Index. *See id.* at 12259.

[17] *See id.* at 12262. If for any reason, and as determined by the Sponsor, the Administrator is unable to value the Trust's bitcoin using the XBX Index price, the Exchange's proposal provides that the Administrator may use other specified criteria to value the holdings of the Trust. *Id.* at 12261.

[18] *See id.* at 12265.

[19] *See id.* at 12263.

[20] *See id.* The Exchange states that the Sponsor expects that NDFs or swaps will be offered by several participants in the bitcoin marketplace, including bitcoin exchanges and bitcoin over-the-counter (''OTC'') market participants, and that the Sponsor itself (operating on a principal basis) also may offer NDFs and swaps in order to provide Authorized Participants and market makers with additional options for hedging their exposure to bitcoin. *See id.*

[21] *See* Registration Statement on Form S–1, as amended, dated February 3, 2017 (File No. 333–212479), at 38.

[22] *See id.* at 12257. According to the Exchange, the Sponsor estimates that, in the global USD-bitcoin market, trading volume in the OTC market averages about half of the trading volume on exchanges. *See id.* at 12259–60.

[23] *See id.* at 12256–67. The Exchange represents that, according to the Sponsor, Bitfinex, one of the bitcoin exchanges included in the Trust's underlying XBX Index, does not conduct business in New York or with New York residents and that another XBX Index component bitcoin exchange, OKCoin International, is open only to non-U.S. persons. *See also id.* at 12258 (acknowledging that certain spot bitcoin exchanges are open only to non-U.S. persons or do not conduct business with New York residents and that, as a result, the Sponsor must conduct some of its bitcoin trading on behalf of the Trust through a wholly-owned subsidiary, SolidX Management Ltd., an exempted limited company organized in the Cayman Islands specifically established to buy and sell bitcoin on behalf of the Trust on these bitcoin exchanges).

[24] *See id.* at 12257.

[25] *See id.*

[26] *See id.*

[27] *See id.*

[28] *See id.*

[29] *See id.* at 12261. The Exchange also cites views expressed by individual CFTC Commissioners for the proposition that derivatives based on bitcoin are subject to oversight by the CFTC, including oversight to prevent market manipulation of the price of bitcoin. *Id.*

[30] *See id.* at 12257.

trading, Bitfinex accounted for 39%, Bitstamp accounted for 13%, GDAX accounted for 14%, Gemini accounted for 4%, itBit accounted for 9%, Kraken accounted for 3%, and OKCoin International accounted for 17% of bitcoins traded.[31] The Exchange represents that, during the twelve-month period from January 2016 through January 2017, the aggregate trading volume on the five constituent exchanges of the XBX Index as of January 15, 2017—Bitfinex, Bitstamp, GDAX, itBit, and OKCoin International—represented approximately 77% of the entire global USD-denominated bitcoin exchange market.[32]

According to the Exchange, although each bitcoin exchange has its own market price, it is expected that most bitcoin exchanges' market prices should be relatively consistent with the bitcoin-exchange market average, since market participants can choose the bitcoin exchange on which they buy or sell bitcoin. The Exchange also represents that, according to the Registration Statement, price differentials across bitcoin exchanges enable arbitrage between bitcoin prices on the various exchanges.[33] As a result, according to the Exchange, the prices on bitcoin exchanges are the most accurate expression of the value of bitcoins.

With respect to derivatives on bitcoin, the Exchange states that certain non-U.S.-bitcoin exchanges offer derivative products on bitcoin such as options, swaps, and futures.[34] The Exchange refers to the Registration Statement and notes that BitMex (based in the Republic of Seychelles), CryptoFacilites (based in the United Kingdom), 796 Exchange (based in China), and OKCoin Exchange China all offer futures contracts settled in bitcoin. The Exchange also states that Coinut (based in Singapore) offers bitcoin binary options and ''vanilla options'' based on the Coinut index; that Nadex (based in Chicago) offers bitcoin binary options denominated in USD using the TeraBit Bitcoin Price Index; and that IGMarkets (based in the United Kingdom), Avatrade (based in the Republic of Ireland), and Plus500 (based in Israel) also offer bitcoin derivative products.[35] The Exchange also notes the CFTC has approved the registration of TeraExchange LLC as a swap execution facility (''SEF''), where bitcoin swaps and NDFs may be entered into, and the registration of LedgerX provisionally as a SEF.[36]

The Exchange asserts that its own surveillance procedures are sufficient to detect and deter manipulation.[37] The Exchange represents that the Exchange or FINRA, on behalf of the Exchange, or both, (a) will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the Intermarket Surveillance Group, and (b) may obtain trading information regarding trading in the Shares from these other markets and other entities. In addition, the Exchange states that it may obtain information regarding trading in the Shares from markets and other entities that are members of the Intermarket Surveillance Group or with which the Exchange has in place a comprehensive surveillance-sharing agreement.[38]

According to the Exchange, the Sponsor believes that demand from new investors accessing bitcoin through investment in the Shares will broaden the investor base in bitcoin, which could further reduce the possibility of collusion among market participants to manipulate the bitcoin market.[39]

Further details regarding the proposal and the Trust can be found in Amendment No. 1 to the proposal,[40] and in the Registration Statement.[41]

II. Summary of Comment Letters

The comment period for the initial Notice of Proposed Rule Change closed on August 23, 2016, and the comment period for Amendment No. 1 closed March 16, 2017.[42] As of March 24, the Commission had received 11 comment letters on the proposed rule change.[43]

[31] *See id.* at 12259.

[32] *See id.* at 12259–61. The Exchange further notes that, in addition to the five constituent exchanges of the XBX Index as of January 15, 2017, the global USD-denominated bitcoin exchange market also includes BTC-e, Gemini, LakeBTC, and Kraken. The Exchange represents that, although BTC-e is a USD-denominated bitcoin exchange with significant trading volume, BTC-e does not comply with certain of the Sponsor's internal criteria regarding the exchanges on which the Sponsor will trade and that, therefore, the Sponsor will not transact with BTC-e. According to the Exchange, the Sponsor is aware of other smaller USD-denominated bitcoin exchanges, but the trading volume on these exchanges is insignificant, and the Sponsor does not intend to conduct business with these smaller exchanges. *See id.* at 12259 n.30. The Commission notes that, as of March 20, 2017, the TradeBlock Web site indicated that the XBX Index weighting assigned to the OKCoin International exchange was zero percent. *See* TradeBlock, *https://tradeblock.com/markets/index/* (last visited Mar. 20, 2017).

[33] According to the Exchange, the Sponsor represents that, because bitcoin trades on more than 30 exchanges globally on a 24-hour basis, it is difficult for attempted market manipulation on any one exchange to affect the global market price of bitcoin, and that any attempt to manipulate the price would result in an arbitrage opportunity among exchanges, which would typically be acted upon by market participants. *See id.* at 12259.

[34] According to the Exchange, the Sponsor is not aware of any bitcoin derivatives currently trading based on the XBX Index. *See id.* at 12258.

[35] *See id.* at 12260.

[36] *See id.*

[37] The Exchange represents that its surveillance procedures generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. The Exchange represents that, when such situations are detected, surveillance analysis would follow and investigations would be opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations. *See id.* at 12266 (further representing that trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws, and further representing that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange).

[38] *See id.* at 12266. The Exchange also notes that, pursuant to NYSE Arca Equities Rule 8.201(g), the Exchange is able to obtain information regarding trading in the Shares and the underlying bitcoin or any bitcoin derivative through Exchange-registered market makers, in connection with the market makers' proprietary or customer trades effected on any relevant market. *Id.*

[39] *See id.* at 12259.

[40] *See id.* Compared to the initial Notice, *see supra* note 1, Amendment No. 1 makes the following substantive changes: (1) Identifies Foreside Fund Services, LLC as the order examiner in connection with the creation and redemption of baskets of Shares; (2) identifies SolidX Management LLC as the custodian of the Trust's bitcoin and The Bank of New York Mellon as custodian of the Trust's cash; (3) adds content regarding a recent loss of trading volume on the leading Chinese exchanges and asserts that trading volumes at these Chinese exchanges are now in line with volumes at USD exchanges; (4) notes that, in May 2016, the Gibraltar Financial Services Commission approved the BitcoinETI, which was listed on the Gibraltar Stock Exchange in July 2016 and on Deutsche Boerse Frankfurt in August 2016; (5) adds or changes certain details regarding the first alternative pricing source for the Shares; (6) adds disclosure that the Sponsor (operating on a principal basis) also may offer NDFs and swaps in order to provide Authorized Participants and market makers with additional options for hedging their exposure to bitcoin; (7) deletes text relating to the suspension or rejection of redemption orders; and (8) adds text stating that, to the extent that the Administrator has utilized the cascading set of rules described in ''bitcoin Market Price,'' in Amendment No. 1, the Trust's Web site will note the valuation methodology used and the price per bitcoin resulting from that calculation.

[41] *See* Registration Statement, *supra* note 21.

[42] The initial comment period for the Order Instituting Proceedings closed on November 23, 2016, and the period for rebuttal comments closed on December 7, 2016. *See* Order Instituting Proceedings, *supra* note 1, 81 FR at 76401–02.

[43] *See* Letters from Daniel H. Gallancy, CFA, SolidX Management LLP (Nov. 23, 2016) (''SolidX Letter''); Thaya B. Knight, Associate Director, Financial Regulation Studies, The Cato Institute (Dec. 1, 2016) (''Cato Letter''); Jerry Brito, Executive Director, Coin Center (Dec. 7, 2016) (''Coin Center Letter''); Joseph Colangelo, President, Consumers' Research (Dec. 7, 2016) (''Consumers' Research Letter''); Denise Krisko, CFA, President and Co-Founder, Vident Investment Advisory, LLC (Dec. 7, 2016) (''Vident Letter''); Balaji Srinivasan, Chief Executive Officer & Cofounder, 21, *et al.* (Dec. 7, 2016) (''Srinivasan Letter''); Ken I. Maher (Dec. 8,

Continued

Commenters address, among other things, investors' interest in bitcoin and their desire to gain access to bitcoin through an ETP;[44] the state of development of bitcoin as a digital asset;[45] the inherent value of, and risks of investing in, bitcoin;[46] the appropriate measures for the Trust to secure its bitcoin holdings against theft or loss;[47] the creation and redemption processes for the Trust;[48] the proposed valuation method for the Trust's holdings;[49] and the legitimacy or other benefits that Commission approval of the proposed ETP might confer upon bitcoin as a digital asset.[50] Ultimately, however, comments on these topics do not bear on the basis for the Commission's decision to disapprove the proposal. Accordingly, the Commission will summarize and address the comments that relate to the susceptibility of bitcoin or the Shares to fraudulent or manipulative acts and practices, including the need for surveillance-sharing agreements with significant regulated markets for trading in bitcoin or derivatives on bitcoin.

A. *Comments Regarding the Worldwide Market for Bitcoin*

Several commenters note that a significant volume of bitcoin trading occurs in markets outside the United States that are largely unregulated.[51] One commenter claims that several bitcoin exchanges do not offer the same regulatory safeguards that U.S. consumers have come to expect when they make investments in U.S. securities, and that bitcoin exchanges lack Commission oversight and have lost investor funds.[52] The Lewis Paper also notes that the Commission does not regulate bitcoin exchanges.[53] A different commenter expresses concerns that certain bitcoin exchanges that are components of the XBX Index, such as Bitfinex and OKCoin International, are not audited or governed by fair and transparent business practices.[54]

The Sponsor asserts that the majority of bitcoin transactions are executed on public bitcoin exchanges that typically publish real-time trade data on their respective Web sites and through application programming interfaces. The Sponsor claims that the existence and availability of the numerous pricing sources for bitcoin delivers unmatched price transparency when compared to most other assets.[55] The Sponsor also asserts that the volume of bitcoin trading, both on-exchange and in the OTC market, is significant and that the bitcoin market is a liquid market. According to the Sponsor, between November 2015 and November 2016, the trading volume on the five constituent exchanges of the XBX Index (Bitfinex, Bitstamp, GDAX, itBit, and OKCoin International) represented the overwhelming majority of the entire USD-denominated bitcoin exchange market, and average daily trade volume on these exchanges during this period was approximately $24 million.[56]

The Sponsor acknowledges that a significant portion of bitcoin trading occurs on exchanges outside the United States.[57] The Sponsor also claims that, while there is a significant volume of bitcoin trading in China, the prices on U.S. and Chinese exchanges tend to conform with minimal variation, in spite of various capital controls in effect in China.[58] Consequently, for purposes of arbitrage among all the various bitcoin exchanges (including those that trade bitcoin for USD and Chinese yuan), the Sponsor concludes that the tendency for prices to conform supports the conclusion that the exchange market is efficient and is generally resistant to manipulation.[59] The Sponsor also provides data that, it says, indicate that arbitrage across bitcoin markets helps to keep bitcoin prices aligned and to reduce the likelihood of manipulation and indicate that arbitrage functions within a few seconds to address price discrepancies.[60]

The Sponsor also submits that, as of January 2017, the volume of bitcoin trading on Chinese exchanges has declined to levels similar to those of USD-denominated exchanges that follow AML and KYC procedures applied by their respective jurisdictions.[61] The Sponsor states that, in light of capital controls that apply in China, the Sponsor views the Chinese markets for bitcoin as separate and distinct from the USD markets.[62] The Sponsor further asserts that the pricing differences between the XBX Index and the Chinese bitcoin exchanges are analogous to the location-based pricing differences in commodities markets, including the markets for gold, silver, platinum, and palladium—commodities that are the underlying assets for existing commodity-trust ETPs.

The Sponsor states that, in addition to exchange trading, bitcoin has a robust, global OTC market and states that the parallel existence of an exchange-based and an OTC bitcoin market increases the difficulty of manipulation. Similarly, the Exchange notes that the OTC market for bitcoin as a standalone liquidity pool has greater daily trade volumes than any single bitcoin exchange.[63]

According to the Sponsor, a potential manipulator in the bitcoin marketplace would need to prevent other market participants from taking advantage of potential arbitrage opportunities between the exchanges, which would be further complicated by the high level of price transparency in the bitcoin market.[64] The Sponsor notes that ''Level-II type'' quotes for bitcoin are

2016) (''Maher Letter''); Craig M. Lewis, Madison S. Wigginton Professor of Finance, Owen Graduate School of Management, Vanderbilt University (Feb. 13, 2017) (''Lewis Paper''); Douglas M. Yones, Head of Exchange Traded Products, New York Stock Exchange (Feb. 22, 2017) (''NYSE Letter''); Craig M. Lewis, Madison S. Wigginton Professor of Finance, Owen Graduate School of Management, Vanderbilt University (Mar. 3, 2017) (''Lewis Paper II''); Daniel H. Gallancy, CFA, SolidX Management LLP (Mar. 15, 2017) (''SolidX Letter II''). All comments on the proposed rule change are available on the Commission's Web site at: *https://www.sec.gov/comments/sr-nysearca-2016-101/nysearca2016101.shtml.*

[44] *See, e.g.,* Cato Letter, *supra* note 43; Coin Center Letter, *supra* note 43; Vident Letter, *supra* note 43; Consumers' Research Letter, *supra* note 43; SolidX Letter, *supra* note 43; Srinivasan Letter, *supra* note 43; NYSE Letter, *supra* note 43; Lewis Paper, *supra* note 43; SolidX Letter II, *supra* note 43.

[45] *See, e.g.,* Coin Center Letter, *supra* note 43; Vident Letter, *supra* note 43; Lewis Paper, *supra* note 43.

[46] *See, e.g.,* Vident Letter, *supra* note 43; Coin Center Letter, *supra* note 43; SolidX Letter, *supra* note 43; Maher Letter, *supra* note 43; Lewis Paper, *supra* note 43; SolidX Letter II, *supra* note 43.

[47] *See, e.g.,* Srinivasan Letter, *supra* note 43; Coin Center Letter, *supra* note 43; SolidX Letter, *supra* note 43; Consumers' Research Letter, *supra* note 43; SolidX Letter II, *supra* note 43.

[48] *See, e.g.,* SolidX Letter, *supra* note 43; NYSE Letter, *supra* note 43; Lewis Paper, *supra* note 43.

[49] *See, e.g.,* SolidX Letter, *supra* note 43; NYSE Letter, *supra* note 43; Lewis Paper, *supra* note 43; Consumers' Research Letter, *supra* note 43; SolidX Letter II, *supra* note 43.

[50] *See, e.g.,* Vident Letter, *supra* note 43; Coin Center Letter, *supra* note 43.

[51] *See, e.g.,* Consumers' Research Letter, *supra* note 43; Maher Letter, *supra* note 43.

[52] *See* Consumers' Research Letter, *supra* note 43, at 1–2.

[53] *See* Lewis Paper, *supra* note 43, at 8.

[54] *See* Maher Letter, *supra* note 43. This commenter also disputes some commenters' statements that this ETP would give investors safe exposure to bitcoin by reducing security risk of holding the bitcoins, noting that investors will still bear the many risks of the bitcoin ecosystem itself. *See id.*

[55] *See* SolidX Letter, *supra* note 43, at 12.

[56] *See id.* at 13. The Sponsor also notes that there are three Chinese yuan-denominated exchanges on which trading volume is significant: BTCC, Huobi, and OKCoin Exchange China. *See id.*

[57] *See id.* at 5, 13. For example, the Sponsor notes that Bitfinex, a component of the XBX Index, has continued to have the highest volume of trading on any of the USD-denominated bitcoin exchanges. *See* SolidX Letter, *supra* note 43, at 6. *See also supra* notes 31–32 and accompanying text.

[58] *See* SolidX Letter, *supra* note 43, at 5.

[59] *See id.* at 13–14.

[60] *See* SolidX Letter II, *supra* note 43, at 5.

[61] *See id.* at 6.

[62] *See id.*

[63] *See* NYSE Letter, *supra* note 43, at 2.

[64] *See* SolidX Letter, *supra* note 43, at 7.

freely available from nearly all bitcoin exchanges.[65]

The Sponsor also claims that opening and closing prices for common financial instruments are a frequent target for market manipulators and that, because bitcoin trades continuously and never has an opening or closing price, the risk of such manipulation is eliminated.[66] The Exchange also notes that bitcoin is traded continuously and asserts that this means that price discovery for bitcoin is widespread and continuous.[67]

The Sponsor also states that the Trust is materially identical to existing, physically-backed ETPs, which, the Sponsor asserts, have become an important component of the market.[68] The Sponsor further claims that, as with any ETP, there may be attempts to spread false or misleading information about the Trust, but an attempt to manipulate the price of bitcoin through trading activity would be difficult, and controlling or artificially affecting the market would require a massive amount of capital distributed across numerous exchanges in multiple currencies and jurisdictions around the world.[69]

The Lewis Paper claims that the underlying market for bitcoin is inherently resistant to manipulation. This commenter posits that the underlying bitcoin market is not susceptible to manipulation because:

(1) Unlike traditional securities, there is no inside information, and therefore bitcoin is not subject to the dissemination of false or misleading information;

(2) manipulation through acquisition of a dominant market share is unlikely;

(3) each bitcoin market is an independent entity, so demand for liquidity does not necessarily propagate across other exchanges;

(4) a substantial OTC market provides additional liquidity and absorption of shocks;

(5) compared to equity markets, trading on bitcoin exchanges is slower, and therefore cross-market arbitrage is available to all market participants at the same time; and

(6) the market is not subject to ''spoofing'' or other high-frequency-trading tactics.[70]

Specifically with respect to the risk that a market participant might acquire a dominant position, the Lewis Paper notes that one of the risks associated with bitcoin is the possibility that a single investor or a small group acting in collusion could own a dominant share of the available bitcoin, and the Lewis Paper also notes that the Registration Statement states that it is possible, and in fact, reasonably likely, that a small group of early adopters holds a significant proportion of the bitcoin that has been mined.[71] Since, according to the Lewis Paper, there is no registry showing which individuals or entities own bitcoin, or the quantity they own, it is not possible to know how large individual positions are.[72] The Lewis Paper asserts that this issue is not unique to bitcoin, as there are no corresponding registries for precious metals.[73] The Lewis Paper also asserts that a number of factors relevant to the Shares should ameliorate risks associated with possible manipulation due to a dominant market share.[74]

The Sponsor, which commissioned the Lewis Paper, agrees with the paper's reasoning and with the assertion that the underlying bitcoin spot market is not susceptible to manipulation.[75] The Exchange also agrees with the Lewis Paper's analysis, claiming that trading in the Shares would not be expected to contribute to the manipulation of bitcoin prices and, in fact, may actually reduce the potential for fraud and manipulation.[76]

B. Comments Regarding Potential Manipulation of the XBX Index

One commenter notes that the XBX Index includes several exchanges that many have expressed concerns about and that are not audited or governed by fair and transparent business practices.[77]

The Sponsor claims that the XBX Index is resistant to manipulation and responsive to market movements in real time and that it is therefore a superior mechanism—compared to using a single exchange—for valuing the Trust's bitcoin holdings.[78] The Sponsor asserts that the XBX Index price closely approximates actual bitcoin transaction prices across the various USD-denominated bitcoin exchanges and that it accurately reflects the fair value of bitcoin for valuation, for accounting purposes, and as a practical matter.[79] The Sponsor states that the XBX Index's methodology penalizes stale prices because, if an exchange does not have recent trading data, its weighting in the XBX Index is gradually reduced until it is de-weighted entirely.[80]

The Exchange states that the XBX Index's proprietary methodology helps to protect the calculation of the XBX Index against any undue impact from bitcoin pricing outliers among the various exchanges and from any potential attempts to manipulate the price of bitcoin.[81]

The Lewis Paper claims that the following features of the XBX Index's proprietary weighting methodology mitigate manipulation risk: (a) That lower trading volume reduces the weight an exchange is given in the average; (b) that the weight of an exchange is reduced the more a price deviates from the average; and (c) that weights are reduced for stale prices. The Lewis Paper claims that these features significantly increase the amount of capital required to manipulate bitcoin prices enough to affect XBX Index levels.[82]

C. Comments on the Derivatives Markets for Bitcoin

The Lewis Paper states that one of the key differences between bitcoin and other commodities is the lack of a liquid and transparent derivatives market and that, although there have been nascent attempts to establish derivatives trading in bitcoin, bitcoin derivatives markets are not at this time sufficiently liquid to

[65] *See id.* Generally, Level-II quotes provide best-price orders and quotes from each market participant on a market.

[66] *See id.* at 8.

[67] *See* NYSE Letter, *supra* note 43, at 2.

[68] *See* SolidX Letter, *supra* note 43, at 3.

[69] *See id.* at 7.

[70] *See* Lewis Paper, *supra* note 43, at 5–9; Lewis Paper II, *supra* note 43, at 2. The Lewis Paper also raises a number of arguments bearing on the susceptibility to manipulation of the XBX Index and the Shares. *See* Lewis Paper, *supra* note 43, at 5–9. Those arguments are discussed below. *See infra* Sections III.B.3 & III.B.5.

[71] *See* Lewis Paper, *supra* note 43, at 6.

[72] *Id.*

[73] *Id.*

[74] *Id.* at 6–7. According to the Lewis Paper, those factors are: (a) That bitcoin held by the Trust will remain available to market participants through redemption of the Shares; (b) that, given the availability of arbitrage activity between the Shares and the underlying bitcoin market, the bitcoins held by the Trust will not represent a meaningful percentage of the bitcoin available for transaction purposes; (c) that a price increase in bitcoin following the introduction of a bitcoin ETP would be the result of increased demand for bitcoin, rather than a sign of price manipulation; (d) that the receive-versus-payment and delivery-versus-payment account arrangements that the Trust has with multiple bitcoin exchanges, the Trust's transparent and rules-based redemption protocol, and the transparency of the Trust's holdings and valuations, as well as of quotations and transactions in the Shares, would reduce the potential for fraud and manipulation in the bitcoin markets; (e) market participants can choose the bitcoin exchanges on which to trade and can arbitrage away price deviations; and (f) trading of the Shares on the Exchange may serve to make the overall bitcoin market more transparent, especially if OTC bitcoin trading shifts to bitcoin exchanges. *Id.*

[75] *See* SolidX Letter II, *supra* note 43, at 3–4.

[76] *See* NYSE Letter, *supra* note 43, at 5.

[77] *See* Maher Letter, *supra* note 43.

[78] *See* SolidX Letter, *supra* note 43, at 9.

[79] *See id.* at 8.

[80] *See id.* at 9.

[81] *See* NYSE Letter, *supra* note 43, at 2–3.

[82] *See* Lewis Paper, *supra* note 43, at 8–9.

be useful to Authorized Participants and market makers who would like to use derivatives to hedge exposures.[83] The Lewis Paper claims that, for physical commodities that are not traded on exchanges, the presence of a liquid derivatives market is a necessary condition, but that, for digital assets like bitcoin, derivatives markets are not necessary because price discovery occurs on the OTC market and exchanges instead.[84]

The Sponsor states that it expects that bitcoin NDFs, swaps, or both will be offered by several participants in the bitcoin marketplace, including bitcoin exchanges and bitcoin OTC market participants, and that the Sponsor itself (operating on a principal basis) also may offer NDFs and swaps in order to provide Authorized Participants and market makers with the ability to hedge their exposure to bitcoin.[85]

D. Comments Regarding the Susceptibility of the Shares to Manipulation

The Sponsor states that, as a full-fledged ETP in the United States, the Trust will provide investors with an opportunity to invest in bitcoin without being exposed directly to the risks associated with sourcing and holding bitcoin outside the regulated traditional financial markets.[86] The Sponsor also claims that, because the Shares would be traded on the Exchange, they should not be subject to risks of manipulation beyond those applicable to any publicly listed stock.[87] In addition, the Sponsor asserts that the dissemination of information on the Trust's Web site—along with quotations for, and last-sale prices of transactions in, the Shares, and the IIV and NAV of the Trust—will help to reduce the ability of market participants to manipulate the bitcoin market or the price of the Shares, and that the Trust's arbitrage mechanism will facilitate the correction of price discrepancies in bitcoin and the Shares.[88] The Sponsor also asserts that the requirements of Section 6(b)(5) of the Exchange Act apply not to trading in bitcoin, but to trading in the Shares, and asserts that the rules of the Exchange will prevent fraudulent and manipulative acts and practices, and protect investors and the public interest, with respect to the Shares.[89] Finally, the Sponsor argues that the requirements of Section 6(b)(5) of the Exchange Act do not include any inherent requirement for market surveillance and asserts that the Commission, in 2005, approved the listing and trading of shares of the Euro Currency Trust, even though, according to the Sponsor, exchange surveillance of the underlying foreign exchange markets did not exist.[90]

The Lewis Paper also argues that several institutional features of the bitcoin trading environment and the Trust make the price of the Shares resistant to manipulation because: (a) The Trust's disclosures, creation and redemption activity, and price dissemination would increase transparency and diminish the risk of manipulation or unfair informational advantage; [91] (b) bitcoin prices are quoted to eight decimal places, mitigating incentives to move prices a penny up or down because the potential gains would be immaterial; [92] (c) bitcoin markets trade continuously, and the XBX Index is calculated continuously, and therefore the manipulation of opening and closing prices is not a significant risk; [93] (d) the listing and delisting criteria for the Shares are expected to help to maintain a minimum level of liquidity and thus minimize the potential for manipulation of Share prices; [94] and (e) the continuous cash and in-kind creation and redemption of Shares increases the Trust's efficiency because the exchange trading of bitcoin lowers the costs of creating and redeeming Shares, which would tighten the spread between the Share price and the NAV and reduce manipulation risk.[95]

E. Comments Regarding the Protection of Investors and the Public Interest

The Sponsor asserts that the structure of the Trust and the proposed rule change by the Exchange will serve the public interest by protecting investors from the risks of investing in bitcoins directly, citing the hacking of bitcoin exchanges, as well as schemes perpetrated upon investors by dishonest individuals.[96] Several other commenters also raise similar points, arguing that approving the proposed rule change would benefit investor protection.[97] The Sponsor argues that the risk of investor harm from manipulation in the Shares is hypothetical in nature and unlikely, while the harm to investors from a lack of access to an insured vehicle is overt and likely to continue in the absence of the Commission's approval of the Exchange's proposed rule change.[98] The Sponsor also asserts that the Trust would provide other benefits to investors—such as limited counterparty risk, the simplicity of holding the Shares, and the lack of minimum investment requirements—and that approving the proposed rule change would enable U.S. exchanges to remain competitive internationally.[99] Finally, the Sponsor asserts that disapproval of the proposed rule change would be in direct contravention of the goal of Section 6(b)(5) to protect investors and the public interest.[100]

Several commenters assert that the Trust's insurance of its bitcoin holdings would ensure safe access to bitcoin for investors.[101] The Sponsor notes that, in traditional and regulated systems, custodial and clearing firms mitigate risks and keep assets safe for the benefit of the investing public, but that no such mechanisms currently exist for bitcoin.[102] The Sponsor claims that insurance is important to investor protection and the public interest because investors cannot be expected to assume the risks associated with the possible loss or theft of the Trust's bitcoins.[103] The Sponsor acknowledges that Trust investors will expect to assume the market risk associated with their investment (*i.e.,* bitcoin price fluctuations), but claims that it is appropriate to minimize the investors' risks regarding the adequacy of the mechanisms and infrastructure used to secure the Trust's bitcoin holdings, since that is not, and should not be, a typical analysis undertaken by investors

[83] *See id.* at 8.

[84] *See id.* (concluding that, for these assets, derivatives markets are not necessary because the OTC market and exchanges are close substitutes).

[85] *See* SolidX Letter, *supra* note 43, at 14–15. The Sponsor notes that, while Authorized Participants and market makers will generally want to hedge their exposure to bitcoin in connection with basket creation and redemption orders, not all of them are ready, willing, and able to trade bitcoin, and they will require a mechanism to gain synthetic exposure to bitcoin for their hedging needs when they enter orders to create and redeem shares. *Id.* According to the Sponsor, Authorized Participants will be able to use NDFs and swap contracts to obtain synthetic long and short exposure to bitcoin for their hedging purposes. *Id.*

[86] *See* SolidX Letter, *supra* note 43, at 4. For similar claims, *see* Consumers' Research Letter, *supra* note 43, at 1–2; Coin Center Letter, *supra* note 43, at 1–2; NYSE Letter, *supra* note 43, at 1–2.

[87] *See* SolidX Letter, *supra* note 43, at 7.

[88] *See* Amendment No. 1, *supra* note 1, 82 FR at 12259.

[89] *See* SolidX Letter II, *supra* note 43, at 1–2.

[90] *See id.* at 3–4.

[91] *See* Lewis Paper, *supra* note 43, at 7.

[92] *See id.* at 9.

[93] *See id.*

[94] *See id.*

[95] *See id.* at 10.

[96] *See* SolidX Letter II, *supra* note 43, at 2.

[97] *See, e.g.,* Cato Letter, *supra* note 43; Srinivasan Letter, *supra* note 43; Consumers' Research Letter, *supra* note 43; NYSE Letter, *supra* note 43.

[98] *See* SolidX Letter II, *supra* note 43, at 2.

[99] *See* SolidX Letter, *supra* note 43, at 2–4.

[100] *See* SolidX Letter II, *supra* note 43, at 2.

[101] *See, e.g.,* SolidX Letter, *supra* note 43; Consumers' Research Letter, *supra* note 43; Lewis Paper, *supra* note 43; NYSE Letter, *supra* note 43; SolidX Letter II, *supra* note 43.

[102] *See* SolidX Letter, *supra* note 43, at 11.

[103] *See id.*

in the U.S. securities markets.[104] The Sponsor also asserts that the Trust's insurance policy and the proposed rule change will serve the public interest in a manner otherwise unavailable and notes that multiple commenters have emphasized the importance of the Trust's insurance policy.[105]

The Exchange claims that, as a substitute to the investor safeguards offered by traditional custodians, bitcoin insurance is important for investor protection and the public interest.[106] One commenter claims that the Trust's insurance coverage is an important, market-based solution that substitutes for a traditional custodial infrastructure and a true transfer-agency function that does not exist in the underlying bitcoin market.[107] Another commenter claims that the fact that the Trust carries insurance and will be exchange traded will prevent situations where consumers risk losing bitcoins or having them stolen due to a fiduciary's flawed security protocols.[108]

III. Discussion and Commission Findings

A. Overview

Under Section 19(b)(2)(C) of the Exchange Act, the Commission must approve the proposed rule change of a self-regulatory organization (''SRO'') if the Commission finds that the proposed rule change is consistent with the requirements of the Exchange Act and the applicable rules and regulations thereunder.[109] If it is unable to make such a finding, the Commission must disapprove the proposed rule change.[110] Additionally, under Rule 700(b)(3) of the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization that proposed the rule change.'' [111]

After careful consideration, and for the reasons discussed in greater detail below, the Commission does not believe that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Exchange Act and the applicable rules and regulations thereunder.[112] Specifically, the Commission does not find that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act—which requires that the rules of a national securities exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest [113]—because the Commission believes that the significant markets for bitcoin are unregulated and that, therefore, the Exchange has not entered into, and would currently be unable to enter into, the type of surveillance-sharing agreement that helps address concerns about the potential for fraudulent or manipulative acts and practices in the market for the Shares. Accordingly, the Commission disapproves the proposed rule change.[114]

B. Analysis

1. Commodity-Trust ETPs and Surveillance-Sharing Agreements

The Exchange proposes to list and trade the Shares under NYSE Arca Equities Rule 8.201, which governs the listing of Commodity-Based Trust Shares.[115] The proposal is similar to many past proposals to list and trade shares of ETPs holding precious metals.[116] Accordingly, the Commission analyzes this proposal under the standards that it has applied to previous commodity-trust ETPs—and that it also applied in the recent Bats BZX Order.[117]

A key consideration for the Commission in determining whether to approve or disapprove a proposal to list and trade shares of a new commodity-trust ETP is the susceptibility of the shares or the underlying asset to manipulation. This consideration flows directly from the requirement in Section 6(b)(5) of the Exchange Act that a national securities exchange's rules must be designed ''to prevent fraudulent and manipulative acts and practices'' and ''to protect investors and the public interest.'' [118]

Since at least 1990, the Commission has expressed the view that the ability of a national securities exchange to enter into surveillance-sharing agreements ''furthers the protection of investors and the public interest because it will enable the [e]xchange to conduct prompt investigations into

[104] *See id.; see also* Lewis Paper, *supra* note 43, at 11.

[105] *See* SolidX Letter II, *supra* note 43, at 2.

[106] *See* NYSE Letter, *supra* note 43, at 4.

[107] *See* Lewis Paper, *supra* note 43, at 11.

[108] *See* Consumers' Research Letter, *supra* note 43, at 2.

[109] 15 U.S.C 78s(b)(2)(C)(i).

[110] 15 U.S.C. 78s(b)(2)(C)(ii).

[111] 17 CFR 201.700(b)(3). The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding. *Id.* Any failure of an SRO to provide the information elicited by Form 19b–4 may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder that are applicable to the SRO. *Id.*

[112] In disapproving the proposed rule change, as modified by Amendment No. 1, the Commission has considered its impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f); *see also* notes 70–74, 82–84, 91–95, 107, 148–158 & 169–176 and accompanying text. The Commission notes that, according to the Sponsor, the Trust is a means of providing a simple and cost-effective way for investors to gain investment exposure to the performance of the USD price of bitcoin. *See* SolidX Letter, *supra* note 43, at 1; *see also* Lewis Paper, *supra* note 43, at 3, 11–16 (asserting that a bitcoin-based ETP would enable ordinary investors to construct more efficient and diversified portfolios). The Sponsor also asserts that bitcoin exchanges have been subject to hacking and investor schemes in the past, the losses from which are documented and quantifiable at approximately $2 billion, and that such losses will continue unless investors are able to invest in bitcoin through a regulated and insured product such as the Trust. *See* SolidX Letter II, *supra* note 43, at 2. Regarding competition, the Exchange has asserted that approval of the proposed rule change ''will enhance competition among market participants, to the benefit of investors and the marketplace.'' *See* Amendment No. 1, *supra* note 1, 82 FR at 12267. The Sponsor claims that the proposed rule change would further advance the goal of helping U.S. exchanges remain competitive in the international marketplace by demonstrating to future sponsors of new products that the Commission remains committed to fostering innovation in the U.S. securities markets. *See* SolidX Letter, *supra* note 43, at 3. Finally, regarding the potential effect of the proposed rule change on capital formation, the Exchange asserts that the Sponsor believes that demand from new investors accessing bitcoin through investment in the Shares will broaden the investor base in bitcoin. *See* Amendment No. 1, *supra* note 1, 82 FR at 12259. The Commission recognizes that the Exchange and commenters assert these economic benefits and specifically addresses the Sponsor's claims about investor protection from hacking and other risks of bitcoin ownership below. *See infra* Section III.B.6. The Commission, however, for the reasons discussed throughout this order, must disapprove the proposed rule change because it is not consistent with the Exchange Act.

[113] 15 U.S.C. 78f(b)(5).

[114] The Commission's disposition of the Exchange's proposed rule change is independent of, and serves a fundamentally different purpose than, any Commission actions with respect to the Securities Act of 1933 Registration Statement of the Trust.

[115] The Commission notes that in settled actions the CFTC has designated bitcoin as a commodity and has asserted jurisdiction over the trading of at least certain derivatives on bitcoin, as well as certain leveraged or margined retail transactions in bitcoin. *See In re Coinflip, Inc., d/b/a Derivabit, and Francisco Riordan,* CFTC Docket No. 15–29, 2015 WL 5535736 (CFTC Sept. 17, 2015) (Order Instituting Proceedings Pursuant to Sections 6(c) and 6(d) of the Commodity Exchange Act, Making Findings and Imposing Remedial Sanctions (''Coinflip Settlement Order'')), available at *http://www.cftc.gov/idc/groups/public/@lrenforcementactions/documents/legalpleading/enfcoinfliprorder09172015.pdf.*

[116] *See, e.g.,* streetTRACKS Gold Shares, Exchange Act Release No. 50603 (Oct. 28, 2004), 69 FR 64614 (Nov. 5, 2004) (SR–NYSE–2004–22) (order approving the listing and trading of shares of commodity-trust ETP holding physical gold bullion). The Commission notes that the Sponsor also views the Trust to be materially identical to other existing commodity-trust ETPs. *See* SolidX Letter, *supra* note 43, at 3.

[117] *See* Bats BZX Order, *supra* note 6, 82 FR at 14081–87.

[118] 15 U.S.C. 78f(b)(5).

possible trading violations and other regulatory improprieties.'' [119] The Commission has also long held that surveillance-sharing agreements are important in the context of exchange listing of derivative security products, such as equity options.[120]

With respect to ETPs, when approving in 1995 the listing and trading of one of the first commodity-linked ETPs—a commodity-linked exchange-traded note—on a national securities exchange, the Commission continued to emphasize the importance of surveillance-sharing agreements, noting that the listing exchange had entered into surveillance-sharing agreements with each of the futures markets on which pricing of the ETP would be based and stating that ''[t]hese agreements should help to ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making [the commodity-linked notes] less readily susceptible to manipulation.'' [121]

In 1998, in adopting Exchange Act Rule 19b–4(e) [122] to permit the generic listing and trading of certain new derivative securities products—including ETPs—the Commission again emphasized the importance of the listing exchange's ability to obtain from underlying markets, through surveillance-sharing agreements (called information-sharing agreements in the release), the information necessary to detect and deter manipulative activity. Specifically, in adopting rules governing the generic listing of new derivative securities products, the Commission stated that the Rule 19b–4(e) procedures would ''enable the Commission to continue to effectively protect investors and promote the public interest.'' [123] The Commission also stressed the importance of these surveillance-sharing agreements comprehensively covering trading in the underlying assets. In the case of a product overlying domestic securities, the Commission said that the exchange listing a derivative securities product should ensure that it was either a common member of the Intermarket Surveillance Group with, or had entered into an information-sharing agreement with, each market trading each underlying security.[124]

Consistent with these statements, for the commodity-trust ETPs approved to date for listing and trading, there have been in every case well-established, significant, regulated markets for trading futures on the underlying commodity—gold, silver, platinum, palladium, and copper—and the ETP-listing exchange has entered into surveillance-sharing agreements with, or held Intermarket Surveillance Group membership in common with, those markets.[125] The

[119] *See* Exchange Act Release No. 27877 (Apr. 4, 1990), 55 FR 13344 (Apr. 10, 1990) (SR–NYSE–90–14).

[120] *See* Exchange Act Release No. 33555 (Jan. 31, 1994), 59 FR 5619, 5621 (Feb. 7, 1994) (SR–Amex–93–28) (order approving listing of options on American Depositary Receipts).

[121] Exchange Act Release No. 35518 (Mar. 21, 1995), 60 FR 15804 (Mar. 27, 1995) (SR–Amex–94–30). *See also* Exchange Act Release No. 36885 (Feb. 26, 1996), 61 FR 8315 n.17 (Mar. 4, 1996) (SR–Amex–95–50) (approving the exchange listing and trading of Commodity Indexed Securities and noting that, through the comprehensive surveillance-sharing agreements, the listing exchange was able to obtain market surveillance information for transactions occurring on NYMEX and COMEX and from the London Metal Exchange through the Intermarket Surveillance Group.

[122] 17 CFR 240.19b–4(e).

[123] Amendment to Rule Filing Requirements for Self-Regulatory Organizations Regarding New Derivative Securities Products, Exchange Act Release No. 40761 (Dec. 8, 1998), 63 FR 70952, 70959 (Dec. 22, 1998) (File no. S7–13–98) (''NDSP Adopting Release'') (also noting that ''there should be a comprehensive ISA [information-sharing agreement] that covers trading in the new derivative securities product and its underlying securities in place between the SRO listing or trading a derivative product and the markets trading the securities underlying the new derivative securities product. Such agreements provide a necessary deterrent to manipulation because they facilitate the availability of information needed to fully investigate a manipulation if it were to occur.'').

[124] *See id.* at 70959. The Commission further noted that, ''if a new SRO trades component securities underlying a new derivative securities product and is not a member of the ISG [Intermarket Surveillance Group], the SRO seeking to list and trade such new derivative securities product pursuant to Rule 19b–4(e) should enter into a comprehensive ISA with the non-ISG SRO. Conversely, if a new SRO seeks to list and trade a new derivative securities product pursuant to Rule 19b–4(e) and is not a member of the ISG, such SRO should enter into a comprehensive ISA with each SRO that trades securities underlying the new derivative securities product.'' *Id.* at 70959 n.99.

[125] *See* streetTRACKS Gold Shares, Exchange Act Release No. 50603 (Oct. 28, 2004), 69 FR 64614, 64618 (Nov. 5, 2004) (SR–NYSE–2004–22) (approval order notes the New York Stock Exchange's representation that ''the most significant gold futures exchanges are the COMEX division of the NYMEX and the Tokyo Commodity Exchange'' and that the New York Stock Exchange has entered into a reciprocal Memorandum of Understanding with the NYMEX (of which COMEX is a division) ''for the sharing of information related to any financial instrument based, in whole or in part, upon an interest in or performance of gold''); iShares COMEX Gold Trust, Exchange Act Release No. 51058 (Jan. 19, 2005), 70 FR 3749, 3751, 3754 (Jan. 26, 2005) (SR–Amex–2004–38) (approval order notes the American Stock Exchange's representation that ''the most significant gold futures exchanges are the COMEX division of the NYMEX and the Tokyo Commodity Exchange'' and that the American Stock Exchange has ''in place an Information Sharing Agreement with the NYMEX for the purpose of providing information in connection with trading in or related to COMEX gold futures contracts''); iShares Silver Trust, Exchange Act Release No. 53521 (Mar. 20, 2006), 71 FR 14967, 14968, 14973 (Mar. 24, 2006) (SR–Amex–2005–72) (approval order notes the American Stock Exchange's representation that ''the most significant silver futures exchanges are the COMEX and the Tokyo Commodity Exchange'' and that the American Stock Exchange has ''in place an Information Sharing Agreement with the NYMEX for the purpose of providing information in connection with trading in or related to COMEX silver futures contracts''); ETFS Gold Trust, Exchange Act Release No. 59895 (May 8, 2009), 74 FR 22993, 22994–95, 22998 (May 15, 2009) (SR–NYSEArca–2009–40) (accelerated approval order notes NYSE Arca's representation that the COMEX is one of the ''major world gold markets'' and that NYSE Arca ''has an Information Sharing Agreement with NYMEX for the purpose of sharing information in connection with trading in or related to COMEX gold futures contracts''); ETFS Silver Trust, Exchange Act Release No. 59781 (Apr. 17, 2009), 74 FR 18771, 18772, 18776 (Apr. 24, 2009) (SR–NYSEArca–2009–28) (accelerated approval order notes NYSE Arca's representation that ''the most significant silver futures exchanges are the COMEX . . . and the Tokyo Commodity Exchange'' and that NYSE Arca ''has an Information Sharing Agreement with NYMEX for the purpose of sharing information in connection with trading in or related to COMEX silver futures contracts''); ETFS Palladium Trust, Exchange Act Release No. 60971 (Nov. 9, 2009), 74 FR 59283, 59285–86, 59291 (Nov. 17, 2009) (SR–NYSEArca–2009–94) (notice of proposed rule change includes NYSE Arca's representation that ''the most significant palladium futures exchanges are the NYMEX and the Tokyo Commodity Exchange,'' that ''NYMEX is the largest exchange in the world for trading precious metals futures and options,'' and that NYSE Arca ''may obtain trading information via the Intermarket Surveillance Group,'' of which NYMEX is a member); ETFS Platinum Trust, Exchange Act Release No. 60970 (Nov. 9, 2006), 74 FR 59319, 59321, 59327 (Nov. 17, 2009) (SR–NYSEArca-2009–95) (notice of proposed rule change includes NYSE Arca's representation that ''the most significant palladium futures exchanges are the NYMEX and the Tokyo Commodity Exchange,'' that ''NYMEX is the largest exchange in the world for trading precious metals futures and options,'' and that NYSE Arca ''may obtain trading information via the Intermarket Surveillance Group,'' of which NYMEX is a member); Sprott Physical Gold Trust, Exchange Act Release No. 61236 (Dec. 23, 2009), 75 FR 170, 171, 174 and n.27 (Jan. 4, 2010) (SR–NYSEArca-2009–113) (notice of proposed rule change includes NYSE Arca's representations that the COMEX is one of the ''major world gold markets,'' that NYSE Arca ''may obtain trading information via the Intermarket Surveillance Group,'' and that NYMEX, of which COMEX is a division, is a member of the Intermarket Surveillance Group); Sprott Physical Silver Trust, Exchange Act Release No. 63043 (Oct. 5, 2010), 75 FR 62615, 62616, 62619 and n.26 (Oct. 12, 2010) (SR–NYSEArca-2010–84) (accelerated approval order notes NYSE Arca's representation that the COMEX is one of the ''major world silver markets,'' that NYSE Arca ''may obtain trading information via the Intermarket Surveillance Group,'' and that NYMEX, of which COMEX is a division, is a member of the Intermarket Surveillance Group); ETFS Precious Metals Basket Trust, Exchange Act Release No. 62402 (Jun. 29, 2010), 75 FR 39292, 39295, 39298 (July 8, 2010) (SR–NYSEArca–2010–56) (notice of proposed rule change includes NYSE Arca's representation that ''the most significant gold, silver, platinum and palladium futures exchanges are the COMEX and the TOCOM'' and that NYSE Arca ''may obtain trading information via the Intermarket Surveillance Group,'' of which NYMEX (of which COMEX is a division) is a member); ETFS White Metals Basket Trust, Exchange Act Release No. 62620 (July 30, 2010), 75 FR 47655, 47657, 47660 (Aug. 6, 2010) (SR–NYSEArca–2010–71) (notice of proposed rule change includes NYSE Arca's representation that ''the most significant silver, platinum and palladium futures exchanges are the

Commission believes that the need for an exchange listing a commodity-trust ETP to have surveillance-sharing agreements with significant, regulated markets relating to the underlying commodity applies equally to a commodity-trust ETP that is based on bitcoin or another digital asset.[126]

The Sponsor argues that Section 6(b)(5) does not contain any inherent requirement for market surveillance and argues that the Commission, in 2005, approved the listing and trading of an ETP—the Euro Currency Trust—where the underlying market was not surveilled.[127] The Commission, however, believes that its approval of the Euro Currency Trust is readily distinguishable from its disapproval of the proposed SolidX Bitcoin Trust.

First, the Euro Currency Trust is not a commodity trust, and it is not listed and traded under the Exchange listing standards for commodity-based trusts. Second, the Commission's approval order for the Euro Currency Trust notes that, in addition to a large OTC market in currency derivatives, currency options and futures were traded on regulated markets with the authority to perform surveillance on their members' trading activities, to review positions held by members and large-scale customers, and to monitor the price movements of options and futures markets by comparing them with cash and other derivative markets' prices.[128] These regulated derivatives markets included the Philadelphia Stock Exchange and the Chicago Mercantile Exchange, which, along with the ETP's listing exchange (the New York Stock Exchange) are members of the Intermarket Surveillance Group.

Third, the Commission's approval order notes a number of significant facts about the underlying spot market for foreign exchange, including:

- That the listing exchange had represented that the foreign exchange market is the largest and most liquid financial market in the world and that, as of April 2004, the foreign exchange market experienced average daily turnover of approximately $1.88 trillion;[129]
- That the most significant participants in the spot market are the major international commercial banks that act both as brokers and as dealers;[130] and
- That most trading in the global OTC foreign currency markets is conducted by regulated financial institutions, such as banks and broker dealers.[131]

Thus, significant, regulated markets related to foreign exchange trading exist, and the listing exchange of the Euro Currency Trust belongs to a multilateral surveillance-sharing agreement with those markets. Moreover, many prominent participants in the OTC foreign exchange market are regulated financial institutions. The markets related to foreign exchange therefore bear little resemblance to the markets currently related to bitcoin, which are either unregulated, not of significant size, or both. The rationale behind the Commission's approval of the Euro Currency Trust is therefore consistent with the rationale for the Commission's disapproval of the SolidX Bitcoin Trust.

The Commission continues to believe that surveillance-sharing agreements between the exchange listing shares of a commodity-trust ETP and significant, regulated markets related to the underlying asset provide a ''necessary deterrent to manipulation.'' [132] To the extent there is some question as to the degree to which bitcoin is subject to manipulation, moreover, surveillance-sharing agreements with significant, regulated markets relating to bitcoin would help answer that question and address instances of such manipulation. Therefore, the Commission's analysis of the Exchange's proposal examines whether regulated markets of significant size exist—in either bitcoin or derivatives on bitcoin—with which the Exchange has, or could enter into, a surveillance-sharing agreement.

2. The Worldwide Spot Market for Bitcoin

The Commission believes—consistent with its conclusion in the Bats BZX Order [133]—that the bulk of bitcoin trading occurs on markets where there

COMEX and the TOCOM'' and that NYSE Arca ''may obtain trading information via the Intermarket Surveillance Group,'' of which COMEX is a member); ETFS Asian Gold Trust, Exchange Act Release No. 63267 (Nov. 8, 2010), 75 FR 69494, 69496, 69500–01 (Nov. 12, 2010) (SR–NYSEArca–2010–95) (notice of proposed rule change includes NYSE Arca's representation that ''the most significant gold futures exchanges are the COMEX and the Tokyo Commodity Exchange,'' that ''COMEX is the largest exchange in the world for trading precious metals futures and options,'' and that NYSE Arca ''may obtain trading information via the Intermarket Surveillance Group,'' of which COMEX is a member); Sprott Physical Platinum and Palladium Trust, Exchange Act Release No. 68101 (Oct. 24, 2012), 77 FR 65732, 65733, 65739 (Oct. 30, 2012) (SR–NYSEArca-2012–111) (accelerated approval order notes NYSE Arca's representation that ''[f]utures on platinum and palladium are traded on two major exchanges: The New York Mercantile Exchange . . . and Tokyo Commodities Exchange'' and that NYSE Arca ''may obtain information via ISG [Intermarket Surveillance Group] from other exchanges that are members of ISG or with which [NYSE Arca] has entered into a comprehensive surveillance sharing agreement, including COMEX''); APMEX Physical—1 oz. Gold Redeemable Trust, Exchange Act Release No. 66627 (Mar. 20, 2012), 77 FR 17539, 17547 (Mar. 26, 2012) (SR–NYSEArca–2012–18) (notice of proposed rule change cross-references the proposed rule change to list and trade shares of the ETFS Gold Trust, in which NYSE Arca represented that the COMEX is one of the ''major world gold markets'' and notes that NYSE Arca ''may obtain information via ISG from other exchanges that are members of ISG or with which [NYSE Arca] has entered into a comprehensive surveillance sharing agreement, including COMEX''); JPM XF Physical Copper Trust, Exchange Act Release No. 68440 (Dec. 14, 2012), 77 FR 75468, 75469–72 (Dec. 20, 2012) (SR–NYSEArca–2012–28) (approval order notes NYSE Arca's representation that a majority of copper derivatives trading occurs on the LME, the COMEX, and the Shanghai Futures Exchange and that NYSE Arca could obtain trading information from other members of the Intermarket Surveillance Group (including from the COMEX) and that it had entered into a comprehensive surveillance-sharing agreement with the LME with respect to trading in copper and copper derivatives); iShares Copper Trust, Exchange Act Release No. 68973 (Feb. 22, 2013), 78 FR 13726, 13727–30 (Feb. 28, 2013) (SR–NYSEArca–2012–66) (approval order notes NYSE Arca's representation that the LME is the exchange with the greatest number of open copper futures and options contracts and that NYSE Arca had entered into a comprehensive surveillance-sharing agreement with the LME regarding trading in copper and copper derivatives and could also obtain trading information from other members of the Intermarket Surveillance Group, including the COMEX, which also trades copper futures); First Trust Gold Trust, Exchange Act Release No. 69847 (June 25, 2013), 78 FR 39399, 39400 n.15, 39405 (July 1, 2013) (SR–NYSEArca–2013–61) (notice of proposed rule change notes that FINRA, on behalf of the exchange, can obtain trading information regarding gold futures and options on gold futures from members of the Intermarket Surveillance Group, including the COMEX, and cross-references the proposed rule change to list and trade shares of the ETFS Gold Trust, in which NYSE Arca represented that the COMEX is one of the ''major world gold markets''); Merk Gold Trust, Exchange Act Release No. 71038 (Dec. 11, 2013), 78 FR 76367, 76369 n.26, 76374 (Dec. 17, 2013) (SR–NYSEArca–2013–137) (notice of proposed rule change notes that the exchange can obtain trading information via the Intermarket Surveillance Group from other members, including the COMEX, and cross-references the proposed rule change to list and trade shares of the ETFS Gold Trust, in which NYSE Arca represented that the COMEX is one of the ''major world gold markets''); Long Dollar Gold Trust, Exchange Act Release No. 79518 (Dec. 9, 2016), 81 FR 90876, 90881, 90886 (Dec. 15, 2016) (SR–NYSEArca–2016–84) (accelerated approval order notes NYSE Arca's representation that the most significant gold futures exchange is the COMEX and that the exchange can obtain trading information from other members of the Intermarket Surveillance Group).

[126] *See* Bats BZX Order, *supra* note 6, 82 FR at 14087 (disapproving proposed rule change to list a bitcoin-based commodity-trust ETP on the basis that the listing exchange had not, and would not be able to, enter into a surveillance-sharing agreement with significant, regulated markets related to the underlying asset).

[127] *See supra* note 90 and accompanying text.

[128] Exchange Act Release No. 52843 (Nov. 28, 2005), 70 FR 72486, 72487 (Dec. 5, 2005) (Order Granting Accelerated Approval of a Proposed Rule Change regarding the Euro Currency Trust).

[129] *See id.* at 72486.

[130] *See id.* at 72487.

[131] *See id.*

[132] NDSP Adopting Release, *supra* note 123, 63 FR at 70959.

[133] *See* Bats BZX Order, *supra* note 6, 82 FR at 14084 & nn.103–106.

is little to no regulation governing trading,[134] and thus no meaningful governmental market oversight designed to detect and deter fraudulent and manipulative activity.[135] The Commission also notes that none of the bitcoin spot markets identified by the Exchange or the Sponsor is currently a member of the Intermarket Surveillance Group.[136]

The Commission also believes that the bitcoin markets identified by the Exchange and the Sponsor as subject to certain regulatory requirements—GDAX, itBit, Gemini, and Genesis Global Trading—are not, in fact, regulated markets consistent with the requirements met with respect to previously approved commodity-trust ETPs. While the Exchange notes that GDAX, itBit, and Gemini are subject to consumer protection, KYC compliance, AML compliance, and cybersecurity requirements imposed by the NYSDFS,[137] the Commission's market oversight of national securities exchanges includes substantial additional requirements, including the requirement to have rules that are ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.'' [138] Moreover, national securities exchanges are subject to Commission oversight of, among other things, their governance, membership qualifications, trading rules, disciplinary procedures, recordkeeping, and fees.[139] Likewise, Designated Contract Markets that trade futures on commodities underlying other commodity-trust ETPs are registered with and regulated by the CFTC, and they must comply with, among other things, a similarly comprehensive range of regulatory principles and file their rule changes with the CFTC.[140] Additionally, while the Exchange asserts that Genesis Global Trading is a FINRA member,[141] the digital currency business of that firm, according to the Genesis Global Trading Web site, is conducted pursuant to a BitLicense issued by the NYSDFS, and only the securities activities of the firm are regulated by FINRA.[142]

Further, while the Exchange notes that the CFTC has asserted jurisdiction over derivatives on bitcoin,[143] the Commission does not believe that the record supports a finding that there is currently a regulatory framework in the United States for detecting and deterring manipulation in the bitcoin spot markets. Although the CFTC can bring enforcement actions against manipulative conduct in spot markets for a commodity, spot markets are not required to register with the CFTC unless they offer leveraged, margined, or financed trading to retail customers.[144] In all other cases, the CFTC does not set standards for, approve the rules of, examine, or otherwise regulate bitcoin spot markets.

While the CFTC has brought settled enforcement actions against bitcoin-related entities, these actions do not demonstrate that a regulatory framework for providing market oversight and deterring market manipulation currently exists for the bitcoin spot market. These actions have involved either (a) the failure of an entity to register with the CFTC before trading derivatives on bitcoin or offering leveraged, margined, or financed bitcoin trading to retail customers,[145] or (b) the facilitation of wash trades in bitcoin swaps by a SEF registered with the CFTC.[146] Based on the record, therefore, the Commission does not believe that the worldwide spot bitcoin markets, including the bitcoin exchanges that are constituents of the XBX Index, are regulated markets with which the Exchange has, or could enter into, a surveillance-sharing agreement.[147]

As noted above, the Lewis Paper asserts that, for several reasons, the underlying market for bitcoin is not susceptible to manipulation,[148] and the Exchange agrees with this conclusion.[149] While the Lewis Paper submits that arbitrage across bitcoin markets will help to keep worldwide bitcoin prices aligned with one another, hindering manipulation,[150] the Commission believes that the Lewis Paper's discussion of the possible sources of manipulation in the underlying bitcoin market is incomplete and does not form a basis to find that bitcoin cannot be manipulated—or to find, by implication, that no surveillance-sharing agreement is necessary between an exchange listing shares of a bitcoin-based ETP and

[134] Several commenters discussed the unregulated state of the underlying bitcoin markets. *See supra* notes 51–54 and accompanying text. The Commission believes that certain restrictions imposed by the Trust to conduct bitcoin transactions reflect the absence of meaningful regulatory oversight and transparency of certain non-U.S. bitcoin markets. For example, the Sponsor notes that Bitfinex, one of the bitcoin exchanges included in the Trust's underlying XBX Index, does not conduct business in New York or with New York residents, and another XBX Index component bitcoin exchange, OKCoin International, is open only to non-U.S. persons. *See supra* note 23 and accompanying text. *See also supra* note 61 and accompanying text (noting that, as of January 2017, the volume of bitcoin trading on Chinese exchanges has declined to levels similar to those of USD-denominated exchanges that follow AML and KYC procedures applied by their respective jurisdictions).

[135] *See supra* notes 51–54 and accompanying text.

[136] *See http://www.isgportal.org* (listing the current members and affiliate members of the Intermarket Surveillance Group).

[137] *See supra* notes 24–28 and accompanying text (noting that there are currently several U.S.-based regulated entities that facilitate bitcoin trading and that comply with U.S. AML and KYC regulatory requirements, and that a regulatory framework created by the NYSDFS sets forth consumer protection, AML compliance, and cyber security rules tailored for digital currency companies operating and transacting business in New York). The Commission notes that there is no basis in the record to support a finding that non-U.S. bitcoin exchanges that have not obtained a BitLicense are subject to AML, KYC, consumer protection, or cybersecurity requirements.

[138] 15 U.S.C. 78f(b)(5).

[139] Section 6 of the Exchange Act, 15 U.S.C. 78f, requires national securities exchanges to register with the Commission and requires an exchange's registration to be approved by the Commission, and Section 19(b) of the Exchange Act, 15 U.S.C. 78s(b), requires national securities exchanges to file proposed rule changes with the Commission.

[140] *See, e.g.,* Designated Contract Markets (DCMs), U.S. Commodity Futures Trading Commission, available at *http://www.cftc.gov/IndustryOversight/TradingOrganizations/DCMs/index.htm.*

[141] *See supra* note 28 and accompanying text.

[142] *See Frequently Asked Questions,* Genesis: A Digital Currency Group Company (FAQ: ''Is Genesis Regulated?''), *https://genesistrading.com/frequently-asked-questions/* (last visited Mar. 17, 2017).

[143] *See supra* note 29 and accompanying text.

[144] Commodity Exchange Act Section 2(c)(2)(D), 7 U.S.C. 2(c)(2)(D). *See also* Commodity Exchange Act Section 2(c)(2)(A), 7 U.S.C. 2(c)(2)(A) (defining CFTC jurisdiction to specifically cover contracts of sale of a commodity for future delivery (or options on such contracts), or an option on a commodity (other than foreign currency or a security or a group or index of securities), that is executed or traded on an organized exchange).

[145] *See Coinflip Settlement Order, supra* note 115; *In re BFXNA Inc.,* d/b/a Bitfinex, CFTC Docket No. 16–19 (CFTC June 2, 2016) (Order Instituting Proceedings Pursuant to Sections 6(c) and 6(d) of the Commodity Exchange Act, Making Findings and Imposing Remedial Sanctions (''BFXNA Settlement Order'')), *available at http://www.cftc.gov/idc/groups/public/@lrenforcementactions/documents/legalpleading/enfbfxnaorder060216.pdf.*

[146] *See In re TeraExchange LLC,* CFTC Docket No. 15–33, 2015 WL 5658082 (CFTC Sept. 24, 2015) (Order Instituting Proceedings Pursuant to Sections 6(c) and 6(d) of the Commodity Exchange Act, Making Findings and Imposing Remedial Sanctions (''TeraExchange Settlement Order'')), available at *http://www.cftc.gov/idc/groups/public/@lrenforcementactions/documents/legalpleading/enfteraexchangeorder92415.pdf.*

[147] The Exchange does not assert that it has a surveillance-sharing agreement with any bitcoin exchange.

[148] *See* Lewis Paper, *supra* note 43; *see also supra* notes 70–74 and accompanying text.

[149] *See* NYSE Letter, *supra* note 43, at 5; *see also supra* note 76 and accompanying text.

[150] *See* Lewis Paper, *supra* note 43, at 6–7.

significant markets trading bitcoin or bitcoin derivatives.[151]

For example, while there is no inside information related to the earnings or revenue of bitcoin, there may be material non-public information related to the actions of regulators with respect to bitcoin; regarding order flow, such as plans of market participants to significantly increase or decrease their holdings in bitcoin; regarding new sources of demand, such as new ETPs that would hold bitcoin; or regarding the decision of a bitcoin-based ETP with respect to how it would respond to a ''fork'' in the blockchain, which would create two different, non-interchangeable types of bitcoin.[152]

Additionally, the manipulation of asset prices, as a general matter, can occur simply through trading activity that creates a false impression of supply or demand, whether in the context of a closing auction or in the course of continuous trading, and does not require formal linkages among markets (such as consolidated quotations or routing requirements) or the complex quoting behavior associated with high-frequency trading. Although the Exchange notes that bitcoin trades continuously so that there are no opening or closing prices to manipulate, the Commission believes that continuous trading does not necessarily eliminate manipulation risk.[153]

While it may or may not be possible to acquire a dominant position in the bitcoin market as a whole, this risk exists, as the Lewis Paper concedes.[154] And, as the Registration Statement discloses, it is reasonably likely that a small group of early adopters holds a significant proportion of the bitcoins that have been mined.[155] The Lewis Paper lists a number of features of the Trust that should, the paper claims, ameliorate the risk of manipulation through ownership of a dominant market share,[156] but these features generally address whether the Trust itself would acquire a dominant market share, or whether other market participants might acquire a dominant share of bitcoin ownership through participation in the underlying bitcoin markets. These features do not address the possible market effect of large bitcoin positions held by early adopters. Additionally, the Lewis Paper asserts that many features of the proposal that purportedly ameliorate the risk of price manipulation through a dominant market share are also factors that were used as a basis for the Commission's approval of a commodity-trust ETP based on copper.[157] The Commission notes, however, that the listing exchange for that copper-based ETP had entered into a surveillance-sharing agreement with the London Metal Exchange regarding trading in copper and copper futures and that the listing exchange was also a common member of the Intermarket Surveillance Group with the COMEX, which also trades copper futures.[158]

Thus, the Commission does not believe that the record supports a finding that the unique properties of bitcoin and the underlying bitcoin market are so different from the properties of other commodities and commodity futures markets that they justify a significant departure from the standards applied to previous commodity-trust ETPs.

3. The Susceptibility to Manipulation of the XBX Index

The Sponsor, the Exchange, and the Lewis Paper all express the view that the XBX Index is resistant to manipulation because of its proprietary weighting methodology and its ability to respond to market movements in real time.[159] In essence, they claim that the XBX Index's weighting methodology is able to resist the effects of manipulation because it discounts prices from constituent exchanges based on lower volume at that exchange, price deviation from the average on other exchanges, and the staleness of reported prices.[160] Additionally, the Sponsor and the Lewis Paper note that the XBX Index is not susceptible to a key mechanism of manipulation, opening and closing auctions.[161]

The Commission, however, does not agree that index-based pricing for the Trust's bitcoin assets eliminates the risk of manipulation or the need to monitor that risk through surveillance-sharing agreements. While the XBX Index methodology uses an algorithm to discount prices that deviate from the average, this automatic discounting could attenuate, but not eliminate, the effect of manipulative activity on one of the constituent exchanges—just as it could attenuate, but not eliminate, the effect of bona fide liquidity demand on one of those exchanges.

[151] The Sponsor also argues, in its second comment letter, that arbitrage across bitcoin markets helps to keep bitcoin prices aligned and reduces the likelihood of manipulation. *See* SolidX Letter II, *supra* note 43, at 5. The Sponsor offers several histograms purporting to show that pricing discrepancies across bitcoin markets are generally arbitraged away within several seconds. *Id.* These histograms, however, use data from only four bitcoin exchanges, based on the Sponsor's argument that—in light of recently imposed capital controls in China and because Chinese exchanges trade bitcoins only against the Chinese yuan—the Chinese markets for bitcoin are ''separate and distinct'' from the USD market. *Id.* at 6–7. The Commission, however, believes that the Sponsor's argument that the worldwide markets for trading bitcoins against various government currencies are ''stable, resilient, fair and efficient,'' *see* SolidX Letter, *supra* note 43, at 4, is at odds with its argument that there are at least two substantial segments of that market that have recently become ''separate and distinct'' from one another. *See* SolidX Letter II, *supra* note 43, at 6–7. Moreover, the Commission does not believe that the charts provided by the Sponsor establish there are two separate and distinct segments of the market. The data describe a limited period, and, while the charts purport to show a price differential between the XBX Index and the bitcoin prices on Chinese exchanges, the charts also appear to show a close correlation between the timing and direction of price movements in the two market ''segments.'' *See id.* If the market is not segmented, then the histograms (which show that pricing discrepancies across only four bitcoin markets are generally arbitraged away within several seconds) are not enough to establish that the worldwide markets are efficient. If anything, the data provided by the Sponsor show that bitcoin markets are still developing and that the efficiency of arbitrage between bitcoin markets may depend on, among other things, regulatory conditions that can change over time. And, even if the Commission assumed that bitcoin markets were efficient, other manipulation concerns—such as the potential for trading on material non-public information or potential issues arising from concentrated bitcoin holdings—would still be applicable. *See infra* notes 152–158 and accompanying text.

[152] For example, as described in the Trust's Registration Statement, *supra* note 21, in the event the bitcoin network undergoes a ''hard fork'' into two blockchains, the Trust would then hold equal amounts of both the original bitcoin and the alternative new bitcoin. As a result, the Sponsor would need to decide whether to continue to hold the original bitcoin, the alternative new bitcoin, or both and would need to decide what action to take with respect to the unselected bitcoin, such as the possible sale of the unselected bitcoin. The Sponsor's decision to continue to hold either the original or alternative new bitcoin would be based on factors such as the market value and liquidity of the original bitcoin versus the alternative new bitcoin. *Id.* at 14.

[153] *See infra* notes 164–165.

[154] *See supra* notes 71–74 and accompanying text.

[155] *See* Registration Statement, *supra* note 21, at 16. *See also* Lewis Paper, *supra* note 43, at 6. The Lewis Paper states that there is ''no compelling evidence'' to suggest that any single investor or group has acquired a dominant position in bitcoin, but its citation of ''media estimates'' regarding the holdings of certain individuals, *see* Lewis Paper, *supra* note 43, at 6 & n.7, only demonstrates that the risk of a person or group acquiring a significant proportion of all bitcoins cannot be quantified or dismissed.

[156] *See supra* note 74.

[157] *See* Lewis Paper, *supra* note 43, at 6 n.8.

[158] *See* Exchange Act Release No. 68440 (Dec. 14, 2012), 77 FR 75468, 75472 (Dec. 20, 2012) (NYSEArca-2012–28) (approval of proposal to list and trade shares of the JPM XF Physical Copper Trust).

[159] *See supra* Section II.B. *See also supra* note 16 (describing the Sponsor's representation that the XBX Index's price variance weighting decreases the influence on the XBX Index of any particular exchange that diverges from the rest of the data points used by the XBX Index and thereby reduces the possibility of an attempt to manipulate the price of bitcoin as reflected by the XBX Index).

[160] *See, e.g.,* Lewis Paper, *supra* note 43, at 8.

[161] *See* SolidX Letter, *supra* note 43, at 8; Lewis Paper, *supra* note 43, at 9.

The Lewis Paper asserts that the absence of formal ties between bitcoin exchanges (*i.e.,* the absence of an analog to Regulation NMS in the U.S. equity markets) means that demands for liquidity will not propagate across the worldwide market for bitcoin, limiting the price impact of manipulative behavior in the underlying market.[162] However, to the extent that market participants view pricing information from one exchange as indications of likely price moves on other exchanges, price moves on the first exchange might be, temporarily at least, reflected on those other exchanges, despite the discounting function of the XBX Index algorithm. And, as material non-public information—such as regulatory information—can exist with respect to bitcoin, use of that information might be possible across multiple component exchanges, affecting the level of the XBX Index without requiring the deployment of large amounts of capital.[163]

The Commission also observes that, while the XBX Index will be calculated continuously, this does not eliminate possible incentives for market participants to manipulate prices at single points in time. The Exchange notes that a closing level of the XBX Index will be calculated and published at or after 4:00 p.m. E.T.,[164] and that the NAV of the Trust will be set using the XBX Index value as of 4:00 p.m. E.T., so the Commission believes that incentives would exist to manipulate the XBX Index at specific times.[165]

Accordingly, the Commission does not believe that the record supports the claim that the unique properties of the XBX Index—or of a commodity-trust ETP based on the XBX Index—are sufficient to isolate the Shares from any manipulative activity in the underlying market or, by extension, to justify a significant departure from the standards applied to previous commodity-trust ETPs.

4. The Market for Derivatives on Bitcoin

As noted above,[166] the commodity-trust ETPs previously approved by the Commission for listing and trading have had—in lieu of significant, regulated spot markets—significant, well-established, and regulated futures markets that were associated with the underlying commodity and with which the listing exchange had entered into a surveillance-sharing agreement. For the reasons discussed further below, the Commission believes that this proposal fails to support a finding that there are significant, regulated derivatives markets related to bitcoin with which the Exchange could enter into a surveillance-sharing agreement.

The Exchange states that the CFTC has approved the registration of TeraExchange as a SEF and has provisionally registered another SEF, LedgerX, and that these are markets where market participants can enter into bitcoin swaps and NDFs.[167] The Commission observes, however, that there is no evidence in the record that either of these venues transacts significant volume in bitcoin-related derivatives, and the Commission notes that the CFTC has, in fact, brought a settled enforcement action against one of those venues for facilitating prearranged, offsetting ''wash'' transactions and issuing a press release ''to create the impression of actual trading in the Bitcoin swap.'' [168]

The Exchange names several non-U.S. bitcoin exchanges that offer derivative products on bitcoin such as options, swaps, and futures. The Commission, however, does not believe that the existence of these markets supports a finding that there are significant, regulated markets for bitcoin derivatives with which the Exchange could enter into a surveillance-sharing agreement. The record does not contain any evidence of the trading volume of these markets, the state of regulation of these markets, or the availability of surveillance-sharing agreements with the regulators of these markets.

The Lewis Paper asserts that the existence of bitcoin derivative markets is not a necessary condition for a bitcoin ETP.[169] The key requirement the Commission is applying here, however, is not that a futures or derivatives market is required for every ETP, but that—when the spot market is unregulated—there must be significant, regulated derivatives markets related to the underlying asset with which the Exchange can enter into a surveillance-sharing agreement.

5. The Susceptibility of the Shares to Manipulation

The Exchange represents that its existing surveillance measures, which focus on trading in the Shares, are sufficient to support the proposed rule change. Specifically, the Exchange represents that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to detect and deter violations of Exchange rules and the applicable federal securities laws.[170] The Exchange further represents that trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Commodity-Based Trust Shares, and that the Exchange may obtain information regarding trading in the Shares through the Intermarket Surveillance Group, from other members of that group, or from markets with which the Exchange has a surveillance-sharing agreement.[171] The Exchange also notes that, pursuant to its listing standards for Commodity-Based Trust Shares, the Exchange is able to obtain information regarding trading in the Shares and the underlying bitcoin, or any bitcoin derivative, from market makers registered with the Exchange, in connection with the market makers' proprietary or customer trades effected on any relevant market.[172]

Moreover, as noted earlier, some commenters assert that regulation by the Exchange of activity in the ETP could substitute for a lack of regulation in underlying spot or derivatives markets.[173] The Sponsor also argues that

[162] Lewis Paper, *supra* note 43, at 8–9.

[163] The Lewis Paper notes that, since each bitcoin exchange is an independent entity, a liquidity event on one exchange does not necessarily propagate across other exchanges. This, according to the Lewis Paper, makes prices more resilient to liquidity shocks, but also slows down the transmission of fundamental information. *See id.* at 9. The Commission does not believe that manipulative activity propagates across trading venues solely through demands on liquidity being transferred from one venue to another. For example, regulatory events may simultaneously affect more than one bitcoin exchange, and the dissemination of pricing information from trades on one exchange may affect traders' view of supply and demand on other exchanges.

[164] *See supra* note 16 and accompanying text.

[165] The Lewis Paper argues that, because bitcoin is quoted in prices with eight decimal places, this ''mitigates incentives to move prices a penny up or penny down because the potential gains from moving prices at the eighth decimal point are immaterial.'' Lewis Paper, *supra* note 43, at 9. But the divisibility of bitcoin itself is not relevant, and even if it were, the incentive to move the price by one hundred-millionth of a bitcoin would increase as the price and volume of traded bitcoin increased.

[166] *See supra* notes 125–126 and accompanying text.

[167] *See supra* notes 34–36 and accompanying text.

[168] *See* TeraExchange Settlement Order, *supra* note 146 and accompanying text.

[169] *See* Lewis Paper, *supra* note 43, at 8.

[170] *See supra* note 37 and accompanying text.

[171] *See supra* note 38 and accompanying text.

[172] *See supra* note 38. NYSE Arca Equities Rule 8.201(g) provides that a registered market maker in Commodity-Based Trust Shares must file with the Exchange and keep current a list identifying all accounts for trading in an underlying commodity, related commodity futures or options on commodity futures, or any other related commodity derivatives that the market maker may have or over which it may exercise investment discretion and must make available to the Exchange books, records, or other information relating to transactions in the underlying physical commodity, related commodity futures, or options on commodity futures.

[173] *See supra* notes 86–87 and accompanying text.

the Exchange's listing standards will provide strong protection against manipulation of the Shares.[174]

The Commission notes the Exchange's proposed surveillance procedures regarding the Shares, and the views expressed by the Lewis Paper and the Sponsor regarding the Trust's disclosures and information dissemination procedures. The Commission, however, views these procedures as necessary, but not sufficient, in light of the discussion above noting that the Exchange has not entered into, and would currently be unable to enter into, surveillance-sharing agreements with significant, regulated markets for trading either bitcoin itself or derivatives on bitcoin.[175] In addition, while the Exchange would, pursuant to its listing rules, be able to obtain certain information regarding trading in the Shares and the underlying bitcoin or any bitcoin derivative through Exchange-registered market makers,[176] the Commission observes that this trade information would be limited to the activities of its members that are market makers. Moreover, the Commission does not accept the premise that regulation of trading in the Shares is a sufficient and acceptable substitute for regulation in the spot or derivatives markets related to the underlying asset. Absent the ability to detect and deter manipulation of the Shares—through surveillance sharing with significant, regulated markets related to the underlying asset—the Commission does not believe that a national securities exchange can meet its Exchange Act obligations when listing shares of a commodity-trust ETP.

6. The Protection of Investors and the Public Interest

The Sponsor argues that approval of the proposed rule change is consistent with the protection of investors because investors are currently being harmed by the inability to invest in an insured bitcoin vehicle and need to be protected from ''ongoing losses related to hacking, errors and other operational hazards associated with direct bitcoin ownership.'' [177] The Sponsor concludes that Section 6(b)(5) of the Exchange Act compels approval of the Exchange's proposal, so that investors may invest in the Trust and thereby be protected from these risks.[178] In essence, the Sponsor asserts that it is the risky nature of direct investment in the underlying bitcoin (including lack of insurance coverage) and the unregulated markets on which bitcoin trades that compel approval of the proposed rule change. The Sponsor offers no limiting principle to this argument, under which, by logical extension, the Commission would be required to approve the listing and trading of any ETP that arguably presented marginally less risk to investors than a direct investment in the underlying asset.

The Commission disagrees with this reading of the Exchange Act. Pursuant to Section 19(b)(2) of the Exchange Act, the Commission must approve a proposed rule change filed by a national securities exchange if it finds that the proposed rule change is consistent with the applicable requirements of the Exchange Act—including the requirement under Section 6(b)(5) that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices—and it must disapprove the filing if it does not make such a finding.[179] Thus, even if a proposed rule change purports to protect investors from a particular type of investment risk—such as the susceptibility of an asset to loss or theft—the proposed rule change may still fail to meet other requirements under the Exchange Act.[180]

As explained above, the Commission has consistently, for commodity-trust ETPs, required that the listing exchange have surveillance-sharing agreements with significant, regulated markets related to the underlying asset. That requirement has not been met here. Therefore, the Commission—even if, for the sake of argument, it agreed that investment in the Trust might present fewer risks to investors than direct investments in bitcoin—would be unable to find that the proposed rule change is consistent with the statutory standard.

C. Basis for Disapproval

The Commission has, in past approvals of commodity-trust ETPs, emphasized the importance of surveillance-sharing agreements between the national securities exchange listing and trading the ETP, and significant markets relating to the underlying asset.[181] Such agreements, which are a necessary tool to enable the ETP-listing exchange to detect and deter manipulative conduct, enable the exchange to meet its obligation under Section 6(b)(5) of the Exchange Act to have rules that are designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest.[182]

As described above, the Exchange has not entered into a surveillance-sharing agreement with a significant, regulated, bitcoin-related market. The Commission also does not believe, as discussed above, that the proposal supports a finding that the significant markets for bitcoin or derivatives on bitcoin are regulated markets with which the Exchange can enter into such an agreement. Therefore, as the Exchange has not entered into, and would currently be unable to enter into, the type of surveillance-sharing agreement that has been in place with respect to all previously approved commodity-trust ETPs, the Commission does not find the proposed rule change to be consistent with the Exchange Act and, accordingly, disapproves the proposed rule change.

The Commission notes that bitcoin is still in the relatively early stages of its development and that, over time, regulated bitcoin-related markets of significant size may develop. Should such markets develop, the Commission could consider whether a bitcoin ETP would, based on the facts and circumstances then presented, be consistent with the requirements of the Exchange Act.

IV. Conclusion

For the reasons set forth above, the Commission does not find that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with Section 6(b)(5) of the Exchange Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[183] that the proposed rule change (SR–NYSEArca–2016–101), as modified by Amendment No. 1, be, and it hereby is, disapproved.

[174] *See* SolidX Letter II, *supra* note 43, at 2–3.

[175] *See supra* Sections III.B.2 & III.B.4.

[176] *See supra* note 172 and accompanying text.

[177] SolidX Letter II, *supra* note 43, at 2.

[178] *See supra* note 39 and accompanying text.

[179] *See* Exchange Act Section 19(b)(2)(C), 15 U.S.C. 78s(b)(2)(C).

[180] The Commission notes that the insurance policy for the Trust's bitcoin holdings, as described by the Exchange and the Sponsor, *see* Amendment No. 1, *supra* note 1, 82 FR at 12261; SolidX Letter, *supra* note 43, at 2, 5, 11–12, covers theft and loss of the bitcoin holdings, but does not insure against the risk of loss resulting from fraudulent or manipulative acts and practices with respect to the underlying bitcoins or the Shares.

[181] *See supra* notes 125–126 and accompanying text. The Commission has also emphasized this requirement in the context of disapproving a proposal to list and trade shares of a commodity-trust ETP. *See* Bats BZX Order, *supra* note 6, 82 FR at 14087.

[182] 15 U.S.C. 78f(b)(5).

[183] 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[184]

Eduardo A. Aleman,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80323; File No. SR–OCC–2017–802]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Advance Notice Concerning Enhancements to OCC's Stock Loan Programs

March 28, 2017.

Pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled Payment, Clearing and Settlement Supervision Act of 2010 (''Payment, Clearing and Settlement Supervision Act'') [1] and Rule 19b–4(n)(1)(i) under the Securities Exchange Act of 1934 (''Act''),[2] notice is hereby given that on February 28, 2017, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') an advance notice as described in Items I and II below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the advance notice from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Advance Notice

This advance notice concerns a number of proposed enhancements to OCC's Stock Loan/Hedge Program (''Hedge Program'') and Market Loan Program (collectively, the ''Stock Loan Programs''). The proposed changes would, among other things: (1) Require Clearing Members to have robust processes in place to reconcile open interest in the Stock Loan Programs at least once per stock loan business day; (2) provide further clarity and certainty regarding the formal record of stock loan positions being guaranteed by OCC at any given time (''golden copy'' rules); (3) further clarify that stock loan positions at OCC are not terminated until the records of OCC reflect the termination of such stock loan; (4) provide a specific timeframe in which Clearing Members in the Stock Loan Programs must buy-in or sell-out of stock loan positions in the event of another Hedge or Market Loan Clearing Member suspension (as applicable); (5) provide OCC with the authority to withdraw from a Clearing Member's account the value of any difference between the price reported by a Clearing Member instructed to execute a buy-in or sell-out of loaned stock as a result of another Clearing Member suspension and the price that OCC determines to be reasonable; and (6) allow OCC to close out the Matched-Book Positions of suspended Hedge Clearing Members through the termination by offset and ''re-matching'' of such positions without requiring the transfer of securities against the payment of settlement prices as currently required under OCC's rules.

All terms with initial capitalization not defined herein have the same meaning as set forth in OCC's By-Laws and Rules.[3]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Advance Notice

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the advance notice and discussed any comments it received on the advance notice. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections A and B below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement on Comments on the Advance Notice Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed changes and none have been received. OCC has, however, discussed the re-matching in suspension proposal with its Clearing Members at numerous member outreach forums and meetings. While members were generally supportive of the proposal, some members did raise concerns over the possibility of being re-matched with a counterparty with which the Clearing Member does not have an existing securities lending relationship. For example, some Clearing Members noted that they could be re-matched with counterparties with which they do not have an existing Master Securities Lending Agreement (''MSLA''),[4] which dictates all of the terms of the stock loan not governed by OCC's By-Laws and Rules (*e.g.,* Mark-to-Market percentage and rounding preferences). In addition, re-matched counterparties that do not have an existing securities lending relationship would need to make operational changes in order to make deliveries to their new counterparty in the event of a termination or buy-in to close out the loan.

OCC carefully considered this member feedback in the development of its proposal, and in order to mitigate these concerns, the proposed re-matching in suspension rules would require OCC to make reasonable efforts to re-match Hedge Clearing Members that maintain between them current executed MSLAs. Specifically, under the proposed changes, OCC would use a matching algorithm to re-match stock loan and stock borrow positions in order of priority based on the largest available stock borrow or stock loan positions, as applicable, for the selected Eligible Stock for which a MSLA exists between the Borrowing and Lending Clearing Members to ensure that members with existing securities lending relationships are re-matched to the greatest extent possible. Even in light of these concerns, however, Clearing Members generally agreed that it is preferable to maintain a stock loan with another counterparty rather than attempting to close out stock loan positions in the event of a Hedge Clearing Member suspension as in many cases (and particularly in stressed market conditions) it could be difficult for the borrower to return the securities to the lender since the securities would likely be being used for other purposes.

(B) Advance Notices Filed Pursuant to Section 806(e) of the Payment, Clearing, and Settlement Supervision Act

Purpose of the Proposed Change

OCC proposes a number of amendments to its By-Laws and Rules designed to enhance the overall resilience of its Stock Loan/Hedge Program (''Hedge Program'') and Market Loan Program (collectively, the ''Stock Loan Programs''). Specifically, the proposed changes would improve risk management in the Stock Loan Programs by, among other things: (1) Requiring Clearing Members to have robust processes in place to reconcile open interest in the Stock Loan Programs at least once per stock loan business day; (2) providing further clarity and certainty regarding the formal record of stock loan positions being guaranteed by OCC at any given time (''golden copy'' rules); (3) further

[184] 17 CFR 200.30–3(a)(12).

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] OCC's By-Laws and Rules can be found on OCC's public Web site: *http://optionsclearing.com/about/publications/bylaws.jsp.*

[4] Commission Staff received OCC's consent to insert ''Master Securities Lending Agreement'' before the acronym ''MSLA'' pursuant to a telephone conversation on March [6], 2017.

clarifying that stock loan positions at OCC are not terminated until the records of OCC reflect the termination of such stock loan; (4) providing a specific timeframe in which Clearing Members in the Stock Loan Programs must buy-in or sell-out of stock loan positions in the event of another Hedge or Market Loan Clearing Member suspension as applicable); (5) providing OCC with the authority to withdraw from a Clearing Member's account the value of any difference between the price reported by a Clearing Member instructed to execute a buy-in or sell-out of loaned stock as a result of another Clearing Member suspension and the price that OCC determines to be reasonable; and (6) allowing OCC to close out the Matched-Book Positions of suspended Hedge Clearing Members through the termination by offset and re-matching of such positions without requiring the transfer of securities against the payment of settlement prices as currently required under OCC's rules.

The proposed amendments to the By-Laws and Rules are discussed in more detail below.

Background

OCC currently operates two Stock Loan Programs: The Hedge Program and the Market Loan Program. In the Hedge Program, OCC acts as the principal counterparty for stock loans that are executed bilaterally outside of OCC and sent to OCC for clearance and settlement. In the case of a Hedge Loan, prospective Lending and Borrowing Clearing Members identify each other (independent of OCC), agree to bilaterally negotiated terms of the Hedge Loan, and then send the details of the stock loan to the Depository with a certain ''reason code,'' [5] which designates the stock loan as a Hedge Loan for guaranty and clearance at OCC. The Lending Clearing Member then instructs the Depository to transfer a specified number of shares of Eligible Stock to the account of the Borrowing Clearing Member, and the Borrowing Clearing Member instructs the Depository to transfer the appropriate amount of cash collateral to the account of the Lending Clearing Member.

In the Market Loan Program, stock loans are initiated through the matching of bids and offers that are either agreed upon by the Market Loan Clearing Members or matched anonymously through a Loan Market. In order to initiate a Market Loan, the Loan Market sends a matched transaction to OCC, which in turn sends two separate but linked settlement instructions to the Depository to effect the movement of Eligible Stock and cash collateral between the accounts of the Market Loan Clearing Members through OCC's account at the Depository.

Regardless of whether a transaction is initiated under the Hedge Program or Market Loan Program, OCC novates the transaction and becomes the lender to the Borrowing Clearing Member and the borrower to the Lending Clearing Member after it accepts an end-of-day report from the Depository showing completed Stock Loans.[6] As the principal counterparty to the Borrowing and Lending Clearing Members, OCC guarantees the return of the full value of cash collateral to a Borrowing Clearing Member and guarantees the return of the Loaned Stock (or value of that Loaned Stock) to the Lending Clearing Member.[7] After novation, as part of the guaranty, OCC makes Mark-to-Market Payments for all cleared stock loans on a daily basis to collateralize all loans to the negotiated levels.[8] Settlements generally are combined and netted against other OCC settlement obligations in a Clearing Member's account, including trade premiums and margin deficits. Clearing Member open positions in the Stock Loan Programs are factored into the Clearing Member's overall Margin [9] and Clearing Fund contribution requirements.[10]

Stock Loan Position Records

OCC's Rules currently provide that termination of a Hedge Loan is not complete until either: (1) The Depository makes final entries on its records reflecting that the stock loan position has been unwound and OCC receives notice thereof; or (2) the counterparties to the transaction certify to OCC that the stock loan is terminated and the settlement price has been transferred between them.[11] Under this process, it is possible for a Hedge Clearing Member to close an open Hedge Loan but fail to submit the necessary reason codes to the Depository to effect the termination of the stock loan position at OCC, resulting in conflicting records between OCC and its Clearing Members.

Market Loans are typically terminated by a Market Loan Clearing Member providing notice to the relevant Loan Market calling for the recall or return of a specified quantity of the Loaned Stock. The Loan Market then sends details of the matched return/recall transaction to OCC, which validates the transaction and sends a pair of delivery orders to the Depository in connection with the recall/return. However, in certain circumstances where a Market Loan Clearing Member fails to return the specified quantity of Loaned Stock or to pay the applicable settlement price for a Loaned Stock, the counterparty Clearing Member may choose to execute a buy-in or sell-out of the Loaned Stock on its own.[12] The Market Loan Clearing Member is then required to provide notice to the Loan Market of the buy-in or sell-out after execution is complete. This limited scenario could also give rise to the risk that a Market Loan Clearing Member has terminated a stock loan transaction but failed to provide the necessary report to the Loan Market for notification to OCC.

When either of the above scenarios occur, the Clearing Member remains obligated to effect the required settlements, including, for example, making the associated Mark-to-Market Payments, until the stock loan position is terminated at OCC. Moreover, in these scenarios, a Clearing Member may continue to receive margin benefits on the closed stock loan until the appropriate trade corrections are made at OCC. Such scenarios could give rise to operational and/or credit risk if a Clearing Member's expectations of its obligations for certain stock loan positions are inconsistent with the Clearing Member's formal obligations for such positions on the records of OCC (*e.g.,* requirements to post margin or make mark-to-market settlements for positions that have already been closed).

Default Management in the Stock Loan Programs

Currently, in the event a Stock Loan Program Clearing Member is suspended, the suspended Clearing Member's open stock loan positions are closed by instructing the respective non-suspended Clearing Member counterparties (within either the Hedge

[5] Unique reason codes were created by the Depository for Clearing Members to designate stock loan transactions intended to be sent to OCC for novation and guarantee.

[6] *See* OCC Rules 2202(b) and 2202A(b).

[7] Under the Market Loan Program, OCC also provides a limited guaranty of dividend and rebate payments.

[8] Mark-to-Market Payments are based on the value of the loaned securities and made between Clearing Members using OCC's cash settlement system. In the Hedge Program, the percentage of the value of the loaned securities, either 100% or 102%, as well as the preferred Mark-to-Market rounding, are dependent upon the terms of the Master Securities Loan Agreement (''MSLA'') between the two Hedge Clearing Member parties to the transaction. In the Market Loan Program, all Market Loans are collateralized to 102%.

[9] *See* OCC Rules 601 and 2203.

[10] *See* OCC Rule 1001.

[11] *See* OCC Rule 2209(a) which describes the requirements for the termination of a stock loan transaction.

[12] *See* OCC Rule 2209A(b)–(c).

Program or Market Loan Program, as applicable) to buy-in or sell-out the Eligible Stock.[13] The reported execution price of the buy-in or sell-out is used as the settlement price to facilitate the final marking price between the non-suspended Clearing Member and the liquidating settlement account of the suspended Clearing Member. This process has significant benefits as it distributes the liquidity demands across multiple counterparties and aligns the liquidity demands necessary to facilitate an unwind with the Clearing Member currently in possession of the Collateral. However, this approach effectively utilizes each counterparty to the suspended Clearing Member as independent ''liquidating agents,'' making the process prone to greater execution risk due to the number of counterparties effecting the buy-in/sell-out transactions, which is further compounded by the manually-intensive nature of the process. In the event a large Hedge or Market Loan Clearing Member is suspended, the process could become more susceptible to errors given the numerous manual steps and the quantity of positions that must be closed. Moreover, any delay in the buy-in/sell-out process could result in increased credit risk to OCC as the close out process for stock loans could fail to align with OCC's margin and liquidation period assumptions of a two-day close out process (which is applicable to all products without differentiation). For example, OCC may be exposed to credit risk if the price paid or received for the buy-in or sell-out of the Eligible Stock varies from the price at which OCC last collected a Mark-to-Market Payment from the defaulter and that price differential exceeds the amount of margin on deposit for such positions.

Furthermore, and as described in more detail below, because OCC maintains inventory in the Hedge Program on a bilateral basis (*i.e.,* maintains the borrower and lender to a given transaction) if a suspended Hedge Clearing Member maintains Matched-Book Positions,[14] logistically OCC would be required to recall the loan and return the borrowed shares to unwind the Matched-Book positions. This results in a potential exposure to OCC, not accounted for by its margin model,[15] related to the potential price dislocation between the recall and return transactions.

Proposed Changes to the By-Laws and Rules

OCC is proposing a number of rule changes to provide more clarity, transparency, and certainty around the status of stock loan positions being cleared and guaranteed at OCC. In addition, OCC is proposing enhancements to its default management process for the Stock Loan Programs to mitigate the risks associated with the buy-in/sell-out and recall/return processes as described above. The proposed changes are discussed in more detail below.

1. Trade Balancing

A key attribute of managing risk in the Stock Loan Programs is ensuring that OCC and its Clearing Members have identical records of open and closed positions to ensure all parties are aware of their obligations with respect to those positions. As described above, a stock loan transaction may be terminated by a Hedge Clearing Member (and, in more limited circumstances, a Market Loan Clearing Member) without OCC being made aware of the termination if the correct reason codes are not used in connection with stock loan activity at the Depository.[16] Such a discrepancy between the records of OCC and its Clearing Members could give rise to operational and/or credit risk if a Clearing Member's expectations of its obligations for certain stock loan positions are inconsistent with the Clearing Member's formal obligations for such positions on the records of OCC (see discussion of the proposed ''golden copy'' rules below).

In order to minimize the potential dislocation between the records of OCC and its Clearing Members and mitigate the risks that may arise from such out trades, OCC is proposing to amend Rules 2205 and 2205A to require that Hedge and Market Loan Clearing Members, respectively, have adequate policies and procedures in place to perform a reconciliation of stock loan position balances between the records of the Clearing Member and any report or reports provided by OCC at least once per stock loan business day and resolve any discrepancies based on such report(s) for a given stock loan business day by 9:30 a.m. Central Time on the following stock loan business day. The proposed change would therefore ensure that OCC and its Clearing Members have an accurate and consistent understanding of each member's open stock loan positions at OCC and the obligations associated therewith.

2. Golden Copy Rules

OCC also proposes clarifying amendments to Articles XXI and XXIA of its By-Laws to emphasize that the records of OCC are the official record of open and closed stock loan transactions in the Stock Loan Programs and that Clearing Members remain liable for all obligations related to open stock loan positions as reflected in the records of OCC. In particular, OCC proposes to amend Article XXI, Sections 3 and 4 (relating to the agreements of Borrowing and Lending Clearing Members in the Hedge Program) and Article XXIA, Sections 3 and 4 (relating to the agreements of Borrowing and Lending Clearing Members in the Market Loan Program) to explicitly state that, in the event of a conflict between the records of OCC and any records generated by Borrowing or Lending Clearing Members regarding stock borrow or stock loan positions, the records generated by OCC will prevail and the Borrowing or Lending Clearing Member shall remain liable for all obligations associated with such stock borrow or stock loan positions maintained on the records of OCC. The proposed amendment would provide additional transparency and certainty to Clearing Members regarding OCC's treatment of its own records as the formal ''golden copy'' record of stock loan positions at OCC.

3. Termination Rules

OCC also proposes amendments to Rules 2209 and 2209A to provide that the termination of Hedge Loans and Market Loans, respectively, shall be deemed to be complete when the records of OCC reflect the termination of such stock loans. The proposed change is intended to clarify and reinforce that OCC's records of stock loan positions, and in particular, the termination of stock loan positions, are the formal record of cleared stock loan positions at OCC. OCC believes the proposed change will provide additional clarity and transparency around the obligations of OCC and its Clearing Members in the Stock Loan Programs, particularly

[13] *See* OCC Rules 2211 and 2211A.

[14] Matched-Book Positions are Hedge Loan positions in which a single Hedge Clearing Member borrows Eligible Stock from a Lending Clearing Member and lends an equal or lesser amount of the same Eligible Stock to a Borrowing Clearing Member. Previously, OCC adopted a proposed rule change to allow for the voluntary termination by offset and re-matching of Matched-Book Positions, outside of the suspension scenario, subject to the agreement of all affected Hedge Clearing Members. *See* Securities Exchange Act Release No. 34–77415 (March 22, 2016), 81 FR 17231 (March 28, 2016) (SR–OCC–2016–006).

[15] With Matched-Book Positions, a member is simultaneously borrowing and lending the same securities (and quantity), which are marked to the same price. OCC's margin process recognizes this and currently nets loans and borrows in the same security prior to calculating exposure, resulting in no margin on a perfectly matched positions.

[16] *See supra* note 5.

where discrepancies may arise between the records of OCC and its Clearing Members concerning terminated stock loans.

4. Buy-In and Sell-Out Timeframe in Suspension

In order to mitigate the risks involved in the existing buy-in/sell-out process, as described in detail above, and enhance the resiliency of the Stock Loan Programs, OCC proposes to amend Rules 2211 and 2211A to require Lending Clearing Members or Borrowing Clearing Members that are instructed to buy-in or sell-out in connection with a Hedge or Market Loan Clearing Member suspension to execute such transactions by the close of the stock loan business day after the receipt of such instruction by OCC.[17] If the instructed Clearing Member fails to execute the buy-in or sell-out transaction within this timeframe, OCC would terminate the Stock Loan and effect Settlement based upon the Marking Price used at the close of business on the stock loan business day after the original instruction was made by OCC.

Additionally, OCC proposes a conforming change to Rules 2211 and 2211A to eliminate the requirement that Hedge or Market Loan Clearing Members executing a buy-in or sell-out must be prepared to defend the reasonableness of the timing of such transaction as all instructed Clearing Members would be required to execute the buy-in/sell-out within the newly specified two business day timeframe or be subject to automatic termination and settlement under the proposed changes. OCC also proposes conforming changes to delete language stating that OCC, in its discretion and upon notice to the Lending Clearing Member or the independent broker, may fix a cash settlement value for the quantity of the Loaned Stock not returned to the Lending Clearing Member as this rule text would no longer be necessary under the proposed two-day buy-in/sell-out rules described above.

OCC believes the proposed changes will help to mitigate potential credit risks that may be associated with a delay in a Hedge or Market Loan Clearing Member effecting buy-in or sell-out transactions as it would ensure that positions are closed out—either through the buy-in/sell-out of stock loans by the instructed Hedge or Market Loan Clearing Members or by the automatic termination and settlement of stock loans by OCC—in a time period consistent with OCC's margin assumptions and thereby reducing the risk that the price paid or received for the buy-in or sell-out of the Eligible Stock varies greatly from the price at which OCC last collected a Mark-to-Market Payment from the defaulter.

5. Authority To Enforce Reasonable Prices in the Buy-In/Sell-Out Process

Under existing Rules 2211 and 2211A, after a buy-in or sell-out occurs in a Clearing Member suspension scenario, OCC validates the prices reported by the Clearing Members to determine whether or not the price utilized to buy-in or sell-out is reasonable given the market prices during the two stock loan business day window. Clearing Members executing the buy-in or sell-out must be prepared to defend the reasonableness of the price, transactional costs, or cash settlement value of the transaction. OCC is proposing to amend Rules 2211 and 2211A to provide OCC with the authority to withdraw from the Clearing Member's account the value of any difference between the price reported by the Clearing Member executing the buy-in or sell-out, as applicable, and the price that OCC, in its sole discretion, determines to be reasonable. In addition, OCC proposes to amend Rules 2211 and 2211A to provide further clarity that a Clearing Member may defend the reasonableness of a reported price or cash settlement value of a buy-in or sell-out by demonstrating that it fell within the trading range of the Eligible Stock on that day. OCC believes this proposed change will further incentivize Clearing Members to execute a buy-in or sell-out at a reasonable price in accordance with the newly implemented two-day close out timeframe.

6. Hedge Program Re-Matching in Suspension

A significant portion of the activity in OCC's Hedge Program relates to what is often referred to as matched-book activity where a Hedge Clearing Member maintains in an account a stock loan position for a specified number of shares of an Eligible Stock reflecting a stock lending transaction with one Hedge Clearing Member (the Borrowing Clearing Member) and also maintains in that same account a stock borrow position for the same number, or lesser number, of shares of the same Eligible Stock with another Hedge Clearing Member (the Lending Clearing Member) (such positions being Matched-Book Positions). From a daily mark-to-market settlement perspective, there are typically no obligations related to Matched-Book Positions because the member is simultaneously borrowing and lending the same securities (and quantity), which are marked to the same price. OCC's margin process recognizes this and currently nets loans and borrows in the same security prior to calculating exposure, resulting in no margin on a perfectly matched position.

As discussed above, in the event of a Hedge Clearing Member suspension, OCC terminates the suspended Hedge Clearing Member's stock loans in accordance with the buy-in and sell-out process described in Rule 2211.[18] Due to the nature of Matched-Book Positions, OCC would be required to both recall the loan and return the borrowed shares to completely unwind the Matched-Book Positions. In addition to potential delays in the buy-in/sell-out process, this process also exposes OCC to potential price dislocation between the buy-in and sell-out transactions.

In addition, to the extent Borrowing and Lending Clearing Member counterparties to the suspended Hedge Clearing Member's Matched-Book Positions wish to maintain equivalent stock loan positions at OCC, those Borrowing and Lending Clearing Members would be required to initiate new stock loans to replace the closed out positions. Throughout this process of terminating and reestablishing stock loan positions, a number of operational steps are required to facilitate and settle those transactions, which introduce the potential for market disruption. The successful initiation of new replacement stock loans for the Borrowing or Lending Clearing Members could be subject to disruption by operational or execution risks with the result that one ''leg'' of the initiating transaction would fail, resulting in a temporary imbalance of the previously ''matched-book'' position. Moreover, the Borrowing and Lending Clearing Members lose the protections afforded by OCC's guaranty of their stock loan positions until the newly initiated stock loan transactions have been accepted, novated, and guaranteed by OCC.

OCC is proposing new Rule 2212 to allow OCC to perform an orderly close out of a suspended Hedge Clearing

[17] In the situation of a buy-in, the Lending Clearing Member would be required to use the cash collateral to buy-in the securities. OCC would not be responsible for funding the buy-in.

[18] Rule 2211 also allows OCC, at its discretion, to instruct an independent broker, to buy in or sell out, as applicable, the Loaned Stock. In the case where the Lending Clearing Member or the independent broker fails to execute a buy-in or if, for any reason, effecting a buy-in is not permitted, OCC, in its discretion and upon notice to the Lending Clearing Member or the independent broker, may fix a cash settlement value for the quantity of the Loaned Stock not returned to the Lending Clearing Member. *See* OCC Rule 2211.

Member's Matched-Book Positions through the termination by offset and re-matching [19] of such positions, without requiring the transfer of securities against the payment of settlement prices as currently required under OCC Rule 2211. OCC believes the proposed changes will strengthen the risk management processes in place at OCC by mitigating the risks involved in the buy-in/sell-out of Matched-Book Positions as well as provide the overall marketplace served by the Hedge Program with more stability.[20]

Proposed Rule 2212(a) would provide that, in the event that a suspended Hedge Clearing Member has Matched-Book Positions within the Hedge Program, OCC will, upon notice to affected Hedge Clearing Members, close out the suspended Hedge Clearing Member's Matched-Book Positions to the greatest extent possible by (i) the termination by offset of stock loan and stock borrow positions that are Matched-Book Positions in the suspended Hedge Clearing Member's account(s) and (ii) OCC's re-matching of stock borrow positions for the same number of shares in the same Eligible Stock maintained in a designated account of a Matched-Book Borrowing Clearing Member against a stock lending position for the same number of shares in the same Eligible Stock maintained in a designated account of a Matched-Book Lending Clearing Member.

Under proposed Rule 2212(b), the Matched-Book Borrowing Clearing Member and Matched-Book Lending Clearing Member would not be required to issue instructions to the Depository in accordance with Rules 2202(a) and 2208(a) to terminate the relevant stock loan and stock borrow positions or to initiate new stock loan transactions to reestablish such positions, as the affected positions would be re-matched without requiring the transfer of securities against the payment of settlement prices.

Proposed Rule 2212(c) provides that OCC shall make reasonable efforts to re-match Matched-Book Borrowing Clearing Members with Matched-Book Lending Clearing Members that maintain between them current executed MSLAs based on information provided by Hedge Clearing Members to the Corporation on an ongoing basis. In connection with the proposed changes, OCC will add functionality to its ENCORE clearing system to allow Hedge Clearing Members to add and remove records of MSLA agreements between themselves and other Hedge Clearing Members. OCC would be entitled to rely on, and would have no responsibility to verify, the MSLA records provided by Hedge Clearing Members and on record as of the time of re-matching.

Under proposed Rule 2212(d), the termination by offset and re-matching of positions would be done using a matching algorithm in which the Matched-Book Positions of the suspended Hedge Clearing Member are first terminated by offset and then affected Matched-Book Borrowing Clearing Members and Matched-Book Lending Clearing Members are re-matched in order of priority based first upon whether the re-matched Clearing Members have an existing MSLA between them. Specifically, under the re-matching algorithm, OCC would first select the largest stock loan or stock borrow position in a given Eligible Stock from the suspended Hedge Clearing Member's Matched-Book Positions. The selected positions would then be re-matched with the largest available stock borrow or stock loan positions, as applicable, for the selected Eligible Stock for which a MSLA exists between a Matched-Book Borrowing Clearing Member and a Matched-Book Lending Clearing Member. OCC would repeat this process until all potential re-matching between Matched-Book Borrowing Clearing Members and Matched-Book Lending Clearing Members with MSLAs is completed. After re-matching among lenders and borrowers with existing MSLAs, the re-matching process would then be repeated for all remaining Matched-Book Positions for which MSLAs do not exist between the lenders and borrowers. During this stage, positions would be selected for re-matching in order of priority based on largest outstanding position size.

Under proposed Rule 2212(e), in the event Borrowing and Lending Clearing Members are re-matched through this process, the re-matched positions would be governed by the pre-defined terms and instructions established by the Lending Clearing Member pursuant to Rule 2201. In this case, the re-matched Hedge Clearing Members may choose to execute an MSLA or close-out the re-matched positions in accordance with existing Rule 2208. Any change in Collateral requirements arising from a change in the terms of stock loan or stock borrow positions between a Lending Clearing Member and Borrowing Clearing Member with re-matched positions would be included in the calculation of the Mark-to-Market Payment obligations as provided in Rule 2204 on the stock loan business day following the completion of the positions adjustments as set forth in proposed Rule 2212(f).

Under proposed Rule 2212(f), the termination by offset and re-matching of positions would be complete upon OCC completing all position adjustments in the accounts of the suspended Hedge Clearing Member and the Borrowing Clearing Members and Lending Clearing Members with re-matched positions and the applicable systems reports are produced and provided to the Clearing Members reflecting the transaction.

Under proposed Rules 2212(g)–(i), from and after the time OCC has completed the position adjustments as set forth in OCC Rule 2212(f), the suspended Hedge Clearing Member would have no further obligations under the By-Laws and Rules with respect to such positions; however, a Borrowing Clearing Member with re-matched stock borrow positions would remain obligated as a Borrowing Clearing Member and a Lending Clearing Member with re-matched stock loan positions would remain obligated as a Lending Clearing Member as specified in the By-Laws and Rules applicable to the Hedge Program. Moreover, upon notification that OCC has completed the termination by offset and re-matching of stock loan and borrow positions, the suspended Hedge Clearing Member and

[19] In order to effect the re-matching of stock loan and borrow positions at OCC, OCC would simultaneously close out the existing positions of the Matched-Book Lending and Borrowing Clearing Members and create new stock loan and borrow positions between the re-matched members and OCC. As a result, the re-matched positions would maintain the benefits of OCC's guaranty throughout the re-matching process and would not require the re-matched Hedge Clearing Members to issue instructions to the Depository to terminate or initiate Stock Loans and transfer securities against the payment of Collateral.

[20] As further described in Item 5, OCC discussed the re-matching in suspension proposal with its Clearing Members at numerous member outreach forums and meetings. While members were generally supportive of the proposal, some members did raise concerns over the possibility of being re-matched with a counterparty with which the Clearing Member does not have an existing securities lending relationship. Specifically, Clearing Members noted that the proposal could result in a Hedge Clearing Member being re-matched with a counterparty with which it does not have an existing MSLA, which dictates all of the terms of the stock loan not governed by OCC's By-Laws and Rules (*e.g.,* Mark-to-Market percentage and rounding preferences), and could require operational changes in order to make deliveries to their new counterparty in the event of a termination or buy-in to close out the loan. OCC would mitigate these concerns by prioritizing the re-matching of Hedge Clearing Members that maintain between them current executed MSLAs, as discussed in more detail below. Moreover, even in light of these concerns, Clearing Members generally agreed that it is preferable to maintain a stock loan with another counterparty rather than attempting to close out stock loan positions in the event of a Hedge Clearing Member suspension as in many cases (and particularly in stressed market conditions) it could be difficult for the borrower to return the securities to the lender since the securities would likely be being used for other purposes.

Borrowing Clearing Members and Lending Clearing Members with re-matched positions would be required to promptly make any necessary bookkeeping entries at the Depository necessitated by the re-matching to ensure the accuracy and efficacy of those stock loan terms not governed by OCC's By-Laws and Rules.

Finally, under proposed Rule 2212(j), Borrowing Clearing Members and Lending Clearing Members that have been re-matched would be required to work in good faith to either (i) reestablish any terms, representations, warranties and covenants not governed by the By-Laws and Rules (*e.g.,* establish an MSLA) or (ii) terminate the re-matched stock loan or borrow positions in the ordinary course pursuant to Rule 2208, as soon as reasonably practicable.

OCC also proposes a number of conforming changes to Article XXI, Sections 2–4 of the By-Laws and to Rule 2210 to reflect the proposed adoption of new Rule 2212. In particular, OCC would amend Rule 2210(b), which concerns the treatment of open stock loan and borrow positions resulting from Stock Loans of a suspended Hedge Clearing Member, to provide that such positions may now also be closed out using the re-match in suspension authority under proposed Rule 2212. Under the default management rules and procedures for stock loan positions in the Hedge Program, OCC would first attempt to close out any Matched-Book Positions of the suspended Hedge Clearing Member to the greatest extent possible using the re-match in suspension authority under proposed Rule 2212. After executing the re-matching process, OCC would generally look to close out the remaining stock loan positions of the suspended Clearing Member, to the extent that the defaulting member was the borrower of loans that were not matched, by using any stock pledged to OCC as margin collateral that is the same as the Eligible Stock in question to deliver to its counterparty lenders via the Depository. Finally, all remaining open stock loan positions would be closed out pursuant to the buy-in/sell-out process under Rule 2211, and in accordance with the proposed enhancements to that process as described herein.

Expected Effect on and Management of Risks to the Clearing Agency, Its Participants, and the Market

OCC believes that the proposed changes would reduce the nature and level of risk presented by OCC because they would enhance the overall resilience of OCC's Stock Loan Programs by: (i) Providing more clarity and certainty regarding the stock loan positions at OCC and the obligations associated therewith and (ii) enhancing the default management processes for the Stock Loan Programs to mitigate the risks associated with the buy-in/sell-out and recall/return processes described above.

Trade Balancing, Golden Copy, and Termination Rules

As described in detail above, OCC is proposing a number of improvements in the area of trade balancing and recordkeeping of stock loan positions at OCC. Specifically, the proposed changes would require Clearing Members in the Stock Loan Programs to have adequate policies and procedures in place to perform reconciliations of open and closed stock loan and stock borrow positions to OCC's records at least once each stock loan business day and resolve any discrepancies based on such report(s) for a given stock loan business day by 9:30 a.m. Central Time on the following stock loan business day to minimize the risk inaccurate records may present. OCC is also proposing a number of clarifying amendments to its By-Laws and Rules to emphasize that the records of OCC are the official record of open and closed stock loan transactions in the Stock Loan Programs, including for terminations of stock loan positions, and that Clearing Members remain liable for all obligations related to open stock loan positions as reflected in the records of OCC. OCC believes the proposed changes will provide more certainty regarding the formal record of the open stock loan positions guaranteed by OCC and provide additional clarity and transparency around the obligations of OCC and its Clearing Members in the Stock Loan Programs, particularly where differences may arise between the records of OCC and its Clearing Members. OCC believes the changes would therefore reduce the likelihood of credit or operational risks arising due to discrepancies between the records of OCC and its Clearing Members.

Timeframe for Buy-In and Sell-Out in Suspension

OCC Rules 2211 and 2211A describe the buy-in and sell-out process in the event of a Hedge Clearing Member and Market Loan Clearing Member suspension, respectively, but the rules do not currently require that such actions be taken within a specified period of time. As described in detail above, OCC's margin and liquidation period assumptions contemplate a two-day close out process, which is applicable to all products without differentiation. Any delay in the buy-in/sell-out process could result in increased credit risk to OCC as the close out process for stock loans could fail to align with such margin and liquidation period assumptions. As a result, OCC may be exposed to credit risk if the price paid or received for the buy-in or sell-out of the Eligible Stock varies from the price at which OCC last collected a Mark-to-Market Payment from the defaulter and that price differential exceeds the amount of margin on deposit for such positions.

OCC proposes to amend Rules 2211 and 2211A to require Lending Clearing Members or Borrowing Clearing Members that are instructed to buy-in or sell-out in connection with a Hedge or Market Loan Clearing Member suspension to execute such transactions by the close of the stock loan business day after the receipt of such instruction by OCC.[21] If the instructed Clearing Member fails to execute the buy-in or sell-out transaction within this timeframe, OCC would terminate the Stock Loan and effect Settlement based upon the Marking Price used at the close of business on the stock loan business day after the original instruction was made by OCC. OCC believes the proposed changes will help to mitigate the potential credit risk that may be associated with a delay in a Hedge or Market Loan Clearing Member effecting buy-in or sell-out transactions by ensuring that positions are closed out—either through the buy-in/sell-out of stock loans by the Hedge Clearing Members or by the automatic termination and settlement of stock loans by OCC—in a time period consistent with OCC's margin assumptions.

Authority To Enforce Reasonable Prices in Buy-In/Sell-Out Process

OCC also proposes changes to provide it with the authority to withdraw from a Clearing Member's account the value of any difference between the price reported by the Clearing Member for a buy-in or sell-out under Rule 2211 and Rule 2211A, as applicable, and the price that OCC, in its sole discretion, determines to be reasonable (if OCC determines that the Clearing Member's reported price was unreasonable based on whether the reported price fell within the trading range of the Eligible Stock on that day). The proposed changes are designed to incentivize Clearing Members to execute a buy-in or

[21] In the situation of a buy-in, the Lending Clearing Member would be required to use the cash collateral to buy-in the securities. OCC would not be responsible for funding the buy-in.

sell-out at a reasonable price in accordance with the newly implemented two-day close out timeframe and would allow OCC to withdraw the difference for any buy-in or sell-out reported outside of the trading range of the Eligible Stock, thereby helping to ensure that the buy-in/sell-out is executed at a price that falls within OCC's margin and liquidation assumptions.

Re-Matching in Suspension

As noted above, a significant portion of the activity in OCC's Hedge Program relates to matched-book activity. Under OCC's existing rules, OCC would terminate a suspended Hedge Clearing Member's Matched-Book Positions in accordance with the buy-in and sell-out process contained in Rule 2211. Logistically, this requires OCC to both recall the loan and return the borrowed shares to completely unwind the Matched-Book positions, which exposes OCC to potential price dislocation between the buy-in and sell-out transactions. Moreover, as noted above, the buy-in/sell-out process effectively utilizes each counterparty to the suspended Hedge Clearing Member's Matched-Book Positions as independent ''liquidating agents,'' making the process prone to greater operational and execution risk due to the number of counterparties effecting the buy-in/sell-out transactions, and thereby posing risks to the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds associated therewith. In addition, to the extent Borrowing and Lending Clearing Member counterparties to the Matched-Book Positions wish to maintain equivalent stock loan positions at OCC, those Clearing Members would be required to initiate new stock loans to replace the closed out positions and would lose the protections afforded by OCC's guaranty of their stock loan positions until the newly initiated stock loan positions have been accepted, novated, and guaranteed by OCC.

Proposed Rule 2212 would allow OCC to perform an orderly close out of a suspended Hedge Clearing Member's Matched-Book Positions through the termination by offset and re-matching of such positions without requiring the transfer of securities against the payment of settlement prices as currently required under OCC Rule 2211. As a result, the proposed changes would minimize the potential for operational and execution risks and eliminate any risk resulting from potential price dislocation between recall and return transactions. OCC believes the proposed changes will strengthen the risk management processes in place at OCC by mitigating the risks involved in the buy-in/sell-out of Matched-Book Positions as well as provide the overall marketplace with more stability with respect to the Hedge Program.

In addition, OCC would use a matching algorithm to re-match stock loan and stock borrow positions in order of priority based on the largest available stock borrow or stock loan positions, as applicable, for the selected Eligible Stock for which a MSLA exists between the Borrowing and Lending Clearing Members. In the event Hedge Clearing Members are re-matched that do not have existing securities lending relationships, those members may choose to either work in good faith to reestablish any terms, representations, warranties and covenants not governed by the By-Laws and Rules (*e.g.,* MSLA) or to terminate the re-matched stock loan or borrow positions in the ordinary course pursuant to Rule 2208, as soon as reasonably practicable. The proposed changes therefore provide for an objective process for re-matching stock loan and borrow positions and ensures that members with existing securities lending relationships are re-matched to the greatest extent possible and would still allow for Hedge Clearing Members that are re-matched but that do not have existing securities lending relationships to terminate such positions in the ordinary course pursuant to Rule 2208.

Consistency With Clearing Supervision Act

The stated purpose of the Clearing Supervision Act is to mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for systemically important financial market utilities and strengthening the liquidity of systemically important financial market utilities.[22] Section 805(a)(2) of the Clearing Supervision Act[23] also authorizes the Commission to prescribe risk management standards for the payment, clearing and settlement activities of designated clearing entities, like OCC, for which the Commission is the supervisory agency. Section 805(b) of the Clearing Supervision Act[24] states that the objectives and principles for risk management standards prescribed under Section 805(a) shall be to:

- Promote robust risk management;
- promote safety and soundness;
- reduce systemic risks; and
- support the stability of the broader financial system.

The Commission has adopted risk management standards under Section 805(a)(2) of the Clearing Supervision Act and the Act.[25] In particular, Rule 17Ad–22(d)(11)[26] requires registered clearing agencies to establish, implement, maintain and enforce written policies and procedures reasonably designed to make key aspects of the clearing agency's default procedures publicly available and establish default procedures that ensure that the clearing agency can take timely action to contain losses and liquidity pressures and to continue meeting its obligations in the event of a participant default. In addition, recently adopted Rule 17Ad–22(e)(13)[27] requires covered clearing agencies to establish, implement, maintain and enforce written policies and procedures reasonably designed to, in part, ensure the covered clearing agency has the authority and operational capacity to take timely action to contain losses and liquidity demands and continue to meet its obligations in the event of a Clearing Member default. Moreover, recently adopted Rule 17Ad–22(e)(23)[28] requires covered clearing agencies to maintain written policies and procedures reasonably designed to, among other things, provide for publicly disclosing all relevant rules and material procedures, including key aspects of its default rules and procedures.

OCC believes that the proposed changes are consistent with the principles of the Clearing Supervision Act and the risk management standards adopted thereunder because the proposed changes would promote robust risk management and safety and soundness for OCC's Stock Loan Programs for the reasons set forth below.

Trade Balancing, Golden Copy, and Termination Rules

OCC is proposing changes to require Clearing Members in the Stock Loan Programs to have adequate policies and procedures in place to perform reconciliations of open and closed stock

[22] 12 U.S.C. 5461(b).

[23] 12 U.S.C. 5464(a)(2).

[24] 12 U.S.C. 5464(b).

[25] 17 CFR 240. 17Ad–22. *See* Securities Exchange Act Release Nos. 68080 (October 22, 2012), 77 FR 66220 (November 2, 2012) (S7–08–11) (''Clearing Agency Standards''); 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016) (S7–03–14) (''Standards for Covered Clearing Agencies''). The Standards for Covered Clearing Agencies became effective on December 12, 2016. OCC is a ''covered clearing agency'' as defined in Rule 17Ad–22(a)(5) and therefore OCC must comply with new section (e) of Rule 17Ad–22 by April 11, 2017.

[26] 17 CFR 240.17Ad–22(d)(11).

[27] 17 CFR 240.17Ad–22(e)(13).

[28] 17 CFR 240.17Ad–22(e)(23).

loan and stock borrow positions to OCC's records at least once each stock loan business and resolve any discrepancies based on such report(s) for a given stock loan business day by 9:30 a.m. Central Time on the following stock loan business day to minimize the risk inaccurate records may present. OCC is also proposing a number amendments to its By-Laws and Rules to emphasize that the records of OCC are the official record of open and closed stock loan transactions in the Stock Loan Programs, including for terminations of stock loan positions, and that Clearing Members remain liable for all obligations related to open stock loan positions as reflected in the records of OCC. OCC believes the proposed changes will provide more certainty regarding the formal record of the open stock loan positions guaranteed by OCC and the obligations associated therewith. The proposed changes are intended to reduce the likelihood of credit or operational risks arising due to discrepancies between the records of OCC and its Clearing Members and are thereby designed to promote the safety and soundness of OCC.

Timeframe for Buy-In and Sell-Out in Suspension

OCC proposes to amend Rules 2211 and 2211A to require Lending Clearing Members or Borrowing Clearing Members that are instructed to buy-in or sell-out in connection with a Hedge or Market Loan Clearing Member suspension to execute such transactions by the close of the stock loan business day after the receipt of such instruction by OCC.[29] If the instructed Clearing Member fails to execute the buy-in or sell-out transaction within this timeframe, OCC would terminate the Stock Loan and effect Settlement based upon the Marking Price used at the close of business on the stock loan business day after the original instruction was made by OCC.

OCC believes the proposed changes to its Rules will help to mitigate the potential credit risk that may be associated with a delay in a Hedge or Market Loan Clearing Member effecting buy-in or sell-out transactions by ensuring that positions are closed out—either through the buy-in/sell-out of stock loans by the Hedge Clearing Members or by the automatic termination and settlement of stock loans by OCC—in a time period consistent with OCC's margin assumptions. As a result, the proposed changes would make key aspects of OCC's default rules and procedures for the Stock Loan Programs publicly available (particularly with respect to the buy-in/sell-out process) and would establish default procedures for the Stock Loan Programs that ensure that OCC can take timely action to contain losses and liquidity demands and continue meeting its obligations in the event of a participant default in accordance with Rules 17Ad–22(d)(11), (e)(13), and (e)(23).[30]

Authority To Enforce Reasonable Prices in Buy-In/Sell-Out Process

OCC also proposes changes to provide it with the authority to withdraw from a Clearing Member's account the value of any difference between the price reported by the Clearing Member for a buy-in or sell-out under Rule 2211 and Rule 2211A, as applicable, and the price that OCC, in its sole discretion, determines to be reasonable (if OCC determines that the Clearing Member's reported price was unreasonable based on whether the reported price fell within the trading range of the Eligible Stock on that day). The proposed changes are designed to incentivize Clearing Members to execute a buy-in or sell-out at a reasonable price in accordance with the newly implemented two-day close out timeframe and would allow OCC to withdraw the difference for any buy-in or sell-out reported outside of the trading range of the Eligible Stock, thereby helping to ensure that the buy-in/sell-out is executed at a price that falls within OCC's margin and liquidation assumptions. Accordingly, OCC believes the proposed change to its Rules would make key aspects of OCC's default rules and procedures for the Stock Loan Programs publicly available (particularly with respect to the buy-in/sell-out process) and would establish default procedures for the Stock Loan Programs that ensure that OCC can take timely action to contain losses and liquidity pressures and continue meeting its obligations in the event of a participant default in accordance with Rules 17Ad–22(d)(11), (e)(13), and (e)(23).[31]

Re-Matching in Suspension

OCC proposes to adopt new Rule 2212, which would allow OCC to perform an orderly close out of a suspended Hedge Clearing Member's Matched-Book Positions through the termination by offset and re-matching of such positions without requiring the transfer of securities against the payment of settlement prices as currently required under OCC Rule 2211. As a result, the proposed changes would minimize the potential for operational and execution risks and eliminate any risk resulting from potential price dislocation between recall and return transactions, as described in detail above. OCC believes the proposed changes will strengthen the risk management processes in place at OCC by mitigating the risks involved in the buy-in/sell-out of Matched-Book Positions as well as provide the overall marketplace with more stability with respect to the Hedge Program.

In addition, OCC would use a matching algorithm to re-match stock loan and stock borrow positions in order of priority based on the largest available stock borrow or stock loan positions, as applicable, for the selected Eligible Stock for which a MSLA exists between the Borrowing and Lending Clearing Members. In the event Hedge Clearing Members are re-matched that do not have existing securities lending relationships, those members may choose to either work in good faith to reestablish any terms, representations, warranties and covenants not governed by the By-Laws and Rules (*e.g.,* MSLA) or to terminate the re-matched stock loan or borrow positions in the ordinary course pursuant to Rule 2208, as soon as reasonably practicable. The proposed changes therefore provide for an objective process for re-matching stock loan and borrow positions and ensures that members with existing securities lending relationships are re-matched to the greatest extent possible and would still allow for Hedge Clearing Members that are re-matched but that do not have existing securities lending relationships to terminate such positions in the ordinary course pursuant to Rule 2208.

OCC believes the proposed changes to its Rules to provide for the termination by offset and re-matching of Matched-Book Positions would make key aspects of OCC's default procedures for the Stock Loan Program publicly available and would establish default procedures for the Stock Loan Programs that ensure that OCC can take timely action to contain losses and liquidity demands and continue meeting its obligations in the event of a participant default in accordance with Rules 17Ad–22(d)(11), (e)(13), and (e)(23).[32]

[29] In the situation of a buy-in, the Lending Clearing Member would be required to use the cash collateral to buy-in the securities. OCC would not be responsible for funding the buy-in.

[30] 17 CFR 240.17Ad–22(d)(11), (e)(13), and (e)(23).

[31] *Id.*

[32] *Id.*

III. Date of Effectiveness of the Advance Notice and Timing for Commission Action

The proposed change may be implemented if the Commission does not object to the proposed change within 60 days of the later of (i) the date the proposed change was filed with the Commission or (ii) the date any additional information requested by the Commission is received. OCC shall not implement the proposed change if the Commission has any objection to the proposed change.

The Commission may extend the period for review by an additional 60 days if the proposed change raises novel or complex issues, subject to the Commission providing the clearing agency with prompt written notice of the extension. A proposed change may be implemented in less than 60 days from the date the advance notice is filed, or the date further information requested by the Commission is received, if the Commission notifies the clearing agency in writing that it does not object to the proposed change and authorizes the clearing agency to implement the proposed change on an earlier date, subject to any conditions imposed by the Commission.

OCC shall post notice on its Web site of proposed changes that are implemented.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the advance notice is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2017–802 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–OCC–2017–802. 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 advance notice that are filed with the Commission, and all written communications relating to the advance notice 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 OCC and on OCC's Web site at *http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_17_802.pdf.*

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–OCC–2017–802 and should be submitted on or before April 24, 2017.

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–06443 Filed 3–31–17; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995 44 U.S.C Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before June 2, 2017.

ADDRESSES: Send all comments to Scott Henry, Director, OED Performance, Office of Entrepreneurial Development, U.S. Small Business Administration, 409 3rd Street SW., Suite 6200, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Scott Henry, Director, OED Performance, 202–205–6474, *oedsurvey@sba.gov;* or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: This is a request to extend a currently approved collection with some revisions aimed at reducing burden.

Title: Entrepreneurial Development Customer Intake Form & Training Report Form.

Abstract: SBA Forms 641 (Client Intake Form) and 888 (Training Form) are used to collect counseling, training and economic impact information from SBA Resource Partners and contractors that deliver business technical assistance. The forms are used in each instance of assistance received (counseling or training). This data is used to understand the outputs and outcomes realized by SBA Resource Partners. Small revisions to the current Form 641 will be made to reduce burden.

Description of Respondents: Individuals who receive counseling or training through SBA's Resource Partners, SBA Resource Partners, (including Small Business Development Centers (SBDC), and SCORE), and other SBA business technical assistance providers.

Solicitation of Public Comments: SBA is requesting comments on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information collected.

SBA Form Numbers: 641, 888.

SUMMARY OF INFORMATION COLLECTION

SBA Form	Number of respondents	Burden per respondent (minutes)	Total burden (hours)
Form 641 First Visit	340,000	6	34,000
Form 641 Follow-Up	83,000	8	11,067
Form 641 Total			45,067
Form 888	63,000	5	5,250

Total Annual Burden for both forms: 50,317 hours

Curtis B. Rich,

Management Analyst.

[FR Doc. 2017–06456 Filed 3–31–17; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

Interest Rates

The Small Business Administration publishes an interest rate called the optional ''peg'' rate (13 CFR 120.214) on a quarterly basis. This rate is a weighted average cost of money to the government for maturities similar to the average SBA direct loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. This rate will be 2.625 percent for the April–June quarter of FY 2017.

Pursuant to 13 CFR 120.921(b), the maximum legal interest rate for any third party lender's commercial loan which funds any portion of the cost of a 504 project (see 13 CFR 120.801) shall be 6% over the New York Prime rate or, if that exceeds the maximum interest rate permitted by the constitution or laws of a given State, the maximum interest rate will be the rate permitted by the constitution or laws of the given State.

Dianna L. Seaborn,

Director, Office of Financial Assistance.

[FR Doc. 2017–06452 Filed 3–31–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice: 9942]

Fine Arts Committee Notice of Meeting

The Fine Arts Committee of the Department of State will meet on May 16, 2017, at 10:00 a.m. in the Henry Clay Room of the Harry S. Truman Building, 2201 C Street NW., Washington, DC. The meeting will last until approximately 12:00 p.m. and is open to the public.

The agenda for the committee meeting will include a summary of the work of the Fine Arts Office since its last meeting on June 10, 2016 and the announcement of gifts and loans of furnishings as well as financial contributions from January 1, 2016 through December 31, 2016.

Public access to the Department of State is strictly controlled and space is limited. Members of the public wishing to take part in the meeting should telephone the Fine Arts Office at (202) 647–1990 or send an email to *SellmanCT@state.gov* by May 1, providing their name, date of birth, citizenship; and government issued ID number [*i.e.,* U.S. government ID (agency), U.S. military ID (branch), passport (country) or driver's license (state)] in order to gain admittance. All attendees must use the ''C'' Street entrance located at 2201 C Street NW., Washington, DC 20520. One of the following valid IDs will be required for admittance: Any U.S. driver's license with photo, a passport, or a U.S. government agency ID. Attendees should expect to remain in the meeting for the entire session. The public may take part in the discussion as long as time permits and at the discretion of the chairman.

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.

Marcee Craighill,

Director and Curator of the Diplomatic Reception Room, Fine Arts Committee.

[FR Doc. 2017–06400 Filed 3–31–17; 8:45 am]

BILLING CODE 4710–24–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1250 (Sub-No. 1X)]

HC Railroad, LLC—Abandonment Exemption—in Rush County, Ind.

On March 14, 2017, HC Railroad, LLC (HC Railroad), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon an approximately 6.4-mile rail line extending from milepost 17.4 to milepost 23.8 in Rush County, Ind. (the Line). The Line traverses United States Postal Zip Code 46173.

According to HC Railroad, it has never conducted any operations—common carrier or otherwise—over the Line; thus, no common carrier traffic has moved over the Line in more than five years. HC Railroad states that immediately upon acquiring the Line from Honey Creek Railroad, LLC (Honey Creek),[1] HC Railroad exclusively leased it to the only shipper on the Line, Morristown Grain Company, Inc. (Morristown), an affiliate of HC Railroad.[2] In addition to acquiring the Line in 2010, HC Railroad also acquired from Honey Creek its rights to own and/or operate approximately 1,400 feet of private industrial track (Connecting Track) owned by it and CSX Transportation, Inc. (CSXT). HC Railroad submits that, between 2010 and 2015, CSXT placed and removed railcars shuttled by Morristown between its grain facility and the Connecting Track over the Line using its own locomotives and personnel. According to HC Railroad, since 2015 CSXT crews have delivered 90-car unit trains of hopper cars in private carriage to and from Morristown's grain facility over the Line. HC Railroad states that the rates, terms, and conditions governing CSXT's transportation of grain processed by Morristown are established between CSXT and its customers; Morristown

[1] *HC R.R.—Acquis. & Operation Exemption—Honey Creek R.R.,* FD 35434 (STB served Oct. 28, 2010).

[2] Contemporaneous with HC Railroad's acquisition of the Line, HC Railroad's indirect parent company, Bunge North America, Inc., acquired Morristown (via another company).

does not have any rail transportation agreements or tariff agreements with CSXT to transport grain from its facility.

HC Railroad states that there are no shippers on the Line other than Morristown.

In addition to an exemption from the provisions of 49 U.S.C. 10903, HC Railroad seeks an exemption from 49 U.S.C. 10904 (offer of financial assistance (OFA) procedures) and 49 U.S.C. 10905 (public use conditions) as it intends to leave the track in place for continued access by its affiliate, Morristown, and to serve any hypothetical future industries through private contract. HC Railroad states that there has been no actual or need for common carrier rail service since it acquired the Line and that the abandonment of its common carrier obligation will facilitate private use of the track. HC Railroad's request for exemption from § 10904 and § 10905 will be addressed in the final decision.

HC Railroad states that the Line does not contain federally granted rights-of-way. Any documentation in HC Railroad's possession will be made available promptly to those requesting it.

HC Railroad states that there are no paid railroad employees. Nevertheless, to ensure that this is the case, the interest of railroad employees, if any, will be protected by the conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by June 30, 2017.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,700 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment, the Line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than April 24, 2017. Each trail request must be accompanied by a $300 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to Docket No. AB 1250 (Sub-No. 1X) and must be sent to: (1) Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001; and (2) Thomas W. Wilcox, GKG Law, P.C., 1055 Thomas Jefferson Street NW., Suite 500, Washington, DC 20007. Replies to the petition are due on or before April 24, 2017.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238 or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at 1–800–877–8339.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by OEA will be served upon all parties of record and upon any other agencies or persons who comment during its preparation. Other interested persons may contact OEA to obtain a copy of the EA (or EIS). EAs in abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA generally will be within 30 days of its service.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV.*''

Decided: March 29, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2017–06528 Filed 3–31–17; 8:45 am]

BILLING CODE 4915–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

List of Countries Denying Fair Market Opportunities for Government-Funded Airport Construction Projects

AGENCY: Office of the U.S. Trade Representative.

ACTION: Notice.

SUMMARY: The United States Trade Representative (USTR) has determined not to list any countries as denying fair market opportunities for U.S. products, suppliers, or bidders in foreign government-funded airport construction projects pursuant to section 533 of the Airport and Airway Improvement Act of 1982, as amended (49 U.S.C. 50104).

DATES: This notice is effective on April 3, 2017.

FOR FURTHER INFORMATION CONTACT: Scott Pietan, International Procurement Negotiator, (202) 395–9646, or Arthur Tsao, Assistant General Counsel, (202) 395–6987.

SUPPLEMENTARY INFORMATION: Section 533 of the Airport and Airway Improvement Act of 1982, as amended by section 115 of the Airport and Airway Safety and Capacity Expansion Act of 1987, Public Law 100–223, (*codified at* 49 U.S.C. 50104), requires the USTR to decide whether any foreign country has denied fair market opportunities to U.S. products, suppliers, or bidders in connection with airport construction projects of $500,000 or more that are funded in whole or in part by the government of such country. The USTR must publish the list of countries in the **Federal Register**. The Office of the U.S. Trade Representative has not received any complaints or other information indicating that a foreign country has denied U.S. products, suppliers, or bidders fair market opportunities in airport construction projects. Therefore, the USTR has decided not to list any countries as denying fair market opportunities for U.S. products, suppliers, or bidders in foreign government-funded airport construction projects.

Stephen Vaughn,

Acting United States Trade Representative, Office of the U.S. Trade Representative.

[FR Doc. 2017–06511 Filed 3–31–17; 8:45 am]

BILLING CODE 3290–F7–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Surplus Property Release at the Huntsville Executive Airport Tom Sharp, Jr. Field, Huntsville, Alabama

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on land release request.

SUMMARY: The FAA is considering a request from the Madison County Executive Airport Authority to waive the requirement that 3.19± acres of airport property located at the Huntsville Executive Airport Tom Sharp, Jr. Field in Huntsville, Alabama, be used for aeronautical purposes.

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

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address:

Jackson Airports District Office, Attn: Wesley E. Mittlesteadt, Program Manager, 100 West Cross Street, Suite B, Jackson, MS 39208–2307.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Tom Sharp, Jr., Chairman, Madison County Executive Airport Authority at the following address: 3403 Governors Drive, Huntsville, AL 35805.

FOR FURTHER INFORMATION CONTACT: Wesley E. Mittlesteadt, Program Manager, Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307, (601) 664–9884. The land release request may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by Madison County Executive Airport Authority to release 3.19± acres of airport property at the Huntsville Executive Airport Tom Sharp, Jr. Field (MDQ). The property will be purchased by Donna Meyer and Ray Meyer, Jr. for residential purposes. The property is adjacent to residential property on southeast quadrant of airport property just off Meridianville Bottom Road. The net proceeds from the sale of this property will be used for eligible airport improvement projects for general aviation facilities at the Huntsville Executive Airport Tom Sharp, Jr. Field.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the Huntsville Executive Airport Tom Sharp, Jr. Field, (MDQ).

Issued in Jackson, Mississippi on March 27, 2017.

Rans D. Black,

Manager, Jackson Airports District Office, Southern Region.

[FR Doc. 2017–06505 Filed 3–31–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Consensus Standards, Light-Sport Aircraft, Notice No. NOA–17–01

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability; request for comments.

SUMMARY: This notice announces the availability of one new and six revised consensus standards relating to the provisions of the Sport Pilot and Light-Sport Aircraft rule issued July 16, 2004, and effective September 1, 2004. ASTM International Committee F37 on Light Sport-Aircraft developed the new and revised standards with FAA participation. By this notice, the FAA finds the new and revised standards acceptable for certification of the specified aircraft under the provisions of the Sport Pilot and Light-Sport Aircraft rule.

DATES: Comments must be received on or before June 2, 2017.

ADDRESSES: Mail comments to: Federal Aviation Administration, Small Airplane Directorate, Programs and Procedures Branch, ACE–114, Attention: Terry Chasteen, Room 301, 901 Locust, Kansas City, Missouri 64106. Comments may also be emailed to: *9-ACE-AVR-LSA-Comments@faa.gov.* Specify the standard being addressed by ASTM designation and title. Mark all comments: Consensus Standards Comments.

FOR FURTHER INFORMATION CONTACT: Terry Chasteen, Light-Sport Aircraft Program Manager, Programs and Procedures Branch, ACE–114, Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4147; email: *terry.chasteen@faa.gov.*

SUPPLEMENTARY INFORMATION: This notice announces the availability of one new and six revised consensus standards that supersede previously accepted consensus standards relating to the provisions of the Sport Pilot and Light-Sport Aircraft rule. ASTM International Committee F37 on Light-Sport Aircraft developed the new and revised standards. The FAA expects a suitable consensus standard to be reviewed periodically. The review cycle will result in a standard revision or reapproval. A standard is revised to make changes to its technical content or is reapproved to indicate a review cycle has been completed with no technical changes. A standard is issued under a fixed designation (*e.g.,* F2245); the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses following the year of original adoption or revision indicates the year of last reapproval. For example, F2242–05(2013) designates a standard that was originally adopted (or revised) in 2005 and reapproved in 2013. A superscript epsilon (ε) indicates an editorial change since the last revision or reapproval. A notice of availability (NOA) will only be issued for new or revised standards. Reapproved standards issued with no technical changes or standards issued with editorial changes only (*i.e.,* superscript epsilon [ε]) are considered accepted by the FAA without need for an NOA.

Comments Invited: Interested persons are invited to submit such written data, views, or arguments, as they may desire. Communications should identify the consensus standard number and be submitted to the address specified above. All communications received on or before the closing date for comments will be forwarded to ASTM International Committee F37 for consideration. The standard may be changed in light of the comments received. The FAA will address all comments received during the recurring review of the consensus standard and will participate in the consensus standard revision process.

Background: Under the provisions of the Sport Pilot and Light-Sport Aircraft rule, and Office of Management and Budget (OMB) Circular A–119, ''Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities'', revised January 27, 2016, industry and the FAA have been working with ASTM International to develop consensus standards for light-sport aircraft. These consensus standards satisfy the FAA's goal for airworthiness certification and a verifiable minimum safety level for light-sport aircraft. Instead of developing airworthiness standards through the rulemaking process, the FAA participates as a member of Committee F37 in developing these standards. The use of the consensus standard process facilitates government and industry discussion and agreement on appropriate standards for the required level of safety.

Comments on Previous Notices of Availability

In the previous Notice of Availability (NOA) issued on March 27, 2015, and published in the **Federal Register** on April 16, 2015 the FAA asked for public comments on the revised consensus standards accepted by that NOA. The comment period closed on June 15, 2015. No public comments were received regarding the standards accepted by this NOA.

Consensus Standards in This Notice of Availability

The FAA has reviewed the standards presented in this NOA for compliance

with the regulatory requirements of the rule. Any light-sport aircraft issued a special light-sport airworthiness certificate, which has been designed, manufactured, operated and maintained, in accordance with these and previously accepted ASTM consensus standards provides the public with the appropriate level of safety established under the regulations. Manufacturers who choose to produce these aircraft and certificate these aircraft under 14 CFR 21.190 or 21.191 are subject to the applicable consensus standard requirements. The FAA maintains a listing of the latest FAA accepted standards specific to special light-sport aircraft and information on previously accepted standards on the FAA Light-Sport Aircraft [1] Web site. The FAA is working on a separate general listing of standards accepted by the FAA that have or may have applicability to other types of certifications. This general listing will also include the FAA accepted standards specific to special light-sport aircraft. When available, a link will be placed on the FAA Light-Sport Aircraft [2] Web site.

Prior to this NOA the listing of the FAA accepted standards specific to special light-sport aircraft included standards for gyroplanes and electric propulsion units. Including these standards on this listing could have caused confusion given the applicability statement in 14 CFR 21.190 and the definition of light-sport aircraft in 14 CFR 1.1, even though explanatory notes are provided with the listing. To prevent confusion, the revised listing of the FAA accepted standards specific to special light-sport aircraft associated with this NOA no longer includes the standards for gyroplanes and electric propulsion units. Instead, the gyroplane and electric propulsion unit standards will appear on the general listing of standards accepted by the FAA. The gyroplane and electric propulsion unit standards will be included on the listing of the FAA accepted standards specific to special light-sport aircraft at a later date, if the applicability statement in 14 CFR 21.190 and the definition of light-sport aircraft in 14 CFR 1.1 are revised accordingly.

The Revised Consensus Standard and Effective Period of Use

The following previously accepted consensus standards have been revised, and this NOA is accepting the later revision. Either the previous revision or the later revision may be used for the initial airworthiness certification of special light-sport aircraft until October 3, 2017. This overlapping period of time will allow aircraft that have started the initial airworthiness certification process using the previous revision level to complete that process. After October 3, 2017, manufacturers must use the later revision and must identify the later revision in the Statement of Compliance for initial airworthiness certification of special light-sport aircraft unless the FAA publishes a specific notification otherwise. The following Consensus Standards may not be used after October 3, 2017:

ASTM Designation F2245–14, titled: Standard Specification for Design and Performance of a Light Sport Airplane.

ASTM Designation F2317/F2317M–10, titled: Standard Specification for Design of Weight-Shift-Control Aircraft.

ASTM Designation F2563–06, titled: Standard Practice for Kit Assembly Instructions of Aircraft Intended Primarily for Recreation.

ASTM Designation F2745–11, titled: Standard Specification for Required Product Information to be Provided with an Airplane.

ASTM Designation F2930–14a, titled: Standard Guide for Compliance with Light Sport Aircraft Standards.

ASTM Designation F2972–14ε[1], titled: Standard Specification for Light Sport Aircraft Manufacturer's Quality Assurance System.

The Consensus Standards

The FAA finds the following new and revised consensus standards acceptable for initial airworthiness certification of the specified aircraft under the provisions of the Sport Pilot and Light-Sport Aircraft rule. The following consensus standards become effective April 3, 2017 and may be used unless the FAA publishes a specific notification otherwise:

ASTM Designation F2245–16c, titled: Standard Specification for Design and Performance of a Light Sport Airplane.

ASTM Designation F2317/F2317M–16a, titled: Standard Specification for Design of Weight-Shift-Control Aircraft.

ASTM Designation F2563–16, titled: Standard Practice for Kit Assembly Instructions of Aircraft Intended Primarily for Recreation.

ASTM Designation F2745–15, titled: Standard Specification for Required Product Information to be Provided with an Airplane.

ASTM Designation F2930–16, titled: Standard Guide for Compliance with Light Sport Aircraft Standards.

ASTM Designation F2972–15, titled: Standard Specification for Light Sport Aircraft Manufacturer's Quality Assurance System.

ASTM Designation F3199–16a, titled: Standard Guide for Wing Interface Documentation for Weight Shift Control Aircraft.

Availability

ASTM International, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428–2959 copyrights these consensus standards. Individual reprints of a standard (single or multiple copies, or special compilations and other related technical information) may be obtained by contacting ASTM at this address, or at (610) 832–9585 (phone), (610) 832–9555 (fax), through *service@astm.org* (email), or through the ASTM Web site at *www.astm.org.* To inquire about standard content and/or membership or about ASTM International Offices abroad, contact Joe Koury, Staff Manager for Committee F37 on Light-Sport Aircraft: (610) 832–9804, *jkoury@astm.org.*

Issued in Kansas City, Missouri on March 27, 2017.

Mel Johnson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–06509 Filed 3–31–17; 8:45 am]

BILLING CODE 4910–13–P

[1] *http://www.faa.gov/aircraft/gen_av/light_sport/.*

[2] *http://www.faa.gov/aircraft/gen_av/light_sport/.*

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Receipt of Noise Compatibility Program and Request for Review Westfield-Barnes Regional Airport, Westfield, Massachusetts

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program that was submitted for Westfield-Barnes Regional Airport under the the Aviation Safety and Noise Abatement Act (hereinafter referred to as ''the Act'') and federal regulations by the City of Westfield. This program was submitted subsequent to a determination by FAA that associated noise exposure maps submitted under 14 CFR part 150 for Westfield-Barnes Regional Airport were in compliance with applicable requirements, effective December 22, 2015. The proposed noise compatibility program will be approved or disapproved on or before September 9, 2017.

DATES: The effective date of the start of FAA's review of the noise compatibility

program is March 13, 2017. The public comment period ends May 12, 2017.

FOR FURTHER INFORMATION CONTACT: Richard Doucette, Federal Aviation Administration, New England Region Airports Division, 1200 District Ave., Burlington, MA 01803. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed noise compatibility program for Westfield-Barnes Regional Airport which will be approved or disapproved on or before September 9, 2017. This notice also announces the availability of this program for public review and comment. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to the Act (49 U.S.C. 47504 et. seq), may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has formally received the noise compatibility program for Westfield-Barnes Regional Airport, effective on March 13, 2017. The airport operator has requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act. Preliminary review of the submitted material indicates that it conforms to FAR Part 150 requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before September 9, 2017.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety or create an undue burden on interstate or foreign commerce, and whether they are reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments relating to these factors, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps and the proposed noise compatibility program are available for examination at the following locations:

- FAA New England Region Airports Division, 1200 District Ave., Burlington, Massachusetts 01803
- Westfield-Barnes Regional Airport, 110 Airport Road, Westfield, Massachusetts 01085

Questions may be directed to the individual named above under the heading: **FOR FURTHER INFORMATION CONTACT**.

Issued in Burlington, Massachusetts, March 13, 2017.

Mary T. Walsh,

Airports Division Manager.

[FR Doc. 2017–06506 Filed 3–31–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2016–0149] Donlin Gold LLC

Pipeline Safety: Request for Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to seek public comments on a request for special permit, seeking relief from compliance with certain requirements in the federal pipeline safety regulations. At the conclusion of the 60-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

DATES: Submit any comments regarding this special permit request by June 2, 2017.

ADDRESSES: Comments should reference the docket number for the specific special permit request and may be submitted in the following ways:

- *E-Gov Web site: http://www.Regulations.gov*. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: 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:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *http://www.Regulations.gov*.

Note: Comments are posted without changes or edits to *http://www.Regulations.gov*, including any personal information provided. There is a privacy statement published on *http://www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

General: Ms. Kay McIver by telephone at 202–366–0113, or email at *kay.mciver@dot.gov.*

Technical: Mr. Steve Nanney by telephone at 713–628–7479, or email at *Steve.Nanney@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA has received a special permit request from a pipeline operator seeking relief from compliance with certain federal pipeline safety regulations. The request includes a technical analysis, environmental assessment, proposed special permit conditions, and location map for the pipeline provided by the operator and has been filed at *http://www.Regulations.gov* under docket number PHMSA–2016–0149. We invite interested persons to participate by reviewing the special permit request and supporting documents for implementing the special permit request versus designing, constructing, operating, and maintaining the pipeline in accordance with Part 192 at *http://www.Regulations.gov* and by submitting written comments, data or other views concerning the request. Please include any comments on potential safety, environmental impacts, and any additional conditions that should be considered if the special permit is granted.

Before issuing a decision on the special permit request, PHMSA will evaluate all comments received on or

before the comment closing date. Comments received after the closing date will be evaluated if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment we receive in making our decision to grant or deny the request.

PHMSA has received a special permit request from Donlin Gold, LLC, (DGLLC), to deviate from the pipeline safety regulations in its construction, design, and operations and maintenance (O&M) of a 14-inch, 315-mile pipeline. The proposed pipeline would transport natural gas from the Cook Inlet in Alaska to the Donlin Gold project site in Western Alaska. The lead agency responsible for authorizing siting and construction of the Donlin Gold mine and pipeline servicing the mine is the U.S. Army Corps of Engineers (USACE). The USACE has prepared a draft environmental impact statement (DEIS).

DGLLC has requested that PHMSA allow the use of Strain-Based Design (SBD) for segments of the pipeline. PHMSA regulates the design, construction and operation of natural gas transmission pipelines under 49 CFR part 192. Use of SBD would allow the proposed pipeline to be buried in permafrost and discontinuous permafrost soils. SBD is not specifically addressed in Part 192. These soils exert significant strains on a pipeline due to thaw settlement, frost heave, and ground movements.

PHMSA is considering issuing a special permit with conditions that would require specific materials, engineering, construction, and O&M procedures to mitigate the external forces of thaw settlement and longitudinal bending strains that exceed allowed limits in the specified SBD Segments.

The proposed SBD special permit conditions are designed to achieve the level of safety that is normally achieved through full compliance with 49 CFR part 192, including §§ 192.103, 192.105, 192.111, 192.317, and 192.619. The pipeline will supply gas to provide heating and generate electricity to power the industrial equipment at the gold mine.

The pipeline origin will tie into an existing natural gas pipeline at Cook Inlet, approximately 30-miles (48 kilometers) northwest of Anchorage at a tie-in near Beluga, Alaska, and will terminate at the Donlin Gold mine site. The first 117 miles of the pipeline will be located within the Matanuska-Sustina Borough, while the remainder of the 315-mile pipeline, including all the requested SBD segments, will be located in the Unorganized Borough. The pipeline terminus at Mile Post 315 is about 10-miles (16 kilometers) north of the village of Crooked Creek, Alaska.

The project design pressure and maximum allowable operating pressure will be 1,480 pounds per square inch gauge (psig). The minimum delivery pressure required at the mine is 550 psig. PHMSA's EA references USACE's DEIS, which is also available in Docket No. PHMSA–2016–0149. The USACE's DEIS of the Donlin Gold Project can be assessed at *http://www.donlingoldeis.com/.*

Issued in Washington, DC, on March 28, 2017, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2017–06404 Filed 3–31–17; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Open Meeting of the Financial Research Advisory Committee

AGENCY: Office of Financial Research, Department of the Treasury.

ACTION: Notice of open meeting.

SUMMARY: The Financial Research Advisory Committee for the Treasury's Office of Financial Research (OFR) is holding a conference call on Wednesday, April 19, 2017.

DATES: The meeting will be held on Wednesday, April 19, 2017, from 12:00 p.m.–2:00 p.m. Eastern Time. The meeting will be open to the public via a conference line. Members of the public who plan to attend the call should contact the OFR by email at *OFR_FRAC@ofr.treasury.gov* by 5 p.m. Eastern Time on Friday, April 14, 2017, to inform the OFR of their interest in participating.

FOR FURTHER INFORMATION CONTACT: Susan Stiehm, Designated Federal Officer, Office of Financial Research, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220, (212) 376–9808 (this is not a toll-free number), *OFR_FRAC@ofr.treasury.gov.* Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2, 10(a)(2), through implementing regulations at 41 CFR 102–3.150, *et seq.*

Public Comment: Members of the public wishing to comment on the business of the Financial Research Advisory Committee are invited to submit written statements by any of the following methods:

- *Electronic Statements.* Email the Committee's Designated Federal Officer at *OFR_FRAC@ofr.treasury.gov.*
- *Paper Statements.* Send paper statements in triplicate to the Financial Research Advisory Committee, Attn: Susan Stiehm, Office of Financial Research, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

The OFR will post statements on the Committee's Web site, *http://www.financialresearch.gov,* including any business or personal information provided, such as names, addresses, email addresses, or telephone numbers. The OFR will also make such statements available for public inspection and copying in the Department of the Treasury's library, Annex Room 1020, 1500 Pennsylvania Avenue NW., Washington, DC 20220 on official business days between the hours of 8:30 a.m. and 5:30 p.m. Eastern Time. You may make an appointment to inspect statements by telephoning (202) 622–0990. All statements, including attachments and other supporting materials, will be part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

Tentative Agenda/Topics for Discussion: The Committee provides an opportunity for researchers, industry leaders, and other qualified individuals to offer their advice and recommendations to the OFR, which, among other things, is responsible for collecting and standardizing data on financial institutions and their activities and for supporting the work of Financial Stability Oversight Council.

Topics to be discussed among the Committee members include the OFR's ''An Approach to Financial Instrument Reference Data'' Viewpoint (*https://webstage.ofr.treas.gov/viewpoint-papers/*). For more information on the OFR and the Committee, please visit the OFR Web site at *http://www.financialresearch.gov.*

Dated: March 28, 2017.

Barbara Shycoff,

Chief of External Affairs.

[FR Doc. 2017–06503 Filed 3–31–17; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF VETERANS AFFAIRS

Special Medical Advisory Group; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Special Medical Advisory Group will meet on April 20, 2017, at the Veterans Health Administration National Conference Center, 2011 Crystal Drive Arlington, VA 22202, Potomac 'A' Room, from 8:00 a.m. to 4:00 p.m. ET. The meeting is open to the public.

The purpose of the Group is to advise the Secretary of Veterans Affairs and the Under Secretary for Health on the care and treatment of Veterans, and other matters pertinent to the Department's Veterans Health Administration (VHA).

The agenda for the meeting will include a review of the agency's' priorities, VHA modernization, and governance structure for quality, safety and value.

Thirty (30) minutes will be allocated at the end of the meeting for receiving oral presentations from the public. Members of the public may submit written statements for review by the Committee to Jessica D. Williams, Department of Veterans Affairs, Office of Under Secretary for Health (10), Veterans Health Administration, 810 Vermont Avenue NW., Washington, DC 20420, or by email at *vasmagdfo@va.gov.*

Any member of the public wishing to attend the meeting or seeking additional information should contact Ms. Jessica Williams at (202) 461–7000 or by email.

Dated: March 28, 2017.

LaTonya L. Small, Ed.D.,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–06406 Filed 3–31–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Minority Veterans, Amended Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2 that a meeting of the Advisory Committee on Minority Veterans will be held in Albuquerque, New Mexico from April 11–13, 2017, at the below times and locations:

On April 11, from 8:45 a.m. to 3:15 p.m., at the New Mexico VA Health Care System (HCS), Building 41, Main Hospital, 4th Floor, Performance Improvement Conference Room 4A–160, 1501 San Pedro Dr., SE., Albuquerque, New Mexico; from 4:00 p.m. to 5:00 p.m., at the Albuquerque Regional Benefit Office, Dennis Chavez Federal Building, 500 Gold Avenue SW., Albuquerque, New Mexico.

On April 12, from 9:00 a.m. to 11:15 a.m., at the Santa Fe National Cemetery, 501 North Guadalupe Street, Santa Fe, NM; from 4:30 p.m. to 6:30 p.m., conducting a Town Hall Meeting at the Indian Pueblo Cultural Center, 2401 12th St. NW., Albuquerque, NM.

On April 13, from 8:45 a.m. to 4:45 p.m., at the New Mexico VA Health Care System (HCS), Building 41, Main Hospital, 4th Floor, Performance Improvement Conference Room 4A–160, 1501 San Pedro Dr. SE., Albuquerque, NM.

The purpose of the Committee is to advise the Secretary on the administration of VA benefits and services to minority Veterans, to assess the needs of minority Veterans and to evaluate whether VA compensation and pension, medical and rehabilitation services, memorial services outreach, and other programs are meeting those needs. The Committee will make recommendations to the Secretary regarding such activities subsequent to the meeting.

On the morning of April 11 from 9:00 a.m. to 11:00 a.m., the Committee will meet in open session with key staff at the New Mexico Health Care System to discuss services, benefits, delivery challenges, and successes. From 11:00 a.m. to 12:00 p.m., the Committee will convene a closed session in order to protect patient privacy as the Committee tours the VA Health Care System. In the afternoon from 1:45 p.m. to 3:15 p.m., the Committee will reconvene as the Committee is briefed by senior Veterans Benefits Administration staff from the Albuquerque Regional Benefit Office. From 4:00 p.m. to 5:00 p.m., the Committee will convene a closed session in order to protect patient records as the Committee tours the Regional Benefit office.

On the morning of April 12 from 9:15 a.m. to 11:15 a.m., the Committee will convene in open session at the Santa Fe National Cemetery followed by a tour of the cemetery. The Committee will meet with key staff to discuss services, benefits, delivery challenges and successes. In the evening, the Committee will hold a Veterans Town Hall meeting beginning at 4:30 p.m., at the Indian Pueblo Cultural Center.

On the morning of April 13 from 8:45 a.m. to 12:00 p.m., the Committee will convene in open session at the New Mexico Health Care System to conduct an exit briefing with leadership from the New Mexico Health Care System, Albuquerque Regional Benefit Office, and Santa Fe National Cemetery. In the afternoon from 1:00 p.m. to 4:00 p.m., the Committee will work on drafting recommendations for the annual report to the Secretary.

Portions of these visits are closed to the public in accordance with 5 U.S.C. 552b(c)(6). Exemption 6 permits to Committee to close those portions of a meeting that is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. During the closed sessions the Committee will discuss VA beneficiary and patient information in which there is a clear unwarranted invasion of the Veteran or beneficiary privacy.

Time will be allocated for receiving public comments on April 13, at 10 a.m. Public comments will be limited to three minutes each. Individuals wishing to make oral statements before the Committee will be accommodated on a first-come first serve basis. Individuals who speak are invited to submit a 1–2 page summaries of their comments at the time of the meeting for inclusion in the official record. The Committee will accept written comments from interested parties on issues outlined in the meeting agenda, as well as other issues affecting minority Veterans. Such comments should be sent to Ms. Juanita Mullen, Advisory Committee on Minority Veterans, Center for Minority Veterans (00M), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, or email at *Juanita.Mullen@va.gov.* For additional information about the meeting, please contact Ms. Juanita Mullen at (202) 461–6199.

Dated: March 28, 2017.

Jelessa M. Burney,

Federal Advisory Committee Management Office.

[FR Doc. 2017–06416 Filed 3–31–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Amended: Advisory Committee on Homeless Veterans, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2 that a meeting of the Advisory Committee on Homeless Veterans will be held May 10 through May 12, 2017. On May 10 and May 11, the Committee will meet at the Department of Veterans Affairs, 810 Vermont Avenue, Northwest, Room 530, Washington, DC, from 8:00 a.m. to 5:00 p.m. On May 12, the Committee will meet at the

Department of Veterans Affairs, 810 Vermont Avenue, Northwest, Room 530, Washington, DC, from 8:00 a.m. to 12:00 p.m. The meeting sessions are open to the public.

The purpose of the Committee is to provide the Secretary of Veterans Affairs with an on-going assessment of the effectiveness of the policies, organizational structures, and services of VA in assisting Veterans at-risk and experiencing homelessness. The Committee shall assemble and review information related to the needs of homeless Veterans and provide advice on the most appropriate means of providing assistance to that subset of the Veteran population. The Committee will make recommendations to the Secretary regarding such activities.

The agenda will include briefings from officials at VA and other agencies regarding services for homeless Veterans. The Committee will also receive a briefing on the annual report that was developed after the last meeting of the Advisory Committee on Homeless Veterans and will then discuss topics for its upcoming annual report and recommendations to the Secretary of Veterans Affairs.

No time will be allocated at this meeting for receiving oral presentations from the public. Interested parties should provide written comments on issues affecting Veterans at-risk and experiencing homelessness for review by the Committee to Anthony Love, Designated Federal Officer, VHA Homeless Programs Office (10NC1), Department of Veterans Affairs, 90 K Street Northeast, Washington, DC, or via email at *Anthony.Love@va.gov.*

Members of the public who wish to attend in-person should contact both Charles Selby and Timothy Underwood of the VHA Homeless Program Office by April 25, 2017, at *Charles.Selby@va.gov* and *Timothy.Underwood@va.gov,* while providing their name, professional affiliation, address, and phone number. There will also be a call-in number at 1–800–767–1750; Access Code: 79421#. A valid government issued ID is required for admission to the meeting. Attendees who require reasonable accommodation should state so in their requests.

Dated: March 29, 2017.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–06445 Filed 3–31–17; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 82 Monday,

No. 62 April 3, 2017

Part II

The President

Memorandum of March 6, 2017—Implementing Immediate Heightened Screening and Vetting of Applications for Visas and Other Immigration Benefits, Ensuring Enforcement of All Laws for Entry Into the United States, and Increasing Transparency Among Departments and Agencies of the Federal Government and for the American People

Executive Order 13784—Establishing the President's Commission on Combating Drug Addiction and the Opioid Crisis

Federal Register
Vol. 82, No. 62
Monday, April 3, 2017

Presidential Documents

Title 3—

The President

Memorandum of March 6, 2017

Implementing Immediate Heightened Screening and Vetting of Applications for Visas and Other Immigration Benefits, Ensuring Enforcement of All Laws for Entry Into the United States, and Increasing Transparency Among Departments and Agencies of the Federal Government and for the American People

Memorandum for the Secretary of State[,] the Attorney General[, and] the Secretary of Homeland Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.,* and section 301 of title 3, United States Code, I hereby direct the following:

Section 1. *Policy.* It is the policy of the United States to keep its citizens safe from terrorist attacks, including those committed by foreign nationals. To avert the entry into the United States of foreign nationals who may aid, support, or commit violent, criminal, or terrorist acts, it is critical that the executive branch enhance the screening and vetting protocols and procedures for granting visas, admission to the United States, or other benefits under the INA. For that reason, in the executive order entitled, ''Protecting the Nation from Foreign Terrorist Entry into the United States,'' and issued today, I directed the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, to conduct a review to ''identify whether, and if so what, additional information will be needed from each foreign country to adjudicate an application by a national of that country for a visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual is not a security or public-safety threat.''

While that comprehensive review is ongoing, however, this Nation cannot delay the immediate implementation of additional heightened screening and vetting protocols and procedures for issuing visas to ensure that we strengthen the safety and security of our country.

Moreover, because it is my constitutional duty to ''take Care that the Laws be faithfully executed,'' the executive branch is committed to ensuring that all laws related to entry into the United States are enforced rigorously and consistently.

Sec. 2. *Enhanced Vetting Protocols and Procedures for Visas and Other Immigration Benefits.* The Secretary of State and the Secretary of Homeland Security, in consultation with the Attorney General, shall, as permitted by law, implement protocols and procedures as soon as practicable that in their judgment will enhance the screening and vetting of applications for visas and all other immigration benefits, so as to increase the safety and security of the American people. These additional protocols and procedures should focus on:

(a) preventing the entry into the United States of foreign nationals who may aid, support, or commit violent, criminal, or terrorist acts; and

(b) ensuring the proper collection of all information necessary to rigorously evaluate all grounds of inadmissibility or deportability, or grounds for the denial of other immigration benefits.

Sec. 3. *Enforcement of All Laws for Entry into the United States.* I direct the Secretary of State, the Attorney General, the Secretary of Homeland Security, and the heads of all other relevant executive departments and agencies (as identified by the Secretary of Homeland Security) to rigorously enforce all existing grounds of inadmissibility and to ensure subsequent compliance with related laws after admission. The heads of all relevant executive departments and agencies shall issue new rules, regulations, or guidance (collectively, rules), as appropriate, to enforce laws relating to such grounds of inadmissibility and subsequent compliance. To the extent that the Secretary of Homeland Security issues such new rules, the heads of all other relevant executive departments and agencies shall, as necessary and appropriate, issue new rules that conform to them. Such new rules shall supersede any previous rules to the extent of any conflict.

Sec. 4. *Transparency and Data Collection.* (a) To ensure that the American people have more regular access to information, and to ensure that the executive branch shares information among its departments and agencies, the Secretary of State and Secretary of Homeland Security shall, consistent with applicable law and national security, issue regular reports regarding visas and adjustments of immigration status, written in non-technical language for broad public use and understanding. In addition to any other information released by the Secretary of State, the Attorney General, or the Secretary of Homeland Security:

(i) Beginning on April 28, 2017, and by the last day of every month thereafter, the Secretary of State shall publish the following information about actions taken during the preceding calendar month:

(A) the number of visas that have been issued from each consular office within each country during the reporting period, disaggregated by detailed visa category and country of issuance; and

(B) any other information the Secretary of State considers appropriate, including information that the Attorney General or Secretary of Homeland Security may request be published.

(ii) The Secretary of Homeland Security shall issue reports detailing the number of adjustments of immigration status that have been made during the reporting period, disaggregated by type of adjustment, type and detailed class of admission, and country of nationality. The first report shall be issued within 90 days of the date of this memorandum, and subsequent reports shall be issued every 90 days thereafter. The first report shall address data from the date of this memorandum until the report is issued, and each subsequent report shall address new data since the last report was issued.

(b) To further ensure transparency for the American people regarding the efficiency and effectiveness of our immigration programs in serving the national interest, the Secretary of State, in consultation with the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Director of the Office of Management and Budget, shall, within 180 days of the date of this memorandum, submit to me a report detailing the estimated long-term costs of the United States Refugee Admissions Program at the Federal, State, and local levels, along with recommendations about how to curtail those costs.

(c) The Secretary of State, in consultation with the Director of the Office of Management and Budget, shall, within 180 days of the date of this memorandum, produce a report estimating how many refugees are being supported in countries of first asylum (near their home countries) for the same long-term cost as supporting refugees in the United States, taking into account the full lifetime cost of Federal, State, and local benefits, and the comparable cost of providing similar benefits elsewhere.

Sec. 5. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

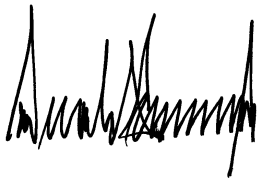
(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) All actions taken pursuant to this memorandum shall be consistent with requirements and authorities to protect intelligence and law enforcement sources and methods, personally identifiable information, and the confidentiality of visa records. Nothing in this memorandum shall be interpreted to supersede measures established under authority of law to protect the security and integrity of specific activities and associations that are in direct support of intelligence and law enforcement operations.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(e) The Secretary of State is hereby authorized and directed to publish this memorandum in the *Federal Register.*



THE WHITE HOUSE,
Washington, March 6, 2017

[FR Doc. 2017–06702
Filed 3–31–17; 11:15 am]
Billing code 4710–10–P

Presidential Documents

Executive Order 13784 of March 29, 2017

Establishing the President's Commission on Combating Drug Addiction and the Opioid Crisis

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* It shall be the policy of the executive branch to combat the scourge of drug abuse, addiction, and overdose (drug addiction), including opioid abuse, addiction, and overdose (opioid crisis). This public health crisis was responsible for more than 50,000 deaths in 2015 alone, most of which involved an opioid, and has caused families and communities across America to endure significant pain, suffering, and financial harm.

Sec. 2. *Establishment of Commission.* There is established the President's Commission on Combating Drug Addiction and the Opioid Crisis (Commission).

Sec. 3. *Membership of Commission.* (a) The Commission shall be composed of members designated or appointed by the President.

(b) The members of the Commission shall be selected so that membership is fairly balanced in terms of the points of view represented and the functions to be performed by the Commission.

(c) The President shall designate the Chair of the Commission (Chair) from among the Commission's members.

Sec. 4. *Mission of Commission.* The mission of the Commission shall be to study the scope and effectiveness of the Federal response to drug addiction and the opioid crisis described in section 1 of this order and to make recommendations to the President for improving that response. The Commission shall:

(a) identify and describe existing Federal funding used to combat drug addiction and the opioid crisis;

(b) assess the availability and accessibility of drug addiction treatment services and overdose reversal throughout the country and identify areas that are underserved;

(c) identify and report on best practices for addiction prevention, including healthcare provider education and evaluation of prescription practices, and the use and effectiveness of State prescription drug monitoring programs;

(d) review the literature evaluating the effectiveness of educational messages for youth and adults with respect to prescription and illicit opioids;

(e) identify and evaluate existing Federal programs to prevent and treat drug addiction for their scope and effectiveness, and make recommendations for improving these programs; and

(f) make recommendations to the President for improving the Federal response to drug addiction and the opioid crisis.

Sec. 5. *Administration of Commission.* (a) The Office of National Drug Control Policy (ONDCP) shall, to the extent permitted by law, provide administrative support for the Commission.

(b) Members of the Commission shall serve without any additional compensation for their work on the Commission. Members of the Commission appointed from among private citizens of the United States, while engaged in the work of the Commission, may be allowed travel expenses, including

per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in Government service (5 U.S.C. 5701–5707), consistent with the availability of funds.

(c) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (Act), may apply to the Commission, any functions of the President under that Act, except for those in section 6 and section 14 of that Act, shall be performed by the Director of the ONDCP, in accordance with the guidelines that have been issued by the Administrator of General Services.

Sec. 6. *Funding of Commission.* The ONDCP shall, to the extent permitted by law and consistent with the need for funding determined by the President, make funds appropriated to the ONDCP available to pay the costs of the activities of the Commission.

Sec. 7. *Reports of Commission.* Within 90 days of the date of this order, the Commission shall submit to the President a report on its interim recommendations regarding how the Federal Government can address drug addiction and the opioid crisis described in section 1 of this order, and shall submit a report containing its final findings and recommendations by October 1, 2017, unless the Chair provides written notice to the President that an extension is necessary.

Sec. 8. *Termination of Commission.* The Commission shall terminate 30 days after submitting its final report, unless extended by the President prior to that date.

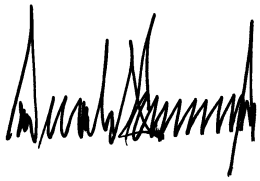
Sec. 9. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
March 29, 2017.

[FR Doc. 2017–06716
Filed 3–31–17; 11:15 am]
Billing code 3295–F7–P

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Federal Register

Vol. 82, No. 62

Monday, April 3, 2017

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, APRIL

CFR PARTS AFFECTED DURING APRIL

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.

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 31, 2017

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TABLE OF EFFECTIVE DATES AND TIME PERIODS—APRIL 2017

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Date of FR publication	15 days after publication	21 days after publication	30 days after publication	35 days after publication	45 days after publication	60 days after publication	90 days after publication
April 3	Apr 18	Apr 24	May 3	May 8	May 18	Jun 2	Jul 3
April 4	Apr 19	Apr 25	May 4	May 9	May 19	Jun 5	Jul 3
April 5	Apr 20	Apr 26	May 5	May 10	May 22	Jun 5	Jul 5
April 6	Apr 21	Apr 27	May 8	May 11	May 22	Jun 5	Jul 5
April 7	Apr 24	Apr 28	May 8	May 12	May 22	Jun 6	Jul 6
April 10	Apr 25	May 1	May 10	May 15	May 25	Jun 9	Jul 10
April 11	Apr 26	May 2	May 11	May 16	May 26	Jun 12	Jul 10
April 12	Apr 27	May 3	May 12	May 17	May 30	Jun 12	Jul 11
April 13	Apr 28	May 4	May 15	May 18	May 30	Jun 12	Jul 12
April 14	May 1	May 5	May 15	May 19	May 30	Jun 13	Jul 13
April 17	May 2	May 8	May 17	May 22	Jun 1	Jun 16	Jul 17
April 18	May 3	May 9	May 18	May 23	Jun 2	Jun 19	Jul 17
April 19	May 4	May 10	May 19	May 24	Jun 5	Jun 19	Jul 18
April 20	May 5	May 11	May 22	May 25	Jun 5	Jun 19	Jul 19
April 21	May 8	May 12	May 22	May 26	Jun 5	Jun 20	Jul 20
April 24	May 9	May 15	May 24	May 30	Jun 8	Jun 23	Jul 24
April 25	May 10	May 16	May 25	May 30	Jun 9	Jun 26	Jul 24
April 26	May 11	May 17	May 26	May 31	Jun 12	Jun 26	Jul 25
April 27	May 12	May 18	May 30	Jun 1	Jun 12	Jun 26	Jul 26
April 28	May 15	May 19	May 30	Jun 2	Jun 12	Jun 27	Jul 27