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DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

[Docket Number: 151222999–7048–02]

RIN 0607–AA55

Foreign Trade Regulations: Clarification on Filing Requirements

AGENCY: Bureau of the Census, Commerce Department.

ACTION: Final rule.

SUMMARY: The Bureau of the Census (Census Bureau) issues this Final Rule amending the Foreign Trade Regulations (FTR) to reflect new export reporting requirements. Specifically, the Census Bureau is making changes related to the implementation of the International Trade Data System (ITDS), in accordance with the Executive Order 13659, Streamlining the Export/Import Process for American Businesses. The ITDS was established by the Security and Accountability for Every (SAFE) Port Act of 2006. The changes also include the addition of the original Internal Transaction Number (ITN) data element in the Automated Export System (AES). Lastly, the Census Bureau is making remedial changes to improve clarity of the reporting requirements. These changes are discussed in detail in the **SUPPLEMENTARY INFORMATION** section.

DATES: This Final Rule is effective July 18, 2017.

FOR FURTHER INFORMATION CONTACT: Dale C. Kelly, Chief, International Trade Management Division, U.S. Census Bureau, Washington, DC 20233–6010, by phone: (301) 763–6937, by fax: (301) 763–8835, or by email: *dale.c.kelly@census.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Census Bureau is responsible for collecting, compiling, and publishing trade statistics for the United States under the provisions of Title 13 of the United States Code (U.S.C.), Chapter 9, Section 301. The International Trade Data System (ITDS) is the means by which the data and business process needs of all Government agencies with a role in international trade will be incorporated into the design of the Automated Commercial Environment (ACE). Through the ITDS initiative, ACE will become the ''single window,'' the primary system through which the international trade community will submit import and export data and documentation required by all Federal agencies.

The Automated Export System (AES), or any successor system, is the mechanism by which the Census Bureau collects Electronic Export Information (EEI), the electronic equivalent of the export data formerly collected on the Shipper's Export Declaration, reported pursuant to Title 15, Code of Federal Regulations (CFR), Part 30. In order to achieve the goals of the ITDS, the AES has been incorporated into ACE, the ''single window'' operated and maintained by U.S. Customs and Border Protection (CBP) as the primary system through which the international trade community will submit import and export data. Additionally, the AES will include export information collected under the authority of other federal agencies, which is subject to those agencies' disclosure mandates.

The Census Bureau is adding a new original Internal Transaction Number (ITN) data element. The original ITN is an optional data element that can be used if a previously filed shipment is replaced or divided and for which a new EEI record(s) must be filed. The addition of the original ITN will assist the export trade community and enforcement agencies in verifying that a filer completed the mandatory filing requirements for the original shipment and any additional shipment(s).

The revised timeframes for split shipments addressed in FTR Letter #6, Notice of Regulatory Change for Split Shipments, are incorporated into the regulatory text of this final rule.

Finally, the U.S. Department of Homeland Security and the U.S. Department of State concur with the revisions to the FTR as required by Title 13, U.S.C., Section 303, and Public Law 107–228, div. B, title XIV, Section 1404.

Response to Comments

The Census Bureau received 20 letters and emails commenting on the Notice of Proposed Rulemaking (NPRM) published in the **Federal Register** on March 9, 2016 (81 FR 12423). A summary of the comments and the Census Bureau's responses are provided below.

The major concerns were as follows:

1. *Amend the Foreign Trade Regulations (FTR) to replace the term ''Authorized agent'' with ''Authorized filing agent.''* One commenter suggested that replacing ''Authorized agent'' with ''Authorized filing agent'' would add clarity for the industry and make a distinction between the authorized agent for Bureau of Industry and Security (BIS) purposes and Census Bureau purposes. The FTR provides guidance on export reporting and filing requirements as it pertains to the Automated Export System (AES) and not licensing requirements for other agencies. Therefore, the Census Bureau has reviewed this recommendation and determined that the current language remains appropriate.

2. *Amend the definition of ''Filer'' to specify which entity approves the filer to submit Electronic Export Information (EEI).* One commenter stated that the proposed definition of ''Filer'' is unclear as to who approves the U.S. Principal Party in Interest (USPPI) or authorized agent to file the EEI. The Census Bureau uses the definition section to clarify how terms are used in the FTR rather than to provide instructions. In addition, the proposed definition specifically was revised to make the reference to the USPPI and authorized agent singular. Therefore, the Census Bureau has reviewed the definition and the proposed language remains appropriate.

3. *Amend the proposed rule to retain the definition of ''Non Vessel Operating Common Carrier (NVOCC)'', as well as include NVOCC in the ''Carrier'' definition.* One commenter suggested to keep the NVOCC definition in the FTR and to revise the ''Carrier'' definition to reference NVOCCs. The Census Bureau has reviewed this section and the proposal to remove the NVOCC definition remains appropriate. However, the Census Bureau agrees that the carrier definition should be revised to reference NVOCCs because the Automated Export System Trade

Interface Requirements (AESTIR) allows the Standard Carrier Alpha Code of a NVOCC to be reported.

4. *Amend the proposed rule to remove the language, ''except as noted by the State Department Regulations'' in § 30.2(a)(1)(iv)(C).* One commenter was concerned that the proposed language requires the filer to reference the Department of State regulations for exceptions to the filing requirements for goods subject to the International Traffic in Arms Regulations (ITAR). They suggested that this proposal is problematic in that the forwarder or authorized filing agent needs an exemption legend for the carrier to denote these types of shipments. Another commenter was concerned that adding the language to reference the Department of State regulations would require a forwarder's employees to be familiar with a wide array of regulations issued by other agencies, as opposed to familiarizing themselves with only the FTR. The commenter suggested revising the FTR to list all exceptions from filing requirements noted in all relevant regulations issued by the federal government, including the Department of State. The Census Bureau recognizes it may be convenient for the Foreign Trade Regulations (FTR) to specifically identify other agencies' regulations. However, it is not feasible for the Census Bureau to ensure every agency's regulatory export requirements are included in the FTR. Therefore, it is imperative for the trade community to be familiar with all applicable export regulations that impact their transaction. The language at issue is being added to ensure consistency with the State Department regulations. The Census Bureau does not want to require mandatory reporting if the State Department regulations exempt EEI filing; therefore, the proposed language remains appropriate.

5. *Amend the proposed rule to add language requiring the filer name, address, filer ID and shipment reference number (SRN) be provided to the USPPI upon request in a routed export transaction.* One commenter suggested that the filer name, address, filer ID and SRN be provided to the USPPI in the Automated Commercial Environment (ACE) *USPPI Agent-Filed Routed Transactions Report* (ACE 203 Report). The additional information would help the USPPI identify the appropriate company to contact if there are questions about the data. The Census Bureau acknowledges that providing the data elements proposed by the commenter in addition to the data elements proposed in the NPRM would assist the trade community in more effectively utilizing the ACE 203 Report. Therefore, the Census Bureau has revised § 30.3(e)(2) to include the filer name in addition to the date of export and Internal Transaction Number (ITN) as proposed in the NPRM. However, the filer address, filer ID, and SRN will not be added at this time to allow the Census Bureau to obtain additional feedback through a future NPRM to assess the impact of those changes.

6. *Clarify the filing requirements for in-transit shipments between the United States and Puerto Rico.* One commenter suggested that § 30.4(b)(3) be revised to clarify the filing requirements regarding in-transit shipments that pass through the United States en route to Puerto Rico or vice versa. The Census Bureau has reviewed this section and the current language remains appropriate because in-transit shipments under bond are excluded per § 30.2(d)(1) and § 30.2(a)(1) establishes the filing requirements.

7. *Clarify who should be reported as the USPPI contact in an export transaction.* One commenter asked if generic entries such as ''Export Department'' or ''Shipping Department'' are valid entries for the USPPI contact information per § 30.6(a)(1)(iv). The Census Bureau expects that using the word ''person'' in the proposed definition, and by not referring to a ''legal entity'', the filer understands the contact information must include the name of the person who has the most knowledge regarding the specific shipment or related export controls instead of a group or department. Therefore, the Census Bureau has reviewed this section and the proposed language remains appropriate.

8. *Amend the proposed rule to make the Export Control Classification Number (ECCN) a mandatory data element.* One commenter suggested that the ECCN should be required for all shipments because it is necessary to determine if a shipment requires a license from the Bureau of Industry and Security (BIS). The Census Bureau has reviewed this section and provided the comment to the BIS to evaluate the feasibility of adding this requirement to the Export Administration Regulations (EAR). The Census Bureau determined that the ECCN will remain a conditional data element as outlined in § 30.6(b)(6) of the FTR. Therefore, the current language remains appropriate.

9. *Amend the proposed rule to include a 7 day timeframe for split shipments by vessel.* One commenter suggested that the split shipment timeframe for vessel shipments should be changed from 24 hours to 7 days as will be allowed for air, truck, or rail shipments pursuant to § 30.28. The Census Bureau conferred with members of the vessel industry and U.S. Customs and Border Protection, who indicated that the 24 hour timeframe is sufficient to submit the required information for vessel shipments. As a result, the proposed language remains appropriate.

10. *Amend the proposed rule to retain the language outlining the filing procedures for succeeding parts of a split shipment.* One commenter suggested that the Census Bureau retain the current language in § 30.28(c) to ensure that it is clear that succeeding parts of a split shipment do not require an additional EEI record. The Census Bureau has reviewed this section and determined that this language should be retained. As a result, the Census Bureau has added language to the opening paragraph of § 30.28 to clarify the filing requirements.

11. *Clarify the proper use of the original ITN data element for the trade community and CBP.* One commenter suggested that detailed guidance be provided to CBP ports regarding the use of the original ITN, specifically as it pertains to the issuance of penalties related to split shipments. Another commenter requested that additional examples be provided to understand the exact purpose of the new data element. The Census Bureau has reviewed the recommendations and determined the proposed regulations remain appropriate. In addition, the Census Bureau will conduct extensive outreach and add Frequently Asked Questions with specific examples of the proper use of the original ITN to ensure the trade community and CBP understand the intended purpose.

12. *Amend the proposed rule to clarify the license value reporting requirements for repairs and replacements that are subject to the ITAR.* One commenter stated that ITAR controlled goods imported for repair are eligible for a license exemption and therefore, a license value cannot be reported. The Census Bureau has reviewed this section and agrees that goods exported under a license exemption do not require a license value to be reported. As a result, the Census Bureau has added language to § 30.29(a)(2) to clarify the license value is only required for licensed shipments.

13. *Amend the proposed rule to clarify the term ''Commercial document'' and to remove the reference to the license value reporting requirements.* One commenter questioned whether the term ''commercial document'' referenced in § 30.29(b)(2) included bills of lading and suggested adding language to clarify. In

addition, the commenter requested that the reference to § 30.6(b)(15) be removed. The Census Bureau has reviewed § 30.29(b)(2) and replaced ''commercial document'' with ''commercial loading documents'' because this defined term includes the bill of lading. With regards to removing the reference to § 30.6(b)(15), the current proposed language remains appropriate as this sentence is specifically referring to licensed goods by a U.S. government agency.

14. *Amend the FTR to revise and/or remove Appendices.* One commenter suggested revising Appendix B of the FTR to include all license type codes by either updating the list or referencing Appendix F of the AESTIR. They also suggested removing Appendix F of the FTR because it is no longer necessary. Another commenter suggested revising the title of Appendix D of the FTR. The Census Bureau has reviewed all of the Appendices and agrees that several need to be revised or removed. The Appendices were initially created to assist with the transition from the Foreign Trade Statistics Regulations to the FTR. Given that this transition occurred in 2008, several Appendices are no longer necessary. The Census Bureau has reviewed the appendices and is removing Appendices B, C, E, and F, while revising and redesignating Appendix D as the new Appendix B.

15. *Amend the proposed rule to remove the requirement to report the used electronics indicator (UEI).* Several commenters expressed multiple concerns pertaining to the addition of the UEI. The following concerns were expressed in the comments received.

(a) The requirement to report the UEI is not mandated, or justified by the authorities cited. The National Strategy for Electronics Stewardship, Resource Conservation and Recovery Act (RCRA), and Executive Order (EO) 13693 were all cited in the NPRM; however, these legal authorities and directives do not align with the stated purpose for collecting the UEI.

(b) The addition of the UEI will increase reporting burden for the trade community. The NPRM did not appear to give a thorough review of the impact of burden to the trade community under the Regulatory Flexibility Act and the Paperwork Reduction Act.

(c) The definition is overly broad for used electronics and goes beyond the purpose of tracking electronics for ''disposal,'' as cited in the RCRA and EO 13693.

(d) The filing requirements for the UEI are unclear as it pertains to reporting repairs, temporary exports, and shipments containing both new and used electronics.

(e) The NPRM does not indicate what confidential data elements from the EEI will be shared with the Environmental Protection Agency (EPA).

(f) The requirement for the UEI lacks any reasonable justification to make a distinction between operable used electronics and new electronics when reporting EEI.

(g) The UEI will impose excessive costs associated with the implementation of new processes and related system changes. The timeframe to complete the programming changes will be very significant and will require an extended implementation period.

(h) Information related to used electronics could be obtained via commodity classification numbers and/or via ACE reports as opposed to increasing the burden on the trade by requiring the UEI.

The Census Bureau acknowledges these concerns and held multiple discussions with the U.S. Environmental Protection Agency. The comments received reflected concerns about the clarity of and the burden related to the proposed requirement. At this time, the Census Bureau has decided to eliminate the requirement to report used electronics in the Final Rule.

16. *Amend the proposed rule to divide the AES certification and filing requirements into two sections.* One commenter suggested that the AES certification and filing requirements should be divided into two sections in order to add clarity. The Census Bureau has reviewed § 30.2(c) and agrees dividing the section based on the filing method, AES*Direct* or methods other than AES*Direct,* will add clarity. The Census Bureau also provided additional details to clarify when the certification process is required.

17. *Amend the proposed rule to add the definition of ''U.S. Postal Service customs declaration form'' and incorporate this term in multiple definitions.* One commenter suggested that the definitions of ''AES downtime filing citation,'' ''Annotation,'' ''Exemption legend,'' ''Postdeparture filing citation,'' and ''Proof of filing citation'' should specifically reference the ''U.S. Postal Service customs declaration form'' in order to add clarity. The Census Bureau has reviewed § 30.1(c) and agrees a definition for ''U.S. Postal Service customs declaration form'' should be added. In addition, rather than including a reference to the ''U.S. Postal Service customs declaration form'' in the definitions proposed by the commenter, the Census Bureau has added this term to the ''Commercial loading document'' definition.

18. *Amend the proposed rule to more accurately reflect U.S. Postal Service operations.* One commenter suggested that § 30.8(a) be revised to reference mail exports, the U.S. Postal Service customs declaration, and the Postal Service instead of the postmaster. The Census Bureau has reviewed this section and incorporated the recommendations of the commenter.

19. *Amend the proposed rule to add clarity to the term ''mail cargo'' and ''filing citation or exemption legend.''* One commenter proposed revisions to the phrases ''mail cargo'' and ''filing citation or exemption legend.'' The Census Bureau has reviewed § 30.4(b)(2)(v) and agrees to revise this section to read ''mail'' rather than ''mail cargo.'' In addition, the phrase ''filing citation or exemption legend'' will be revised to read ''proof of filing citation, postdeparture filing citation, AES downtime filing citation, exemption or exclusion legend.'' The distinction between exemption legends and exclusion legends is made because the terms are not mutually exclusive. A shipment may contain items that do not require filing per an exemption and exclusion.

20. *Amend the proposed rule to clarify the exemptions for Country Group E:1.* One commenter suggested that § 30.37(y) be revised to remove paragraphs 1–6 and replace this section with a general exemption for Country Group E:1 with a reference to both the Bureau of Industry and Security (BIS) and Office of Foreign Assets Control (OFAC). In addition, the commenter proposed including references to Country Group E:2 with all references to Group E:1 to ensure consistency with the Export Administration Regulations (EAR). The Census Bureau has consulted with the BIS on the relevant sections and agrees that Country Group E:2 should also be referenced. In regards to significantly revising § 30.37(y), the Census Bureau will work with BIS and OFAC to ensure consistency amongst the various regulations and, if the Census Bureau deems necessary, will propose any changes in a future NPRM in order to afford the public the ability to comment on any potential changes to the filing requirements.

21. *Comments in Support of the Final Rule.* Several commenters expressed support of the changes proposed in the NPRM.

(a) A commenter supported the proposed amendments and suggested that the rule pass because the changes would add clarity to the regulations,

improve the quality of trade data, and contribute to a stronger International Trade Data System.

(b) One commenter supported the revisions to filing deadlines for pipeline shipments, as stated in § 30.4(c)(2) and § 30.6(a)(5), because it will add clarity to the current regulations and is consistent with the filing conventions that have been agreed to as part of the trade working group with the Census Bureau.

(c) Several commenters supported the addition of the original ITN field because of the clarity it will provide when an entity needs to provide the ITN associated with a previously filed shipment that is replaced or divided and for which additional shipment(s) must be filed.

Changes to the Proposed Rule Made by This Final Rule

After consideration of the comments received, the Census Bureau revised and added certain provisions in the Final Rule to address the concerns of commenters and to clarify the requirements of the rule. The changes made in this Final Rule are as follows:

- Amend the proposed rule to remove the definition and filing requirement for the used electronics indicator.
- Section 30.1(c) is amended to revise the definition of ''Carrier'' to include a Non Vessel Operating Common Carrier (NVOCC) as an example of a carrier because the Automated Export System Trade Interface Requirements allows the Standard Carrier Alpha Code of a NVOCC to be reported.
- Section 30.1(c), is amended to add the definition of ''U.S. Postal Service customs declaration form'' to identify the shipment document used for exports by mail.
- Section 30.1(c), is amended to revise the definition of ''Commercial loading document'' to include the U.S. Postal Service customs declaration form as an example of a commercial loading document.
- The note to § 30.2(a)(1)(iv) is amended to add Country Group E:2 to ensure consistency with the Export Administration Regulations (EAR).
- Section 30.2(c) is amended to clarify the application and certification process by dividing the section based on the filing method, AES*Direct* or methods other than AES*Direct.* As a result, the title was amended to read as ''Application and Certification Process'' as opposed to ''Certification and Filing Requirements.''
- Section 30.3(e)(2) is amended to add language requiring the authorized agent to provide the filer name in addition to the Internal Transaction Number (ITN) and date of export as proposed in the NPRM, when requested by the U.S. Principal Party in Interest in a routed transaction.
- Section 30.4(b)(2)(v) is amended to read ''mail'' rather than ''mail cargo'' and the phrase ''filing citation or exemption legend'' will be revised to read ''proof of filing citation, postdeparture filing citation, AES downtime filing citation, exemption or exclusion legend.''
- Section 30.8(a) is amended to more accurately reflect U.S. Postal Service operations.
- Section 30.16(d) is amended to add Country Group E:2 to ensure consistency with the EAR.
- Section 30.28 is amended to add language removed from 30.28(c) to the opening paragraph.
- Section 30.29(a)(2) is amended by clarifying that a license value is only required to be reported for shipments licensed by a U.S. Government agency.
- Section 30.29(b)(2) is amended to replace the term ''commercial document'' with the defined term ''commercial loading documents''.
- Section 30.37(y) is amended to add Country Group E:2 to ensure consistency with the EAR.
- Delete Appendices B, C, E and F because the Appendices were initially created to assist the trade in transitioning from the Foreign Trade Statistics Regulations (FTSR) to the FTR and are no longer necessary. As a result of deleting Appendices B, C, E, and F, Appendix D is redesignated as Appendix B.

Program Requirements

In addition to the above changes the Census Bureau is amending relevant sections of the FTR in order to comply with the requirements of the Foreign Relations Act, Public Law 107–228. The following sections of the FTR are amended to revise or clarify export reporting requirements and are unchanged from the Notice of Proposed Rulemaking of March 9, 2016, titled *Foreign Trade Regulations: Clarification on Filing Requirements* (RIN 0607–AA55):

- In § 30.1(c), revise the definition of ''AES applicant'' to remove the text ''applies to the Census Bureau for authorization to'' and ''or its related applications'' because the registration will no longer go through the Census Bureau. Rather, the registration will be submitted to CBP through its Web site or through ACE and will be processed by CBP. In addition, related applications will be eliminated.
- In § 30.1(c), revise the definition of ''AES*Direct*'' to clarify the appropriate parties that can transmit Electronic Export Information (EEI) through the AES, clarify that all regulatory requirements pertaining to the AES also apply to AES*Direct,* and eliminate the reference to the URL.
- In § 30.1(c), revise the definition of ''AES downtime filing citation'' to remove filing requirements from the definition.
- In § 30.1(c), remove the definition of ''AES participant application (APA)'' because the APA is no longer used for filers to obtain access to the AES.
- In § 30.1(c), revise the definition of ''Annotation'' to remove the word ''placed'' to eliminate the implication of a manual process and add ''or electronic equivalent'' to allow for an electronic process.
- In § 30.1(c), add the definition of ''Automated Commercial Environment (ACE)'' to identify the system through which the trade community reports data.
- In § 30.1(c), revise the definition of ''Automated Export System (AES)'' to clarify that AES is accessed through the Automated Commercial Environment.
- In § 30.1(c), revise the definition of ''Bill of lading (BL)'' to distinguish between the responsibilities of the carrier and the authorized agent.
- In § 30.1(c), revise the definition of ''Container'' to make the language consistent with Article 1 of the Customs Convention on Containers.
- In § 30.1(c), remove the definition of ''Domestic exports'' because this term is not used in the FTR and add the definition of ''Domestic goods.''
- In § 30.1(c), revise the definition of ''Electronic Export Information (EEI)'' to reference the Shipper's Export Declaration itself as opposed to the information collected on the SED.
- In § 30.1(c), revise the definition ''Fatal error message'' by removing the following sentence to remove the regulatory requirements from the definition: ''The filer is required to immediately correct the problem, correct the data, and retransmit the EEI.''
- In § 30.1(c), revise the term ''Filers'' to ''Filer'' and revise the definition to reduce redundancy.
- In § 30.1(c), remove the definition of ''Foreign exports'' because this term is not used in the FTR and add the definition of ''Foreign goods.''
- In § 30.1(c), remove the definition for ''Non Vessel Operating Common Carrier (NVOCC)'' because the term is not referenced in the FTR.
- In § 30.1(c), revise the definition of ''Proof of filing citation'' by removing the word ''placed'' to eliminate the implication of a manual process and allow for an electronic process.

• In § 30.1(c), remove the definition of ''Reexport'' because the term is not used for statistical purposes in the FTR.

• In § 30.1(c), revise the definition of ''Service center'' to clarify the role of a service center as it pertains to the FTR.

• In § 30.1(c), revise the term ''Shipment reference number'' to read as ''Shipment Reference Number (SRN).''

• In § 30.1(c), revise the definition of ''Split shipment'' to incorporate the revised timeframes addressed in FTR Letter #6, Notice of Regulatory Change for Split Shipments.

• In § 30.1(c), revise the term ''Transportation reference number'' to read as ''Transportation Reference Number (TRN).''

• Revise § 30.2(a)(1)(iv)(A) to ensure consistency with the Department of Commerce, Bureau of Industry and Security regulations.

• Revise § 30.2(a)(1)(iv)(C) to add language which notes that the filer must reference the Department of State regulations for exceptions to the filing requirements for goods subject to the ITAR.

• Revise § 30.2(b)(3) to remove the reference to ''30.4(b)(3)'' and add ''30.4(b)(4)'' in its place.

• Revise § 30.3(e)(2) to add paragraph (xv) ''Ultimate consignee type'' to clarify that the authorized agent is responsible for reporting the ultimate consignee type in a routed export transaction.

• Revise § 30.4(b)(2)(v) to reference only mail shipments by removing the words ''and cargo shipped by other modes, except pipelines'' because all other modes are covered in paragraph (vi). In addition, revise language to replace ''exporting carrier'' with ''U.S. Postal Service'' and remove the reference to § 30.46 because pipeline language has been added to § 30.4(c)(2).

• Revise § 30.4(b)(3) to indicate that the USPPI or authorized agent must provide the proof of filing citation, postdeparture filing citation, AES downtime citation, exemption or exclusion legend to the carrier.

• Revise § 30.4(c) by removing the introductory text.

• Revise § 30.4 by adding paragraphs (c)(1) to address current postdeparture filing procedures and (c)(2) to address pipeline filing procedures.

• Revise the title of § 30.5 to be ''Electronic Export Information filing processes and standards'' to accurately reflect the information that remains in this section because the AES application and certification process are removed.

• Revise § 30.5 to remove the introductory text and remove and reserve paragraphs (a) and (b) because the certification process is now addressed in § 30.2(c).

• Remove § 30.5(d)(3) to remove outdated requirements.

• Revise § 30.5(f) to amend outdated information.

• In § 30.6, revise the introductory text to add language indicating that additional elements collected in ITDS are mandated by the regulations of other federal government agencies.

• Revise § 30.6(a)(1) to include the definition of the USPPI for consistency with the format for other data elements.

• Revise § 30.6(a)(1)(iii) to clarify the use of an Employer Identification Number (EIN) and include the Data Universal Numbering System (DUNS) number as an acceptable USPPI ID number.

• Revise § 30.6(a)(1)(iv) to clarify whose contact information should be provided in the AES for the USPPI.

• Revise § 30.6(a)(5)(i) to clarify the country of ultimate destination to be reported with respect to shipments under BIS and State Department export licenses.

• Revise § 30.6(a)(5)(ii) and add paragraphs (A) through (C) to clarify the country of ultimate destination to be reported with respect to shipments not moving under an export license.

• Revise § 30.6(a)(11) by removing paragraphs (i) and (ii) because domestic goods and foreign goods are now included in § 30.1(c) as definitions.

• Revise § 30.6(a)(19) to conform with the revised term ''Shipment Reference Number (SRN).''

• Revise the title of § 30.6(b)(14) to conform with the revised term ''Transportation Reference Number (TRN).''

• Revise § 30.6(c) to add paragraph (3) to include the original ITN field. Adding the original ITN field will assist the export trade community and enforcement agencies in identifying that a filer completed the mandatory filing requirements for the original shipment and any additional shipment(s).

• Remove § 30.10(a)(1) and (2) because the electronic certification notice is no longer provided.

• In § 30.28, revise the introductory text to incorporate the revised timeframes addressed in FTR Letter #6, Notice of Regulatory Change for Split Shipments.

• Revise § 30.28(a) to allow for an electronic process and incorporate the revised timeframes.

• Revise § 30.28 by removing paragraph (c) because this information is included in the introductory text.

• Revise § 30.29(a)(1) to remove the phrase ''non-USML goods'' and add the phrase ''goods not licensed by a U.S. Government agency and not subject to the ITAR'' in its place.

• Revise § 30.29(a)(2) to remove the phrase ''USML goods'' and add the phrase ''goods licensed by a U.S. Government agency or subject to the ITAR'' in its place.

• Revise § 30.29(b)(2) to remove the phrase ''non-USML'' and add the phrase ''goods not licensed by a U.S. Government agency in its place.

• Revise § 30.29(b)(2) to remove the phase ''USML shipments'' and add the phrase ''goods licensed by a U.S. Government agency in its place.

• Revise § 30.36(b)(4) to ensure consistency with the Export Administration Regulations.

• Revise the titles to Subpart E and § 30.45, revise paragraphs 30.45(a), (a)(1) and (b), remove and reserve paragraph 30.45(a)(2) and (a)(3), and remove 30.45(c) through 30.45(f) to ensure consistency with the CBP regulations.

• Revise § 30.46 through 30.49 by removing and reserving these sections.

• Revise the introductory text in § 30.50 to replace ''Automated Broker Interface (ABI)'' with ''Automated Commercial Environment (ACE)''.

• Revise the introductory text in § 30.53 to provide more detail for classifying goods temporarily imported for repair and remove paragraphs 30.53(a) and 30.53(b).

• Revise § 30.74 paragraph (c)(5) to indicate the new division name and revise the address.

• Redesignate Appendix D as Appendix B. Revise the title to read ''Appendix B to Part 30—AES Filing Citation, Exemption and Exclusion Legends'' and remove ''I. USML Proof of Filing Citation'', ''XII. Proof of filing citations by pipeline'', and renumber remaining entries.

• Revise new Appendix B numbers III and IV to clarify the dates listed in the examples are the dates of export.

• Remove Appendices C through F because they are no longer needed to help transition the trade community from the Foreign Trade Statistics Regulations to the Foreign Trade Regulations.

Classification

Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this rule will not have a significant impact on a substantial number of small entities. The factual basis for this determination was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a

regulatory flexibility analysis was not required and none was prepared.

Executive Orders

This rule has been determined to be not significant for purposes of Executive Order 12866. It has been determined that this rule does not contain policies with federalism implications as that term is defined under Executive Order 13132.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is 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 (PRA), unless that collection of information displays a current and valid Office of Management and Budget (OMB) control number. This rule contains a collection-of-information subject to the requirements of the PRA (44 U.S.C. 3501 *et seq.*) and has been approved under OMB control number 0607–0152.

List of Subjects in 15 CFR Part 30

Economic statistics, Exports, Foreign trade, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Census Bureau is amending 15 CFR part 30 as follows:

PART 30—FOREIGN TRADE REGULATIONS

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

Authority: 5 U.S.C. 301; 13 U.S.C. 301–307; Reorganization plan No. 5 of 1990 (3 CFR 1949–1953 Comp., p. 1004); Department of Commerce Organization Order No. 35–2A, July 22, 1987, as amended, and No. 35–2B, December 20, 1996, as amended; Pub. L. 107–228, 116 Stat. 1350.

■ 2. Amend § 30.1(c) by:
■ a. Revising the definitions for ''AES applicant'', ''AES*Direct*'', and ''AES downtime filing citation'';
■ b. Removing the definition for ''AES participant application (APA)'';
■ c. Revising the definition for ''Annotation'';
■ d. Adding in alphabetical order the definition for ''Automated Commercial Environment (ACE)'';
■ e. Revising the definitions for ''Automated Export System (AES)'', ''Bill of lading (BL)'', ''Carrier'', ''Commercial loading document'', and ''Container'';
■ f. Removing the definition for ''Domestic exports'';
■ g. Adding in alphabetical order the definition for ''Domestic goods'';
■ h. Revising the definition for ''Electronic export information (EEI)'' and ''Fatal error message'';
■ i. Remove the definition for ''Filers'' and add in its place a definition for ''Filer'';
■ j. Removing the definition for ''Foreign exports'';
■ k. Adding in alphabetical order the definition for ''Foreign goods'';
■ l. Removing the definition for ''Non-Vessel Operating Common Carrier'';
■ m. Revising the definition for ''Proof of filing citation'';
■ n. Removing the definition for ''Reexport'';
■ o. Revising the definitions for ''Service center'', ''Shipment reference number'', ''Split shipment'', and ''Transportation reference number''; and
■ p. Adding in alphabetical order the definition for ''U.S. Postal Service customs declaration form''.

The revisions and additions read as follows:

§ 30.1 Purpose and definitions.

* * * * *

(c) * * *

AES applicant. The USPPI or authorized agent who reports export information electronically to the AES, or through AES*Direct.*

AESDirect. An Internet portal within the Automated Commercial Environment that allows USPPIs and authorized agents to transmit EEI to the AES. All regulatory requirements pertaining to the AES also apply to AES*Direct.*

AES downtime filing citation. A statement used in place of a proof of filing citation when the AES or AES*Direct* are inoperable.

* * * * *

Annotation. An explanatory note (*e.g.,* proof of filing citation, postdeparture filing citation, AES downtime filing citation, exemption or exclusion legend) on the bill of lading, air waybill, export shipping instructions, other commercial loading documents or electronic equivalent.

* * * * *

Automated Commercial Environment (ACE). A CBP authorized electronic data interchange system for processing import and export data.

Automated Export System (AES). The system for collecting EEI (or any successor to the Shipper's Export Declaration) from persons exporting goods from the United States, Puerto Rico, or the U.S. Virgin Islands; between Puerto Rico and the United States; and to the U.S. Virgin Islands from the United States or Puerto Rico. The AES is currently accessed through the Automated Commercial Environment.

* * * * *

Bill of Lading (BL). A document that establishes the terms of a contract under which freight is to be moved between specified points for a specified charge. It is issued by the carrier based on instructions provided by the shipper or its authorized agent. It may serve as a document of title, a contract of carriage, and a receipt for goods.

* * * * *

Carrier. An individual or legal entity in the business of transporting passengers or goods. Airlines, trucking companies, railroad companies, shipping lines, pipeline companies, slot charterers, and Non-Vessel Operating Common Carriers (NVOCCs) are all examples of carriers.

* * * * *

Commercial loading document. A document that establishes the terms of a contract between a shipper and a transportation company under which freight is to be moved between points for a specific charge. It is usually prepared by the shipper, the shipper's agent or the carrier and serves as a contract of carriage. Examples of commercial loading documents include the air waybill, ocean bill of lading, truck bill, rail bill of lading, and U.S. Postal Service customs declaration form.

* * * * *

Container. The term container shall mean an article of transport equipment (lift-van, movable tank or other similar structure):

(i) Fully or partially enclosed to constitute a compartment intended for containing goods;

(ii) Of a permanent character and accordingly strong enough to be suitable for repeated use;

(iii) Specially designed to facilitate the carriage of goods, by one or more modes of transport, without intermediate reloading;

(iv) Designed for ready handling, particularly when being transferred from one mode of transport to another;

(v) Designed to be easy to fill and to empty; and

(vi) Having an internal volume of one cubic meter or more; the term ''container'' shall include the accessories and equipment of the container, appropriate for the type concerned, provided that such accessories and equipment are carried with the container. The term ''container'' shall not include vehicles, accessories or spare parts of vehicles, or packaging. Demountable bodies are to be treated as containers.

* * * * *

Domestic goods. Goods that are grown, produced, or manufactured in the United States, or previously imported goods that have undergone substantial transformation in the United States, including changes made in a U.S. FTZ, from the form in which they were imported, or that have been substantially enhanced in value or improved in condition by further processing or manufacturing in the United States.

* * * * *

Electronic Export Information (EEI). The electronic export data as filed in the AES. This is the electronic equivalent of the export data formerly collected on the Shipper's Export Declaration (SED) and now mandated to be filed through the AES or AES*Direct.*

* * * * *

Fatal error message. An electronic response sent to the filer by the AES when invalid or missing data has been encountered, the EEI has been rejected, and the information is not on file in the AES.

Filer. The USPPI or authorized agent (of either the USPPI or FPPI) who has been approved to file EEI.

* * * * *

Foreign goods. Goods that were originally grown, produced, or manufactured in a foreign country, then subsequently entered into the United States, admitted to a U.S. FTZ, or entered into a CBP bonded warehouse, but not substantially transformed in form or condition by further processing or manufacturing in the United States, U.S. FTZs, Puerto Rico, or the U.S. Virgin Islands.

* * * * *

Proof of filing citation. A notation on the bill of lading, air waybill, export shipping instructions, other commercial loading document or electronic equivalent, usually for carrier use, that provides evidence that the EEI has been filed and accepted in the AES.

* * * * *

Service center. A company, entity, or organization that has been certified and approved to facilitate the transmission of EEI to the AES.

* * * * *

Shipment Reference Number (SRN). A unique identification number assigned to the shipment by the filer for reference purposes. The reuse of the SRN is prohibited.

* * * * *

Split shipment. A shipment covered by a single EEI record booked for export on one conveyance, that is divided by the exporting carrier prior to export where the cargo is sent on two or more of the same conveyances of the same carrier leaving from the same port of export within 24 hours by vessel or 7 days by air, truck or rail.

* * * * *

Transportation Reference Number (TRN). A reservation number assigned by the carrier to hold space on the carrier for cargo being shipped. It is the booking number for vessel shipments, the master air waybill number for air shipments, the bill of lading number for rail shipments, and the freight or pro bill for truck shipments.

* * * * *

U.S. Postal Service customs declaration form. The shipping document, or its electronic equivalent, that a mailer prepares to declare the contents for the purposes of domestic and foreign customs authorizations and other relevant government agencies. For more information, please see *Mailing Standards of the United States Postal Service, International Mail Manual,* section 123.

* * * * *

■ 3. Amend § 30.2 by revising paragraphs (a)(1)(iv)(A), (a)(1)(iv)(C), Note to paragraph (a)(1)(iv), (b)(3), and (c) to read as follows:

§ 30.2 General requirements for filing Electronic Export Information (EEI).

(a) * * *

(1) * * *

(iv) * * *

(A) Requiring a Department of Commerce, Bureau of Industry and Security (BIS) license or requiring reporting under the Export Administration Regulations (15 CFR 758.1(b)).

* * * * *

(C) Subject to the ITAR, but exempt from license requirements, except as noted by the ITAR.

* * * * *

Note to Paragraph (a)(1)(iv): For the filing requirement for exports destined for a country in Country Group E:1 or E:2 as set forth in the Supplement No. 1 to 15 CFR part 740, see FTR § 30.16.

* * * * *

(b) * * *

(3) The AES downtime procedures provide uniform instructions for processing export transactions when the government's AES or AES*Direct* is unavailable for transmission. (See § 30.4(b)(1) and (4)).

* * * * *

(c) *Application and certification process.* The USPPI or authorized agent will either submit an ACE Exporter Account Application or a Letter of Intent based on their transmission method and, as a result, may be subject to the certification process.

(1) *AESDirect.* USPPIs or authorized agents who choose to file via the AESDirect shall complete an online ACE Exporter Account Application. In addition, once the ACE Exporter Account is created, all users must agree to the AES Certification Statements prior to filing through AESDirect.

(2) *Methods other than AESDirect.* USPPIs or authorized agents who choose to file by a means other than AESDirect shall submit a Letter of Intent to CBP and may be required to complete the certification process.

(i) *Certification.* A two-part communication test to ascertain whether the system is capable of both transmitting data to and receiving responses from the AES. CBP client representatives make the sole determination as to whether or not the system of the self-programming filer, service center, or software vendor passes certification.

(ii) *Parties requiring certification:*

(A) Self-programming USPPIs or authorized agents;

(B) Service centers; and

(C) Software vendors who develop AES software.

* * * * *

■ 4. Amend § 30.3 by revising the introductory text of paragraph (e)(2) and adding paragraph (e)(2)(xv) to read as follows:

§ 30.3 Electronic Export Information filer requirements, parties to export transactions, and responsibilities of parties to export transactions.

* * * * *

(e) * * *

(2) *Authorized agent responsibilities.* In a routed export transaction, if an authorized agent is preparing and filing the EEI on behalf of the FPPI, the authorized agent must obtain a power of attorney or written authorization from the FPPI and prepare and file the EEI based on information obtained from the USPPI or other parties involved in the transaction. The authorized agent shall be responsible for filing EEI accurately and timely in accordance with the FTR. Upon request, the authorized agent will provide the USPPI with a copy of the power of attorney or written authorization from the FPPI. The authorized agent shall also retain documentation to support the EEI reported through the AES. The authorized agent shall upon request, provide the USPPI with the data elements in paragraphs (e)(1)(i) through (xii) of this section, the date of export as submitted through the AES, the filer name, and the ITN. The authorized

agent shall provide the following information through the AES:

* * * * *

(xv) Ultimate consignee type.

* * * * *

■ 5. Amend § 30.4 by revising paragraphs (b)(2)(v), (b)(3) and (c) to read as follows:

§ 30.4 Electronic Export Information filing procedures, deadlines, and certification statements.

* * * * *

(b) * * *

(2) * * *

(v) For mail, the USPPI or the authorized agent shall file the EEI as required by § 30.6 and provide the proof of filing citation, postdeparture filing citation, AES downtime filing citation, exemption or exclusion legend to the U.S. Postal Service no later than two (2) hours prior to exportation.

* * * * *

(3) For shipments between the United States and Puerto Rico, the USPPI or authorized agent shall provide the proof of filing citation, postdeparture filing citation, AES downtime filing citation, exemption or exclusion legend to the exporting carrier by the time the shipment arrives at the port of unloading.

* * * * *

(c) *EEI transmitted postdeparture*—(1) *Postdeparture filing procedures.* Postdeparture filing is only available for approved USPPIs. For all methods of transportation other than pipeline, approved USPPIs or their authorized agent may file data elements required in accordance with § 30.6 no later than five (5) calendar days after the date of exportation, except for shipments where predeparture filing is specifically required.

(2) *Pipeline filing procedures.* USPPIs or authorized agents may file data elements required by § 30.6 no later than four (4) calendar days following the end of the month. The operator of a pipeline may transport goods to a foreign country without the prior filing of the proof of filing citation, exemption, or exclusion legend, on the condition that within four (4) calendar days following the end of each calendar month the operator will deliver to the CBP Port Director the proof of filing citation, exemption, or exclusion legend covering all exports through the pipeline to each consignee during the month.

* * * * *

■ 6. Amend § 30.5 by revising the section heading, removing the introductory text, removing and reserving paragraphs (a) and (b), removing paragraph (d)(3), and revising paragraph (f) to read as follows:

§ 30.5 Electronic Export Information filing processes and standards.

(a) [Reserved]

(b) [Reserved]

* * * * *

(f) *Support.* The Census Bureau provides online services that allow the USPPI and the authorized agent to seek assistance pertaining to the AES and this part. For AES assistance, filers may send an email to *ASKAES@census.gov.* For FTR assistance, filers may send an email to *itmd.askregs@census.gov.*

■ 7. Amend § 30.6 by revising the introductory text, paragraphs (a)(1) introductory text, (a)(1)(iii), (a)(1)(iv), (a)(5)(i), (a)(5)(ii), (a)(11), (a)(19), and (b)(14) introductory text, and adding paragraph (c)(3), to read as follows:

§ 30.6 Electronic Export Information data elements.

The information specified in this section is required for EEI transmitted to the AES. The data elements identified as ''mandatory'' shall be reported for each transaction. The data elements identified as ''conditional'' shall be reported if they are required for or apply to the specific shipment. The data elements identified as ''optional'' may be reported at the discretion of the USPPI or the authorized agent. Additional data elements may be required to be reported in the AES in accordance with other federal agencies' regulations. Refer to the other agencies' regulations for reporting requirements.

(a) * * *

(1) *USPPI.* The person or legal entity in the United States that receives the primary benefit, monetary or otherwise, from the export transaction. Generally, that person or entity is the U.S. seller, manufacturer, or order party, or the foreign entity while in the United States when purchasing or obtaining the goods for export. The name, address, identification number, and contact information of the USPPI shall be reported to the AES as follows:

* * * * *

(iii) *USPPI identification number.* Report the EIN or DUNS number of the USPPI. If the USPPI has only one EIN, report that EIN. If the USPPI has more than one EIN, report the EIN that the USPPI uses to report employee wages and withholdings, not an EIN used to report only company earnings or receipts. Use of another company's EIN is prohibited. The appropriate Party ID Type code shall be reported to the AES. If a foreign entity is in the United States at the time goods are purchased or obtained for export, the foreign entity is the USPPI. In such situations, when the foreign entity does not have an EIN, the authorized agent shall report a border crossing number, passport number, or any number assigned by CBP on behalf of the foreign entity.

(iv) *USPPI contact information.* The person who has the most knowledge regarding the specific shipment or related export controls.

* * * * *

(5) * * *

(i) *Shipments under an export license.* For shipments under an export license issued by the Department of State, Directorate of Defense Trade Controls (DDTC), or the Department of Commerce, Bureau of Industry and Security (BIS), the country of ultimate destination shall conform to the country of ultimate destination as shown on the license. In the case of a DDTC or BIS license, the country of ultimate destination is the country specified with respect to the end user, which may also be the ultimate consignee. For goods licensed by other government agencies, refer to the agencies' specific requirements for providing country of ultimate destination information.

(ii) *Shipments not moving under an export license.* The country of ultimate destination is the country known to the USPPI or U.S. authorized agent at the time of exportation. The country to which the goods are being shipped is not the country of ultimate destination if the USPPI or U.S. authorized agent has knowledge, at the time the goods leave the United States, that they are intended for reexport or transshipment in the form received to another known country. For goods shipped to Canada, Mexico, Panama, Hong Kong, Belgium, United Arab Emirates, The Netherlands, or Singapore, special care should be exercised before reporting these countries as the ultimate destinations because these are countries through which goods from the United States are frequently transshipped. If the USPPI or U.S. authorized agent does not know the ultimate destination of the goods, the country of ultimate destination to be shown is the last country, as known to the USPPI or U.S. authorized agent at the time the goods leave the United States, to which the goods are to be shipped in their present form. (For instructions as to the reporting of country of ultimate destination for vessels sold or transferred from the United States to foreign ownership, see § 30.26). In addition, the following types of shipments must be reported as follows:

(A) *Department of State, DDTC, license exemption.* The country of

ultimate destination is the country specified with respect to the end user as noted in the ITAR (22 CFR 123.9(a)).

(B) *Department of Commerce, BIS, license exception.* The country of ultimate destination is the country of the end user as defined in 15 CFR 772.1 of the Export Administration Regulations (EAR).

(C) *For shipments to international waters.* The country of ultimate destination is the nationality of the person(s) or entity assuming control of the good(s) exported to international waters.

* * * * *

(11) *Domestic or foreign indicator.* Indicates if the goods exported are of domestic or foreign origin. Report foreign goods as a separate line item from domestic goods even if the commodity classification number is the same.

* * * * *

(19) *Shipment Reference Number (SRN).* A unique identification number assigned by the filer that allows for the identification of the shipment in the filer's system. The reuse of the SRN is prohibited.

* * * * *

(b) * * *

(14) *Transportation Reference Number (TRN).* The TRN is as follows:

* * * * *

(c) * * *

(3) *Original ITN.* The ITN associated with a previously filed shipment that is replaced or divided and for which additional shipment(s) must be filed. The original ITN field can be used in certain scenarios, such as, but not limited to, shipments sold en route or cargo split by the carrier where the succeeding parts of the shipment are not exported within the timeframes specified in § 30.28.

* * * * *

■ 8. Amend 30.8 by revising paragraph (a) to read as follows:

§ 30.8 Time and place for presenting proof of filing citations and exemption legends.

* * * * *

(a) *Mail exports.* The proof of filing citation, postdeparture filing citation, AES downtime filing citation, exemption and/or exclusion legend for items exported by mail as required in § 30.4(b) shall be annotated on the appropriate U.S. Postal Service customs declaration form (and/or its electronic equivalent) and presented with the packages at the time of mailing. The Postal Service is required to deliver the proof of filing citation, postdeparture filing citation, AES downtime filing citation, exemption or exclusion legend prior to export.

* * * * *

§ 30.10 [Amended]

■ 9. Amend § 30.10 by removing paragraphs (a)(1) and (2).

■ 10. Amend § 30.16 by revising paragraph (d) to read as follows:

§ 30.16 Export Administration Regulations.

* * * * *

(d) A shipment destined for a country listed in Country Group E:1 or E:2 as set forth in Supplement No. 1 to 15 CFR part 740 shall require EEI filings regardless of value unless such shipment is eligible for an exemption in § 30.37(y) and does not require a license by BIS or any other Federal Government Agency.

* * * * *

■ 11. Amend § 30.28 by revising the introductory text and paragraph (a); and removing paragraph (c) to read as follows:

§ 30.28 Split shipments.

A split shipment is a shipment covered by a single EEI record booked for export on one conveyance that is divided for shipment on more than one conveyance by the exporting carrier prior to export. The exporting carrier must file the manifest in accordance with CBP regulations indicating that the cargo was sent on two or more of the same type of conveyance of the same carrier leaving from the same port of export within 24 hours by vessel or 7 days by air, truck, or rail. For the succeeding parts of the shipment that are exported within the time frames specified above, a new EEI record will not be required. However, for the succeeding parts of the shipment that are not exported within the time frames specified above, a new EEI record must be filed and amendments must be made to the original EEI record. If a new EEI record is required, the original ITN data element may be used. The following procedures apply for split shipments:

(a) The carrier shall submit the manifest to the CBP Port Director with the manifest covering the conveyance on which the first part of the split shipment is exported and shall make no changes to the EEI. However, the manifest shall show in the ''number of packages'' column the actual portion of the declared total quantity being carried and shall carry a notation to indicate ''Split Shipment'' *e.g.,* ''3 of 10—Split Shipment.'' All associated manifests with the notation ''Split Shipment'' will have identical ITNs if exported within 24 hours by vessel or 7 days by air, truck, or rail.

* * * * *

■ 12. Amend § 30.29 by revising paragraphs (a)(1), (a)(2) and (b)(2) to read as follows:

§ 30.29 Reporting of repairs and replacements.

* * * * *

(a) * * *

(1) The return of goods not licensed by a U.S. Government agency and not subject to the ITAR, temporarily imported for repair and alternation, and declared as such on importation shall have Schedule B number 9801.10.0000. The value shall only include parts and labor. The value of the original product shall not be included. If the value of the parts and labor is over $2,500, then EEI must be filed.

(2) The return of goods licensed by a U.S. Government agency or subject to the ITAR, temporarily imported for repair or alteration, and declared as such on importation shall have Schedule B number 9801.10.0000. In the value field, report the value of the parts and labor. In the license value field, report the value designated on the export license that corresponds to the commodity being exported if required by the licensing agency. EEI must be filed regardless of value.

(b) * * *

(2) Goods that are replaced under warranty at no charge to the customer shall include the statement, ''Product replaced under warranty, value for EEI purposes'' on the bill of lading, air waybill, or other commercial loading documents. Place the notation below the proof of filing citation, postdeparture filing citation, AES downtime filing citation, exemption or exclusion legend on the commercial loading documents. Report the Schedule B number or Harmonized Tariff Schedule of the United States Annotated (HTSUSA) commodity classification number of the replacement parts. For goods not licensed by a U.S. Government agency, report the value of the replacement parts in accordance with § 30.6(a)(17). For goods licensed by a U.S. Government agency, report the value and license value in accordance with § 30.6(a)(17) and § 30.6(b)(15) respectively.

■ 13. Amend § 30.36 by revising paragraph (b)(4) to read as follows:

§ 30.36 Exemption for shipments destined to Canada.

* * * * *

(b) * * *

(4) Requiring a Department of Commerce, Bureau of Industry and Security, license or requiring reporting

under the Export Administration Regulations (15 CFR 758.1(b)).

* * * * *

■ 14. Amend § 30.37 by revising paragraphs (y) introductory text, (y)(5), and (y)(6) to read as follows:

§ 30.37 Miscellaneous exemptions.

* * * * *

(y) The following types of shipments destined for a country listed in Country Group E:1 or E:2 as set forth in Supplement No. 1 to 15 CFR part 740 are not required to be filed in the AES:

* * * * *

(5) Vessels and aircraft lawfully leaving the United States for temporary sojourn to or in a Country Group E:1 or E:2 country under License Exception AVS (15 CFR 740.15).

(6) Tools of trade that will be used by a person traveling to a Country Group E:1 or E:2 destination, that will be returned to the United States within one year and that are lawfully being exported to a Country Group E:1 or E:2 destination under License Exception BAG (15 CFR 740.14) or License Exception TMP (15 CFR 740.9(a)).

■ 15. Revise the heading of subpart E to read as follows:

Subpart E—Manifest Requirements

■ 16. Amend § 30.45 by revising the section heading, paragraphs (a) introductory text, (a)(1) introductory text and (b); removing and reserving paragraph (a)(2) and (3), and removing paragraphs (c) through (f); to read as follows:

§ 30.45 Manifest requirements.

(a) File the manifest in accordance with Customs and Border Protections (CBP) regulations.

(1) *Vessels.* Vessels transporting goods as specified shall file a complete manifest, or electronic equivalent.

* * * * *

(2) [Reserved]

(3) [Reserved]

* * * * *

(b) *Exempt items.* For any item for which EEI is not required by the regulations in this part, a notation on the manifest shall be made by the carrier as to the basis for the exemption. In cases where a manifest is not required and EEI is not required, an oral declaration to the CBP Port Director shall be made as to the basis for the exemption.

§§ 30.46—30.47 [Removed and Reserved]

■ 17. Remove and reserve §§ 30.46 and 30.47.

■ 18. Amend § 30.50 by revising the introductory text to read as follows:

§ 30.50 General requirements for filing import entries.

Electronic entry summary filing through the Automated Commercial Environment (ACE), paper import entry summaries (CBP–7501), or paper record of vessel foreign repair or equipment purchase (CBP–226) shall be completed by the importer of record or its licensed customs broker and filed directly with CBP in accordance with 19 CFR parts 1–199. Information on all mail and informal entries required for statistical and CBP purposes shall be reported, including value not subject to duty. Upon request, the importer of record or the importer's licensed customs broker shall provide the Census Bureau with information or documentation necessary to verify the accuracy of the reported information, or to resolve problems regarding the reported import transaction received by the Census Bureau.

* * * * *

■ 19. Revise § 30.53 to read as follows:

§ 30.53 Import of goods returned for repair.

Import entries covering U.S. goods imported temporarily to be repaired, altered, or processed under Harmonized Tariff Schedule of the United States Annotated (HTSUSA) commodity classification code 9801.00.1012, and foreign goods imported temporarily to be repaired or altered under the HTSUSA commodity classification code 9813.00.0540 are required to show the following statement: ''Imported for Repair and Reexport'' on CBP Form 7501 or its electronic equivalent. When the goods are subsequently exported, file according to the instructions provided in § 30.29.

■ 20. Amend § 30.74 by revising paragraph (c)(5) to read as follows:

§ 30.74 Voluntary self-disclosure.

* * * * *

(c) * * *

(5) *Where to make voluntary self-disclosures.* With the exception of voluntary disclosures of manifest violations under paragraph (c) of this section, the information constituting a Voluntary Self-Disclosure or any other correspondence pertaining to a Voluntary Self-Disclosure may be submitted to: Chief, International Trade Management Division, U.S. Census Bureau, 4600 Silver Hill Road, Washington, DC 20233. Additional instructions are found at *www.census.gov/trade.*

* * * * *

Appendix B to Part 30 [Removed]

■ 21. Remove Appendix B.

■ 22. Redesignate Appendix D as new Appendix B and revise it to read as follows:

Appendix B to Part 30—AES Filing Citation, Exemption and Exclusion Legends

I. Proof of Filing Citation	AES ITN. Example: AES X20170101987654.
II. Postdeparture Citation—USPPI	AESPOST USPPI EIN Date of Export (mm/dd/yyyy).
USPPI is filing the EEI	Example: AESPOST 12345678912 01/01/2017.
III. Postdeparture Citation—Agent	AESPOST USPPI EIN—Filer ID Date of Export (mm/dd/yyyy).
Agent is filing the EEI	Example: AESPOST 12345678912—987654321 01/01/2017.
IV. AES downtime Filing Citation—Use only when AES or AES*Direct* is unavailable.	AESDOWN Filer ID Date of Export (mm/dd/yyyy). Example: AESDOWN 123456789 01/01/2017.
V. Exemption for Shipments to Canada	NOEEI § 30.36.
VI. Exemption for Low-Value Shipments	NOEEI § 30.37(a).
VII. Miscellaneous Exemption Statements are found in 15 CFR part 30 subpart D § 30.37(b) through § 30.37(y).	NOEEI § 30.37 (site corresponding alphabet).
VIII. Special Exemption for Shipments to the U.S. Armed Forces	NOEEI § 30.39.
IX. Special Exemptions for Certain Shipments to U.S. Government Agencies and Employees (Exemption Statements are found in 15 CFR part 30 subpart D § 30.40(a) through § 30.40(d).	NOEEI § 30.40 (site corresponding alphabet).
X. Miscellaneous Exclusion Statements are found in 15 CFR part 30 subpart A § 30.2(d).	NOEEI § 30.2(d) (site corresponding number).

XI. Split Shipments Split Shipments should be referenced as such on the manifest in accordance with provisions contained in § 30.28, Split Shipments. The notation should be easily identifiable on the manifest. It is preferable to include a reference to a split shipment in the exemption statements cited in the example, the notation SS should be included at the end of the appropriate exemption statement.	AES ITN SS. Example: AES X20170101987654 SS.

Appendices C, E, and F [Removed]

■ 23. Remove Appendices C, E, and F.

Dated: April 10, 2017.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2017–07646 Filed 4–18–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2017–0238]

RIN 1625–AA08

Special Local Regulation; Ohio River MM 598–602.7, Louisville, KY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation for all navigable waters of the Ohio River miles 598–602.7. This action is necessary to provide for the safety of life on these navigable waters near Louisville, KY, during the Thunder over Louisville Air Show and Fireworks Display. This regulation prohibits vessels from anchoring within the navigation channel and along the left descending bank of the Ohio River from mile 598 to 602.7 as well as establishes a buffer area restricting transit to slowest safe speed creating minimum wake from mile 598 to 602.7.

DATES: This rule is effective beginning at 11 a.m. on April 22, 2017 through 2 a.m. on April 23, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0238 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 Petty Officer Caloeb Gandy. U.S. Coast Guard Sector Ohio Valley, telephone 502–779–5334, email *caloeb.l.gandy@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 Information and Regulatory History

Thunder over Louisville is an annually recurring marine event located on the Ohio River in Louisville, KY. This year's event will be taking place on April 21, 22, and 23, 2017. The event sponsor will be organizing an air show and conducting a fireworks display launched from multiple barges on the Ohio River spanning mile marker 602 to 606.

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 conducting a large scale air show over navigable waters and multiple fireworks displays on navigable waters paired with the large number of spectator vessels expected and other waterway users in the area poses heightened safety hazards. Immediate action is necessary to establish event specific regulations. This Special Regulation for Thunder over Louisville is being updated in Sector Ohio Valley's 2017 update to its published annually recurring marine events. However, that regulation was not completed in time and therefore a TFR is now required. It is impracticable to publish a new NPRM because the Coast Guard must establish this rule by April 22, 2017.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. The COTP has deemed that a safety risk exists due to the large number of spectator vessels within close proximity to the large scale air show and fireworks display. Providing a full 30 days notice is unnecessary and contrary to the public interest as it would delay the effectiveness of the temporary special local regulation until after the event. The Coast Guard will provide actual notice to the public and maritime community that the temporary special local regulation will be in effect and of the enforcement period via broadcast notices to mariners.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233. The Captain of the Port Ohio Valley (COTP) has determined that potential hazards associated with the large number of recreational vessels in the area during the event will be a safety concern for anyone navigating the Ohio River from mile marker 598–602.7. The purpose of this rule is to ensure safety of life on the navigable waters in the temporary regulated area before, during, and after Thunder over Louisville.

IV. Discussion of Comments, Changes, and the Rule

This rule establishes a temporary special local regulation from 11 a.m. on April 22, 2017 through 2 a.m. on April 23, 2017. The temporary special local regulation will cover all navigable waters of the Ohio River from mile marker 598–602.7. The duration of the special local regulation is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled air show and fireworks displays. Vessels operating within the regulated area are required to maintain the slowest speed possible to maintain maneuverability creating minimum wake. In addition, vessels will not be permitted to anchor within the navigation channel or along the left descending bank of the Ohio River from mile 600 to 602.7.

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

E.O.s 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits including potential economic, environmental, public health and safety effects, distributive impacts, and equity. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 (''Reducing Regulation and Controlling Regulatory Costs''), directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

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

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the special local regulation. Recreational vessel traffic will be able to transit this area at a minimum wake speed, or the slowest speed possible to maintain maneuverability. In addition, recreational vessels are permitted to anchor outside the navigation channel along the right descending bank from mile 600 to 602.7. The Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the temporary special local regulation that is in place.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation lasting less than 24 hours that restricts anchorage areas and the speed of vessels transiting the area to a no wake speed. It is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. A preliminary Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.T08–0238 to read as follows:

§ 100.T08–0238 Special Local Regulation; Ohio River MM 598.0–602.7, Louisville, KY.

(a) *Special local regulated area.* The following area is a temporary special local regulation for all navigable waters of the Ohio River between mile 598.0 and mile 602.7 Louisville, KY, extending the entire width of the Ohio River.

(b) *Effective dates.* This special local regulation is effective from 11 a.m. on April 22, 2017 through 2 a.m. on April 23, 2017.

(c) *Special local regulations.* (1) Vessels transiting the regulated area from mm 598–602.7 must do so at the slowest safe speed creating minimum wake.

(2) Vessels are not permitted to anchor within the navigation channel or along the left descending bank between mile 600 and mile 602.7.

(3) The Coast Guard will patrol the regulated area under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted via VHF–FM radio channel 16 or by phone at 502–587–8633.

(4) The Patrol Commander may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(5) The Patrol Commander may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property.

(d) *Informational broadcasts.* The COTP Ohio Valley or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the regulated area as well as any changes in the planned schedule.

Dated: April 13, 2017.

M. B. Zamperini,

Captain, U.S. Coast Guard, Captain of the Port Ohio Valley.

[FR Doc. 2017–07882 Filed 4–18–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0313]

RIN 1625–AA00

Safety Zone; Unexploded Ordnance Detonation; Naval Base Kitsap, Elwood Point; Bremerton, WA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a 500-yard temporary safety zone on in vicinity of Naval Base Kitsap, Elwood Point; Bremerton, WA. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the unexploded ordnance detonation being conducted by the U.S. Navy. The safety zone will prohibit any person or vessel from entering or remaining in the safety zone unless authorized by the Captain of the Port or a Designated Representative.

DATES: This rule is effective from 8 a.m. on April 19, 2017 to 8 p.m. on April 20, 2017. It will only be enforced during two periods: from 8 a.m. to 8 p.m. on April 19, 2017, and from 8 a.m. to 8 p.m. on April 20, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0313 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 CWO Jeffrey Zappen, Waterways Management Division, U.S. Coast Guard; telephone 206–217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background 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 publishing an NPRM would be impracticable as delayed promulgation may result in injury or damage to the maritime public as a result of the detonation of ordnance. The Captain of the Port, Sector Puget Sound received notice of the date of the planned detonation on April 12, 2017.

Under 5 U.S.C. 553(b)(B), the Coast Guard also finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because the danger associated with detonating ordnance will occur on April 19, 2017, and this rule must be effective to protect against those hazards on that date.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port, Puget Sound has determined that potential hazards associated with the detonation will be a safety concern for anyone transiting through the location of the operation. This rule is needed to ensure the safety of the maritime public from hazards associated with the unexploded ordnance detonation in the vicinity of Naval Base Kitsap, Elwood Point, Bremerton, WA.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 8 a.m. on April 19, 2017 to 8 p.m. on April 20, 2017. It will only be enforced during two periods: From 8 a.m. to 8 p.m. on April 19, 2017, and from 8 a.m. to 8 p.m. on April 20, 2017. The safety zone will cover all navigable waters within 500 yards of 47°35′30.8″ N. 122°41′11.1″ W., which is located at Point Elwood on Naval Base Kitsap, located in Ostrich Bay, southern end of Dyes Inlet. The duration of the zone is intended to protect personnel,

vessels, and the marine environment from potential hazards created by the unexploded ordnance detonation being conducted by the U.S. Navy. The Captain of the Port may use Broadcast Notice to Mariners to grant general permission to enter the zone within the effective period of this rule once the detonation is complete and the zone is no longer needed.

No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. Vessels wishing to enter the safety zone must request permission to do so from the Captain of the Port, Puget Sound by contacting the Joint Harbor Operations Center at 206–217–6001 or the on-scene patrol craft, if any, via VHF–FM Channel 16. If permission for entry is granted, vessels must proceed at a minimum speed for safe navigation.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

E.O.s 12866 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. E.O. 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 E.O. 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the limited nature of the size and duration of the temporary safety zone. Moreover, the Coast Guard will issue a Special Marine Information Broadcast via VHF–FM 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.

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

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this 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 that is limited in duration that will prohibit entry within 500 yards of the designated area. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. 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.T13–0313 to read as follows:

§ 165.T13–0313 Safety Zone; Unexploded Ordnance Detonation; Naval Base Kitsap; Elwood Point; Bremerton, WA.

(a) *Location.* The following area is designated as a safety zone: all waters within 500-yard radius of the unexploded ordnance detonation, Naval Base Kitsap, Elwood Point (47°35′30.8″ N, 122°41′11.1″ W); Bremerton, WA.

(b) *Regulations.* In accordance with the general regulations in subpart C of this part no person or vessel may enter or remain in the safety zone unless authorized by the Captain of the Port, Puget Sound or a designated representative. To request permission to enter the safety zone, contact the Joint Harbor Operations Center at 206–217–6001, or the on-scene patrol craft, if any, via VHF–FM Channel 16. If permission for entry into the safety zone is granted, vessels or persons must proceed at the minimum speed for safe navigation and in compliance with any other directions given by the Captain of the Port, Puget Sound or a designated representative.

(c) *Effective period.* This section is effective from 8 a.m. on April 19, 2017 to 8 p.m. on April 20, 2017. It will only be enforced during two periods: From 8 a.m. to 8 p.m. on April 19, 2017, and from 8 a.m. to 8 p.m. on April 20, 2017.

Dated: April 13, 2017.

L.A. Sturgis,

Captain, U.S. Coast Guard, Captain of the Port Puget Sound.

[FR Doc. 2017–07883 Filed 4–18–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 107 and 171

[Docket No. PHMSA–2016–0041 (HM–258D)]

RIN 2137–AF23

Hazardous Materials: Revision of Maximum and Minimum Civil Penalties

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Final rule.

SUMMARY: PHMSA is revising the maximum and minimum civil penalties for a knowing violation of the Federal hazardous material transportation law or a regulation, order, special permit, or approval issued under that law. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which amended the Federal Civil Penalties Inflation Adjustment Act of 1990, required Agencies to update their civil monetary penalties in August 2016 through an interim final rulemaking. PHMSA has elected to do the 2017 update in a final rulemaking. Per this final rule, the maximum civil penalty for a knowing violation is now $78,376, except for violations that result in death, serious illness, or severe injury to any person or substantial destruction of property, for which the maximum civil penalty is $182,877. In addition, the minimum civil penalty amount for a violation relating to training is now $471.

DATES: *Effective Date:* April 19, 2017.

FOR FURTHER INFORMATION CONTACT: Shawn Wolsey, Office of Chief Counsel, (202) 366–4400, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Table of Contents:

I. Civil Penalty Amendments

Section 701 of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act), Public Law 114–74, which amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (the Inflation Adjustment Act), Public Law 101–410, required that the Agency make an initial catch-up adjustment with subsequent annual adjustments to the maximum and minimum civil penalties set forth in 49 U.S.C. 5123(a) for a knowing violation of the Federal hazardous material transportation law or a regulation, order, special permit, or approval issued under that law. These changes to the maximum and minimum civil penalty amounts apply to violations assessed on or after the effective date of August 1, 2016. The 2015 Act also requires that the Agency make subsequent annual adjustments for inflation beginning in 2017, which are to be published no later than January 15th of each subsequent year.

The Office of Management and Budget's (OMB) ''Memorandum for the Heads of Executive Departments and Agencies, Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,'' M–17–11, provides guidance on how to update agencies' civil penalties pursuant to the 2015 Act. In order to complete the 2017 annual adjustment, agencies should multiply each applicable penalty by the multiplier (1.01636) and round to the nearest dollar. The multiplier should be applied to the most recent penalty amount, *i.e.,* the one that includes the catch-up adjustment that the 2015 Act required agencies to issue no later than July 1, 2016.

Accordingly, PHMSA is revising the references to the maximum and minimum civil penalty amounts in 49 CFR 107.329, appendix A to subpart D of 49 CFR part 107, and 49 CFR 171.1 to reflect the changes required by the 2015 Act:

- Revising the maximum civil penalty from $77,114 to $78,376 for a person who knowingly violates the Federal hazardous material transportation law or a regulation, order, special permit, or approval issued under that law.
- Revising the maximum civil penalty from $179,933 to $182,877 for a person who knowingly violates the Federal hazardous material transportation law or a regulation, order, special permit, or approval issued under that law that results in death, serious

illness, or severe injury to any person or substantial destruction of property.

- Revising the minimum penalty amount from $463 to $471 for a violation related to training.

II. Justification for Final Rule

PHMSA is proceeding directly to a final rule without providing a notice of proposed rulemaking (NPRM) or an opportunity for public comment. This action is permitted, in part, because the 2015 Act directs PHMSA to adjust the civil monetary penalties in accordance with the schedule provided in the 2015 Act, notwithstanding the notice and public comment procedures in the Administrative Procedure Act (APA). However, PHMSA also notes that the APA authorizes agencies to forego providing the opportunity for prior public notice and comment if an agency finds good cause that notice and public comment are ''impracticable, unnecessary, or contrary to the public interest.'' *See* 5 U.S.C 553(b)(3)(B). In this instance, public comment is unnecessary because, in making these technical amendments, PHMSA is not exercising discretion in a way that could be informed by public comment. PHMSA is required under the 2015 Act and directed by the OMB Guidance to publish this rule by January 15, 2017, with the penalty levels stated herein to take effect on that date. Further, PHMSA is mandated by the 2015 Act and directed by the OMB Guidance to adjust the penalty levels pursuant to the specific procedures also stated herein. Any public comments received through notice and comment procedure would therefore not affect PHMSA's obligation to comply with the 2015 Act, nor would they affect the methods used by PHMSA to adjust the penalty levels.

III. Rulemaking Analyses and Notices

A. Statutory/Legal Authority for This Rulemaking

This final rule is published under the authority of the Federal hazardous materials transportation law. 49 U.S.C. 5101 *et seq.* Section 5123(a) of which provides civil penalties for knowing violations of Federal hazardous material transportation law or a regulation, order, special permit, or approval issued under that law. This rule revises the references in PHMSA's regulations by (1) revising the maximum penalty amount for a knowing violation and a knowing violation resulting in death, serious illness, or severe injury to any person or substantial destruction of property to $78,376 and $182,877, respectively, and (2) revising the minimum penalty amount to $471 for a violation related to training.

B. Executive Order 12866, Executive Order 13563, and DOT Regulatory Policies and Procedures

This final rule has been evaluated in accordance with existing policies and procedures and determined to be non-significant under Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (Oct. 4, 1993), and Executive Order 13563, ''Improving Regulation and Regulatory Review,'' 76 FR 3821 (Jan. 21, 2011). However, consistent with OMB memorandum M–17–11, this final rule was not reviewed by OMB in order to make a significance determination.

Further, this rule is not a significant regulatory action under DOT Regulatory Policies and Procedures. *See* 44 FR 11034 (Feb. 26, 1979). It is a ministerial act for which the Agency has no discretion. The economic impact of the final rule is minimal to the extent that preparation of a regulatory evaluation is not warranted. Given the low number of penalty actions within the scope of this final rule, the impacts will be very limited.

This final rule is being undertaken to address our statutory requirements and imposes no new costs upon persons conducting hazardous materials operations in compliance with the requirements of the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). Those entities not in compliance with the requirements of the HMR may experience an increased cost based on the penalties levied against them for non-compliance; however, this is an avoidable, variable cost and thus is not considered in any evaluation of the significance of this regulatory action. Moreover, as the cost is an inflationary adjustment and the magnitude of the increase is minimal since these penalties were recently enacted, reflected costs are nominal. The amendments in this rule could provide safety benefits (*i.e.,* larger penalties deterring knowing violators). Overall, it is anticipated this rulemaking would have minimal real costs and benefits.

C. Executive Order 13132

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, ''Federalism.'' *See* 64 FR 43255 (Aug. 10, 1999). This rule does not impose any regulation having substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

D. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' *See* 65 FR 67249 (Nov. 9, 2000). Because this final rule does not have adverse tribal implications and does not impose direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply and a tribal summary impact statement is not required.

E. Regulatory Flexibility Act, Executive Order 13272, and DOT Procedures and Policies

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–611, requires each agency to analyze regulations and assess their impact on small businesses and other small entities to determine whether the rule is expected to have a significant impact on a substantial number of small entities. The provisions of this rule apply specifically to all businesses transporting hazardous material. Therefore, PHMSA certifies this rule would not have a significant economic impact on a substantial number of small entities.

In addition, PHMSA has determined the RFA does not apply to this rulemaking. The 2015 Act requires PHMSA to publish a final rule and does not require PHMSA to complete notice and comment procedures 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 Act does not require an NPRM for this rulemaking, the RFA does not apply.

F. Paperwork Reduction Act

There are no new information requirements in this final rule.

G. Unfunded Mandates Reform Act of 1995

This final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. Public Law 104–4. It does not result in costs of $100 million or more,

adjusted for inflation, to any of the following: State, local, or Native American tribal governments, or to the private sector.

H. Environmental Assessment

The National Environmental Policy Act of 1969 (NEPA), as amended, requires Federal agencies to consider the consequences of major Federal actions and prepare a detailed statement on actions significantly affecting the quality of the human environment. 42 U.S.C. 4321–4375. When developing potential regulatory requirements, PHMSA evaluates those requirements to consider the environmental impact of each amendment. Specifically, PHMSA evaluates the following: Risk of release and resulting environmental impact; risk to human safety, including any risk to first responders; longevity of the packaging; and if the proposed regulation would be carried out in a defined geographic area, the resources, especially any sensitive areas, and how they could be impacted by any proposed regulations. These amendments would be generally applicable and would not be carried out in a defined geographic area. Civil penalties may act as a deterrent to those violating the HMR, and this can have a negligible positive environmental impact as a result of increased compliance. Based on the above discussion, PHMSA concludes there are no significant environmental impacts associated with this final rule.

I. Executive Order 13609 and International Trade Analysis

Under Executive Order 13609, ''Promoting International Regulatory Cooperation,'' agencies must consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. *See* 77 FR 26413 (May 4, 2012). In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA participates in the establishment of international standards in order to protect the safety of the American public, and we have assessed the effects of this final rule to ensure that it does not cause unnecessary obstacles to foreign trade. Accordingly, this rulemaking is consistent with Executive Order 13609 and PHMSA's obligations.

J. Privacy Act

Anyone is able to search the electronic form of all comments received by any of our dockets using the name of the individual submitting the comments (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476), which may be viewed at *http://www.gpo.gov/fdsys/pkg/FR-2000-04-11/pdf/00-8505.pdf.*

K. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in spring and fall of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 107

Administrative practices and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 171

Definitions, General information, Regulations.

In consideration of the foregoing, 49 CFR chapter I is amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

■ 1. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4; Pub. L. 104–121, sections 212–213; Pub. L. 104–134, section 31001; Pub. L. 114–74 section 4 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97.

■ 2. Revise § 107.329 to read as follows:

§ 107.329 Maximum penalties.

(a) A person who knowingly violates a requirement of the Federal hazardous material transportation law, an order issued thereunder, this subchapter, subchapter C of the chapter, or a special permit or approval issued under this subchapter applicable to the transportation of hazardous materials or the causing of them to be transported or shipped is liable for a civil penalty of not more than $78,376 for each violation, 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. There is no minimum civil penalty, except for a minimum civil penalty of $471 for violations relating to training. When the violation is a continuing one, each day of the violation constitutes a separate offense.

(b) A person who knowingly violates a requirement of the Federal hazardous material transportation law, an order issued thereunder, this subchapter, subchapter C of the chapter, or a special permit or approval issued under this subchapter applicable to the design, manufacture, fabrication, inspection, marking, maintenance, reconditioning, repair or testing of a package, container, or packaging component which is represented, marked, certified, or sold by that person as qualified for use in the transportation of hazardous materials in commerce is liable for a civil penalty of not more than $78,376 for each violation, 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. There is no minimum civil penalty, except for a minimum civil penalty of $471 for violations relating to training.

3. In appendix A to subpart D of part 107, section II.B. (''Penalty Increases for Multiple Counts''), the first sentence of the second paragraph is revised to read as follows:

Appendix A to Subpart D of Part 107—Guidelines for Civil Penalties

* * * * *

II. * * *

B. * * *

Under the Federal hazmat law, 49 U.S.C. 5123(a), each violation of the HMR and each day of a continuing violation (except for violations relating

to packaging manufacture or qualification) is subject to a civil penalty of up to $78,376 or $182,877 for a violation occurring on or after April 19, 2017. * * *

* * * * *

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

■ 4. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4; Pub. L. 104–134, section 31001; Pub. L. 114–74 section 4 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97.

■ 5. In § 171.1, paragraph (g) is revised to read as follows:

§ 171.1 Applicability of Hazardous Materials Regulations (HMR) to persons and functions.

* * * * *

(g) *Penalties for noncompliance.* Each person who knowingly violates a requirement of the Federal hazardous material transportation law, an order issued under Federal hazardous material transportation law, subchapter A of this chapter, or a special permit or approval issued under subchapter A or C of this chapter is liable for a civil penalty of not more than $78,376 for each violation, 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. There is no minimum civil penalty, except for a minimum civil penalty of $471 for a violation relating to training.

Issued in Washington, DC on April 14, 2017, under authority delegated in 49 CFR part 1.97.

Howard W. McMillan,

Acting Deputy Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2017–07908 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket Nos. 100120037–1626–02 and 101217620–1788–03]

RIN 0648–XF344

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2017 Accountability Measure-Based Closures for Recreational Species in the U.S. Caribbean off Puerto Rico

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

ACTION: Temporary rule; closures.

SUMMARY: NMFS implements accountability measures (AMs) for two species groups in the exclusive economic zone (EEZ) of the U.S. Caribbean off Puerto Rico for the 2017 fishing year through this temporary rule. NMFS has determined that recreational sector annual catch limits (ACLs) in the EEZ off Puerto Rico were exceeded for wrasses and parrotfishes based on average landings during the 2013–2015 fishing years. This temporary rule reduces the lengths of the 2017 fishing seasons for these species groups by the amounts necessary to ensure that landings do not exceed the applicable recreational ACLs in 2017. NMFS closes the recreational sectors for these species groups beginning on the dates specified in the **DATES** section and continuing through the end of the current fishing year, December 31, 2017. These AMs are necessary to protect the Caribbean reef fish resources in the EEZ off Puerto Rico.

DATES: This rule is effective for recreational sector wrasses in the EEZ off Puerto Rico at 12:01 a.m., local time, April 19, 2017, until 12:01 a.m., local time, January 1, 2018. This rule is effective for recreational sector parrotfishes in the EEZ off Puerto Rico May 19, 2017, until 12:01 a.m., local time, January 1, 2018. The AM-based closure for recreational parrotfishes applies at 12:01 a.m., local time, November 4, 2017, until 12:01 a.m., local time, January 1, 2018.

FOR FURTHER INFORMATION CONTACT: María del Mar López, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *maria.lopez@noaa.gov.*

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Caribbean EEZ includes wrasses and parrotfishes, and is managed under the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands (Reef Fish FMP). The Reef Fish FMP was prepared by the Caribbean Fishery Management Council (Council) and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The 2010 Caribbean ACL Amendment (Amendment 2 to the FMP for the Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands (Queen Conch FMP) and Amendment 5 to the Reef Fish FMP) and 2011 Caribbean ACL Amendment (Amendment 3 to the Queen Conch FMP, Amendment 6 to the Reef Fish FMP, Amendment 5 to the Spiny Lobster FMP, and Amendment 3 to FMP for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands) revised the Reef Fish FMP (76 FR 82404, December 30, 2011, and 76 FR 82414, December 30, 2011). Among other actions, the 2010 and 2011 Caribbean ACL Amendments and the associated final rules established ACLs and AMs for Caribbean reef fish, including the species groups identified in this temporary rule. The 2010 and 2011 Caribbean ACL Amendments and final rules also allocated ACLs among three Caribbean island management areas, *i.e.,* the Puerto Rico, St. Croix, and St. Thomas/St. John management areas of the EEZ, as specified in Appendix E to part 622. The ACLs for reef fish species and species groups in the Puerto Rico management area were further allocated between the commercial and recreational sectors, and AMs apply to each of these sectors separately. The Puerto Rico management area encompasses the EEZ off Puerto Rico.

The recreational ACLs in the EEZ off Puerto Rico for the species groups covered by this temporary rule are as follows and are given in round weight:

- The recreational ACL for wrasses is 5,050 lb (2,291 kg), as specified in § 622.12(a)(1)(ii)(L).
- The recreational ACL for parrotfishes is 15,263 lb (6,921 kg), as specified in § 622.12(a)(1)(ii)(B).

In accordance with regulations at 50 CFR 622.12(a), if landings from a Caribbean island management area are estimated to have exceeded the applicable ACL, the Assistant Administrator for NOAA Fisheries (AA) will file a notification with the Office of the Federal Register to reduce the length of the fishing season for the applicable species or species group the following fishing year by the amount necessary to ensure landings do not exceed the applicable ACL. NMFS evaluates landings relative to the applicable ACL based on a moving 3-year average of landings, as described in the Reef Fish FMP.

Based on the most recent available landings data, from the 2013–2015 fishing years, NMFS has determined that the recreational ACLs for wrasses and parrotfishes in the EEZ off Puerto Rico have been exceeded. In addition, NMFS has determined that the recreational ACLs for these species groups were exceeded because of increased catches and not as a result of enhanced data collection and monitoring efforts.

This temporary rule implements AMs for both recreational wrasses and

parrotfishes, to reduce the respective 2017 fishing season lengths to ensure that landings do not exceed the applicable recreational ACLs in the 2017 fishing year. The 2017 fishing seasons for the recreational sectors for these species groups in the Puerto Rico management area of the EEZ are closed at the times and dates listed below. These recreational closures remain in effect until the 2018 fishing seasons begin at 12:01 a.m., local time, January 1, 2018.

- The recreational sector for wrasses is closed effective at 12:01 a.m., local time, April 19, 2017. Wrasses include hogfish, puddingwife, and Spanish hogfish.
- The recreational sector for parrotfishes is closed effective at 12:01 a.m., local time, November 4, 2017. Parrotfishes include queen, princess, striped, redband, redfin, redtail, and stoplight parrotfish.

During the Puerto Rico recreational sector closures for the wrasses and parrotfishes announced in this temporary rule, all recreational harvest of these species groups is closed, and the recreational bag and possession limits for these species groups in or from the Puerto Rico management area are zero.

Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of the species groups included in this temporary rule, in the EEZ off Puerto Rico, and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.12(a) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The AA finds good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such prior notice and opportunity for public comment is unnecessary and contrary to the public interest. Such procedures are unnecessary because the rules implementing the ACLs and AMs for these species groups have been subject to notice and comment, and all that remains is to notify the public that the recreational ACLs were exceeded and that the AMs are being implemented for the 2017 fishing year. Prior notice and opportunity for public comment on this action would be contrary to the public interest for recreational sector wrasses in the EEZ off Puerto Rico, because allowing those procedures would require additional time and would be expected to result in harvest in excess of the established recreational ACL. Additionally, prior notice and opportunity for public comment on this action would be contrary to the public interest for recreational sector parrotfishes in the EEZ off Puerto Rico, because many of those affected by the length of the recreational fishing seasons, including charter vessel and headboat operations that book trips for clients in advance, need advance notice to adjust their business plans to account for the reduced recreational fishing seasons.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action for the wrasses recreational sector under 5 U.S.C. 553(d)(3). The AA has determined that waiver of the 30-day delay in the effectiveness of this action for the parrotfishes recreational sector is not needed or appropriate, as the closure date in this temporary rule is not until November 4, 2017.

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

Dated: April 14, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–07914 Filed 4–14–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 74
Wednesday, April 19, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9418; Directorate Identifier 2016–NE–23–AD]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. Turboprop and Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Honeywell International Inc. (Honeywell) TPE331 turboprop and TSE331 turboshaft engines. This proposed AD was prompted by reports that combustion chamber case assemblies have cracked and ruptured. This proposed AD would require inspection of the affected combustion chamber case assembly, replacement of those assemblies found cracked, and removal of affected assemblies on certain TPE331 engines. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by June 5, 2017.

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

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

For service information identified in this NPRM, contact Honeywell International Inc., 111 S 34th Street, Phoenix, AZ 85034–2802; phone: 800–601–3099; Internet: *https://myaerospace.honeywell.com/wps/portal/!ut/.* You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9418; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2016–9418; Directorate Identifier 2016–NE–23–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We have received reports of three accidents involving combustion chamber case assembly ruptures. Investigations have shown numerous cracked combustion chamber case assemblies resulting from high stresses in the as-designed weld joints and contributing factors due to repair weld quality, poor maintenance and inspection practices, and cycles-in-service. From 1979 to 2016, twenty-four of these cracked combustion chamber case assemblies have propagated to rupture. This condition, if not corrected, could result in failure of the combustion chamber case assembly, in-flight shutdown, and reduced control of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Honeywell Service Bulletin (SB) TPE331–72–2178, Revision 0, dated May 3, 2011. The SB describes procedures for inspection and removal of the affected combustion chamber case assemblies. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

Honeywell has also issued SBs TPE331–72–2228, Revision 0, dated June 12, 2014; TPE331–72–2230, Revision 0, dated June 19, 2014; TPE331–72–2218, Revision 1, dated July 13, 2016; TPE331–72–2244, Revision 1, dated July 20, 2016; TPE331–72–2235, Revision 1, dated July 21, 2016; TPE331–72–2281, Revision 0, dated July 22, 2016; TPE331–72–2294, Revision 0, dated December 22, 2016; and TSE331–72–2245, Revision 0, dated November 11, 2016. These SBs provide guidance on replacement of the affected combustion chamber case assemblies.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require inspection, replacement of the affected combustion chamber case assemblies, and removal of affected assemblies on certain TPE331 turboprop engines.

Differences Between This Proposed AD and the Service Information

This AD proposes inspection and replacement of high-stressed combustion chamber case assemblies and those chamber case assemblies found cracked at scheduled routine inspections. Honeywell SBs TPE331–72–2228, Revision 0, dated June 12, 2014; TPE331–72–2230, Revision 0, dated June 19, 2014; TPE331–72–2218, Revision 1, dated July 13, 2016; TPE331–72–2244, Revision 1, dated July 20, 2016; TPE331–72–2235, Revision 1, dated July 21, 2016; TPE331–72–2281, Revision 0, dated July 22, 2016; TPE331–72–2294, Revision 0, dated December 22, 2016; and TSE331–72–2245, Revision 0, dated November 11, 2016, recommend the removal and replacement of the combustion chamber case assembly at next removal from the engine, but no later than March 31, 2021 or December 31, 2021, depending on the respective engine.

Costs of Compliance

We estimate that this proposed AD affects 5,644 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
On-wing inspection	1 work-hour × $85 per hour = $85.	$0	$85 per inspection	$479,740 per inspection.

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. We estimate that 158 engines will need this replacement during the first year of inspection.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of the combustion chamber assembly ...	1 work-hour × $85 per hour = $85	$15,000	$15,085

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Honeywell International Inc. (Type Certificate previously held by AlliedSignal Inc., Garrett Engine Division; Garrett Turbine Engine Company; and AiResearch Manufacturing Company of Arizona): Docket No. FAA–2016–9418; Directorate Identifier 2016–NE–23–AD.

(a) Comments Due Date

We must receive comments by June 5, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Honeywell International Inc. (Honeywell) TPE331–1, –2, –2UA, –3U, –3UW, –5, –5A, –5AB, –5B, –6, –6A, –8, –10, –10AV, –10GP, –10GT, –10N, –10P, –10R, –10T, –10U, –10UA, –10UF, –10UG, –10UGR, –10UR, and –11U, –12JR, –12UA, –12UAR, –12UHR, –25AA, –25AB, –25DA, –25DB, –25FA, –43A, –43BL, –47A, –55B, and –61A model turboprop engines, and TSE331–3U model turboshaft engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7240, Turbine Engine Combustion Section.

(e) Unsafe Condition

This AD was prompted by reports that combustion chamber case assemblies have cracked and ruptured. We are issuing this AD to prevent failure of the combustion chamber case assembly, in-flight shutdown, and reduced control of the airplane.

(f) Compliance

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

(1) For all affected engines:

(i) Inspect all accessible areas, of the combustion chamber case assembly, focusing on the weld joints, at the next scheduled fuel nozzle inspection or replacement, before accumulating 400 hours since last fuel nozzle inspection, or within 50 hours in service after the effective date of this AD, whichever occurs later.

(ii) Thereafter, repeat this inspection before accumulating an additional 400 hours since last inspection of the combustion chamber case assembly.

(iii) Use the Accomplishment Instructions, paragraph 3.B.(1) through 3.B.(2), in Honeywell Service Bulletin TPE331–72–2178, Revision 0, dated May 3, 2011, to do the inspection.

(2) For TPE331–3U, –3UW, –5, –5A, –5AB, –5B, –6, –6A engines with combustion chamber case assemblies, part numbers (P/Ns) 869728–1, 869728–3, or 893973–5, installed, and without the one–piece bleed pad with P3 boss, and for TPE331–1, –2, and –2UA engines modified with increased P3 pressures, including, but not limited to, engines modified by supplemental type certificate (STC) SE383CH, remove the combustion chamber case assembly from service at the next removal of the combustion chamber case from the engine.

(3) For TPE331–1, –2, –2UA, –3U, –3UW, –5, –5A, –5AB, –5B, –6, –6A, –8, –10, –10AV, –10GP, –10GT, –10N, –10P, –10R, –10T, –10U, –10UA, –10UF, –10UG, –10UGR, –10UR, –11U, –12JR, –12UA, –12UAR, –12UHR model turboprop and TSE331–3U model turboshaft engines, after the effective date of this AD do not weld repair the combustion chamber case assembly using procedures dated before the effective date of this AD.

(g) Definitions

(1) ''Modified with increased P3 pressures'' is defined as an engine modification including, but not limited to, TPE331 model engines modified by STC SE383CH (commonly referred to as the ''Super 1'' and ''Super 2'' for the compressor modification of the TPE331–1 and the TPE331–2, –2U, and –2UA engines, respectively).

(2) Figures 1 and 2 to paragraph (g) of this AD illustrate the appearance of combustion chamber case assembly, P/N 893973–5, without and with, respectively, the one-piece bleed pad with the P3 boss.

Figure 1 to Paragraph (g) of this AD. Combustion Chamber Case Assembly Without the One-Piece Bleed Pad with P3 Boss

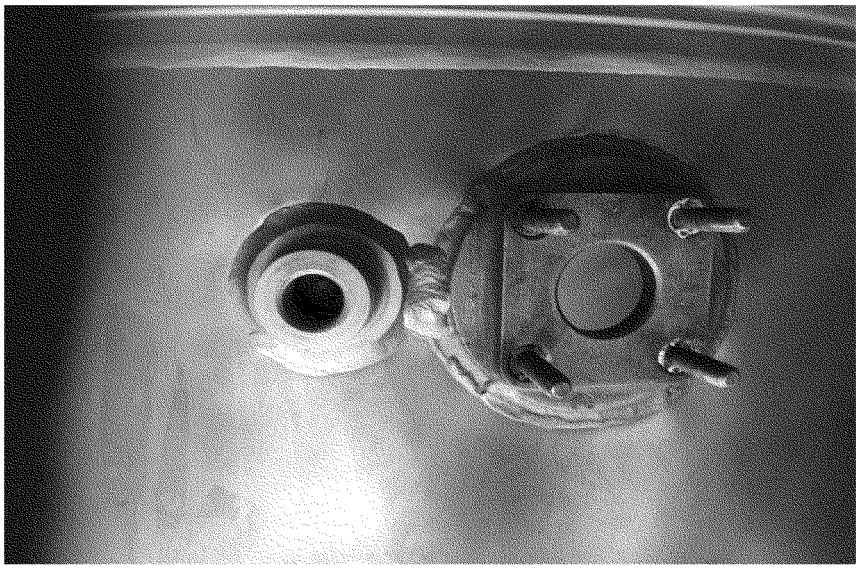
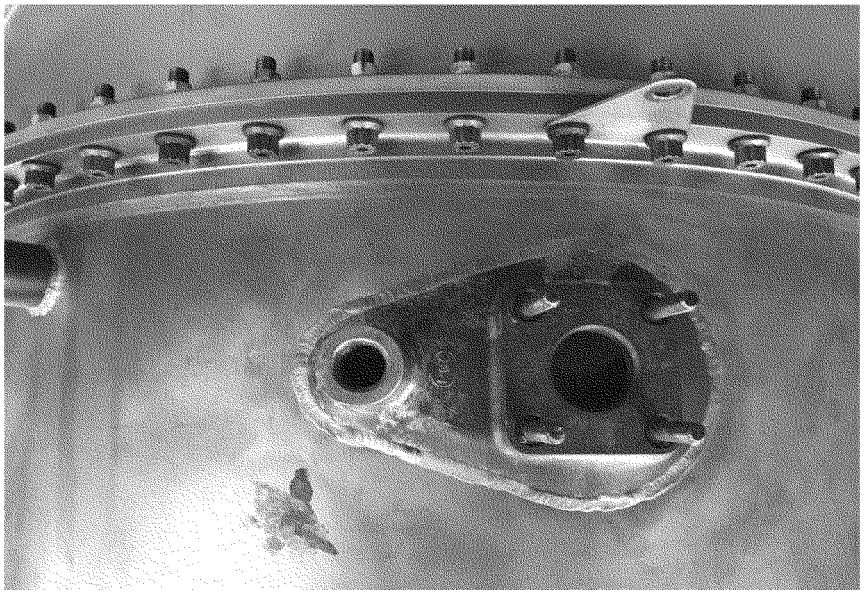


Figure 2 to Paragraph (g) of this AD. Combustion Chamber Case Assembly with One-Piece Bleed Pad with P3 Boss



(h) Installation Prohibition

After the effective date of this AD, do not install a combustion chamber case assembly, P/N 869728–1, 869728–3, or 893973–5, in an engine, unless the combustion chamber case assembly has a one-piece bleed pad with P3 boss.

(i) Alternative Methods of Compliance (AMOCs)

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

(j) Related Information

(1) For more information about this proposed AD, contact Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; phone: 562–627–

5246; fax: 562–627–5210; email: *joseph.costa@faa.gov.*

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

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

Issued in Burlington, Massachusetts, on April 6, 2017.

Carlos A. Pestana,

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

[FR Doc. 2017–07779 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0185; Airspace Docket No. 17–ASW–6]

Proposed Amendment of Class E Airspace for the Following Texas Towns; Pampa, TX, and Seminole, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace extending upward from 700 feet above the surface at Perry Lefors Field, Pampa, TX and Gaines County Airport, Seminole, TX. Decommissioning of non-directional radio beacons (NDB), cancellation of NDB approaches, and implementation of area navigation (RNAV) procedures have made this action necessary for the safe management of instrument flight rules (IFR) operations at the above airports.

DATES: Comments must be received on or before June 5, 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–2017–0185; Airspace Docket No. 17–ASW–6, 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. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

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

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

FOR FURTHER INFORMATION CONTACT: Ron Laster, Federal Aviation Administration, Contract Support, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5879.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify Class E airspace extending upward from 700 feet above the surface area at Perry Lefors Field, Pampa, TX and Gaines County Airport, Seminole, TX.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0185/Airspace Docket No. 17–ASW–6.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.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 proposes to amend FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E airspace extending upward from 700 feet above the surface at Perry Lefors Field, Pampa, TX. Specifically, this action would remove the segment 3 miles each side of the 354° bearing from the Pampa NDB extending from the 7.3-mile radius to 10.1 miles north of the airport and would reduce the Class E airspace extending upward from 700 feet above the surface at the airport from a 7.3-mile radius to a 6.4-mile radius. This action also proposes to modify Class E airspace extending upward from 700 feet above the surface at Gaines County Airport, Seminole, TX by removing the segment 2.5 miles each side of the 189° bearing from the Gaines CO NDB extending from the 6.7-mile radius to 7.7 miles south of the airport. Airspace reconfiguration is necessary due to the decommissioning of non-directional radio beacons (NDB), cancellation of NDB approaches, and implementation of area navigation (RNAV) procedures at the above airports. Controlled airspace is necessary for the safety and management of the standard instrument approach procedures for IFR operations at the airports.

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, 2015, and effective September 15, 2016, is amended as follows:

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

* * * * *

ASW TX E5 Pampa, TX [Amended]

Pampa, Perry Lefors Field, TX
(Lat. 35°36′47″ N., long. 100°59′47″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Perry Lefors Field.

* * * * *

ASW TX E5 Seminole, TX [Amended]

Seminole, Gaines County Airport, TX
(Lat. 32°40′31″ N., long. 102°39′10″ W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Gaines County Airport.

Issued in Fort Worth, Texas, on April 10, 2017.

Walter Tweedy,

Acting Manager, Operations Support Group, Central Service Center.

[FR Doc. 2017–07781 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0212]

RIN 1625–AA09

Drawbridge Operation Regulation; St. Louis River (Duluth-Superior Harbor), Between the Towns of Duluth, MN and Superior, WI

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the regulations that govern the drawbridges over the St. Louis River at Duluth-Superior Harbor. This waterway borders Minnesota and Wisconsin and is listed under Minnesota as St. Louis River (Duluth-Superior Harbor) and under Wisconsin as Duluth-Superior Harbor (St. Louis River) in the CFR. This proposed rule would affect both regulations. The owner of the Burlington Northern Grassy Point Railroad Bridge at mile 5.44 requested the regulation be updated to include permanent winter operating schedule. This proposed rule would also align river mile numbers with the United States Coast Pilot and delete bridges from the regulations that have been removed from the waterway and make the regulation easier to read and less confusing to the mariner.

DATES: Comments and related material must reach the Coast Guard on or before May 19, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0212 using Federal eRulemaking Portal at *http://www.regulations.gov.*

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Lee D. Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone 216–902–6085, email *Lee.D.Soule@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
LWD Low Water Datum
NPRM Notice of proposed rulemaking
SNPRM Supplemental notice of proposed rulemaking
Pub. L. Public Law

§ Section
U.S.C. United States Code

II. Background, Purpose and Legal Basis

The St. Louis River flows eastward through Grassy Point into the St. Louis Bay and then into the west side of Superior Bay near its north end through Rices Point and Connors Point. The Minnesota Channel, the dredged channel, follows the Minnesota shore for 2 miles west of Grassy Point before turning south. The buoys in the Minnesota Channel, are maintained from April 28 to December 7 each year when the waterway is typically ice free. The waterway is used by recreational and commercial vessels, including large freighters. Most vessels, including the larger freighters, avoid navigating the Minnesota Channel after December 7 when the buoys are decommissioned for the winter and ice makes navigation difficult.

The Burlington Northern Grassy Point Railroad Bridge at mile 5.44 is a center swing bridge that provides 175 feet of horizontal clearance in both draws and a vertical clearance of 12 feet in the closed position with an unlimited clearance in the open position at LWD. Fixed spans, outside of the channel limits, adjoining the bridge have a horizontal clearance of 64 feet and a vertical clearance of 13 feet at LWD. The bridge currently opens on signal, except that from January 1 through March 15 the draw opens on signal if at least 24 hours notice is provided.

The bridges listed in the regulation as the Grassy Point Bridge at mile 8.0 and the Arrow Head Bridge at mile 8.7, respectively, have been removed from the waterway.

The Duluth, Missabe & Iron Range combined Railroad and Highway Bridge, also known as the Oliver Bridge, at mile 13.91, is a center swing bridge with a horizontal clearance of 125 feet in both draws and a vertical clearance of 22 feet in the closed position at LWD. This bridge has been authorized to remain in the closed position for over 20 years but must return to operable condition when notified by the District Commander to do so.

III. Discussion of Proposed Rule

The bridge river/waterway mile numbers in the current regulation and the Coast Pilot 6 do not match. To avoid confusion this discussion only refers to the bridge mile numbers as published in the current Coast Pilot 6. The intent is to correct the mile numbers in this proposed rule so both the CFR and Coast Pilot 6 match.

The bridges referred to as the Grassy Point Bridge at mile 8.0 and the Arrow Head Bridge at mile 8.7 in the current regulation will be removed from the CFR because the bridges have been removed and are no longer crossing the waterway.

The drawbridge referred to as the Burlington Northern Railroad Bridge at mile 5.7 in the current regulation will be revised and referred to as the Burlington Northern Railroad Grassy Point Bridge at mile 5.44.

We reviewed the drawtender logs provided by the owners of the Burlington Northern Railroad Grassy Point Bridge and found the last vessel to request an opening in 2014 was an unknown tug boat on December 11, at 9 p.m., and in 2015 the last vessel to request an opening was a Coast Guard vessel that requested an opening on December 6, at 2 p.m., and in 2016 the last vessel to request an opening was a Coast Guard vessel that requested an opening on December 2, at 5:45 p.m. Due to the lack of openings after December 7, we propose to allow the bridge to open if a 12-hour notice is given from December 15 through March 15 each year.

We propose to rename the Duluth, Missabe & Iron Range combined Railroad and Highway Bridge at mile 13.91 to the Canadian National Railroad and Highway Bridge to reflect the current ownership of the bridge, but continue to allow the bridge to remain in the closed position. The bridge will be required to return to operable condition when notified by the District Commander to do so.

The regulatory language for these drawbridges appear under two separate sections of 33 CFR; § 117.669 St. Louis River (Duluth-Superior Harbor) and § 117.1083 Duluth-Superior Harbor (St. Louis River). Our intent is to issue a Final Rule for § 117.669 that includes all revised language for St. Louis River drawbridges, and revise § 117.1083 by removing the regulatory language and referring readers to § 117.669 Duluth-Superior Harbor (St. Louis River).

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 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 ability that vessels can still transit the bridge from December 15 through March 15 if a 12-hour advance notice of arrival is provided at a time of year when vessel traffic is at its lowest. All other changes to the regulation are administrative in nature and required to make the regulation consistent with other published navigation information.

B. Impact on Small Entities

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

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,** above. 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 call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this 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 above.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this proposed 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 guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule. 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 document, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. Revise § 117.669 to read as follows:

§ 117.669 St. Louis River (Duluth-Superior Harbor).

(a) The draw of the Burlington Northern Grassy Point railroad Bridge, mile 5.44, shall open on signal except that, from December 15 through March 15 the draw shall open if at least 12-hour notice is given.

(b) The draw of the Canadian National Combined Railroad and Highway Bridge, mile 13.91, need not be opened for the passage of vessels. The owner shall return the draw to operable condition within a reasonable time when notified by the District Commander to do so.

■ 3. Revise § 117.1083 to read as follows:

§ 117.1083 Duluth-Superior Harbor (St. Louis River).

See § 117.669 St. Louis River (Duluth-Superior Harbor), listed under Minnesota.

Dated: March 31, 2017.

J.E. Ryan,

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

[FR Doc. 2017–07907 Filed 4–18–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[4500030115]

Endangered and Threatened Wildlife and Plants; 90-Day Findings on Two Petitions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce 90-day findings on two petitions to list or reclassify wildlife or plants under the Endangered Species Act of 1973, as amended (Act). Based on our review, we find that the petitions do not present substantial scientific or commercial information indicating that the petitioned action may be warranted, and we are not initiating status reviews in response to those petitions. We refer to these findings as ''not-substantial'' petition findings.

DATES: These findings were made on April 19, 2017.

ADDRESSES: Summaries of the bases for the not-substantial petition findings contained in this document are available on *http://www.regulations.gov* under the appropriate docket number (see Table 1 under **SUPPLEMENTARY INFORMATION**). Supporting information in preparing these findings is available for public inspection, by appointment, during normal business hours by contacting the appropriate person, as specified in Table 3 under **SUPPLEMENTARY INFORMATION**. If you have new information concerning the status of, or threats to, the species for which we made not-substantial petition findings (listed below in Table 1), or their habitats, please submit that information to the person listed in Table 3 under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: See Table 3 under **SUPPLEMENTARY INFORMATION** for specific people to contact for each species.

SUPPLEMENTARY INFORMATION:

Background

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations in title 50 of the Code of Federal Regulations set forth the procedures for adding a species to, or removing a species from, the Federal Lists of Endangered and Threatened Wildlife and Plants (50 CFR part 424). Section 4(b)(3)(A) of the Act requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition and publish the finding promptly in the **Federal Register**.

Last year, the Service and the National Marine Fisheries Service of the Department of Commerce revised the regulations that outline the procedures for evaluating petitions (81 FR 66462; September 27, 2016). The new regulations at 50 CFR 424.14 were effective October 27, 2016. We received the petitions referenced in this document prior to that effective date. Therefore, we evaluated these petitions under the 50 CFR 424.14 requirements that were in effect prior to October 27, 2016, as those requirements applied when the petitions were received. The regulations in effect prior to October 27, 2016, establish that the standard for substantial scientific or commercial information with regard to a 90-day petition finding is ''that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted'' (former 50 CFR 424.14(b)).

A species may be determined to be an endangered or threatened species because of one or more of the five factors described in section 4(a)(1) of the Act. In considering whether conditions described within one or more of the factors might constitute threats, we must look beyond the exposure of the species to those conditions to evaluate whether the species may respond to the conditions in a way that causes actual impacts to the species. If there is exposure to a condition and the species responds negatively, the condition qualifies as a stressor and, during the subsequent status review, we attempt to determine how significant the stressor is. If the stressor is sufficiently significant that it drives, or contributes to, the risk of extinction of the species such that the species may warrant listing as endangered or threatened as those terms are defined in the Act, the stressor constitutes a threat to the species. Thus, the identification of conditions that could affect a species negatively may not be sufficient to compel a finding that the information in the petition and our files is substantial. The information must include evidence sufficient to suggest that these conditions may be operative threats that individually or cumulatively act on the species to a sufficient degree that the species may meet the definition of an endangered or threatened species under the Act.

If we find that a petition presents substantial scientific or commercial information, we are required to promptly commence a review of the status of the species, and we will subsequently summarize the status review in a 12-month finding.

Summaries of Petition Findings

The not-substantial petition findings contained in this document are listed in Table 1 and the bases for the findings, along with supporting information, are available on *http://www.regulations.gov* under the appropriate docket number.

TABLE 1—NOT-SUBSTANTIAL FINDINGS

Common name	Docket No.	URL to docket on *http://www.regulations.gov*
Florida black bear	FWS–R4–ES–2017–0015	*http://www.regulations.gov/docket?D=*FWS-R4-ES-2017-0015
Mojave population of the desert tortoise	FWS–R8–ES–2017–0009	*http://www.regulations.gov/docket?D=*FWS-R8-ES-2017-0009

Evaluation of a Petition To List the Florida Black Bear as a Threatened or Endangered Species Under the Act

Species and Range

Florida black bear (*Ursus americanus floridanus*): Florida, Georgia, and Alabama.

Petition History

On March 18, 2016, we received a petition dated March 17, 2016, from the Center for Biological Diversity, Animal Legal Defense Fund, Animal Hero Kids, Animal Rights Foundation of Florida, Animal Welfare Institute, Big Cat Rescue, Guillaume Chapron, Compassion Works International, Environmental Action, The Humane Society of the United States, Jungle Friends Primate Sanctuary, Miha Krofel, The League of Women Voters of Florida, Lobby for Animals, Paul C. Paquet, Stuart Pimm, Preserve Our Wildlife, Sierra Club Florida Chapter, South Florida Wildlands Association, Speak Up Wekiva, Stop the Florida Bear Hunt, Adrian Treves, John A. Vucetich, and Robert Wielgus requesting that the Florida black bear be listed as a threatened or endangered species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioners, required at former 50 CFR 424.14(a). This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition does not present substantial scientific or commercial information indicating that listing the Florida black bear may be warranted. Because the petition does not present substantial information indicating that listing the Florida black bear may be warranted, we are not initiating a status review of this species in response to this petition. However, we ask that the public submit to us any new information that becomes available concerning the status of, or threats to, this species or its habitat at any time (see Table 3, below).

The basis for our finding on this petition, and other information regarding our review of this petition, can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2017–0015 under the Supporting Documents section.

Evaluation of a Petition To Reclassify the Mojave Population of the Desert Tortoise as an Endangered Species Under the Act

Species and Range

Desert tortoise (*Gopherus agassizii*) (Mojave population): Arizona, California, Nevada, and Utah.

The Mojave population of the desert tortoise was listed as a threatened species on April 2, 1990 (55 FR 12178).

Petition History

On July 2, 2002, we received a petition dated June 28, 2002, from Mr. Craig Dremann requesting that the threatened Mojave population of the desert tortoise be emergency reclassified as endangered under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at former 50 CFR 424.14(a). This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition does not present substantial scientific or commercial information indicating that reclassifying the Mojave population of the desert tortoise may be warranted. Because the petition does not present substantial information indicating that reclassifying the Mojave population of the desert tortoise may be warranted, we are not initiating a status review of this species in response to this petition. However, we ask that the public submit to us any new information that becomes available concerning the status of, or threats to, this species or its habitat at any time (see Table 3, below).

The basis for our finding on this petition, and other information regarding our review of this petition can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2017–0009 under the Supporting Documents section.

Contacts

Contact information is provided below in Table 3 for the not-substantial findings.

TABLE 3—CONTACTS

Common name	Contact person
Florida black bear	Andreas Moshogianis, 404–679–7119; *andreas_moshogianis@fws.gov*
Mojave population of the desert tortoise	Arnold Roessler, 916–414–6613; *arnold_roessler@fws.gov*

If you use a telecommunications device for the deaf (TDD), please call the Federal Relay Service (FIRS) at 800–877–8339.

Conclusion

On the basis of our evaluation of the information presented in the petitions under section 4(b)(3)(A) of the Act, we have determined that the petitions referenced above for the Florida black bear and the Mojave population of the desert tortoise do not present substantial scientific or commercial information indicating that the requested actions may be warranted. Therefore, we are not initiating status reviews for these species.

Authors

The primary authors of this notice are staff members of the Ecological Services Program, U.S. Fish and Wildlife Service.

Authority

The authority for these actions is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: April 10, 2017.

James W. Kurth,

Acting, Director, U.S. Fish and Wildlife Service.

[FR Doc. 2017–07942 Filed 4–18–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 170314268–7268–01]

RIN 0648–BG68

Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder and Scup Fisheries; Fishing Year 2017

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes management measures for the 2017 summer flounder and scup recreational fisheries. The implementing regulations for these fisheries require NMFS to publish recreational measures for the fishing year and to provide an opportunity for public comment. The intent of these measures is to constrain recreational catch to established limits and prevent overfishing of the summer flounder and scup resources. We are proposing the 2017 management measures and revised specifications for the recreational black sea bass fishery in separate actions.

DATES: Comments must be received by 5 p.m. local time, on May 4, 2017.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2017–0022, by either of the following methods:

Electronic submission: Submit all electronic public comments via the Federal e-Rulemaking Portal.

- Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0022,*
- Click the ''Comment Now!'' icon, complete the required fields
- Enter or attach your comments.

Or

Mail: Submit written comments to John Bullard, Regional Administrator,

Greater Atlantic Region, 55 Great Republic Drive, Gloucester, MA 01930.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of the Supplemental Information Report (SIR) and other supporting documents for the recreational harvest measures are available from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 N. State Street, Dover, DE 19901. The recreational harvest measures document is also accessible via the Internet at: *http://www.greateratlantic.fisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Peter Burns, Fishery Policy Analyst, (978) 281–9144.

SUPPLEMENTARY INFORMATION:

Summary of Proposed Management Measures

In this rule, NMFS proposes management measures for the 2017 summer flounder and scup recreational fisheries consistent with the recommendations of the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission. To allow for consideration of the results of a new black sea bass benchmark stock assessment released in early 2017, the Council is addressing revised black sea bass specifications and recreational management measures separately from the summer flounder and scup recreational fisheries. Accordingly, we are proposing the revised specifications and 2017 recreational management measures for black sea bass in separate rulemakings.

NMFS is proposing measures that would apply in the Federal waters of the exclusive economic zone (EEZ). These measures apply to all federally-permitted party/charter vessels with applicable summer flounder and scup permits, regardless of where they fish, unless the state in which they land implements measures that are more restrictive. These measures are intended to achieve, but not exceed, the previously established 2017 recreational harvest limits for scup through a final rule published on December 28, 2015 (80 FR 80689), and for summer flounder in a final rule that published on December 22, 2016 (81 FR 93842).

The 2017 summer flounder recreational harvest limit is 3.77 million lb (1,710 mt), a decrease from the 2016 harvest limit of 5.42 million lb (2,458 mt). Preliminary estimates indicate that the 2016 recreational landings are 6.38 million lb (2,893 mt). These 2016 projected landings are based on preliminary Marine Recreational Information Program estimates through Wave 6 (November and December 2016). Accordingly, more restrictive management measures are necessary in 2017 to reduce landings by approximately 41 percent, compared to 2016 landings, to ensure that the landings do not exceed the recreational harvest limit.

For summer flounder, we are proposing to continue the use of conservation equivalency measures to all the states, through the Commission, to determine the most appropriate measures to constrain the landings to the 2017 recreational harvest limit. We also propose a suite of non-preferred coastwide measures that would constrain landings to the 2017 recreational harvest limits should we not adopt the conservation equivalency approach recommended by the Council and Commission and serve as a benchmark for regional conservation equivalency proposals. Should we approve the use of conservation equivalency, we will simply waive the coastwide measures for vessels fishing in Federal waters, provided the vessel's state has implemented measures approved through the Commission process. In addition, we propose a set of precautionary default measures that a state or region must implement if they fail to provide measures that are consistent with the Commission plan.

We are not proposing any changes to the recreational measures for the 2017 recreational scup fishery, as the current suite of management measures are expected to effectively constrain landings to the 2017 recreational harvest limit.

The specific management measures for both fisheries are further described below in this preamble. All proposed minimum fish sizes are total length measurements of the fish, *i.e.,* the straight-line distance from the tip of the snout to the end of the tail while the fish is lying on its side. All proposed possession limits are per person per trip.

Background and Management Process

The summer flounder, scup, and black sea bass fisheries are managed cooperatively under the provisions of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) developed by the Council and the Commission, in consultation with the New England and South Atlantic Fishery Management Councils. The management units specified in the FMP include summer flounder (*Paralichthys dentatus*) in U.S. waters of the Atlantic Ocean from the southern border of North Carolina northward to the U.S./Canada border, and scup (*Stenotomus chrysops*) and black sea bass (*Centropristis striata*) in U.S. waters of the Atlantic Ocean from 35° 13.3′ N. lat. (the approximate latitude of Cape Hatteras, North Carolina). States manage these three species within 3 nautical miles (4.83 km) of their coasts, under the Commission's plan for summer flounder, scup, and black sea bass. The applicable species-specific Federal regulations govern vessels and individual fishermen fishing in Federal waters of the EEZ, as well as vessels possessing a summer flounder, scup, or black sea bass Federal charter/party vessel permit, regardless of where they fish.

Recreational Management Measures Process

The Council process for recommending recreational management measures to NMFS for rulemaking is generically described below. All meetings are open to the public and the materials utilized during such meetings, as well as any documents created to summarize the meeting results, are public information and posted on the Council's Web site (*www.mafmc.org*) or are available from the Council by request. Therefore, extensive background on the 2017 recreational management measures recommendation process is not repeated in this preamble.

The FMP established monitoring committees for the three fisheries, consisting of representatives from the Commission, the Council, state marine fishery agency representatives from Massachusetts to North Carolina, and NMFS. The FMP's implementing regulations require the monitoring committees to review scientific and other relevant information annually. The objective of this review is to recommend management measures to the Council that will constrain landings within the recreational harvest limits established for the three fisheries for the upcoming fishing year. The FMP limits

the choices for the types of measures to minimum fish size, per angler possession limit, and fishing season.

The Council's Demersal Species Committee and the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board then consider the monitoring committees' recommendations and any public comment in making their recommendations to the Council and the Commission, respectively. The Council reviews the recommendations of the Demersal Species Committee, makes its own recommendations, and forwards them to NMFS for review. The Commission similarly adopts recommendations for the states. NMFS is required to review the Council's recommendations to ensure that they are consistent with the targets specified for each species in the FMP and all applicable laws and Executive Orders before ultimately implementing measures for Federal waters. Commission measures are final at the time they are adopted.

Summer Flounder Conservation Equivalency Process

Conservation equivalency, as established by Framework Adjustment 2 (July 29, 2001; 66 FR 36208), allows each state to establish its own recreational management measures (possession limits, minimum fish size, and fishing seasons) to achieve its state harvest limit partitioned by the Commission from the coastwide recreational harvest limit, as long as the combined effect of all of the states' management measures achieves the same level of conservation as would Federal coastwide measures. Framework Adjustment 6 (July 26, 2006; 71 FR 42315) allowed states to form regions for conservation equivalency in order to minimize differences in regulations for anglers fishing in adjacent waters.

The Council and Board annually recommend that either state- or region-specific recreational measures be developed (conservation equivalency) or that coastwide management measures be implemented to ensure that the recreational harvest limit will not be exceeded. Even when the Council and Board recommend conservation equivalency, the Council must specify a set of coastwide measures that would apply if conservation equivalency is not approved for use in Federal waters.

When conservation equivalency is recommended, and following confirmation that the proposed state or regional measures developed through the Commission's technical and policy review processes achieve conservation equivalency, NMFS may waive the permit condition found at § 648.4(b), which requires Federal permit holders to comply with the more restrictive management measures when state and Federal measures differ. In such a situation, federally permitted summer flounder charter/party permit holders and individuals fishing for summer flounder in the EEZ would then be subject to the recreational fishing measures implemented by the state in which they land summer flounder, rather than the coastwide measures.

In addition, the Council and the Board must recommend precautionary default measures when recommending conservation equivalency. The Commission would require adoption of the precautionary default measures by any state that either does not submit a summer flounder management proposal to the Commission's Summer Flounder Technical Committee, or that submits measures that would exceed the Commission-specified harvest limit for that state.

Much of the conservation equivalency measures development process happens at both the Commission and the individual state level. The selection of appropriate data and analytical techniques for technical review of potential state conservation equivalent measures and the process by which the Commission evaluates and recommends proposed conservation equivalent measures are wholly a function of the Commission and its individual member states. Individuals seeking information regarding the process to develop specific state measures or the Commission process for technical evaluation of proposed measures should contact the marine fisheries agency in the state of interest, the Commission, or both.

Once the states and regions select their final 2017 summer flounder management measures through their respective development, analytical, and review processes and submit them to the Commission, the Commission will conduct further review and evaluation of the submitted proposals, ultimately notifying NMFS as to which proposals have been approved or disapproved. NMFS has no overarching authority in the development of state or Commission management measures, but is an equal participant along with all the member states in the review process. NMFS neither approves nor implements individual states' measures, but retains the final authority either to approve or to disapprove the use of conservation equivalency in place of the coastwide measures in Federal waters, and will publish its determination as a final rule in the **Federal Register** to establish the 2017 recreational measures for these fisheries.

2017 Summer Flounder Recreational Management Measures

NMFS proposes to implement the Council's and Commission's recommendation to use conservation equivalency to manage the 2017 summer flounder recreational fishery. The Council and Commission approved this approach at their joint meeting, held in December 2016. Consequently, in February 2017, the Board adopted Addendum XXVIII to its Summer Flounder FMP to continue regional conservation equivalency for fishing year 2017. The Commission has adopted the following regions, which are consistent with the 2016 regions: (1) Massachusetts; (2) Rhode Island; (3) Connecticut and New York; (4) New Jersey; (4) Delaware, Maryland, and Virginia; and (5) North Carolina. To provide the maximum amount of flexibility and to continue to adequately address the state-by-state differences in fish availability, each state in a region is required by the Council and Commission to establish fishing seasons of the same length, with identical minimum fish sizes and possession limits. The Commission will need to certify that these measures, in combination, are the conservation equivalent of coastwide measures that would be expected to result in the recreational harvest limit being achieved, but not exceeded. More information on this addendum is available from the Commission (*www.asmfc.org*).

NMFS proposes a suite of non-preferred coastwide measures, consistent with those adopted by the the Council and Board for implementation in 2017. Under conservation equivalency, the cumulative impact of the regional recreational measures should achieve the same constraints on harvest as the non-preferred coastwide measures. For 2017, non-preferred coastwide measures approved by the Council and Board are a 19-inch (48.3-cm) minimum fish size, a 4-fish per person possession limit, and an open season from June 1 through September 15. These measures are expected to constrain the overall recreational landings to the 2017 recreational harvest limit. If a jurisdiction's measures do not achieve the level of conservation required by the Commission, that state or region must implement the precautionary default measures. The 2017 precautionary default measures recommended by the Council and Board and proposed herein are a 20.0-inch (50.8-cm) minimum fish size, a 2-fish

per person possession limit, and an open season of July 1 through August 31, 2017.

States and regions submitted their respective management measures to the Commission in March 2017. In a letter to the Greater Atlantic Regional Administrator dated April 5, 2017, the Commission informed us that it has reviewed the regional management proposals and determined that the proposals are sufficient to constrain landings to the 2017 recreational harvest limit.

Scup Recreational Management Measures

The 2017 scup recreational harvest limit is 5.50 million lb (2,494 mt) and 2016 recreational landings are currently estimated at 5.40 million lb (2,449 mt). The status quo management measures are a 9-inch (22.9-cm) minimum fish size, 50-fish per person possession limit, and year-round season. The Council recommends maintaining the existing management measures, as no changes are needed to ensure the 2017 recreational harvest limit is not exceeded, and further liberalization of the management measures is not requested or advisable. As a result, we are not proposing, for 2017, any changes to the current scup recreational management measures.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the Assistant Administrator has determined that this proposed rule is consistent with the Summer Flounder, Scup, and Black Sea Bass FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

An IRFA was prepared by the Council, as required by section 603 of the Regulatory Flexibility Act (RFA), to examine the impacts of these proposed specifications on small business entities, if adopted. A description of the specifications, why they are being considered, and the legal basis for proposing and implementing specifications for the summer flounder fishery are contained in the preamble to this proposed rule. A copy of the detailed RFA analysis is available from NMFS or the Council (see **ADDRESSES**). The Council's analysis made use of quantitative approaches when possible. Where quantitative data on revenues or other business-related metrics that would provide insight to potential impacts were not available to inform the analyses, qualitative analyses were conducted. A summary of the 2017 summer flounder recreational fishery management measures RFA analysis follows.

The Council conducted an evaluation of the potential socioeconomic impacts of the proposed measures in conjunction with a SIR. Because no regulatory changes are proposed that would affect the recreational scup fishery, they are not considered in the evaluation. The proposed measures would continue the use of conservation equivalency for summer flounder and maintain the existing scup recreational management measures.

Description of the Reasons Why Action by the Agency Is Being Considered, and a Statement of the Objectives of, and Legal Basis for, This Proposed Rule

This action proposes recreational harvest measures for the summer flounder and scup fisheries, intented to constrain the fisheries to the recreational harvest limits established for 2017. This action would maintain the current recreational management meausures for the 2017 recreational scup fishery and proposes the continuation of conservation equivalency, including non-preferred coastwide measures and precautionary default measures, for the 2017 recreational summer flounder fishery. A complete description of the action, why it is being considered, and the legal basis for this action are contained in the preamble to this proposed rule, and are not repeated here.

Description and Estimate of the Number of Small Entities to Which the Proposed Rule Would Apply

A business primarily engaged in for-hire fishing activity is classified as a small business if it has combined annual receipts not in excess of $7.5 million (NAICS 11411) for Regulatory Flexibility Act (RFA) compliance purposes only. The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

This proposed rule affects recreational fish harvesting entities engaged in the summer flounder fishery. Individually-permitted vessels may hold permits for several fisheries, harvesting species of fish that are regulated by several different FMPs, even beyond those impacted by the proposed action. Furthermore, multiple-permitted vessels and/or permits may be owned by entities affiliated by stock ownership, common management, identity of interest, contractual relationships, or economic dependency. For the purposes of the RFA analysis, the ownership entities, not the individual vessels, are considered to be the regulated entities.

Ownership entities are defined as those entities with common ownership personnel as listed on the permit application. Only permits with identical ownership personnel are categorized as an ownership entity. For example, if five permits have the same seven persons listed as co-owners on their permit applications, those seven persons would form one ownership entity that holds those five permits. If two of those seven owners also co-own additional vessels, that ownership arrangement would be considered a separate ownership entity for the purpose of this analysis.

The current ownership data set used for this analysis is based on calendar year 2015 (the most recent complete year available) and contains average gross sales associated with those permits for calendar years 2013 through 2015.

A description of the specific permits that are likely to be impacted by this action is provided below, along with a discussion of the impacted businesses, which can include multiple vessels and/or permit types.

The ownership data for the for-hire fleet indicate that there were 411 for-hire affiliate firms generating revenues from fishing recreationally for various species during the 2013–2015 period, all of which are categorized as small businesses. Although it is not possible to derive what proportion of the overall revenues came from specific fishing activities, given the popularity of summer flounder as a recreational species, it is likely that revenues generated from summer flounder recreational fishing are important for some, if not all, of these firms. The three-year average (2013–2015) gross receipts for these small entities ranged from $10,000 for 121 entities to over $1 million for 10 entites (highest value was $2.7 million).

Description of the Projected Reporting, Record-Keeping, and Other Compliance Requirements of This Proposed Rule

There are no new reporting or recordkeeping requirements contained in any of the alternatives considered for this action.

Federal Rules Which May Duplicate, Overlap, or Conflict With This Proposed Rule

NMFS is not aware of any relevant Federal rules that may duplicate, overlap, or conflict with this proposed rule.

Description of Significant Alternatives to the Proposed Action Which Accomplish the Stated Objectives of Applicable Statutes and Which Minimize Any Significant Economic Impact on Small Entities

The proposed measures are designed to result in a 41-percent reduction in harvest, compared to 2016, requiring more restrictive measures that could include higher minimum size limits, lower possession limits, and shorter fishing seasons. Business entities that hold charter/party permits and are active participants in the fishery may be affected if the public demand for summer flounder fishing decreases as a result of more restrictive size limits, possession limits, and season length. Similar effects could result under the non-preferred approach that would enact coastwide measures in Federal waters. Like the conservation equivalency approach, coastwide measures would result in harvest restrictions, compared to 2016, to constrain landings to the reduced 2017 recreational harvest limit. Although there is no way to predict how the demand for charter/party trips might change under either scenario, the coastwide approach reduces the flexibility of states to adopt conservationally equivalent measures intended to optimize fishing opportunities, which could further impact the demand of summer flounder fishing in some states. Overall, adverse impacts on recreational anglers and party/charter operators are expected under conservation equivalency, but these impacts would be less adverse than if the coastwide measures were implemented.

The proposed action, as required by the regulations governing the FMP, is designed to specify management measures to constrain catch to the 2017 summer flounder recreational harvest limit. The summer flounder regulations require us to publish a proposed rule regarding the overall percent adjustment in recreational landings required for the fishing year, and the Commission's recommendation concerning conservation equivalency, the precautionary default measures, and coastwide measures. The proposed action is consistent with the recommendations of the Council and Commission. The measures proposed herein are intended to meet the recommended adjustments required to constrain recreational catch to the 2017 recreational harvest limits to avoid overfishing of the summer flounder resource as required under the FMP. Accordingly, no other alternatives were considered.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 13, 2017.

Alan D. Risenhoover,

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

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.104, paragraph (b) is revised to read as follows:

§ 648.104 Summer flounder minimum fish sizes.

* * * * *

(b) *Party/charter permitted vessels and recreational fishery participants.* Unless otherwise specified pursuant to § 648.107, the minimum size for summer flounder is 19 inches (48.3 cm) TL for all vessels that do not qualify for a moratorium permit under § 648.4(a)(3), and charter boats holding a moratorium permit if fishing with more than three crew members, or party boats holding a moratorium permit if fishing with passengers for hire or carrying more than five crew members.

* * * * *

■ 3. In § 648.105 is revised to read as follows:

§ 648.105 Summer flounder recreational fishing season.

Unless otherwise specified pursuant to § 648.107, vessels that are not eligible for a moratorium permit under § 648.4(a)(3), and fishermen subject to the possession limit, may fish for summer flounder from June 1 through September 15. This time period may be adjusted pursuant to the procedures in § 648.102.

■ 4. In § 648.106, paragraph (a) is revised to read as follows:

§ 648.106 Summer flounder possession restrictions.

(a) Party/charter and recreational possession limits. Unless otherwise specified pursuant to § 648.107, no person shall possess more than four summer flounder in, or harvested from, the EEZ, per trip unless that person is the owner or operator of a fishing vessel issued a summer flounder moratorium permit, or is issued a summer flounder dealer permit. Persons aboard a commercial vessel that is not eligible for a summer flounder moratorium permit are subject to this possession limit. The owner, operator, and crew of a charter or party boat issued a summer flounder moratorium permit are subject to the possession limit when carrying passengers for hire or when carrying more than five crew members for a party boat, or more than three crew members for a charter boat. This possession limit may be adjusted pursuant to the procedures in § 648.102.

* * * * *

■ 5. In § 648.107, introductory text to paragraph (a) and paragraph (b) are revised to read as follows:

§ 648.107 Conservation equivalent measures for the summer flounder fishery.

(a) The Regional Administrator has determined that the recreational fishing measures proposed to be implemented by the states of Maine through North Carolina for 2017 are the conservation equivalent of the season, minimum size, and possession limit prescribed in §§ 648.102, 648.103, and 648.105(a), respectively. This determination is based on a recommendation from the Summer Flounder Board of the Atlantic States Marine Fisheries Commission.

* * * * *

(b) Federally permitted vessels subject to the recreational fishing measures of this part, and other recreational fishing vessels registered in states and subject to the recreational fishing measures of this part, whose fishery management measures are not determined by the Regional Administrator to be the conservation equivalent of the season, minimum size and possession limit prescribed in §§ 648.102, 648.103(b), and 648.105(a), respectively, due to the lack of, or the reversal of, a conservation equivalent recommendation from the Summer Flounder Board of the Atlantic States Marine Fisheries Commission shall be subject to the following precautionary default measures: Season—July 1 through August 31; minimum size—20 inches (50.8 cm); and possession limit—two fish.

[FR Doc. 2017–07886 Filed 4–18–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 82, No. 74
Wednesday, April 19, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0056]

Availability of an Environmental Assessment for the Field Release of Genetically Engineered Diamondback Moths

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service is making available for public comment an environmental assessment prepared in connection with a permit application for the field release of diamondback moths that have been genetically engineered for repressible female lethality and to express red fluorescence as a marker. The purpose of the proposed field release is to assess the feasibility and efficacy of these moths in reducing populations of diamondback moths that are known plant pests and a serious threat to agriculture.

DATES: We will consider all comments that we receive on or before May 19, 2017.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0056.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0056, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0056* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Ms. Chessa Huff-Woodard, Esq., Policy, Program and International Collaboration Chief, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 851–3943, email: *chessa.d.huff-woodard@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered (GE) organisms and products are considered ''regulated articles.'' A permit must be obtained or a notification acknowledged before a regulated article may be released into the environment. The regulations set forth the permit application requirements and the notification procedures for the importation, interstate movement, or release into the environment of a regulated article.

The Animal and Plant Health Inspection Service (APHIS) has previously issued Cornell University a permit (APHIS Permit Number 12–227–102m) authorizing the importation of GE diamondback moths (DBM, *Plutella xylostella*) strains OX4319L-Pxy, OX4319N-Pxy, and OX4767A-Pxy from the United Kingdom to the university's New York State Agricultural Experiment Station (NYSAES) in Geneva, NY. The GE DBM were genetically engineered to exhibit red fluorescence (DsRed2) as a marker and repressible female lethality, also known as female autocide. The GE DBMs are considered a regulated article under the regulations in 7 CFR part 340 because the recipient organism is a plant pest.

On October 24, 2013, APHIS received a permit application from Cornell University (APHIS Permit Number 13–297–102r) seeking the permitted field release of the three imported strains of GE DBM. Permits were issued and caged releases occurred in 2015. However, all permits relative to the October 2013 application have since been withdrawn.

On March 16, 2016, APHIS received a permit application from Cornell University (APHIS Permit Number 16–076–101r) seeking the permitted field release of a single strain of GE DBM, designated as OX4319L-Pxy, in both open and caged releases.

The purpose of the requested field release is to assess the feasibility and efficacy of GE DBM strain OX4319L-Pxy in reducing pest populations of DBM. According to the applicant, these GE DBM may serve as an insecticide-free means of controlling field populations of DBM in a species-specific manner.

The proposed release would be at the NYSAES and would not exceed 2 years in length. The release would be limited to an experimental field, up to 10 acres in size, within which there would be a single point at which the open air release would occur. The release site is surrounded by other agricultural fields within NYSAES' 870 total acres where DBMs occur naturally. The applicant would release up to 10,000 male GE DBMs per release (up to 30,000 males per week). Post-experiment monitoring of DBM with traps would continue until no GE DBMs are captured for 2 consecutive months.

To provide the public with documentation of APHIS' review and analysis of any potential environmental impacts associated with the proposed release of the GE DBM, an environmental assessment (EA) has been prepared. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). APHIS will accept written comments on our EA regarding the proposed release of the GE DBM from interested or affected persons for a period of 30 days from the date of this notice. Copies of the EA are available as indicated in the **ADDRESSES** and **FOR**

FURTHER INFORMATION CONTACT sections of this notice.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 12th day of April 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–07840 Filed 4–18–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2017–0014]

Notice of Request for Renewal of an Approved Information Collection (Modernization of Poultry Slaughter Inspection)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to request a renewal of the approved information collection regarding poultry slaughter inspection. The approval for this information collection will expire on September 30, 2017. There are no changes to the existing information collection.

DATES: Submit comments on or before June 19, 2017.

ADDRESSES: FSIS invites interested persons to submit comments on this information collection. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Docket Clerk, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8–163A, Washington, DC 20250–3700.
- Hand- or courier-delivered submittals: Deliver to Patriots Plaza 3, 355 E Street SW., Room 8–163A, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2016–0028. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW., Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW., Room 6065, South Building, Washington, DC 20250; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Modernization of Poultry Slaughter Inspection.

OMB Number: 0583–0156.

Expiration Date of Approval: 9/30/2017.

Type of Request: Renewal of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary as specified in the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*). This statute provides that FSIS is to protect the public by verifying that poultry products are safe, wholesome, not adulterated, and properly labeled and packaged.

FSIS is requesting a renewal of the approved information collection regarding poultry slaughter inspection. The approval for this information collection will expire on September 30, 2017. There are no changes to the existing information collection.

FSIS requires that all official poultry slaughter establishments, other than establishments that slaughter ratites, maintain as part of their HACCP plan, sanitation SOP, or other prerequisite program, written procedures addressing (1) the prevention throughout the entire slaughter and dressing operation, of contamination of carcasses and parts by enteric pathogens (*e.g., Salmonella* and *Campylobacter*) and by fecal material, including microbial test results, and (2) the prevention of carcasses and parts contaminated by visible fecal material from entering the chiller. This information was previously collected under the FSIS information collection for Sanitation SOPs and Pathogen Reduction/HACCP (0583–0103). Each establishment operating under the New Poultry Inspection System (NPIS) is required to collect and maintain additional information concerning poultry slaughter:

- As part of the HACCP system, written procedures to prevent carcasses afflicted with septicemia and toxemia from entering the chiller; and
- records that document that the products resulting from slaughter operations meet the definition of ready-to-cook poultry.

Additionally, each establishment operating under the NPIS also needs to submit on an annual basis an attestation to the management member of the local FSIS circuit safety committee stating that it maintains a program to monitor and document any work-related conditions of establishment workers.

FSIS has made the following estimates based upon an information collection assessment:

Estimate of Burden: FSIS estimates that it will take respondents an average of .125 hours to record results and maintain necessary documentation.

Respondents: Official poultry establishments.

Estimated No. of Respondents: 289.

Estimated No. of Annual Responses per Respondent: 5,291.3.

Estimated Total Annual Burden on Respondents: 19,204 hours.

Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence SW., 6065, South Building, Washington, DC 20250; (202)720–5627.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS'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, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

Responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email: *Mail:* U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, *Fax:* (202) 690–7442, *Email: program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on April 11, 2017.

Alfred V. Almanza,

Administrator.

[FR Doc. 2017–07906 Filed 4–18–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Survey of Income and Program Participation (SIPP) 2018 Panel

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on the proposed 2018 Survey of Income and Program Participation, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, submit written comments on or before June 19, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Jason M. Fields, U.S. Census Bureau, ADDP, 4600 Silver Hill Road, Room HQ–7H153, Washington, DC 20233–0001, (301) 763–2465 (or via the Internet at *jason.m.fields@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to conduct the Survey of Income and Program Participation (SIPP) 2018 Panel in 4 waves beginning in February 2018. Wave 1 of the SIPP 2018 Panel will be conducted from February to May of 2018. Wave 2 is scheduled to be conducted from February to May of 2019. Wave 3 is scheduled to be conducted from February to May of 2020. Wave 4 is scheduled to be conducted from February to May of 2021. The SIPP is a household-based survey designed as a continuous series of national panels. The SIPP represents a primary source of information about annual and sub-annual dynamics of income, family and household content, movement into and out of government programs, and interactions of these topics in a single, unified database allowing for in-depth, informed analyses. Government domestic policy formulators depend heavily upon SIPP information concerning the distribution of income received either directly as money or indirectly as in-kind benefits and the effect of tax and transfer programs on that distribution. They also rely on data that provides improved and expanded information on the dynamics of income and the general economic and financial situation of the U.S. population, in the context of the household situation, which the SIPP has provided on a continuing basis since 1983. The SIPP has measured levels of economic well-being and permitted measurement of changes in these levels over time.

A portion of the 2018 SIPP Panel will use an Event History Calendar (EHC) that facilitates the collection of dates of events and spells of coverage. The EHC is a tool to assist the respondent's ability to recall events accurately over the one year reference period and provide increased data quality and inter-topic consistency for dates reported by respondents. The EHC is intended to help respondents recall information in a more natural ''autobiographical'' manner by using life events as triggers to recall other economic events. The EHC was previously used in the 2014 Panel. The content of the 2018 SIPP Panel will match that of the 2014 SIPP Panel very closely. As with the 2014 Panel, the 2018 Panel SIPP design does not contain freestanding topical modules; however, a portion of traditional SIPP topical module content is integrated into the 2018 SIPP Panel interview. Examples of this content include questions on medical expenses, child care, retirement and pension plan coverage, marital history, and adult and child well-being.

The 2018 SIPP Panel begins with a new ''Wave 1'' sample of survey respondents who were not interviewed in the previous 2014 SIPP Panel. The 2018 SIPP Panel Wave 1 will interview respondents about the previous calendar year, 2017, as the reference period and will proceed with annual interviewing going forward. The 2018 SIPP Panel will use the same interviewing method structure as in the 2014 Panel, in which adults (age 15 years and older) who move from the prior wave household

will be followed. Consequently, future waves will incorporate dependent data, which is information collected from the prior wave interview brought forward to the current interview as a way to reduce respondent burden and improve data quality.

The Census Bureau plans to continue to use Computer Audio-Recorded Interview (CARI) technology for all of the respondents during the 2018 SIPP Panel. CARI is a tool available during data collection to capture audio along with response data. With the respondent's consent, a portion of each interview is recorded unobtrusively and both the sound file and screen images are returned with the response data to Census Headquarters for evaluation. Census staff may review the recorded portions of the interview to improve questionnaire design and for quality assurance purposes.

Approximately 20,000 households are expected to be interviewed for the 2018 SIPP Panel. We estimate that each household contains 2.1 people age 15 and above, yielding approximately 42,000 person-level interviews per wave in this panel. Completing the SIPP interview will take approximately 60 minutes per adult on average, consequently the total annual burden for 2018 SIPP interviews will be 42,000 hours per year in FY 2018, 2019, 2020, and 2021.

II. Method of Collection

The 2018 SIPP Panel will use the Computer-Assisted Personal Interviewing (CAPI) method of data collection. The instrument will consist of one interview per person per wave (year) resulting in four total interviews over the life of the panel. Each interview will reference the previous calendar year depending on the wave. A field representative will conduct the interview in person with all household members 15 years old or over using regular proxy-respondent rules. In the instances where the residence is not accessible or the respondent makes a request, the field representative will conduct the interview by telephone.

III. Data

OMB Control Number: 0607–0977.

Form Number: SIPP/CAPI Automated Instrument.

Type of Review: Regular submission.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 42,000 people per wave.

Estimated Time per Response: 60 minutes per person on average.

Estimated Total Annual Burden Hours: 42,000 hours per wave.

Estimated Total Annual Cost: $0.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Sections 141 and 182.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

PRA Departmental Lead, Office of the Chief Information Officer.

[FR Doc. 2017–07884 Filed 4–18–17; 8:45 am]

BILLING CODE 3511–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–159–2016]

Approval of Subzone Status; Aceros de América, Inc., San Juan, Puerto Rico

On November 10, 2016, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Puerto Rico Trade & Export Company, grantee of FTZ 61, requesting subzone status subject to the existing activation limit of FTZ 61, on behalf of Aceros de América, Inc., in San Juan, Puerto Rico.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (81 FR 80635, November 16, 2016). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval.

Pursuant to the authority delegated to the FTZ Board's Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 61S is approved, subject to the FTZ Act and the Board's regulations, including section 400.13, and further subject to FTZ 61's 1,821.07-acre activation limit.

Dated: April 13, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–07897 Filed 4–18–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–86–2016]

Foreign-Trade Zone (FTZ) 38—Spartanburg County, South Carolina Authorization of Production Activity, Black & Decker (U.S.) Inc., Subzone 38E, (Power Tools) Fort Mill, South Carolina

On December 15, 2016, Black & Decker (U.S.) Inc., submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facility within Subzone 38E, in Fort Mill, South Carolina.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (81 FR 95961, December 29, 2017). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: April 14, 2017.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2017–07898 Filed 4–18–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–16–2017]

Approval of Expansion of Subzone 20E; STIHL Incorporated, Virginia Beach, Virginia

On February 6, 2017, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Virginia Port Authority, grantee of FTZ 20, requesting the expansion of Subzone 20E on behalf of STIHL Incorporated in Virginia Beach, Virginia, subject to the existing activation limit of FTZ 20 applying to all sites of the expanded subzone.

The application was processed in accordance with the FTZ Act and

Regulations, including notice in the **Federal Register** inviting public comment (82 FR 11341–11342, February 22, 2017). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board's Executive Secretary (15 CFR 400.36(f)), the application to expand Subzone 20E is approved, subject to the FTZ Act and the Board's regulations, including § 400.13, and further subject to FTZ 20's 2,000-acre activation limit.

Dated: April 13, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–07899 Filed 4–18–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–970; C–570–971]

Multilayered Wood Flooring from the People's Republic of China: Clarification of the Scope of the Antidumping and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Commerce.

SUMMARY: The Department of Commerce (the Department) has issued numerous scope determinations finding that wood flooring products consisting of only two layers are outside the scope of the antidumping and countervailing duty orders on multilayered wood flooring (MLWF) from the People's Republic of China (PRC). The products subject to these rulings typically (but not exclusively) consist of a single wood veneer layer, or ply, in combination with a base layer of various constructions and materials. Due to the large number of scope ruling requests concerning the aforementioned two-layer MLWF products since the imposition of the *Orders,* the Department finds it necessary to clarify the scope of the orders. Interested parties are invited to comment on this scope clarification.

DATES: Effective April 19, 2017.

FOR FURTHER INFORMATION CONTACT: Jesus Saenz or Michael Bowen, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–8184 or 202–482–0768, respectively.

SUPPLEMENTARY INFORMATION:

Background

The regulations governing the Department's scope determinations are found at 19 CFR 351.225. In past scope determinations,[1] in accordance with 19 CFR 351.225(k)(1), the Department has relied on the description of the merchandise contained in the petitions, the initial investigations, prior scope determinations, and rulings by the ITC to determine that two-layer MLWF products are outside the scope of the *Orders.*[2]

Scope of the Orders

Multilayered wood flooring is composed of an assembly of two or more layers or plies of wood veneer(s) in combination with a core. The several layers, along with the core, are glued or otherwise bonded together to form a final assembled product. Multilayered wood flooring is often referred to by other terms, *e.g.,* ''engineered wood flooring'' or ''plywood flooring.'' Regardless of the particular terminology, all products that meet the description set forth herein are intended for inclusion within the definition of subject merchandise.

All multilayered wood flooring is included within the definition of subject merchandise, without regard to: Dimension (overall thickness, thickness of face ply, thickness of back ply, thickness of core, and thickness of inner plies; width; and length); wood species used for the face, back and inner veneers; core composition; and face grade. Multilayered wood flooring included within the definition of subject merchandise may be unfinished (*i.e.,* without a finally finished surface to protect the face veneer from wear and tear) or ''prefinished'' (*i.e.,* a coating applied to the face veneer, including, but not exclusively, oil or oil-modified or water-based polyurethanes, ultra-violet light cured polyurethanes, wax, epoxy-ester finishes, moisture-cured urethanes and acid-curing formaldehyde finishes). The veneers may be also soaked in an acrylic-impregnated finish. All multilayered wood flooring is included within the definition of subject merchandise regardless of whether the face (or back) of the product is smooth, wire brushed, distressed by any method or multiple methods, or hand-scraped. In addition, all multilayered wood flooring is included within the definition of subject merchandise regardless of whether or not it is manufactured with any interlocking or connecting mechanism (for example, tongue-and-groove construction or locking joints). All multilayered wood flooring is included within the definition of the subject merchandise regardless of whether the product meets a particular industry or similar standard.

The core of multilayered wood flooring may be composed of a range of materials, including but not limited to hardwood or softwood veneer, particleboard, medium-density fiberboard, high-density fiberboard (''HDF''), stone and/or plastic composite, or strips of lumber placed edge-to-edge.

Multilayered wood flooring products generally, but not exclusively, may be in the form of a strip, plank, or other geometrical patterns (*e.g.,* circular, hexagonal). All multilayered wood flooring products are included within this definition regardless of the actual or nominal dimensions or form of the product. Specifically excluded from the scope are cork flooring and bamboo flooring, regardless of whether any of the sub-surface layers of either flooring are made from wood. Also excluded is laminate flooring. Laminate flooring consists of a top wear layer sheet not made of wood, a decorative paper layer, a core-layer of HDF, and a stabilizing bottom layer.

Imports of the subject merchandise are provided for under the following subheadings of the Harmonized Tariff Schedule of the United States (''HTSUS''): 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.0620; 4412.31.0640; 4412.31.0660; 4412.31.2510; 4412.31.2520; 4412.31.2610; 4412.31.2620; 4412.31.3175; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.4075; 4412.31.4080; 4412.31.4140; 4412.31.4160; 4412.31.4175; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.5175; 4412.31.5225; 4412.31.6000; 4412.31.9100; 4412.32.0520; 4412.32.0540; 4412.32.0560;

[1] *See e.g.,* Department Memorandum, ''Final Scope Ruling on the Antidumping and Countervailing Duty Orders on Multilayered Wood Flooring from the People's Republic of China: Request by Dunhua Shengda Wood Industry Co., Ltd. dated December 14, 2016 and Department Memorandum, ''Final Scope Ruling on the Antidumping and Countervailing Duty Orders on Multilayered Wood Flooring from the People's Republic of China: Request by Alston, Inc.'' dated March 12, 2013.

[2] *See Multilayered Wood Flooring from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 76 FR 76690 (December 8, 2011) and *Multilayered Wood Flooring from the People's Republic of China: Countervailing Duty Order,* 76 FR 76693 (December 8, 2011), as amended, *Multilayered Wood Flooring from the People's Republic of China: Amended Antidumping and Countervailing Duty Orders,* 77 FR 5484 (February 3, 2012) (collectively, *Orders*).

4412.32.0565; 4412.32.0570; 4412.32.0640; 4412.32.0665; 4412.32.2510; 4412.32.2520; 4412.32.2525; 4412.32.2530; 4412.32.2610; 4412.32.2625; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.3225; 4412.32.5600; 4412.32.5700; 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3131; 4412.94.3141; 4412.94.3160; 4412.94.3171; 4412.94.4100; 4412.94.5100; 4412.94.6000; 4412.94.7000; 4412.94.8000; 4412.94.9000; 4412.94.9500; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5105; 4412.99.5115; 4412.99.5710; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 4418.71.2000; 4418.71.9000; 4418.72.2000; 4418.72.9500; 4418.74.2000; 4418.74.9000; 4418.75.4000; 4418.75.7000; 4418.79.0100; and 9801.00.2500.

While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

Clarification of the Scope of the Orders

The Department intends to clarify the scope language by specifying that MLWF products covered by the scope of the *Orders* are products composed of a minimum of three layers. We intend to revise the first paragraph of the scope of the order as follows:

Multilayered wood flooring is composed of an assembly of two or more layers or plies of wood veneer(s) [3] in combination with a core (*i.e.* a minimum of three layers). The several layers, along with the core, are glued or otherwise bonded together to form a final assembled product. Multilayered wood flooring is often referred to by other terms, *e.g.,* ''engineered wood flooring'' or ''plywood flooring.'' Regardless of the particular terminology, all products that meet the description set forth herein are intended for inclusion within the definition of subject merchandise.

We intend to notify U.S. Customs and Border Protection of this scope clarification.

Submission of Comments

Interested parties wishing to comment on this scope clarification should file comments within ten days of the publication date of this notice. All submissions must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). An electronically-filed document must be received successfully in its entirety by 5 p.m., Eastern Time on the date comments due. Further, in accordance with 19 CFR 51.303(f)(1)(i),[4] a copy must be served on every party on the Department's scope service list by personal service or first class mail. All comments responding to this notice will be a matter of public record and will be available on ACCESS.

Dated: April 14, 2017.

Gary Taverman,

Associate Deputy Assistant Secretary for AD/CVD Operations.

[FR Doc. 2017–07910 Filed 4–18–17; 8:45 am]

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[3] A ''veneer'' is a thin slice of wood, rotary cut, sliced or sawed from a log, bolt or flitch. Veneer is referred to as a ply when assembled.

[4] *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

[A–122–857]

Certain Softwood Lumber Products from Canada: Postponement of Preliminary Determination of Antidumping Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Effective April 19, 2017.

FOR FURTHER INFORMATION CONTACT: Jeffrey Pedersen at (202) 482–2769 or Robert Galantucci at (202) 482–2923, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On December 15, 2016, the Department of Commerce (the Department) initiated an antidumping duty investigation of certain softwood lumber products from Canada.[1] Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.205(b)(1) state that the Department will make a preliminary determination no later than 140 days after the date of the initiation. Accordingly, the preliminary determination of this antidumping duty investigation is currently due no later than May 4, 2017.

Postponement of Preliminary Determination

On March 30, 2017, the Committee Overseeing Action for Lumber International Trade Investigations or Negotiations (Petitioner) made a timely request, pursuant to 19 CFR 351.205(e), for postponement of the preliminary determination, to ensure that the Department has sufficient time to obtain and review all relevant information from the parties to this proceeding.[2] Because there are no compelling reasons to deny the request, in accordance with section 733(c)(1)(A) of the Act, the Department is postponing the deadline for the preliminary determination by 50 days.

For the reasons stated above, the Department, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination to no later than 190 days after the date on which the Department initiated this investigation. Therefore, the new deadline for the preliminary determination is June 23, 2017. In accordance with section 735(a)(1) of the Act, the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: April 14, 2017.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–07922 Filed 4–18–17; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain Softwood Lumber Products from Canada: Initiation of Less-Than-Fair-Value Investigation,* 81 FR 93892 (December 15, 2016).

[2] *See* Letter from Petitioner, ''Certain Softwood Lumber Products from Canada: Petitioner's Request to Extend Preliminary Determination,'' dated March 30, 2017.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–044]

1,1,1,2 Tetrafluoroethane (R–134a) from the People's Republic of China: Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on an affirmative final determination by the Department of Commerce (''Department'') and the International Trade Commission (''ITC''), the Department is issuing the antidumping duty order on 1,1,1,2 Tetrafluoroethane (R–134a) (''R134a'') from the People's Republic of China (''PRC'').

DATES: Effective April 19, 2017.

FOR FURTHER INFORMATION CONTACT: Keith Haynes or Paul Stolz, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5139 or (202) 482–4474, respectively.

SUPPLEMENTARY INFORMATION: In accordance with section 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the ''Act''), and 19 CFR 351.210(c), on March 1, 2017, the Department published its affirmative final determination in the less than fair value (''LTFV'') investigation of R134a from the PRC.[1] On April 5, 2017, the ITC notified the Department of its final determination pursuant to section 735(d) of the Act, that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of imports of R134a from the PRC.[2] In addition, in its final determination, the ITC did not make an affirmative critical circumstances finding with respect to imports of subject merchandise from the PRC that are subject to the Department's final affirmative critical circumstances finding.

Scope of the Order

The product covered by the scope is 1,1,1,2-Tetrafluoroethane, R–134a, or its chemical equivalent, regardless of form, type, or purity level. The chemical formula for 1,1,1,2-Tetrafluoroethane is CF_3-CH_2F, and the Chemical Abstracts Service registry number is CAS 811–97–2.[3]

Merchandise subject to the scope is currently classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheading 2903.39.2020. Although the HTSUS subheading and CAS registry number are provided for convenience and customs purposes, the written description of the scope is dispositive.

Antidumping Duty Order

On April 5, 2017, in accordance with sections 735(d) of the Act, the ITC notified the Department of its final determination in this investigation, in which it found that imports of R134a from the PRC are materially injuring a U.S. industry.[4] Therefore, in accordance with section 735(c)(2) of the Act, we are publishing this antidumping duty order.

Because the ITC determined that imports of R134a from the PRC are materially injuring a U.S. industry, unliquidated entries of such merchandise from the PRC, entered or withdrawn for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) 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, for all relevant entries of R134a from the PRC. Antidumping duties will be assessed on unliquidated entries of R134a entered, or withdrawn from warehouse, for consumption on or after October 7, 2016, the date on which the Department published the *Preliminary Determination,*[5] but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination, as further described below.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct CBP to continue to suspend liquidation on entries of subject merchandise from the PRC. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits at rates equal to the estimated weighted-average dumping margins indicated in the chart below.[6] Accordingly, effective on the date of publication of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit at the rates listed below.[7] The rate for the PRC-wide entity applies to all exporters not specifically listed.

Provisional Measures

Section 733(d) of the Act states that instructions issued pursuant to an affirmative 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 Zhejiang Sanmei Chemical Industry Co., Ltd., a mandatory respondent in this investigation, the Department extended the four-month period to six months.[8] In the underlying investigation, the Department published the *Preliminary Determination* on October 7, 2017.[9] Therefore, the six-month period beginning on the date of the publication of the *Preliminary Determination* ended on April 4, 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 R134a from the PRC entered, or withdrawn from warehouse, for consumption after April 4, 2017 the date the provisional measures expired, and through the day preceding the date of

[1] *See 1,1,1,2 Tetrafluoroethane (R–134a) from the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances, in Part,* 82 FR 12192 (March 1, 2017) (''*Final Determination*'').

[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 R134a from China (April 5, 2017) (ITC Letter).

[3] 1,1,1,2-Tetrafluoroethane is sold under a number of trade names including Klea 134a and Zephex 134a (Mexichem Fluor); Genetron 134a (Honeywell); Freon™ 134a, Suva 134a, Dymel 134a, and Dymel P134a (Chemours); Solkane 134a (Solvay); and Forane 134a (Arkema). Generically, 1,1,1,2-Tetrafluoroethane has been sold as Fluorocarbon 134a, R–134a, HFC–134a, HF A–134a, Refrigerant 134a, and UN3159.

[4] *See* ITC Letter.

[5] *See 1,1,1,2-Tetrafluoroethane (R–134a) from the People's Republic of China: Preliminary Determination of Sales at Less-Than-Fair Value and Affirmative Determination of Critical Circumstances, in Part, and Postponement of Final Determination,* 81 FR 69786 (October 7, 2016) (''*Preliminary Determination*'').

[6] *See* section 736(a)(3) of the Act.

[7] *See* sections 736(a)(3), 772(c)(1)(C) and 777A(f) of the Act.

[8] *See* the *Preliminary Determination,* 81 FR at 69788.

[9] *Id.*

publication of the ITC's final injury determination in the **Federal Register**.[10]

Estimated Weighted-Average Dumping Margins

The Department determines that the estimated final weighted-average dumping margins are as follow:

Exporter	Producer	Weighted-average margin (percent)
Zhejiang Sanmei Chemical Industry Co., Ltd	Zhejiang Sanmei Chemical Industry Co., Ltd and Jiangsu Sanmei Chemicals Co., Ltd.	148.79
Jiangsu Bluestar Green Technology Co., Ltd	Jiangsu Bluestar Green Technology Co., Ltd	148.79
T.T. International Co., Ltd	Electrochemical Factory of Zhejiang Juhua Co., Ltd	148.79
T.T. International Co., Ltd	Sinochem Environmental Protection Chemicals (Taicang) Co., Ltd.	148.79
T.T. International Co., Ltd	Zhejiang Quzhou Lianzhou Refrigerants Co., Ltd	148.79
T.T. International Co., Ltd	Zhejiang Sanmei Chemical Ind. Co., Ltd	148.79
T.T. International Co., Ltd	Zhejiang Zhonglan Refrigeration Technology Co., Ltd	148.79
Weitron International Refrigeration Equipment (Kunshan) Co., Ltd.[11]	Sinochem Environmental Protection Chemicals (Taicang) Co., Ltd.	148.79
Weitron International Refrigeration Equipment (Kunshan) Co., Ltd.	Weitron International Refrigeration Equipment (Kunshan) Co., Ltd.	148.79
Weitron International Refrigeration Equipment (Kunshan) Co., Ltd.	Zhejiang Organic Fluor-Chemistry Plant, Zhejiang Juhua Co., Ltd.	148.79
Weitron International Refrigeration Equipment (Kunshan) Co., Ltd.	Zhejiang Quhua Fluor-Chemistry Co., Ltd	148.79
Weitron International Refrigeration Equipment (Kunshan) Co., Ltd.	Zhejiang Quhua Juxin Fluorochemical Industry Co., Ltd	148.79
Weitron International Refrigeration Equipment (Kunshan) Co., Ltd.	Zhejiang Sanmei Chemical Industry Co., Ltd	148.79
PRC-Wide Entity[12]		167.02

[11] Though the *Final Determination* refers to Weitron International Refrigeration Equipment Co., Ltd., the correct name of the company is Weitron International Refrigeration Equipment (Kunshan) Co., Ltd.

[12] The PRC-Wide Entity includes Zhejiang Quzhou Lianzhou Refrigerants Co., Ltd., a mandatory respondent, as well as separate rate applicants Zhejiang Quhua Fluor-Chemistry Co., Ltd., and Sinochem Environmental Protection Chemicals (Taicang) Co. Ltd.

Critical Circumstances

In its final determination, the ITC did not make an affirmative critical circumstances finding with respect to imports of subject merchandise from the PRC that were subject to the Department's final affirmative critical circumstances determination. Accordingly, the Department 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 merchandise entered, or withdrawn from warehouse, for consumption on or after July 9, 2016 (*i.e.,* 90 days prior to the date of publication of the preliminary determination), but before October 7, 2016, the publication date of the *Preliminary Determination*.

Notification to Interested Parties

This notice constitutes the antidumping duty order with respect to R134a 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://www.trade.gov/enforcement/*.

This order is issued and published in accordance with sections 736(a) of the Act and 19 CFR 351.211(b).

Dated: April 13, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–07913 Filed 4–18–17; 8:45 am]

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[10] *See 1,1,1,2-Tetrafluoroethane (R–134a) from China,* 82 FR 17280 (April 10, 2017).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–357–821, and C–560–831]

Biodiesel From Argentina and Indonesia: Initiation of Countervailing Duty Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Effective April 12, 2017.

FOR FURTHER INFORMATION CONTACT: Joseph Traw (Indonesia) at (202) 482–6079; or Spencer Toubia (Argentina) at (202) 482–0123, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On March 23, 2017, the Department of Commerce (the Department) received countervailing duty (CVD) petitions [1] concerning imports of biodiesel from Argentina and Indonesia, filed in proper form on behalf of the National Biodiesel Board Fair Trade Coalition (the petitioner), which is an *ad hoc* association comprised of domestic producers of biodiesel, as well as one trade association.[2] The Petitions were accompanied by antidumping duty (AD) petitions on biodiesel from Argentina and Indonesia.[3]

[1] *See* Biodiesel from Argentina and Indonesia; Antidumping and Countervailing Duty Petitions (the Petitions).

[2] *See* Volume I of the Petitions, at 3 and Exhibit GEN–03; *see also* Biodiesel from Argentina and Indonesia: Amendment of Petitions, April 10, 2017 (April 17, 2017, Amendment), at 1 and Exhibit GEN–SUPP–08.

[3] *See* the Petitions.

On March 28 and 29, 2017, and April 3, 2017, the Department requested additional information and clarification of certain areas of the Petitions.[4] The petitioner filed responses to these requests on March 31, 2017, and April 4, 2017.[5] On April 7, 2017, in consultations the Department held with respect to the CVD petition, the Government of Indonesia (GOI) provided comments on industry support and requested the Department poll the industry to determine industry support.[6] On April 10, 2017, Cámara Argentina de Biocombustibles (CARBIO) and certain individual Argentine exporters [7] submitted comments regarding industry support and requested the Department extend its initiation decision by 20 days to poll the industry.[8] On April 10, 2017, the petitioner filed an amendment to the Petitions.[9]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the Governments of Argentina (GOA) and Indonesia (GOI) are providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to imports of biodiesel from Argentina and Indonesia, respectively, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the petitioner states that the Petitions are accompanied by information reasonably available to the petitioner supporting its allegations.

The Department finds that the petitioner filed the Petitions on behalf of the domestic industry because the petitioner is an interested party as defined in section 771(9)(F) of the Act. The Department also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the CVD investigations that the petitioner is requesting.[10]

Period of Investigation

Because the Petitions were filed on March 23, 2017, the period of investigation (POI) for each investigation is, pursuant to 19 CFR 351.204(b)(2), January 1, 2016, through December 31, 2016.

Scope of the Investigation

The product covered by these investigations is biodiesel from Argentina and Indonesia. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations,'' at Appendix I of this notice.

Comments on Scope of the Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, the petitioner pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[11]

As discussed in the preamble to the Department's regulations,[12] we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope). The Department will consider all comments received from interested parties and, if necessary, will consult with the interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,[13] all such factual information should be limited to public information. In order to facilitate preparation of its questionnaires, the Department requests all interested parties to submit such comments by 5:00 p.m. Eastern Time (ET) on May 2, 2017, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include public factual information, must be filed by 5:00 p.m. ET on May 12, 2017, which is 10 calendar days after the initial comments. All such comments must be filed on the records of each of the concurrent AD and CVD investigations.

The Department requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. As stated above, all such comments must be filed on the records of each of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[14] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Consultations

Pursuant to section 702(b)(4)(A)(i) of the Act, the Department notified representatives of the GOA and GOI of the receipt of the Petitions. Also, in accordance with section 702(b)(4)(A)(ii) of the Act, the Department provided representatives of the GOA and GOI the opportunity for consultations with respect to the CVD Petitions. Consultations with the GOA were held at the Department's main building on

[4] *See* Letter from the Department, ''Petition for the Imposition of Antidumping and Countervailing Duties on Imports of Biodiesel from Argentina and Indonesia: Supplemental Questions,'' March 28, 2016 (General Issues Supplemental Questionnaire); *see also* Letter from the Department, ''Petition for the Imposition of Countervailing Duties on Imports of Biodiesel from Indonesia: Supplemental Questions,'' March 28, 2017; Letter from the Department, ''Petition for the Imposition of Countervailing Duties on Imports of Biodiesel from Argentina: Supplemental Questions,'' March 28, 2017.

[5] *See* Letter from the petitioner, ''Biodiesel from Argentina and Indonesia: Amendment of Petitions and Response to the Department's Supplemental Questionnaires,'' March 31, 2017 (Petition Supplement). On April 11, 2017, the petitioner filed company certifications relating to the Petition Supplement. *See* Letter from the petitioner, ''Biodiesel from Argentina and Indonesia: Company Certifications of March 31, 2017 Petition Amendment,'' April 11, 2017.

[6] *See* Memorandum from the Department, ''Countervailing Duty Petition on Biodiesel from Indonesia: Consultations with the Government of Indonesia,'' April 10, 2017 (Consultation Memorandum), which references the GOI comments.

[7] The individual Argentine exporters are Aceitera General Deheza S.A., Bunge Argentina S.A., Cargill S.A.C.I, COFCO Argentina S.A., LDC Argentina S.A., Oleaginosa Moreno Hermanos S.A., Molinos Agro S.A., Renova S.A., and Vicentin S.A.I.C.

[8] *See* CARBIO's Request to Postpone Initiation, April 10, 2017 (CARBIO Letter).

[9] *See* April 10, 2017, Amendment.

[10] *See* ''Determination of Industry Support for the Petition'' section, below.

[11] *See* General Issues Supplemental Questionnaire; *see also* Petition Supplement.

[12] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[13] *See* 19 CFR 351.102(b)(21).

[14] *See* 19 CFR 351.303 (describing general filing requirements); *see also Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011) (providing details of the Department's electronic filing requirements, which went into effect on August 5, 2011); *Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014). Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

April 5, 2017. Consultations with the GOI were held at the Department's main building on April 7, 2017. All invitation letters and memoranda regarding these consultations are on file electronically *via* ACCESS.

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[15] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[16]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that biodiesel, as defined in the scope, constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.[17]

In determining whether the petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in Appendix I of this notice. The petitioner provided 2016 domestic like product production data for U.S. producers that are known to support the Petitions. To establish total production of the domestic like product in 2016, the petitioner provided data from the February 2017 Monthly Biodiesel Production report (which included total 2016 production of biodiesel in the United States) published by the U.S. Energy Information Administration (the statistical and analytical agency within the U.S. Department of Energy). To establish industry support, the petitioner compared the production of companies supporting the Petitions to the total 2016 production of the domestic like product for the entire domestic industry.[18] We relied on data the petitioner provided for purposes of measuring industry support.[19]

On April 7, 2017, we received comments on industry support from the GOI.[20] On April 10, 2017, we received comments from CARBIO and certain individual Argentine exporters.[21] For further discussion of these comments, *see* the Indonesia CVD Initiation Checklist, at Attachment II and the Argentina CVD Initiation Checklist, at Attachment II.

Our review of the data provided in the Petitions, Petition Supplement, letter from the GOI, letter from CARBIO and certain individual Argentine exporters, and other information readily available to the Department indicates that the petitioner has established industry support for the Petitions.[22] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[23] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[24] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[25] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

The Department finds that the petitioner filed the Petitions on behalf of the domestic industry because it is an interested party as defined in section 771(9)(F) of the Act and it has

[15] *See* section 771(10) of the Act.

[16] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[17] For a discussion of the domestic like product analysis in this case, *see* Countervailing Duty Investigation Initiation Checklist: Biodiesel from Argentina (Argentina CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Biodiesel from Argentina and Indonesia, (Attachment II); and Countervailing Duty Investigation Initiation Checklist: Biodiesel from Indonesia (Indonesia CVD Initiation Checklist), at Attachment II. These checklists are dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[18] *See* Volume I of the Petitions, at 5–7, and Volume II of the Petitions, at Exhibits GEN–05—GEN–07.

[19] *Id.* For further discussion, *see* Argentina CVD Initiation Checklist and Indonesia CVD Initiation Checklist, at Attachment II.

[20] *See* Consultation Memorandum.

[21] *See* CARBIO Letter.

[22] *See* Argentina CVD Initiation Checklist and Indonesia CVD Initiation Checklist, at Attachment II.

[23] *See* section 702(c)(4)(D) of the Act; *see also* Argentina CVD Initiation Checklist and Indonesia CVD Initiation Checklist, at Attachment II.

[24] *See* Argentina CVD Initiation Checklist and Indonesia CVD Initiation Checklist, at Attachment II.

[25] *Id.*

demonstrated sufficient industry support with respect to the CVD investigations that it is requesting that the Department initiate.[26]

Injury Test

Because Argentina and Indonesia are ''Subsidies Agreement Countries'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from Argentina and Indonesia materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In CVD petitions, section 771(24)(A) of the Act provides that imports of subject merchandise must exceed the negligibility threshold of three percent, except that imports of subject merchandise from developing countries in CVD investigations must exceed the negligibility threshold of four percent, pursuant to section 771(24)(B) of the Act. The petitioner demonstrates that imports from Argentina and Indonesia, which have been designated as developing and least-developed countries under sections 771(36)(A) and 771(36)(B) of the Act, respectively, exceed the four percent negligibility threshold provided for under section 771(24)(B) of the Act.[27]

The petitioner contends that the industry's injured condition is illustrated by reduced market share; underselling and price suppression or depression; lost sales and revenues; negative impact on the domestic industry's operations and performance; and decline in financial performance.[28] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[29]

Subsidy Allegations

Argentina

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on ten of ten of the alleged programs. For a full discussion of the basis for our decision to initiate on each program, *see* the Argentina CVD Initiation Checklist.

Indonesia

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on eight of eight of the alleged programs. For a full discussion of the basis for our decision to initiate on each program, *see* the Indonesian CVD Initiation Checklist.

Initiation of CVD Investigations

Section 702(b)(1) of the Act requires the Department to initiate a CVD investigation whenever an interested party files a CVD petition on behalf of an industry that: (1) Alleges the elements necessary for an imposition of a duty under section 701(a) of the Act; and (2) is accompanied by information reasonably available to the petitioner supporting the allegations.

The petitioner alleges that producers/exporters of biodiesel in Argentina and Indonesia benefit from countervailable subsidies bestowed by the governments of these countries, respectively. The Department examined the Petitions and finds that they comply with the requirements of section 702(b)(1) of the Act. Therefore, we are initiating CVD investigations to determine whether manufacturers, producers, and/or exporters of biodiesel from Argentina and Indonesia receive countervailable subsidies from the governments of these countries, respectively. In accordance with section 701(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we intend to make our preliminary determinations no later than 65 days after the date of this initiation.

Under the Trade Preferences Extension Act of 2015, numerous amendments to the AD and CVD laws were made.[30] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[31] The amendments to sections 776 and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to these CVD investigations.[32]

Respondent Selection

The petitioner identified 16 companies in Argentina and five companies in Indonesia, as producers/exporters of biodiesel.[33] Following standard practice in CVD investigations, in the event the Department determines the number of companies subject to each investigation is large, the Department intends to review U.S. Customs and Border Protection (CBP) data for U.S. imports under the appropriate HTSUS numbers listed with the ''Scope of the Investigations,'' in Appendix I, below, and if it determines that it cannot individually examine each company based upon the Department's resources, then the Department will select respondents based on that data. We also intend to release the CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO on the record within five business days of publication of this **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted seven calendar days after the placement of the CBP data on the record of each respective investigation. Parties wishing to submit rebuttal comments should submit those comments five calendar days after the deadline for the initial comments.

Comments for the above-referenced investigations must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS no later than 5:00 p.m. ET on the date noted above. We intend to make our decision regarding respondent selection within 20 days of publication of this notice. Interested parties must

[26] *Id.*

[27] *See* Volume I of the Petitions, at 97–98; *see also* Volume I of the Petition Supplements, at 5–8 and Volume II of the Petition Supplements, at Exhibits GEN–SUPP–04 and GEN–SUPP–7.

[28] *See* Volume I of the Petitions, at 1–3, 92–117 and Volume II of the Petitions, at Exhibits GEN–05, GEN–08 through GEN–10, GEN–12, and GEN–20 through GEN–32; *see also* Biodiesel from Argentina and Indonesia; Antidumping and Countervailing Duty Petition Amendment, dated March 24, 2017 (Lost Sales and Revenues Exhibit), at Exhibit A; and Volume I of the Petition Supplements, at 5–8 and Volume II of the Petition Supplements, at Exhibits GEN–SUPP–04 through GEN–SUPP–07.

[29] *See* Argentina CVD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Biodiesel from Argentina and Indonesia (Attachment III); *see also* Indonesia CVD Initiation Checklist, at Attachment III.

[30] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[31] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015) (*Applicability Notice*). The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[32] *See Applicability Notice,* 80 FR at 46794–95.

[33] *See* Volume I of the Petition, at 14–15; *see also* Volume II of the Petition, at Exhibits GEN–17, GEN–18.

submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo.*

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the GOA and GOI via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each known exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of biodiesel from Argentina and/or Indonesia are materially injuring, or threatening material injury to, a U.S. industry.[34] A negative ITC determination for any country will result in the investigation being terminated with respect to that country; [35] otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). Any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Parties should review the regulations prior to submitting factual information in these investigations.

Extension of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under Part 351, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under Part 351 expires. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[36] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[37] The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act and 19 CFR 351.203(c).

Dated: April 12, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigations

The product covered by these investigations is biodiesel, which is a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, including biologically-based waste oils or greases, and other biologically-based oil or fat sources. The investigations cover biodiesel in pure form (B100) as well as fuel mixtures containing at least 99 percent biodiesel by volume (B99). For fuel mixtures containing less than 99 percent biodiesel by volume, only the biodiesel component of the mixture is covered by the scope of the investigations.

Biodiesel is generally produced to American Society for Testing and Materials International (ASTM) D6751 specifications, but it can also be made to other specifications. Biodiesel commonly has one of the following Chemical Abstracts Service (CAS) numbers, generally depending upon the feedstock used: 67784–80–9 (soybean oil methyl esters); 91051–34–2 (palm oil methyl esters); 91051–32–0 (palm kernel oil methyl esters); 73891–99–3 (rapeseed oil methyl esters); 61788–61–2 (tallow methyl esters); 68990–52–3 (vegetable oil methyl esters); 129828–16–6 (canola oil methyl esters); 67762–26–9 (unsaturated alkylcarboxylic acid methyl ester); or 68937–84–8 (fatty acids, C12–C18, methyl ester).

The B100 product subject to the investigations is currently classifiable under subheading 3826.00.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), while the B99 product is currently classifiable under HTSUS subheading 3826.00.3000. Although the HTSUS subheadings, ASTM specifications, and CAS numbers are provided for convenience and customs purposes, the written description of the scope is dispositive.

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[34] *See* section 703(a)(2) of the Act.

[35] *See* section 703(a)(1) of the Act.

[36] *See* section 782(b) of the Act.

[37] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*''); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–357–820, A–560–830]

Biodiesel From Argentina and Indonesia: Initiation of Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Effective April 12, 2017.

FOR FURTHER INFORMATION CONTACT: David Lindgren at (202) 482–3870, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On March 23, 2017, the Department of Commerce (the Department) received antidumping duty (AD) petitions [1] concerning imports of biodiesel from Argentina and Indonesia, filed in proper form on behalf of the National Biodiesel Board Fair Trade Coalition (the petitioner), which is an *ad hoc* association comprised of domestic producers of biodiesel, as well as one trade association.[2] The Petitions were accompanied by countervailing duty (CVD) petitions on biodiesel from Argentina and Indonesia.[3]

On March 28 and 29, 2017, and April 3, 2017, the Department requested additional information and clarification of certain areas of the Petitions.[4] The petitioner filed responses to these requests on March 31, 2017, and April 4, 2017.[5] On April 7, 2017, in consultations the Department held with respect to the companion CVD petition, the Government of Indonesia (GOI) provided comments on industry support and requested the Department poll the industry to determine industry support.[6] On April 10, 2017, Cámara Argentina de Biocombustibles (CARBIO) and certain individual Argentine exporters [7] submitted comments regarding industry support and requested the Department extend its initiation decision by 20 days to poll the industry.[8] On April 10, 2017, the petitioner filed an amendment to the Petitions.[9]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of biodiesel from Argentina and Indonesia are being, or are likely to be, sold in the United States at less-than-fair value, within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 732(b)(1) of the Act and 19 CFR 351.202(b), the petitioner states that the Petitions are accompanied by information reasonably available to the petitioner supporting its allegations.

The Department finds that the petitioner filed these Petitions on behalf of the domestic industry because the petitioner is an interested party as defined in section 771(9)(F) of the Act. The Department also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the AD investigations that the petitioner is requesting.[10]

Period of Investigation

Because the Petitions were filed on March 23, 2017, the period of investigation (POI) for each investigation is, pursuant to 19 CFR 351.204(b)(1), January 1, 2016, through December 31, 2016.

Scope of the Investigations

The product covered by these investigations is biodiesel from Argentina and Indonesia. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations,'' at Appendix I of this notice.

Comments on Scope of the Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, the petitioner pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[11]

As discussed in the preamble to the Department's regulations,[12] we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope). The Department will consider all comments received from parties and, if necessary, will consult with parties prior to the issuance of the preliminary determinations. If scope comments include factual information,[13] all such factual information should be limited to public information. In order to facilitate preparation of its questionnaires, the Department requests all interested parties to submit such comments by 5:00 p.m. Eastern Time (ET) on May 2, 2017, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include public factual information, must be filed by 5:00 p.m. ET on May 12, 2017, which is 10 calendar days after the initial comments. All such comments must be filed on the records of each of the concurrent AD and CVD investigations.

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional

[1] *See* Biodiesel from Argentina and Indonesia; Antidumping and Countervailing Duty Petitions (the Petitions).

[2] *See* Volume I of the Petitions, at 3 and Exhibit GEN–03; *see also* Biodiesel from Argentina and Indonesia: Amendment of Petitions, April 10, 2017 (April 17, 2017, Amendment), at 1 and Exhibit GEN–SUPP–08.

[3] *See* the Petitions.

[4] *See* Letter from the Department, ''Petition for the Imposition of Antidumping and Countervailing Duties on Imports of Biodiesel from Argentina and Indonesia: Supplemental Questions,'' March 28, 2017 (General Issues Supplemental Questionnaire); *see also* Letter from the Department, ''Petition for the Imposition of Antidumping Duties on Imports of Biodiesel from Argentina: Supplemental Questions,'' March 28, 2017; Letter from the Department, ''Petition for the Imposition of Antidumping Duties on Imports of Biodiesel from Indonesia: Supplemental Questions,'' March 28, 2017; *see also* Memorandum to the File from David Lindgren, Senior International Trade Analyst, ''Antidumping Duty Petition on Biodiesel from Argentina: Additional Supplemental Questions,'' March 29, 2017; Memorandum to the File from David Lindgren, Senior International Trade Analyst, ''Antidumping Duty Petition on Biodiesel from Indonesia: Additional Supplemental Question,'' April 4, 2017.

[5] *See* Letter from the petitioner, ''Re: Biodiesel from Argentina and Indonesia: Amendement of Petitions and Response to the Department's Supplemental Questionnaires,'' March 31, 2017 (Petition Supplement); *see also* Letter from the petitioner, ''Re: Biodiesel from Argentina and Indonesia: Errata to the Response of National Biodiesel Board Fair Trade Coalition to the Department's March 29, 2017 Supplemental Questionnaire,'' April 4, 2017 (Indonesia AD Supplement). On April 11, 2017, the petitioner filed company certifications relating to the Petition Supplement. *See* Letter from the petitioner, ''Biodiesel from Argentina and Indonesia: Company Certifications of March 31, 2017 Petition Amendment,'' April 11, 2017.

[6] *See* Memorandum from the Department, ''Countervailing Duty Petition on Biodiesel from Indonesia'' Consultations with the Government of Indonesia,'' April 10, 2017 (Consultation Memorandum), which references the GOI comments.

[7] The individual Argentine exporters are Aceitera General Deheza S.A., Bunge Argentina S.A., Cargill S.A.C.I, COFCO Argentina S.A., LDC Argentina S.A., Oleaginosa Moreno Hermanos S.A., Molinos Agro S.A., Renova S.A., and Vicentin S.A.I.C.

[8] *See* CARBIO's Request to Postpone Initiation, April 10, 2017 (CARBIO Letter).

[9] *See* April 10, 2017, Amendment.

[10] *See* ''Determination of Industry Support for the Petitions'' section below.

[11] *See* General Issues Supplemental Questionnaire; *see also* Petition Supplement.

[12] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997).

[13] *See* 19 CFR 351.102(b)(21).

factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. As stated above, all such comments must be filed on the records of each of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[14] An electronically filed document must be received successfully in its entirety by the time and date when it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaires

The Department requests comments from interested parties on the appropriate physical characteristics of biodiesel to be reported in response to the Department's AD questionnaires. This information will be used to identify the key physical characteristics of the merchandise under consideration in order to report the relevant costs of production accurately as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe biodiesel, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on May 2, 2017, which is 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. ET on May 12, 2017. All comments and submissions to the Department must be filed electronically using ACCESS, as explained above, on the records of each of the concurrent AD investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[15] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[16]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that biodiesel, as defined in the scope, constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.[17]

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in Appendix I of this notice. The petitioner provided 2016 domestic like product production data for U.S. producers that are known to

[14] *See* 19 CFR 351.303 (describing general filing requirements); *see also Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011) (providing details of the Department's electronic filing requirements, which went into effect on August 5, 2011); *Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014). Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[15] *See* section 771(10) of the Act.

[16] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[17] For a discussion of the domestic like product analysis in this case, *see* Antidumping Duty Investigation Initiation Checklist: Biodiesel from Argentina (Argentina AD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Biodiesel from Argentina and Indonesia, (Attachment II); and Antidumping Duty Investigation Initiation Checklist: Biodiesel from Indonesia (Indonesia AD Initiation Checklist), at Attachment II. These checklists are dated concurrently with, and hereby adopted by, this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

support the Petitions. To establish total production of the domestic like product in 2016, the petitioner provided data from the February 2017 Monthly Biodiesel Production report (which included total 2016 production of biodiesel in the United States) published by the U.S. Energy Information Administration (the statistical and analytical agency within the U.S. Department of Energy). To establish industry support, the petitioner compared the production of companies supporting the Petitions to the total 2016 production of the domestic like product for the entire domestic industry.[18] We relied on data the petitioner provided for purposes of measuring industry support.[19]

On April 7, 2017, we received comments on industry support from the GOI.[20] On April 10, 2017, we received comments from CARBIO and certain individual Argentine exporters.[21] For further discussion of these comments, *see* the Indonesia AD Initiation Checklist and the Argentina AD Initiation Checklist, at Attachment II.

Our review of the data provided in the Petitions, Petition Supplement, letter from the GOI, letter from CARBIO and certain individual Argentine exporters, and other information readily available to the Department indicates that the petitioner has established industry support for the Petitions.[22] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[23] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[24] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[25] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

The Department finds that the petitioner filed the Petitions on behalf of the domestic industry because it is an interested party as defined in section 771(9)(F) of the Act and it has demonstrated sufficient industry support with respect to the AD investigations that it is requesting that the Department initiate.[26]

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (NV). In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[27]

The petitioner contends that the industry's injured condition is illustrated by reduced market share; underselling and price suppression or depression; lost sales and revenues; negative impact on the domestic industry's operations and performance; and decline in financial performance.[28] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[29]

Allegations of Sales at Less-Than-Fair Value

The following is a description of the allegations of sales at less-than-fair value upon which the Department based its decision to initiate investigations of imports of biodiesel from Argentina and Indonesia. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the country-specific initiation checklists.

Export Price

For both Argentina and Indonesia, the petitioner based export price (EP) on average unit values (AUVs) calculated using publicly available import statistics from the ITC's Dataweb for the Harmonized Tariff Schedule of the United States (HTSUS) subheading 3826.00.1000, representing shipments of pure biodiesel (*i.e.,* B100) from both respective countries to the United States during the POI.[30] No adjustments were made to the calculated AUVs used for U.S. price.

Normal Value Based on Constructed Value

For Argentina and Indonesia, the petitioner provided home market price information based on the prices set by each government during the POI.[31] As the provided prices were the government-established sale prices, they reflect FOB prices. Accordingly, the petitioner made no adjustments for movement expenses.[32] Based on these price data for both countries, the petitioner submitted information indicating that sales of biodiesel in the home markets of both Argentina and Indonesia were made at prices below the cost of production (COP) and, as a result, the petitioner also calculated NV based on constructed value (CV).[33] Pursuant to section 773(e) of the Act, CV consists of the cost of manufacturing (COM), selling, general and administrative (SG&A) expenses, financial expenses, and packing expenses, and profit. The petitioner calculated COM based on a U.S. producer of biodiesel's (U.S. surrogate's)

[18] *See* Volume I of the Petitions, at 5–7, and Volume II of the Petitions, at Exhibits GEN–05—GEN–07.

[19] *Id.* For further discussion, *see* Argentina AD Initiation Checklist and Indonesia AD Initiation Checklist, at Attachment II.

[20] *See* Consultation Memorandum.

[21] *See* CARBIO Letter.

[22] *See* Argentina AD Initiation Checklist and Indonesia AD Initiation Checklist, at Attachment II.

[23] *See* section 732(c)(4)(D) of the Act; *see also* Argentina AD Initiation Checklist and Indonesia AD Initiation Checklist, at Attachment II.

[24] *See* Argentina AD Initiation Checklist and Indonesia AD Initiation Checklist, at Attachment II.

[25] *Id.*

[26] *Id.*

[27] *See* Volume I of the Petitions, at 97–98; *see also* Volume I of the Petition Supplement, at 5–8 and Volume II of the Petition Supplement, at Exhibits GEN–SUPP–04 and GEN–SUPP–7.

[28] *See* Volume I of the Petitions, at 1–3, 92–117 and Volume II of the Petitions, at Exhibits GEN–05, GEN–08 through GEN–10, GEN–12, and GEN–20 through GEN–32; *see also* Biodiesel from Argentina and Indonesia; Antidumping and Countervailing Duty Petition Amendment, dated March 24, 2017 (Lost Sales and Revenues Exhibit), at Exhibit A; Volume I of the Petition Supplement, at 5–8; Volume II of the Petition Supplement, at Exhibits GEN–SUPP–04 through GEN–SUPP–07.

[29] *See* Argentina AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Biodiesel from Argentina and Indonesia (Attachment III); *see also* Indonesia AD Initiation Checklist, at Attachment III.

[30] *See* Argentina AD Initiation Checklist; *see also* Indonesia AD Initiation Checklist.

[31] *Id.*

[32] *Id.*

[33] *Id.* In accordance with section 505(a) of the Trade Preferences Extension Act of 2015, amending section 773(b)(2) of the Act, for all of the investigations, the Department will request information necessary to calculate the cost of production (COP) and CV to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product. The Department will no longer require a COP allegation to conduct this analysis.

experience, adjusted for known differences between producing in the United States and producing in the respective country (*i.e.,* Argentina and Indonesia), during the proposed POI.[34] Using publicly-available price data, where available, the petitioner multiplied the surrogate usage quantities by the submitted value of the inputs used to manufacture biodiesel in each country.[35] In those instances where the petitioner was not aware of any differences in input prices, it submitted values from the surrogate.[36] For Argentina and Indonesia, labor and energy prices were derived from publicly-available sources multiplied by the U.S. surrogate's product-specific usage quantities.[37] For Argentina and Indonesia, because the petitioner was not aware of any differences in factory overhead costs, it submitted values from the surrogate.[38] Further, for both countries, to determine the SG&A and profit, the petitioner relied on the audited financial statements of companies that are producers of identical or comparable merchandise operating in the respective country.[39]

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of biodiesel from Argentina and Indonesia, are being, or are likely to be, sold in the United States at less-than-fair value. Based on comparisons of EP to NV (based on CV) in accordance with sections 772 and 773 of the Act, the estimated dumping margins for biodiesel are as follows: (1) Argentina, 26.54 percent; [40] and (2) Indonesia, 28.11 percent.[41]

Initiation of Less-Than-Fair-Value Investigations

Based upon the examination of the AD Petitions on biodiesel from Argentina and Indonesia, we find that the Petitions meet the requirements of section 732 of the Act. Therefore, we are initiating AD investigations to determine whether imports of biodiesel from Argentina and Indonesia are being, or are likely to be, sold in the United States at less-than-fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we intend to make our preliminary determinations no later than 140 days after the date of this initiation.

Under the Trade Preferences Extension Act of 2015, numerous amendments to the AD and CVD laws were made.[42] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[43] The amendments to sections 771(15), 773, 776, and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to these AD investigations.[44]

Respondent Selection

The petitioner identified 16 companies in Argentina and five companies in Indonesia, as producers/exporters of biodiesel.[45] Following standard practice in AD investigations involving market economy countries, in the event the Department determines that the number of companies subject to each investigation is large, the Department intends to review U.S. Customs and Border Protection (CBP) data for U.S. imports under the appropriate HTSUS numbers listed with the ''Scope of the Investigations,'' in Appendix I, below, and if it determines that it cannot individually examine each company based upon the Department's resources, then the Department will select respondents based on that data. We also intend to release the CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO on the record within five business days of publication of this **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted seven calendar days after the placement of the CBP data on the record of each respective investigation. Parties wishing to submit rebuttal comments should submit those comments five calendar days after the deadline for the initial comments.

Comments for the above-referenced investigations must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS no later than 5:00 p.m. ET on the date noted above. We intend to make our decision regarding respondent selection within 20 days of publication of this notice. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo*.

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the governments of Argentina and Indonesia via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each known exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of biodiesel from Argentina and/or Indonesia are materially injuring or threatening material injury to a U.S. industry.[46] A negative ITC determination for any country will result in the investigation being terminated with respect to that country; [47] otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). Any party, when

[34] *See* Argentina AD Checklist; *see also* Indonesia AD Checklist.

[35] *Id.*

[36] *Id.*

[37] *Id.*

[38] *Id.*

[39] *Id.*

[40] *See* Argentina AD Initiation Checklist.

[41] *See* Indonesia AD Supplement, at Exhibit AD–IND–SUPP–20; *see also* Indonesia AD Initiation Checklist.

[42] *See* Trade Preferences Extension Act of 2015, Pub. L. 114–27, 129 Stat. 362 (2015).

[43] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015) (*Applicability Notice*). The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[44] *See Applicability* Notice, 80 FR at 46794–95.

[45] *See* Volume I of the Petition, at 14–15; *see also* Volume II of the Petition, at Exhibits GEN–17, GEN–18.

[46] *See* section 733(a)(1) of the Act.

[47] *See* section 733(a)(2) of the Act.

submitting factual information, must specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under Part 351, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under Part 351 expires. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[48] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of Petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule*.[49] The Department intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed in 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 732 and 777(i) of the Act and 19 CFR 351.203(c).

Dated: April 12, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigations

The product covered by these investigations is biodiesel, which is a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, including biologically-based waste oils or greases, and other biologically-based oil or fat sources. The investigations cover biodiesel in pure form (B100) as well as fuel mixtures containing at least 99 percent biodiesel by volume (B99). For fuel mixtures containing less than 99 percent biodiesel by volume, only the biodiesel component of the mixture is covered by the scope of the investigations.

Biodiesel is generally produced to American Society for Testing and Materials International (ASTM) D6751 specifications, but it can also be made to other specifications. Biodiesel commonly has one of the following Chemical Abstracts Service (CAS) numbers, generally depending upon the feedstock used: 67784–80–9 (soybean oil methyl esters); 91051–34–2 (palm oil methyl esters); 91051–32–0 (palm kernel oil methyl esters); 73891–99–3 (rapeseed oil methyl esters); 61788–61–2 (tallow methyl esters); 68990–52–3 (vegetable oil methyl esters); 129828–16–6 (canola oil methyl esters); 67762–26–9 (unsaturated alkylcarboxylic acid methyl ester); or 68937–84–8 (fatty acids, C12–C18, methyl ester).

The B100 product subject to the investigations is currently classifiable under subheading 3826.00.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), while the B99 product is currently classifiable under HTSUS subheading 3826.00.3000. Although the HTSUS subheadings, ASTM specifications, and CAS numbers are provided for convenience and customs purposes, the written description of the scope is dispositive.

[FR Doc. 2017–07900 Filed 4–18–17; 8:45 a.m.]

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[48] *See* section 782(b) of the Act.

[49] *See Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–844]

Narrow Woven Ribbons With Woven Selvedge From Taiwan; Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2014–2015

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On October 14, 2016, the Department of Commerce (the Department) published the preliminary results of the 2014–2015 administrative review of the antidumping duty (AD) order on narrow woven ribbons with woven selvedge (NWR) from Taiwan. The review covers four producers/exporters of the subject merchandise, of which the Department selected two companies for individual examination, Roung Shu Industry Corporation (Roung Shu) and A-Madeus Textile Ltd. (A-Madeus). The period of review (POR) is September 1, 2014, through August 31, 2015. We gave interested parties an opportunity to comment on the preliminary results and, based upon our analysis of the comments, our final results remain unchanged from the preliminary results. The final dumping margins are listed below in the section entitled ''Final Results of the Review.''

DATES: Effective April 19, 2017.

FOR FURTHER INFORMATION CONTACT: David Crespo, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3693.

SUPPLEMENTARY INFORMATION:

Background

On October 14, 2016, the Department published the *Preliminary Results* in the **Federal Register**.[1] A summary of the

[1] *See Narrow Woven Ribbons with Woven Selvedge from Taiwan; Preliminary Results of*

events that occurred since the Department published the *Preliminary Results,* as well as a full discussion of the issues raised for these final results, may be found in the Issues and Decision Memorandum, which is hereby adopted by this notice.[2] The Department conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to this order[3] is narrow woven ribbons with woven selvedge. The merchandise subject to this order is classifiable under the harmonized tariff schedule of the United States (HTSUS) statistical categories 5806.32.1020; 5806.32.1030; 5806.32.1050 and 5806.32.1060. Subject merchandise also may enter under subheadings 5806.31.00; 5806.32.20; 5806.39.20; 5806.39.30; 5808.90.00; 5810.91.00; 5810.99.90; 5903.90.10; 5903.90.25; 5907.00.60; and 5907.00.80 and under statistical categories 5806.32.1080; 5810.92.9080; 5903.90.3090; and 6307.90.9889. The HTSUS statistical categories and subheadings are provided for convenience and customs purposes; however, the written description of the merchandise covered by this order is dispositive.[4]

Determination of No Shipments

In the *Preliminary Results,* we preliminarily determined that Xiamen Yi He and Fujian Rongshu had no reviewable transactions during the POR. We received no comments from interested parties with respect to these preliminary results and we continue to determine that these companies had no reviewable transactions during the POR.[5]

Analysis of Comments Received

The sole issue raised in the case brief is addressed in the Issues and Decision Memorandum. A list of the topics discussed and the issue which parties raised and to which we respond in the Issues and Decision Memorandum is attached to this notice as Appendix I. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html*. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of the Review

We are assigning the following weighted-average dumping margins to the firms listed below:

Producer/exporter	Weighted-average dumping margins (percent)
Roung Shu Industry Corporation	0.00
A-Madeus Textile Ltd	137.20

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), the Department has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise and deposits of estimated duties, where applicable, in accordance with the final results of this review. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of this administrative review.

Pursuant to the *Final Modification for Reviews*,[6] because Roung Shu's weighted-average dumping margin is zero, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties,[7] pursuant to 19 CFR 351.106(c)(2). For entries of subject merchandise during the POR produced by Roung Shu for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

For A-Madeus, we will base the assessment rate, which was assigned as an adverse facts available rate,[8] for the corresponding entries on the margin listed above. Additionally, because the Department determined that Xiamen Yi He and Fujian Rongshu had no shipments of subject merchandise during the POR, any suspended entries that entered under their name will be liquidated at the all-others rate effective during the period of review.[9]

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for Roung Shu and A-Madeus will be equal to the dumping margins established in the final results of this administrative review (except, if the rate is zero or *de minimis,* a zero cash deposit rate will be required for that company); (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently-completed segment of this proceeding for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 4.37 percent, the all-others rate determined in the LTFV investigation.[10] These cash deposit requirements, when imposed,

Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2014–2015, 81 FR 71057 (October 14, 2016) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review on Narrow Woven Ribbons with Woven Selvedge from Taiwan,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See Narrow Woven Ribbons With Woven Selvedge from Taiwan and the People's Republic of China: Amended Antidumping Duty Orders,* 75 FR 56982 (Sept. 17, 2010) (*Orders*).

[4] For a complete description of the scope of the order, *see* Issues and Decision Memorandum.

[5] For a full explanation of the Department's analysis, *see Preliminary Results,* 81 FR at 71058, and accompanying Prelminary Determination Memorandum, at 5–6.

[6] *See 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) (*Final Modification for Reviews*).

[7] *Id.,* 77 FR at 8102.

[8] For a full discussion of the Department's determination to apply adverse facts available pursuant to section 776(a) and (b) of the Act, *see* Issues and Decision Memorandum, at Comment 1. *See also Preliminary Results,* 81 FR at 71058, and accompanying Prelminary Determination Memorandum, at 14–18.

[9] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[10] *See Orders,* 75 FR at 56985.

shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is published in accordance with section 751(a)(1) and 777(i)(1) of the Act.

Dated: April 12, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Margin Calculation
IV. Scope of the Order
V. Discussion of the Issues
1. Rate Assigned to A-Madeus
VI. Recommendation

[FR Doc. 2017–07926 Filed 4–18–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Proposed Information Collection; Comment Request; NIST MEP Client Impact Survey

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 19, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Megean Blum, *megean.blum@nist.gov,* 301–975–3160.

SUPPLEMENTARY INFORMATION:

I. Abstract

Sponsored by NIST, the Manufacturing Extension Partnership (MEP) is a national network of locally based manufacturing extension centers working with small manufacturers to assist them improve their productivity, improve profitability and enhance their economic competitiveness. The information collected will provide the MEP with information regarding MEP Center performance regarding the delivery of technology, and business solutions to U.S.-based manufacturers. The collected information will assist in determining the performance of the MEP Centers at both local and national levels, provide information critical to monitoring and reporting on MEP programmatic performance, and assist management in policy decisions. Responses to the collection of information are mandatory per the regulations governing the operation of the MEP Program (15 CFR parts 290, 291, 292, and H.R. 1274—section 2). The information collected will include MEP Customer inputs regarding their sales, costs, investments, employment, and exports. Customers will take the survey online. Customers will only be surveyed once per year under this collection. Data collected in this survey is confidential.

II. Method of Collection

Information will be collected electronically.

III. Data

OMB Control Number: 0693–0021.
Form Number: None.
Type of Review: Regular.
Affected Public: Business or other for-profit organizations.
Estimated Number of Respondents: 10,000.
Estimated Time per Response: 10 minutes.
Estimated Total Annual Burden Hours: 1,667.
Estimated Total Annual Cost to Public: 0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

PRA Departmental Lead, Office of the Chief Information Officer.

[FR Doc. 2017–07885 Filed 4–18–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF203

Determination of Overfishing or an Overfished Condition

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

ACTION: Notice.

SUMMARY: This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has found that the following stocks are subject to overfishing or overfished: South Atlantic golden tilefish and the Western and Central Pacific stock of Pacific bigeye tuna are subject to overfishing; South Atlantic blueline tilefish is still subject to overfishing; and Pacific bluefin tuna in the North Pacific Ocean and South Atlantic red snapper are still both overfished and subject to overfishing. NMFS, on behalf of the

Secretary, notifies the appropriate fishery management council (Council) whenever it determines that overfishing is occurring, a stock is in an overfished condition or a stock is approaching an overfished condition.

FOR FURTHER INFORMATION CONTACT: Regina Spallone, (301) 427–8568.

SUPPLEMENTARY INFORMATION: Pursuant to section 304(e)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1854(e)(2), and implementing regulations at 50 CFR 600.310(e)(2) and (j)(1), NMFS, on behalf of the Secretary, must notify Councils, and publish in the **Federal Register**, whenever it determines that a stock or stock complex is subject to overfishing, overfished, or approaching an overfished condition.

NMFS has determined that South Atlantic golden tilefish is subject to overfishing. This determination is based on the most recent stock assessment (SEDAR 25 Update), finalized in 2016, which supports a finding of subject to overfishing because estimates of fishing mortality (F) are above the maximum fishing mortality threshold, or MFMT. The South Atlantic Fishery Management Council has been informed that they must take action to end overfishing immediately on this stock.

NMFS has determined that the Western and Central Pacific (WCP) stock of Pacific bigeye tuna is subject to overfishing. This determination is based on a 2014 stock assessment update conducted by the Secretariat of the Pacific Community, and accepted by the Western and Central Pacific Fisheries Commission. NMFS has determined that section 304(i) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) applies because (1) the overfishing of the WCP stock of Pacific bigeye tuna is due largely to excessive international fishing pressure, and (2) the applicable regional fishery management organizations have inadequate measures in place to correct the problem. NMFS has informed the Western Pacific Fishery Management Council and the Pacific Fishery Management Council of their obligations for international and domestic management under Magnuson-Stevens Act sections 304(i) and 304(i)(2) to address international and domestic impacts, respectively. The Councils must develop recommendations for domestic regulations to address the relative impact of the domestic fishing fleet on the stock, and develop recommendations to the Secretary of State and Congress for international actions to end overfishing on the WCP stock of bigeye tuna.

NMFS has determined that South Atlantic blueline tilefish is still subject to overfishing. A 2014 stock assessment determined that the stock was subject to overfishing (79 FR 28686, May 19, 2014). This stock was not assessed in 2016, so landings were compared to the overfishing level (OFL). Final landings in 2015 exceeded the OFL for this stock, which supports a determination of subject to overfishing. NMFS continues to work with the South Atlantic Fishery Management Council to end overfishing.

In addition, NMFS has determined that South Atlantic red snapper continues to be subject to overfishing and is in an overfished condition. A 2010 assessment determined that this stock was subject to overfishing and in an overfished condition. That assessment found that estimates of F were above the MFMT and the stock size was less than the minimum stock size threshold, or MSST. This latest determination is based on the most recent stock assessment (SEDAR 41), finalized in 2016, which provides no basis to change the determination that the stock is subject to overfishing and is overfished. NMFS continues to work with the South Atlantic Fishery Management Council to end overfishing and rebuild this stock.

Finally, NMFS has determined that Pacific bluefin tuna in the North Pacific Ocean continues to be subject to overfishing and is in an overfished condition. A 2014 assessment determined that this stock was subject to overfishing and in an overfished condition (80 FR 12621, March 10, 2015). This latest determination is based on a 2016 assessment conducted by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean, in conjunction with NOAA scientists.

NMFS has determined that section 304(i) of the Magnuson-Stevens Act applies because (1) the overfishing and overfished condition of Pacific bluefin tuna in the North Pacific Ocean is due largely to excessive international fishing pressure, and (2) there are no management measures (or efficiency measures) to end overfishing under an international agreement to which the United States is a party. NMFS has informed the Western Pacific Fishery Management Council and the Pacific Fishery Management Council of their obligations for international and domestic management under Magnuson-Stevens Act sections 304(i) and 304(i)(2) to address international and domestic impacts, respectively. The Councils must develop recommendations for domestic regulations to address the relative impact of the domestic fishing fleet on the stock, and develop recommendations to the Secretary of State and Congress for international actions to end overfishing and rebuild the Pacific bluefin tuna in the North Pacific Ocean.

Dated: April 14, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–07923 Filed 4–18–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration decision.

SUMMARY: The Department of Education (Department) gives notice that, on February 14, 2014, an arbitration panel (Panel) rendered a decision in the matter of *Kentucky Office of the Blind vs. Department of the Army, Fort Campbell* (Case no. R–S/11–06).

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the full text of the Panel decision from Donald Brinson, U.S. Department of Education, 400 Maryland Avenue SW., Room 5045, Potomac Center Plaza, Washington, DC 20202–2800. Telephone: (202) 245–7310. If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll-free, at 1–800–877–8339.

Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: The Department convened the Panel under the Randolph-Sheppard Act (Act), 20 U.S.C. 107d–1(b), after receiving a complaint from the Kentucky Office of the Blind, the State licensing agency (SLA) designated to administer the Randolph-Sheppard program in Kentucky. Under section 107d–2(c) of the Act, the Secretary publishes in the **Federal Register** a synopsis of each Panel decision affecting the administration of vending facilities on Federal and other property.

Background

The Department of the Army, Fort Campbell (Army) used contractors through the SLA for several years because most of the Army's cooks

located at the base were deployed. Thus, the Army had to contract for cooks to provide food service to those located on the base. As the number of troops deployed decreased, the cooks from Fort Campbell returned to the base. Military personnel began to perform multiple tasks, including selecting the menus, preparing and cooking the food, ordering supplies, maintaining quality control of all food prepared and served, maintaining equipment, conducting headcount of soldiers served, and noting accountability of cash received. While these duties had been performed by the SLA, due to these changes, the Army no longer needed to have a contractor provide these services. However, the Army still had a need for a contractor to perform certain services because soldiers are precluded by Army Regulation 30–22 from performing dining facility attendant duties in a garrison environment.

The Performance Work Statement outlined the duties the contractor would now be required to perform. According to the Panel's decision:

> [T]he contractor is to ''hire and staff of qualified personnel . . . provide an on-site contract manager and with full authority to obligate the company and be responsible for overall performance . . . provide all employees with uniforms . . . establish and maintain a comprehensive quality control plan . . . train employees . . . maintain certificates and records . . . operate, and clean after each use, mechanical vegetable peeling machine . . . requisition, wash, peel and cut potatoes and fruit.''

The Army Contracting Officer concluded that the required services did not fall within the scope of the Act.

Because of the Army Contracting Officer's decision, the SLA filed a request for arbitration with the Department contending the Army violated the Act and its applicable regulations, in 34 CFR part 395, when it issued this solicitation without applying the provisions of the Act to the Army's source selection process. The matter was then submitted to the Panel.

Synopsis of the Panel Decision

A similar issue had arisen at Fort Campbell in the late 1990s. In 2002, an arbitration panel concluded that the services described in that Performance Work Statement fell within the terms of the Act. The Panel was asked whether the 2002 decision was binding through the principle of res judicata, given the similarity of issues and parties. The Panel concluded unanimously that the 2002 decision was not binding on the Panel because there had been several judicial rulings and pronouncements by Congress since the earlier case was decided. The Panel decided, however, to give that case ''respectful consideration.''

The Army argued that the Panel should give great deference to the decision of the Contracting Officer. The Panel majority disagreed with that argument. While there was no disagreement that the Army had full authority to have its own cooks handle food preparation and manage the dining facility, the issue was whether the Army's conclusion that the remaining work was not covered by the Act was correct. The Panel determined that resolution of the issues in this case involved statutory interpretation, and, because the Department is charged with interpreting the Act, by extension, so is the Panel.

The remaining question then was whether the Act was intended to apply to the discrete dining facility attendant services that were to be provided at the dining halls at Fort Campbell. The Panel majority noted that because interpretations had changed over the years, to understand what the Act, as it stands today, was intended to cover, it had to explore this history. As a result, the Panel reviewed and discussed the 1974 Amendments, various pronouncements from the Department and the Comptroller General's various court decisions, the relationship between the Act and the Javits-Wagner-O'Day Act (JWOD), and the passage of the National Defense Authorization Act of 2007 (NDAA).

The majority ultimately concluded the Act applies to this solicitation at Fort Campbell. In reaching that conclusion, the Panel rejected the Army's assertion that *Washington State Department of Services for the Blind* v. *United States,* 58 Fed. Cl. 781 (2003), was binding on the Panel. The Panel determined that the *Washington* case was limited to just ''busboy'' services, whereas the Fort Campbell solicitation also involved food handling. The Panel also discussed the impact of the NDAA and the interplay between the services covered by the Act and JWOD. In determining that the NDAA defined food services to include mess attendant services, the Panel concluded that this ''impliedly indicated those services are covered by the [Act].''

Finally, in rejecting the argument that the NDAA did not apply because the contract in effect at Fort Campbell was not awarded under the Act, the Panel concluded that the NDAA was still a ''pronouncement by Congress as to the coverage of the [NDAA] and is, therefore, a significant factor here.'' The Panel then concluded that had the Army complied with the earlier arbitration panel ruling in 2002, ''the contract for [mess attendant] services in 2006 would have been issued under the [Act].''

For the reasons stated in the decision, the Panel found that the Army violated the Act when it issued the solicitation for Dining Facility Attendant Services at Fort Campbell without applying the provisions of the Act to the Army's source selection process. In terms of a remedy, the Panel recognized that the Act requires that, when a violation has been found, the Federal agency must ''cause such acts or practices to be terminated promptly and shall take such other action as may be necessary to carry out the decision of the panel.'' The Panel directed the Army to notify the current contractor that its contract would not be renewed at expiration and to begin negotiations with the SLA for services to commence upon the expiration of the current contract.

One panel member concurred in part and dissented in part.

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You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 13, 2017.

Ruth E. Ryder,

Deputy Director, Office of Special Education Programs, delegated the duties of the Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2017–07858 Filed 4–18–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

List of Correspondence From July 1, 2015, Through September 30, 2015, and October 1, 2015, Through December 31, 2015

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary is publishing the following list of correspondence from the U.S. Department of Education (Department) received by individuals during the third and fourth quarters of 2015. The correspondence describes the Department's interpretations of the Individuals with Disabilities Education Act (IDEA) or the regulations that implement the IDEA. This list and the letters or other documents described in this list, with personally identifiable information redacted, as appropriate, can be found at: *www2.ed.gov/policy/speced/guid/idea/index.html.*

FOR FURTHER INFORMATION CONTACT: Jessica Spataro or Mary Louise Dirrigl. Telephone: (202) 245–7605.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), you can call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of this list and the letters or other documents described in this list in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting Jessica Spataro or Mary Louise Dirrigl at (202) 245–7605.

SUPPLEMENTARY INFORMATION: The following list identifies correspondence from the Department issued from July 1, 2015, through September 30, 2015, and October 1, 2015, through December 31, 2015. Under section 607(f) of the IDEA, the Secretary is required to publish this list quarterly in the **Federal Register**. The list includes those letters that contain interpretations of the requirements of the IDEA and its implementing regulations, as well as letters and other documents that the Department believes will assist the public in understanding the requirements of the law. The list identifies the date and topic of each letter and provides summary information, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been redacted, as appropriate.

Part A—General Provisions

Section 602—Definitions

Topics Addressed: Individualized Education Program; Individualized Family Service Plan

○ Dear Colleague Letter dated July 6, 2015, regarding the role of speech language pathologists and other professionals in determining appropriate services for infants, toddlers, and children with autism spectrum disorder.

Part B—Assistance for Education of All Children With Disabilities

Section 612—State Eligibility

Topic Addressed: Free Appropriate Public Education

○ Dear Colleague Letter dated November 16, 2015, clarifying that individualized education program (IEP) Teams must ensure that annual IEP goals are aligned with the State's academic content standards for the grade in which the child is enrolled.

Topic Addressed: Confidentiality

○ Letter dated November 23, 2015, to Alabama attorney Julie J. Weatherly, regarding requirements that govern the destruction of information collected, maintained, or used under Part B of the IDEA.

Topic Addressed: Children Enrolled in Private Schools by Their Parents

○ Letter dated July 6, 2015, to New York attorney Edward Sarzynski, regarding the requirements in Part B of the IDEA that apply when parents from other countries enroll their children with disabilities in private schools.

○ Letter dated November 23, 2015, to New Jersey attorney Michael I. Inzelbuch, clarifying whether a local educational agency (LEA) may use a portion of the funds it must spend to provide equitable services to children with disabilities placed by their parents in private schools to pay the costs of a settlement agreement.

Topic Addressed: State Educational Agency (SEA) General Supervisory Authority

○ Letter dated July 16, 2015, to Michigan Protection and Advocacy Services, Inc., Director of Public Policy Mark McWilliams, regarding the resolution of State complaints under Part B of the IDEA that allege that a public agency has not implemented a behavioral intervention plan.

○ Letter dated September 18, 2015, to education advocate Marcie Lipsett, clarifying an SEA's responsibility to issue a written decision on a State complaint under Part B of the IDEA even if the SEA accepts an LEA's proposed resolution of the complaint.

Section 613—Local Educational Agency Eligibility

Topic Addressed: Maintenance of Effort

○ Letter dated November 23, 2015, to New Mexico Public Education Department, Director of Special Education Michael Lovato, regarding the exception to the LEA maintenance of effort requirement due to the voluntary or just cause departure of special education or related services personnel.

Section 614—Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements

Topic Addressed: Eligibility Determinations

○ Dear Colleague Letter dated October 23, 2015, regarding evaluations, eligibility determinations, and IEPs for children with dyslexia, dyscalculia, or dysgraphia.

Section 615—Procedural Safeguards

Topic Addressed: Impartial Due Process Hearings

○ Letter dated September 16, 2015, to Illinois attorney Matthew D. Cohen, regarding various issues arising in due process complaints, resolution sessions, and due process hearings, including whether an LEA can unilaterally amend a child's IEP during a resolution meeting on a due process complaint and present that IEP as evidence in a subsequent due process hearing on that complaint.

○ Letter dated December 9, 2015, to Lehigh University Professor of Education and Law Perry A. Zirkel, regarding the statute of limitations for filing a request for a due process hearing.

○ Letter dated December 13, 2015, to California attorney Colleen A. Snyder, regarding the application of the expedited due process hearing procedures.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 13, 2017.

Ruth E. Ryder,

Deputy Director, Office of Special Education Programs, delegated the duties of the Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2017–07857 Filed 4–18–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities—Early Childhood Systems Technical Assistance Center

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for new awards for fiscal year (FY) 2017 for Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities—Early Childhood Systems Technical Assistance Center, Catalog of Federal Domestic Assistance (CFDA) number 84.326P.

DATES: *Applications Available:* April 19, 2017.

Deadline for Transmittal of Applications: June 5, 2017.

Deadline for Intergovernmental Review: August 2, 2017.

FOR FURTHER INFORMATION CONTACT: Julia Martin Eile, U.S. Department of Education, 400 Maryland Avenue SW., Room 5175, Potomac Center Plaza, Washington, DC 20202–5108. Telephone: (202) 245–7431.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program is to promote academic achievement and to improve results for children with disabilities by providing technical assistance (TA), supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research.

Priority: In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in the statute (see sections 663 and 681(d) of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1463 and 1481)(d)).

Absolute Priority: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Early Childhood Systems Technical Assistance Center.

Background:

To improve outcomes for, and protect the rights of, infants, toddlers, and preschool children (young children) with disabilities and their families, States must have effective systems [1] for implementing IDEA and providing high-quality services under Part C and Part B, section 619. Effective systems must include implementation supports [2] that enable local programs and practitioners to implement, with fidelity, services and interventions [3] supported by evidence (as defined in this notice). The majority of States, however, have identified areas for improvement within their systems (Lucas et al., 2015), and local programs often lack necessary implementation supports.

States can use the State Systemic Improvement Plan (SSIP),[4] a comprehensive, multiyear plan that is focused on improving a State-identified measureable result (SIMR), to plan how to enhance their systems to better implement IDEA and interventions based on evidence. States reported in their SSIPs multiple challenges that affect States' abilities to successfully implement their SSIPs, including the high turnover of State administrators and limited collaboration across those agencies that are part of delivering high-quality inclusive programs.[5]

In order to increase high-quality inclusive opportunities for children with disabilities, State IDEA Part C and Part B, section 619 coordinators must be active collaborators with other early childhood systems (*e.g.,* home visiting programs, Head Start programs, child care programs, public preschool programs) and engage in broader early childhood initiatives within the State. Further, IDEA Part C and Part B, section 619 coordinators report that they are often not included as partners on State and local leadership teams that are developed to address broader early childhood initiatives, but that collaboration with their IDEA counterparts is necessary for developing and increasing access and meaningful participation in inclusive settings for young children with disabilities.

This priority will fund a cooperative agreement to establish and operate a national Early Childhood Systems Technical Assistance Center (Center). The Center will provide TA to States to enable them to maintain high-quality systems with implementation supports to implement IDEA consistent with its requirements and to provide high-quality IDEA services for young children with disabilities and their families. The Center will work with IDEA Part C and Part B, section 619 coordinators to increase their competencies to lead systemic improvements and work collaboratively with other early childhood systems to increase access to, and participation in, high-quality inclusive programs for young children with disabilities.

Priority:

The purpose of this priority is to fund a cooperative agreement to establish and operate an Early Childhood Systems Technical Assistance Center to achieve, at a minimum, the following:

[1] For the purpose of this priority, ''systems'' include: governance; finance; personnel and workforce; data; accountability and quality improvement; and quality standards (The Early Childhood Technical Assistance Center, 2015).

[2] For the purpose of this priority, ''implementation supports'' include: professional development and training; ongoing consultation and coaching; performance assessments; data systems to support decision making; administrative supports; and systems interventions to align policies and funding mechanisms across multiple levels of a system (Fixsen, Blasé, Naoom, & Wallace, 2009).

[3] For the purpose of this priority, ''interventions'' include the Division for Early Childhood (DEC) recommended practices. The DEC recommended practices bridge the gap between research and practice, providing guidance to families of young children with disabilities and practitioners who work with them. The practices have been shown to result in better outcomes for young children with disabilities, their families, and the professionals who serve them (Division for Early Childhood, 2014).

[4] Each State was required to submit an SSIP as part of its State Performance Plan/Annual Performance Report beginning in Federal Fiscal Year 2013. Each State identified a SIMR under Parts C and B of IDEA.

[5] IDEA Part C requires that, to the maximum extent appropriate, factoring in each child's routines, needs, and outcomes, early intervention services be made available to all eligible infants and toddlers with disabilities in ''natural environments,'' including the home and community settings in which children without disabilities participate. IDEA Part B, section 619 requires that to the maximum extent appropriate, all children with disabilities, including preschool children with disabilities, must be educated in the least restrictive environment, and removal from the regular education environment occurs only if the nature and severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(a) Increased capacity of State IDEA Part C and Part B, section 619 programs to improve and sustain State systems (including governance, finance, personnel and workforce, data, accountability and quality improvement, and quality standards) to effectively implement IDEA regulations and deliver high-quality IDEA services to improve outcomes for young children with disabilities and their families.

(b) Increased capacity of State IDEA Part C and Part B, section 619 programs to include implementation supports within their State systems to support local programs in delivering effective services and interventions for young children with disabilities and their families.

(c) Increased capacity of State IDEA Part C and Part B, section 619 programs to implement their SSIPs and make progress towards meeting their SIMRs to improve outcomes for young children with disabilities and their families.

(d) Improved State and local systems to increase access to, and participation in, high-quality, inclusive programs for young children with disabilities.

(e) Increased knowledge, skills, and competencies of IDEA Part C and Part B, section 619 coordinators to lead systemic improvement efforts, actively engage in broader early childhood initiatives, use TA effectively, and build more effective and sustainable State systems that provide high-quality services and inclusive learning opportunities that improve outcomes for young children with disabilities and their families.

In addition to these programmatic requirements, to be considered for funding under this priority, applicants must meet the application and administrative requirements in this priority. The Office of Special Education Programs (OSEP) encourages innovative approaches to meet these requirements, which are:

(a) Demonstrate, in the narrative section of the application under ''Significance of the Project,'' how the proposed project will—

(1) Address the current and emerging needs of States under IDEA Part C and Part B, section 619 programs to implement and sustain high-quality, effective, and efficient systems that have the implementation supports in place to support local programs in delivering effective services and the DEC Recommended Practices within inclusive programs to improve outcomes for young children with disabilities and their families. To meet this requirement the applicant must—

(i) Present applicable national and State data demonstrating the needs of States to improve their systems to implement IDEA, deliver high-quality IDEA services for young children with disabilities and their families, implement DEC Recommended Practices, and increase opportunities to participate in inclusive programs;

(ii) Demonstrate knowledge of current issues and ongoing challenges to implementing IDEA in a manner consistent with its statutory and regulatory provisions, implementing the SSIP to improve outcomes for young children with disabilities and their families, increasing the capacity of Part C and Part B, section 619 coordinators to effectively lead systemic improvement, and supporting collaborative relationships between early childhood and IDEA Part C and Part B, section 619 programs;

(iii) Demonstrate knowledge of broader early childhood initiatives and how IDEA Part C and Part B, section 619 programs and children with disabilities could be included within the initiatives; and

(iv) Present information about the current capacity of IDEA Part C and Part B, section 619 programs and coordinators to support systemic change and implement the recommendations in the Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs (U.S. Departments of Education and Health and Human Services, 2015).

(2) Improve IDEA Part C and Part B, section 619 systems to ensure implementation of IDEA, and build capacity to support local programs to implement, scale up, and sustain high-quality services and inclusive programs, and indicate the likely magnitude or importance of the improvements.

(b) Demonstrate, in the narrative section of the application under ''Quality of the Project Services,'' how the proposed project will—

(1) Ensure equal access and treatment to members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. To meet this requirement, the applicant must describe how it will—

(i) Identify the needs of the intended recipients for TA and information; and

(ii) Ensure that TA services and products meet the needs of the intended recipients;

(2) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes; and

(ii) The logic model by which the proposed project will achieve its intended outcomes. A logic model used in connection with this priority communicates how a project will achieve its intended outcomes and provides a framework for both the formative and summative evaluations of the project;

(3) Use a conceptual framework to develop project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these variables, and any empirical support for this framework;

Note: Rather than use the definition of ''logic model'' in 34 CFR 77.1(c), OSEP uses the definition in paragraph (b)(2)(ii) of these application requirements. This definition, unlike the definition in 34 CFR 77.1(c), differentiates between logic models and conceptual frameworks. The following Web sites provide more information on logic models: *www.osepideasthatwork.org/logicModel* and *www.osepideasthatwork.org/resources-grantees/program-areas/ta-ta/tad-project-logic-model-and-conceptual-framework*.

(4) Be based on current research and make use of practices supported by evidence. To meet this requirement, the applicant must describe—

(i) The current research on the effectiveness of systems change, capacity building, and inclusive practices that will inform the TA and related research-based improvement strategies;

(ii) The current research about adult learning principles and implementation science or improvement science that will inform the proposed products; and

(iii) How the proposed project will incorporate current research and practices supported by evidence in the development and delivery of its TA products and services;

(5) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project. To address this requirement, the applicant must describe—

(i) How it proposes to identify or develop the knowledge base on: How to implement components of an effective IDEA Part C and Part B, section 619 system identified in the Early System Framework for Building High-Quality Early Intervention and Preschool Special Education Programs (Early Childhood Technical Assistance Center, 2015); implementation supports within the system to support providers in delivering effective services and implementing DEC Recommended Practices; and indicators of high-quality inclusion and how States, districts, and

early childhood programs are implementing high-quality inclusive programs;

(ii) Its proposed approach to universal, general TA,[6] which must identify the intended recipients of the products and services under this approach and should include, at minimum—

(A) A plan for ensuring that IDEA Part C and Part B, section 619 program staff, other early childhood providers, and relevant TA centers can easily access and use products and services developed by the proposed project;

(B) A plan for increasing awareness and recognition at the national level of how IDEA Part C and Part B, section 619 services and young children with disabilities and their families can be intentionally included within broader early childhood initiatives; and

(C) A plan for years 3–5 that describes activities, including developing and strengthening existing resources, guidance, and tools focused on supporting all IDEA Part C and Part B, section 619 programs in implementing IDEA requirements and supporting the programs in meeting their SIMRs.

(iii) Its proposed approach to targeted, specialized TA,[7] which must identify—

(A) The intended recipients of the products and services under this approach;

(B) Its proposed approach to measure the readiness of potential TA recipients to work with the project, assessing, at a minimum, their current systems, available resources, and ability to build capacity at the local level;

(C) The process by which the proposed project will collaborate with OSEP-funded centers and other federally funded TA centers to develop and implement a coordinated TA plan when they are involved in a State;

(D) The process by which the proposed project will collaborate with the proposed Early Childhood Personnel Center to develop the content of professional development for IDEA Part C and Part B, section 619 coordinators to increase their knowledge, skills, and competencies; and

(E) The process by which the proposed project will increase its TA efforts to States in years 3–5 to achieve the intended project outcomes;

(iv) Its proposed approach to intensive, sustained TA,[8] which must identify—

(A) The intended recipients of the products and services under this approach;

(B) Its proposed approach to measure the readiness of the State IDEA Part C and Part B, section 619 programs to work with the project, including their commitment to the initiative, alignment of the initiative to their needs, current systems, available resources, and ability to build capacity at the local level;

(C) Its proposed plan for assisting State IDEA Part C and Part B, section 619 programs to build training systems that include professional development based on adult learning principles and coaching;

(D) Its proposed plan for working with appropriate levels of the Part C and Part B, section 619 and early childhood systems (*e.g.,* regional TA providers, early intervention service programs and providers, local educational agencies (LEAs), Head Start programs, child care programs, home visiting programs, public preschools) and families to ensure that there is communication between each level and that there are systems in place to support the use of research-based practices;

(E) The process by which the proposed project will collaborate with OSEP-funded centers and other federally funded TA centers to develop and implement a coordinated TA plan when they are involved in a State;

(F) The process by which the proposed project will ensure the use of effective TA practices and continuously evaluate the practices to improve the delivery of TA; and

(G) The process by which the proposed project will increase its TA efforts in years 3–5 to support all IDEA Part C and Part B, section 619 programs in implementing IDEA requirements and meeting their SIMRs.

(6) Develop products and implement services that maximize efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes;

(ii) With whom the proposed project will collaborate and the intended outcomes of this collaboration; and

(iii) How the proposed project will use non-project resources to achieve the intended project outcomes.

(c) In the narrative section of the application under ''Quality of the Evaluation Plan,'' include an evaluation plan for the project as described in the following paragraphs. The evaluation plan must describe: Measures of progress in implementation, including the criteria for determining the extent to which the project's products and services have reached its target population; measures of intended outcomes or results of the project's activities in order to evaluate those activities; and how well the goals or objectives of the proposed project, as described in its logic model, have been met.

(d) Demonstrate in the narrative section of the application under ''Adequacy of Project Resources,'' how—

(1) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to carry out the proposed activities and achieve the project's intended outcomes;

(3) The applicant and any key partners have adequate resources to carry out the proposed activities; and

(4) The proposed costs are reasonable in relation to the anticipated results and benefits.

(e) Demonstrate, in the narrative section of the application under ''Quality of the Management Plan,'' how—

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

[6] ''Universal, general TA'' means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's Web site by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

[7] ''Targeted, specialized TA'' means TA services based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

[8] ''Intensive, sustained TA'' means TA services often provided on-site and requiring a stable, ongoing relationship between the TA center staff and the TA recipient. ''TA services'' are defined as negotiated series of activities designed to reach a valued outcome. This category of TA should result in changes to policy, program, practice, or operations that support increased recipient capacity or improved outcomes at one or more systems levels.

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Allocation of key project personnel and any consultants and subcontractors and how these allocations are appropriate and adequate to achieve the project's intended outcomes;

(3) The proposed management plan will ensure that the products and services provided are of high quality, relevant, and useful to recipients; and

(4) The proposed project will benefit from a diversity of perspectives, including those of families, educators, TA providers, doctoral and post-doctoral scholars, researchers, and policy makers, among others, in its development and operation.

(f) Address the following application requirements. The applicant must—

(1) Include, in Appendix A, a logic model that depicts, at a minimum, the goals, activities, outputs, and intended outcomes of the proposed project;

(2) Include, in Appendix A, a conceptual framework for the project;

(3) Include, in Appendix A, personnel-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative;

(4) Include, in the budget, attendance at the following:

(i) A one and one-half day kick-off meeting in Washington, DC, after receipt of the award, and an annual planning meeting in Washington, DC, with the OSEP project officer and other relevant staff during each subsequent year of the project period.

Note: Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project officer and the grantee's project director or other authorized representative;

(ii) A two and one-half day project directors' conference in Washington, DC, during each year of the project period;

(iii) Four trips annually to attend Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP; and

(iv) A one-day intensive 3+2 review meeting in Washington, DC, during the last half of the second year of the project period;

(5) Include, in the budget, a line item for the following:

(i) An annual set-aside of five percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with and approved by the OSEP project officer. With approval from the OSEP project officer, the project must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period;

(ii) An annual budget of a minimum of $500,000 to address the need to increase knowledge and implement high-quality inclusive practices across early childhood systems;

(iii) An annual budget of a minimum of $200,000 to address the needs in the finance systems for Part C; and

(iv) An annual budget of a minimum of $50,000 to collaborate with the proposed Early Childhood Personnel Center, if funded, to increase the knowledge, skills and competencies of IDEA Part C and Part B, section 619 coordinators

(6) Engage doctoral students or post-doctoral fellows in the project to increase future leaders in the field who are knowledgeable on effective IDEA Part C and Part B, section 619 systems, implementation supports, interventions to support inclusion in early childhood programs, and effective TA practices;

(7) Maintain a Web site that meets government or industry-recognized standards for accessibility; and

(8) Include, in Appendix A, an assurance to assist OSEP with the transfer of pertinent resources and products and to maintain the continuity of services to States during the transition to this new award period, as appropriate.

Fourth and Fifth Years of the Project:

In deciding whether to continue funding the project for the fourth and fifth years, the Secretary will consider the requirements of 34 CFR 75.253(a), as well as—

(a) The recommendation of a 3+2 review team consisting of experts selected by the Secretary. This review will be conducted during a one-day intensive meeting that will be held during the last half of the second year of the project period;

(b) The timeliness with which, and how well, the requirements of the negotiated cooperative agreement have been or are being met by the project; and

(c) The quality, relevance, and usefulness of the project's products and services and the extent to which the project's products and services are aligned with the project's objectives and likely to result in the project achieving its intended outcomes.

Definitions:

For the purposes of this priority:

Strong theory means a rationale for the proposed process, product, strategy, or practice that includes a logic model.

Supported by evidence means supported by at least strong theory.

References:

Division for Early Childhood. (2014). DEC recommended practices in early intervention/early childhood special education 2014. Retrieved from *www.dec-sped.org/recommendedpractices.*

Early Childhood Technical Assistance Center. (2015). *A system framework for building high-quality early intervention and preschool special education programs.* Retrieved from the ECTA Web site: *http://ectacenter.org/~pdfs/pubs/ecta-system_framework.pdf.*

Fixsen, D. L., Blasé, K. A., Naoom, S. F., & Wallace, F. (2009). Core implementation components. *Research on Social Work Practices, 19*(5), 531–540.

Lucas, A., Kahn, L., Derrington, T., Whaley, K., Winer, A., Nelson, R., * * * Taylor, C. (2015). *State of the states on systemic improvement planning: A national overview of Phase 1 SSIPs* [PowerPoint slides]. Retrieved from *http://ectacenter.org/googleresults.asp?q=State%20of%20the%20States.*

National Professional Development Center on Inclusion. (August, 2011). *Competencies for early childhood educators in the context of inclusion: Issues and guidance for States.* Chapel Hill, NC: The University of North Carolina, FPG Child Development Institute, Author.

U.S. Department of Education and U.S. Department of Health and Human Services. (2015). *Joint policy statement on inclusion of children with disabilities in early childhood programs.* Washington, DC: Author. *Retrieved from www.ed.gov/early-learning/inclusion.*

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1463 and 1481.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: The Further Continuing and Security Assistance Appropriations Act, 2017, would provide, on an annualized basis, $54,345,000 for the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program, of which we would use an estimated $3,400,000 in Years 1 and 2, and $5,400,000 in Years 3–5 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2018 from the list of unfunded applications from this competition.

Maximum Award: We will reject any application that proposes a budget exceeding $3,400,000 in Years 1 and 2, and $5,400,000 in Years 3–5 for a single budget period of 12 months.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* State educational agencies; local educational agencies (LEAs), including public charter schools that operate as LEAs under State law; IHEs; other public agencies; private nonprofit organizations; freely associated States and outlying areas; Indian Tribes or Tribal organizations; and for-profit organizations.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Eligible Subgrantees:* (a) Under 34 CFR 75.708(b) and (c) a grantee may award subgrants—to directly carry out project activities described in its application—to the following types of entities: IHEs and private nonprofit organizations suitable to carry out the activities proposed in the application.

(b) The grantee may award subgrants to entities it has identified in an approved application.

4. *Other General Requirements:* (a) Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Each applicant for, and recipient of, funding must, with respect to the aspects of their proposed project relating to the absolute priority, involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the internet or from the Education Publications Center (ED Pubs). To obtain a copy via the internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html*. To obtain a copy from ED Pubs, write, fax, or call: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a TDD or a TTY, call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov*.

If you request an application package from ED Pubs, be sure to identify this competition as follows: CFDA number 84.326P.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content and form of an application, together with the forms you must submit, are in the application package for this competition. *Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to no more than 70 pages, using the following standards:

- A ''page'' is 8.5″ x 11″ , on one side only, with 1'' margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit and double-spacing requirements do not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the page limit and double-spacing requirements do apply to all of Part III, the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

We will reject your application if you exceed the page limit in the application narrative section, or if you apply standards other than those specified in this notice and the application package.

3. *Submission Dates and Times:*

Applications Available: April 19, 2017.

Deadline for Transmittal of Applications: June 5, 2017.

Applications for grants under this competition must be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice. Deadline for Intergovernmental Review: August 2, 2017.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site: *http://fedgov.dnb.com/webform.* A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov.*

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined at the following *Grants.gov* Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Early Childhood Systems Technical Assistance Center competition, CFDA number 84.326P, must be submitted electronically using the Governmentwide *Grants.gov* Apply site at *www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Early Childhood Systems Technical Assistance Center competition at *www.Grants.gov*. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.326, not 84.326P).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov.*
- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this competition to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at *www.G5.gov*. In addition, for specific guidance and procedures for submitting an application through *Grants.gov*, please refer to the *Grants.gov* Web site at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a read-only Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only PDF (*e.g.,* Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being

considered for funding because the material in question—for example, the application narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF. Additional, detailed information on how to attach files is in the application instructions.

- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov*, the Department will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov*, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

- You do not have access to the internet; or
- You do not have the capacity to upload large documents to the *Grants.gov* system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Julia Martin Eile, U.S. Department of Education, 400 Maryland Avenue SW., Room 5175, Potomac Center Plaza (PCP), Washington, DC 20202–5108. FAX: (202) 245–7590.

Your paper application must be submitted in accordance with the mail or hand-delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.326P), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention:

(CFDA Number 84.326P), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* (a) *Significance (5 points).*

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed project will address specific gaps or weaknesses in services, infrastructure, or opportunities that have been identified.

(ii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

(b) *Quality of the project services (40 points).*

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which there is a conceptual framework underlying the proposed activities and the quality of that framework.

(iii) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice.

(iv) The extent to which the proposed products and services are of sufficient quality, intensity, and duration to lead to the outcomes intended to be achieved by the proposed project.

(v) The extent to which the products and services to be developed and provided by the proposed project involve the use of efficient strategies, including the use of technology, collaboration with appropriate partners, and the leveraging of non-project resources.

(c) *Quality of the project evaluation (20 points).*

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation will provide data and performance feedback for examining the effectiveness of project implementation strategies and the progress toward achieving intended outcomes.

(iii) The extent to which the methods of evaluation will produce quantitative and qualitative data that demonstrate the project has met intended outcomes.

(d) *Adequacy of project resources (15 points).*

(1) The Secretary considers the adequacy of resources, including the personnel who will carry out the proposed project.

(2) In determining the adequacy of resources, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of key project personnel (*i.e.,* project director, project staff, and project consultants or subcontractors).

(ii) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization and key partners.

(iii) The extent to which the costs are reasonable in relation to the anticipated results and benefits.

(e) *Quality of management plan (20 points).*

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director, project staff, and project consultants or subcontractors are appropriate and adequate to meet the objectives of the proposed project.

(iii) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project.

(iv) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions,

applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications.

4. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

5. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993, the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program. The Department will use these measures, which focus on the extent to which projects provide high-quality products and services, the relevance of project products and services to educational and early intervention policy and practice, and the use of products and services, to improve educational and early intervention policy and practice.

Projects funded under this competition are required to submit data on these measures as directed by OSEP.

Grantees will be required to report information on their project's performance in annual and final performance reports to the Department (34 CFR 75.590).

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the Management Support Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5113, Potomac Center Plaza, Washington, DC 20202–2500. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit

your search to documents published by the Department.

Dated: April 14, 2017.

Ruth E. Ryder,

Deputy Director, Office of Special Education Programs, delegated the duties of the Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2017–07930 Filed 4–18–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Personnel Development To Improve Services and Results for Children With Disabilities—Early Childhood Personnel Center

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for new awards for fiscal year (FY) 2017 for Personnel Development to Improve Services and Results for Children with Disabilities—Early Childhood Personnel Center, Catalog of Federal Domestic Assistance (CFDA) Number 84.325B.

DATES:

Applications Available: April 19, 2017.

Deadline for Transmittal of Applications: June 5, 2017.

Deadline for Intergovernmental Review: August 2, 2017.

FOR FURTHER INFORMATION CONTACT: Tracie Dickson, U.S. Department of Education, 400 Maryland Avenue SW., Room 5181, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: (202) 245–7844.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purposes of this program are to: (1) Help address State-identified needs for personnel preparation in special education, early intervention, related services, and regular education to work with children, including infants and toddlers, with disabilities; and (2) ensure that those personnel have the necessary skills and knowledge, derived from practices that have been determined through scientifically based research and experience, to be successful in serving those children.

Priority: In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in the statute (see sections 662 and 681 of the Individuals with Disabilities Education Act (IDEA)).

Absolute Priority: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Early Childhood Personnel Center.

Background:

All infants, toddlers, and preschool children (young children) with disabilities should have access to high-quality early childhood programs (U.S. Departments of Education and Health and Human Services, 2015). To achieve this, it is essential to have an early childhood workforce [1] that is able to provide to young children with disabilities and their families the specialized services and supports necessary for active participation and ongoing learning in early childhood programs. Research suggests, though, that much of the current early childhood workforce is not adequately prepared to do this (National Governor's Association, 2010), as does a survey of IDEA Part C and Part B, section 619 coordinators (Bruder, 2010).

To address this challenge, IDEA Part C (section 635) requires the State lead agency to develop and support high-quality, coordinated comprehensive systems of personnel development (CSPD) [2] and IDEA Part B (section 612) requires the State educational agency (SEA) to ensure that personnel are appropriately and adequately prepared and trained. State IDEA Part C and Part B, section 619 coordinators have indicated that their greatest technical assistance (TA) need is in implementing a high-quality, cross-sector CSPD (Lucas et al., 2015).

A critical piece of a State CSPD is the quality of preservice preparation, but many programs that prepare early childhood educators do not require courses, content, or practicum experiences in working with young children with disabilities and their families. Furthermore, many programs do not address relevant personnel standards from State or national professional organizations in their curricula.

This priority will fund a cooperative agreement to establish and operate a national Early Childhood Personnel Center (Center) to improve the quality of personnel who serve young children with disabilities and their families. The Center will provide TA to State Part C and Part B, section 619 programs on implementing a high-quality CSPD. The Center will also provide to the faculty of institutions of higher education (IHEs) TA on programs of study for providing high-quality services and inclusive programs for young children with disabilities and their families.

Priority:

The purpose of this priority is to fund a cooperative agreement to establish and operate an Early Childhood Personnel Center (Center) to achieve, at a minimum, the following:

(a) Increased capacity of State IDEA Part C, Part B, section 619 programs, and other early childhood service sectors (*e.g.,* Head Start, Early Head Start, Child Care, State-funded pre-K) to implement, scale up, and sustain a coordinated CSPD to ensure local personnel have the competencies to deliver high-quality services and inclusive programs to improve outcomes for young children with disabilities and their families;

(b) Increased knowledge, skills, and competencies of State IDEA Part C and Part B, section 619 administrators to lead systemic improvement efforts, actively engage in broader early childhood initiatives, use TA effectively, and build more effective and sustainable State systems that can support a competent early childhood workforce that can improve outcomes for young children with disabilities and their families; and

(c) Increased knowledge, skills, and competencies of early childhood IHE faculty to align programs of study to State and national professional organization personnel standards, integrate Division of Early Childhood

[1] For purposes of this priority, ''early childhood workforce'' refers to personnel who provide early care, developmental, and education services to children birth through age five, including early intervention service providers, service coordinators, early childhood special educators, related services providers, public or private preschool teachers, home and center-based child care providers, Head Start and Early Head Start teachers, and home visitors.

[2] CSPD is a requirement under IDEA Part C in section 635(a)(8) of the IDEA and 34 CFR 303.118. Though a CSPD is not a requirement under IDEA Part B, the Personnel/Workforce section of the System Framework for Building High-Quality Early Intervention and Preschool Special Education Programs (Early Childhood Technical Assistance Center, 2015) was developed for use by both IDEA Part C and Part B, section 619. The Personnel/Workforce section of the framework identifies the following components of a high-quality CSPD: Leadership, coordination, and sustainability; State personnel standards; preservice personnel development; in-service personnel development; recruitment and retention; and evaluation. For more background on CSPD see: *http://ecpcta.org/cspd/.*

(DEC) recommended practices [3] throughout early childhood curricula, and design programs of study utilizing adult learning principles.

In addition to these programmatic requirements, to be considered for funding under this priority, applicants must meet the application and administrative requirements in this priority, which are:

(a) Demonstrate, in the narrative section of the application under ''Significance of the Project,'' how the proposed project will—

(1) Address the need for States to be able to implement, scale up, and sustain a coordinated CSPD with personnel who have the competencies to deliver high-quality services and inclusive programs to improve outcomes for young children with disabilities and their families. To meet this requirement the applicant must—

(i) Present applicable national and State data demonstrating the need to improve State CSPDs, including data and information about the need to improve specific components of State CSPDs (*e.g.,* leadership, coordination, and sustainability; State personnel standards; preservice personnel development; in-service personnel development; recruitment and retention; or evaluation);

(ii) Demonstrate knowledge of current educational issues and policy initiatives relating to increasing the quantity and the knowledge, skills, and competencies of early childhood personnel working with young children with disabilities and their families; and

(iii) Present information about the current level of States' implementation of CSPDs, including information on the implementation of specific components of the CSPDs, and the current capacity of State IDEA Part C and Part B, section 619 administrators to support systemic change;

(2) Present information on the current state of IHEs' abilities to effectively prepare early childhood personnel to have the competencies to deliver high-quality services and inclusive programs to improve outcomes for young children with disabilities and their families. To meet this requirement the applicant must—

(i) Present applicable national data demonstrating the need to improve preservice preparation at the certificate, associate, bachelor's, and master's degree levels to align programs of study with State and national professional organization personnel standards, coordinate with in-service professional development, and integrate DEC recommended practices throughout the curricula;

(ii) Demonstrate knowledge of current issues and policy initiatives relating to the preparation and professional development of a high-quality and competent early childhood workforce, including leadership personnel; and

(iii) Present information about the current capacity of faculty to align programs of study to State and national professional organization personnel standards, integrate DEC recommended practices throughout the early childhood curricula, and design programs of study utilizing adult learning principles; and

(3) Improve the early childhood workforce to deliver high-quality services and inclusive programs that lead to improved outcomes for young children with disabilities and their families, and indicate the likely magnitude or importance of the improvements.

(b) Demonstrate, in the narrative section of the application under ''Quality of the Project Services,'' how the proposed project will—

(1) Ensure equal access and treatment for members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. To meet this requirement, the applicant must describe how it will—

(i) Identify the needs of the intended recipients for TA and information; and

(ii) Ensure that TA services and products meet the needs of the intended recipients;

(2) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes; and

(ii) The logic model by which the proposed project will achieve its intended outcomes. A logic model used in connection with this priority communicates how a project will achieve its intended outcomes and provides a framework for both the formative and summative evaluations of the project;

(3) Use a conceptual framework to develop project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these variables, and any empirical support for this framework;

Note: Rather than use the definition of ''logic model'' in section 77.1(c) of EDGAR, OSEP uses the definition in paragraph (b)(2)(ii) of these application requirements. This definition, unlike the definition in 34 CFR 77.1(c), differentiates between logic models and conceptual frameworks. The following Web sites provide more information on logic models: *www.osepideasthatwork.org/logicModel* and *www.osepideasthatwork.org/resources-grantees/program-areas/ta-ta/tad-project-logic-model-and-conceptual-framework.*

(4) Be based on current research and make use of practices supported by evidence (as defined in this notice). To meet this requirement, the applicant must describe—

(i) The current research on the assessment of CSPDs, capacity building, and the quality and effectiveness of various approaches to in-service and preservice preparation;

(ii) The current research about adult learning principles and implementation or improvement science that will inform the proposed TA to States, IHEs, and early childhood personnel; and

(iii) How the proposed project will incorporate current practices supported by evidence in the development and delivery of its products and services;

(5) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project. To address this requirement, the applicant must describe—

(i) How it proposes to identify or develop the knowledge base on—

(A) Building and implementing components of an effective CSPD;

(B) Identifying specific strategies that State IDEA Part C and Part B, section 619 administrators can use to support a competent early childhood workforce that can improve outcomes for young children with disabilities and their families; and

(C) Providing implementation supports (*e.g.,* professional development and training, ongoing consultation and coaching, data to support decision making, and administrative supports) needed by faculty and professional development providers to effectively prepare early childhood personnel to deliver high-quality services and inclusive programs to improve outcomes for young children with disabilities and their families;

(ii) Its proposed approach to universal, general TA,[4] which must

[3] The DEC recommended practices bridge the gap between research and practice, providing guidance to families of young children with disabilities and practitioners who work with them. The practices have been shown to result in better outcomes for young children with disabilities, their families, and the professionals who serve them (Division for Early Childhood, 2014).

[4] ''Universal, general TA'' means TA and information provided to independent users through

identify the intended recipients of the products and services under this approach and should, at minimum, include activities focused on—

(A) Identifying and developing materials, resources, and tools to help State IDEA Part C and Part B, section 619 programs implement the components of a CSPD;

(B) Identifying and developing resources, materials, and tools for faculty who prepare early childhood personnel to align programs of study to State and national professional organization personnel standards, integrate DEC recommended practices throughout the early childhood curricula, and design programs of study utilizing adult learning principles; and

(C) Identifying and developing resources and materials to increase awareness and recognition at the State and national level of the various personnel standards and competencies needed for early childhood personnel to deliver high-quality services and inclusive programs to improve outcomes for young children with disabilities and their families;

(iii) Its proposed approach to targeted, specialized TA,[5] which must identify—

(A) The intended recipients of the products and services under this approach; and

(B) Its proposed approach to measure the readiness of potential TA recipients to work with the project, assessing, at a minimum, their current infrastructure, available resources, and ability to build capacity at the local level;

(C) The process by which the proposed project will collaborate with other federally funded TA centers, including OSEP-funded centers, to develop and implement a coordinated TA plan when they are involved in a State;

(D) The process by which the proposed project will lead the development and delivery of professional development for State IDEA Part C and Part B, section 619 administrators to increase their knowledge, skills, and competencies and collaborate with other federally funded TA centers, including OSEP-funded centers, to develop content for this professional development; and

(E) The process by which the proposed project will work with OSEP-funded personnel development projects to align the program of study to State and national professional organization personnel standards and integrate DEC recommended practices throughout the early childhood curricula.

(iv) Its proposed approach to intensive, sustained TA,[6] which must identify—

(A) The intended recipients of the products and services under this approach;

(B) Its proposed approach to measure the readiness of State IDEA Part C and Part B, section 619 programs to work with the project, including their commitment to the initiative, alignment of the initiative to their needs, current infrastructure, available resources, and ability to build capacity at the local level;

(C) Its proposed plan for assisting State IDEA Part C and Part B, section 619 administrators to build CSPDs that include State standards, certification, and licensure requirements aligned to national professional organization personnel standards, and that include professional development, including coaching, for implementing the DEC recommended practices;

(D) Its proposed plan for working with appropriate levels of the early intervention and early childhood system (*e.g.,* regional TA providers, early intervention service programs and providers, LEAs, Head Start, child care, home visiting, State preschool, and families) to ensure that there is communication between each level and that there are systems in place to support the use of practices supported by evidence;

(E) The process by which the proposed project will collaborate with other federally funded TA Centers, including OSEP-funded centers. Include the process the project will use to develop one TA plan when multiple OSEP-funded centers are involved in a State or a coordinated TA plan when centers from other agencies are involved in a State; and

(F) The process by which the proposed project will ensure the use of TA practices supported by evidence and continuously evaluate the practices to improve the delivery of TA.

(6) Develop products and implement services that maximize efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes;

(ii) With whom the proposed project will collaborate and the intended outcomes of this collaboration; and

(iii) How the proposed project will use non-project resources to achieve the intended project outcomes.

(c) In the narrative section of the application under ''Quality of the Evaluation Plan,'' include an evaluation plan for the project. The evaluation plan must describe: Measures of progress in implementation, including the criteria for determining the extent to which the project's products and services have reached its target population; measures of intended outcomes or results of the project's activities in order to evaluate those activities; and how well the goals or objectives of the proposed project, as described in its logic model, have been met.

(d) Demonstrate, in the narrative section of the application under ''Adequacy of Project Resources,'' how—

(1) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to carry out the proposed activities and achieve the project's intended outcomes;

(3) The applicant and any key partners have adequate resources to carry out the proposed activities; and

(4) The proposed costs are reasonable in relation to the anticipated results and benefits.

(e) Demonstrate, in the narrative section of the application under ''Quality of the Management Plan,'' how—

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this

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their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's Web site by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

[5] ''Targeted, specialized TA'' means TA services based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

[6] ''Intensive, sustained TA'' means TA services often provided on-site and requiring a stable, ongoing relationship between the TA center staff and the TA recipient. ''TA services'' are defined as negotiated series of activities designed to reach a valued outcome. This category of TA should result in changes to policy, program, practice, or operations that support increased recipient capacity or improved outcomes at one or more systems levels.

requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Allocation of key project personnel and any consultants and subcontractors and how these allocations are appropriate and adequate to achieve the project's intended outcomes;

(3) The proposed management plan will ensure that the products and services provided are of high quality, relevant, and useful to recipients; and

(4) The proposed project will benefit from a diversity of perspectives, including those of families, educators, TA providers, future leaders, researchers, and policy makers, among others, in its development and operation.

(f) Address the following application requirements. The applicant must—

(1) Include, in Appendix A, a logic model that depicts, at a minimum, the goals, activities, outputs, and intended outcomes of the proposed project;

(2) Include, in Appendix A, a conceptual framework for the project;

(3) Include, in Appendix A, personnel-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative;

(4) Include, in the budget, attendance at the following:

(i) A one and one-half day kickoff meeting in Washington, DC, after receipt of the award, and an annual planning meeting in Washington, DC, with the OSEP project officer and other relevant staff during each subsequent year of the project period.

Note: Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project officer and the grantee's project director or other authorized representative;

(ii) A two and one-half day project directors' conference in Washington, DC, during each year of the project period;

(iii) Three trips annually to attend Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP; and

(iv) A one-day intensive 3+2 review meeting in Washington, DC, during the last half of the second year of the project period;

(5) Include, in the budget, a line item for an annual set-aside of five percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with and approved by the OSEP project officer.

Note: With approval from the OSEP project officer, the project must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period;

(6) Engage doctoral students or post-doctoral fellows in the project to enhance doctoral training and deepen the knowledge, skills, and competencies future leaders in the field need to effectively implement, scale up, and sustain a CSPD and prepare personnel to deliver high-quality services and inclusive programs to improve outcomes for young children with disabilities and their families; and

(7) Maintain a Web site that meets government or industry-recognized standards for accessibility.

Fourth and Fifth Years of the Project:

In deciding whether to continue funding the project for the fourth and fifth years, the Secretary will consider the requirements of 34 CFR 75.253(a), as well as—

(a) The recommendation of a 3+2 review team consisting of experts selected by the Secretary. This review will be conducted during a one-day intensive meeting that will be held during the last half of the second year of the project period;

(b) The success and timeliness with which the requirements of the negotiated cooperative agreement have been or are being met by the project; and

(c) The quality, relevance, and usefulness of the project's products and services and the extent to which the project's products and services are aligned with the project's objectives and likely to result in the project achieving its intended outcomes.

Definitions:

For the purposes of this priority:

Strong theory means a rationale for the proposed process, product, strategy, or practice that includes a logic model.

Supported by evidence means supported by at least strong theory.

References:

Bruder, M.B. (2010). Early childhood intervention: A promise to children and families for their future. *Exceptional Children, 76*(3), 339–355.

Division for Early Childhood. (2014). DEC recommended practices in early intervention/early childhood special education 2014. Retrieved from *www.dec-sped.org/recommendedpractices.*

Early Childhood Technical Assistance Center. (2015). A system framework for building high-quality early intervention and preschool special education programs. Retrieved from the ECTA Web site: *http://ectacenter.org/~pdfs/pubs/ecta-system_framework.pdf.*

Lucas, A., Kahn, L., Derrington, T., Whaley, K., Winer, A., Nelson, R., . . . Taylor, C. (2015). State of the States on systemic improvement planning: A national overview of Phase 1 SSIPs [PowerPoint slides]. Retrieved from *http://ectacenter.org/googleresults.asp?q=State%20of%20the%20States.*

National Governor's Association, Center for Best Practices. (2010). *Building an early childhood professional development system* (Issue Brief). Washington, DC: Author. Retrieved from: *www.nga.org/files/live/sites/NGA/files/pdf/1002EARLYCHILDPROFDEV.PDF.*

U.S. Department of Education and U.S. Department of Health and Human Services. (2015). *Joint policy statement on inclusion of children with disabilities in early childhood programs.* Washington, DC: Author. Retrieved from: *www.ed.gov/early-learning/inclusion.*

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities and requirements. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1462 and 1481.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget (OMB) Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 304.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: The Administration has requested $83,700,000 for the Personnel Development to Improve Services and Results for Children with Disabilities program for FY 2017, of which we intend to use an estimated $2,000,000

for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2018 from the list of unfunded applications from this competition.

Maximum Awards: We will reject any application that proposes a budget exceeding $2,000,000 for a single budget period of 12 months.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* SEAs; State lead agencies; local educational agencies (LEAs), including public charter schools that are considered LEAs under State law; IHEs; other public agencies; private nonprofit organizations; freely associated States and outlying areas; Indian tribes or tribal organizations; and for-profit organizations.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Eligible Subgrantees:* (a) Under 34 CFR 75.708(b) and (c) a grantee may award subgrants—to directly carry out project activities described in its application—to the following types of entities: SEAs; State lead agencies; LEAs, including public charter schools that are considered LEAs under State law; IHEs; other public agencies; private nonprofit organizations; freely associated States and outlying areas; Indian tribes or tribal organizations; and for-profit organizations suitable to carry out the activities proposed in the application.

(b) The grantee may award subgrants to entities it has identified in an approved application.

4. *Other General Requirements:*

(a) Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Each applicant for, and recipient of, funding under this competition must involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Address To Request Application Package:* You can obtain an application package via the internet or from the Education Publications Center (ED Pubs). To obtain a copy via the internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a TDD or a TTY, call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.325B.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content and form of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to no more than 50 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is either 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit and double-spacing requirements do not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the page limit and double-spacing requirements do apply to all of Part III, the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

We will reject your application if you exceed the page limit, or if you apply standards other than those specified in this notice and the application package.

3. *Submission Dates and Times:*

Applications Available: April 19, 2017.

Deadline for Transmittal of Applications: June 5, 2017.

Applications for grants under this competition must be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: August 2, 2017.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site: *http://fedgov.dnb.com/webform.* A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov/*

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined at the following *Grants.gov* Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Early Childhood Personnel Center competition, CFDA number 84.325B, must be submitted electronically using the Governmentwide *Grants.gov* Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Early Childhood Personnel Center competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.325, not 84.325B).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov,* we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov.*
- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this competition to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at *www.G5.gov.* In addition, for specific guidance and procedures for submitting an application through *Grants.gov*, please refer to the *Grants.gov* Web site at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a read-only Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only PDF (*e.g.,* Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the application narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF. Additional, detailed

information on how to attach files is in the application instructions.

- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov*, the Department will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov,* it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

- You do not have access to the internet; or
- You do not have the capacity to upload large documents to the *Grants.gov* system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Tracie Dickson, U.S. Department of Education, 400 Maryland Avenue SW., Room 5181, Potomac Center Plaza, Washington, DC 20202–5076. FAX: (202) 245–7590.

Your paper application must be submitted in accordance with the mail or hand-delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.325B), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.325B), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand

deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210.

a. *Significance (5 points).*

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers one or more of the following factors:

(i) The extent to which the proposed project will address specific gaps or weaknesses in services, infrastructure, or opportunities that have been identified; and

(ii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

b. *Quality of the project services (40 points).*

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers one or more of the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable;

(ii) The extent to which there is a conceptual framework underlying the proposed activities and the quality of that framework;

(iii) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice;

(iv) The extent to which the proposed products and services are of sufficient quality, intensity, and duration to lead to the outcomes to be achieved by the proposed project; and

(v) The extent to which the products and services to be developed and provided by the proposed project involve the use of efficient strategies, including the use of technology, collaboration with appropriate partners, and the leveraging of non-project resources.

c. *Quality of the project evaluation (20 points).*

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers one or more of the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project;

(ii) The extent to which the methods of evaluation will provide data and performance feedback for examining the effectiveness of project implementation strategies and the progress toward achieving intended outcomes; and

(iii) The extent to which the methods of evaluation will produce quantitative and qualitative data that demonstrate the project has met intended outcomes.

d. *Adequacy of project resources (15 points).*

(1) The Secretary considers the adequacy of resources, including the personnel who will carry out the proposed project.

(2) In determining the adequacy of resources, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers one or more of the following factors:

(i) The qualifications, including relevant training and experience, of key project personnel (*i.e.,* project director, project staff, and project consultants or subcontractors);

(ii) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization and key partners; and

(iii) The extent to which the costs are reasonable in relation to the anticipated results and benefits.

e. *Quality of management plan (20 points).*

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers one or more of the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks;

(ii) The extent to which the time commitments of the project director, project staff, and project consultants or subcontractors are appropriate and adequate to meet the objectives of the proposed project;

(iii) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project; and

(iv) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that, for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This

procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications.

4. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

5. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993, the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program. These measures are included in the application package and focus on the extent to which projects provide high-quality products and services, the relevance of project products and services to educational policy and practice, and the use of products and services, to improve educational policy and practice.

Projects funded under this competition are required to submit data on these measures as directed by OSEP.

Grantees will be required to report information on their project's performance in annual and final performance reports to the Department (34 CFR 75.590).

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the Management Support Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5113, Potomac Center Plaza, Washington, DC 20202–2500. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 14, 2017.

Ruth E. Ryder,

Deputy Director, Office of Special Education Programs, delegated the duties of the Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2017–07929 Filed 4–18–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Portsmouth

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), Portsmouth. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, May 4, 2017 6:00 p.m.

ADDRESSES: Ohio State University, Endeavor Center, 1862 Shyville Road, Piketon, Ohio 45661.

FOR FURTHER INFORMATION CONTACT: Greg Simonton, Alternate Deputy Designated Federal Officer, Department of Energy Portsmouth/Paducah Project Office, Post Office Box 700, Piketon, Ohio 45661, (740) 897–3737, *Greg.Simonton@lex.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:

- Call to Order, Introductions, Review of Agenda
- Approval of March 2017 Minutes
- Deputy Designated Federal Officer's Comments
- Federal Coordinator's Comments
- Liaison's Comments
- Presentation
- Administrative Issues
- Subcommittee Updates
- Public Comments
- Final Comments from the Board
- Adjourn

Public Participation: The meeting is open to the public. The EM SSAB, Portsmouth, 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 Greg Simonton 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 statements pertaining to agenda items should contact Greg Simonton 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 Greg Simonton at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.ports-ssab.energy.gov/.*

Issued at Washington, DC, on April 13, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–07895 Filed 4–18–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

State Energy Advisory Board (STEAB)

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of open teleconference.

SUMMARY: This notice announces a teleconference call of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, May 18, 2017 from 3:30 p.m. to 4:30 p.m. (EDT). To receive the call-in number and passcode, please contact the Board's Designated Federal Officer at the address or phone number listed below.

FOR FURTHER INFORMATION CONTACT: Michael Li, Policy Advisor, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585. Phone number 202–287–5718, and email *michael.li@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To make recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101–440).

Tentative Agenda: Receive STEAB Task Force updates and objectives for FY 2017, discuss follow-up opportunities and engagement with EERE and other DOE staff as needed to keep Task Force work moving forward, continue engagement with DOE, EERE and EPSA staff regarding energy efficiency and renewable energy projects and initiatives, and receive updates on member activities within their states.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Michael Li at the address or telephone number listed above. Requests to make oral comments must be received five days prior to the meeting; reasonable provision will be made to include requested topic(s) on the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 60 days on the STEAB Web site at: *http://www.energy.gov/eere/steab/state-energy-advisory-board.*

Issued at Washington, DC, on April 13, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–07896 Filed 4–18–17; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*http://fmcinet/fmc.agreements.web/public*) or by contacting the Office of Agreements at (202)-523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 011324–021.

Title: Transpacific Space Utilization Agreement.

Parties: American President Lines, Ltd and APL Co. PTE Ltd. (as a single carrier); Hapag-Lloyd AG; Hyundai Merchant Marine Co., Ltd.; Evergreen Line Joint Service Agreement; Westwood Shipping Lines; Yang Ming Marine Transport Corporation; Kawasaki Kisen Kaisha, Ltd.; Nippon Yusen Kaisha, Ltd.; and Orient Overseas Container Line Limited.

Filing Party: Wayne Rohde; Cozen O'Connor; 1200 19th Street NW.; Washington, DC 20036.

Synopsis: The amendment deletes Hanjin Shipping Company, Ltd. as a party to the agreement.

Agreement No.: 011409–020.

Title: Transpacific Carrier Services Inc. Agreement.

Parties: American President Lines, Ltd. and APL Co. PTE Ltd. (operating as a single carrier); CMA CGM S.A.; COSCO Container Lines Company, Ltd.; Evergreen Lines Joint Service Agreement; Hapag-Lloyd AG; Hyundai Merchant Marine Co., Ltd.; Kawasaki Kisen Kaisha, Ltd.; Nippon Yusen Kaisha, Ltd.; Orient Overseas Container Line Limited; Yang Ming Marine Transport Corp.; and Zim Integrated Shipping Services, Ltd.

Filing Party: Wayne Rohde, Esq.; Cozen O'Connor; 1627 I Street NW.; Suite 1100; Washington, DC 20006.

Synopsis: The amendment deletes Hanjin Shipping Company, Ltd.; China Shipping Container Lines (Hong Kong) Co., Ltd.; and China Shipping Container Lines Co., Ltd. as parties to the agreement.

Agreement No.: 011961–022.

Title: The Maritime Credit Agreement.

Parties: COSCO Container Lines Company, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Maersk Line A/S; United Arab Shipping; Willenius Wilhelmsen Logistics AS; and Zim Integrated Shipping Services, Ltd.

Filing Party: Wayne Rohde, Esq.; Cozen O'Connor; 1627 I Street NW.; Suite 1100; Washington, DC 20006.

Synopsis: The amendment deletes Hanjin Shipping Company, Ltd. as a party to the agreement.

Agreement No.: 012481.

Title: CMA CGM/UASC U.S.-West Med Slot Charter Agreement.

Parties: CMA CGM, S.A. and United Arab Shipping Co.

Filing Party: Draughn B. Arbona, Esq; CMA CGM (America) LLC; 5701 Lake Wright Drive; Norfolk, VA 23502.

Synopsis: The agreement authorizes CMA CGM to charter space to UASC in the trade between the U.S. East Coast on the one hand, and Italy and Spain on the other hand.

Agreement No.: 201157–006.

Title: USMX–ILA Master Contract between United States Maritime Alliance, Ltd. and International Longshoremen's Association.

Parties: United States Maritime Alliance, Ltd., on behalf of Management, and the International Longshoremen's Association, AFL–CIO.

Filing Parties: William M. Spelman, Esq.; The Lambos Firm; 303 South Broadway, Suite 410; Tarrytown, NY 10591; and Andre Mazzola, Esq.; Marrinan & Mazzola Mardon, P.C.; 26 Broadway, 17th Floor; New York, NY 10004.

Synopsis: The amendment reduces the number of management and labor representatives required to convene the Industry Appellate Committee.

By Order of the Federal Maritime Commission.

Dated: April 14, 2017.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017–07925 Filed 4–18–17; 8:45 am]

BILLING CODE 6731–AA–P

GULF COAST ECOSYSTEM RESTORATION COUNCIL

[Docket No.: 104172017–1111–12]

Proposed Amendment to Initial Funded Priorities List

AGENCY: Gulf Coast Ecosystem Restoration Council.

ACTION: Proposed amendment to Initial Funded Priorities List.

SUMMARY: The Gulf Coast Ecosystem Restoration Council (Council) seeks public and Tribal comment on a proposal to amend its Initial Funded Priorities List (FPL) to approve implementation funding for support of the Tampa Bay Estuary Program (TBEP) restoration project elements sponsored by the U.S. Environmental Protection Agency (EPA). The Council is proposing to approve $1,444,960 in implementation funding for the TBEP project elements. The Council is also proposing to reallocate $100,000 from planning to implementation.

DATES: Comments on this proposed amendment are due May 19, 2017.

ADDRESSES: Comments on this proposed amendment may be submitted as follows:

By Email: Submit comments by email to *frcomments@restorethegulf.gov.* Email submission of comments ensures timely receipt and enables the Council to make them available to the public. In general, the Council will make such comments available for public inspection and copying on its Web site, *www.restorethegulf.gov,* without change, including any business or personal information provided, such as names, addresses, email addresses and telephone numbers. All comments received, including attachments and other supporting materials, will be part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

By Mail: Send comments to Gulf Coast Ecosystem Restoration Council, 500 Poydras Street, Suite 1117, New Orleans, LA 70130.

FOR FURTHER INFORMATION CONTACT: Please send questions by email to *frcomments@restorethegulf.gov* or contact John Ettinger at (504) 444–3522.

SUPPLEMENTARY INFORMATION:

I. Background

The *Deepwater Horizon* oil spill led to passage of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act) (33 U.S.C. 1321(t) and *note),* which dedicates 80 percent of all Clean Water Act administrative and civil penalties related to the oil spill to the Gulf Coast Restoration Trust Fund (Trust Fund). The RESTORE Act also created the Council, an independent Federal entity comprised of the five Gulf Coast states and six Federal agencies. Among other responsibilities, the Council administers a portion of the Trust Fund known as the Council-Selected Restoration Component in order to ''undertake projects and programs, using the best available science, that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast.'' Additional information on the Council can be found here: *https://www.restorethegulf.gov.*

On December 9, 2015, the Council approved the FPL, which includes projects and programs approved for funding under the Council-Selected Restoration Component, along with other activities the Council identified as priorities for potential future funding. Activities approved for funding in the FPL are included in ''Category 1;'' the priorities for potential future funding are in ''Category 2.'' In the FPL the Council approved approximately $156.6 million in Category 1 restoration and planning activities, and prioritized

twelve Category 2 activities for possible funding in the future, subject to environmental compliance and further Council and public review. The Council included planning activities for the TBEP project elements in Category 1 and implementation activities for the TBEP project elements in Category 2.

The Council reserved approximately $26.6 million for implementing priority activities in the future. These reserved funds may be used to support some, all or none of the activities included in Category 2 of the FPL and/or to support other activities not currently under consideration by the Council. As appropriate, the Council intends to review each activity in Category 2 in order to determine whether to: (1) Move the activity to Category 1 and approve it for funding, (2) remove it from Category 2 and any further consideration, or (3) continue to include it in Category 2. A Council decision to amend the FPL to move an activity from Category 2 into Category 1 must be approved by a Council vote after consideration of public and Tribal comments.

The total amount available for implementation of the TBEP project elements would be $1,544,960. These funds would be used to implement five coastal restoration elements within the TBEP's watershed boundary: (1) Ft De Soto Recirculation and Seagrass Recovery Project; (2) St. Petersburg Biosolids to Energy Project; (3) Robinson Preserve Expansion Project; (4) Hillsborough County Parks Coastal Invasive Plant Removal Project; and (5) Copeland Park Pond Restoration Project.

Pursuant to Section 511(c) of the Clean Water Act, certain EPA actions are statutorily exempt from the National Environmental Policy Act (NEPA). The EPA has provided the Council with documentation confirming that the five elements listed above fall within this NEPA exemption. This documentation also contains information demonstrating compliance with other applicable laws, including the Endangered Species Act, National Historic Preservation Act and the Magnuson-Stevens Act. The EPA would be required to adhere to all applicable terms and conditions contained in this compliance documentation. The Council therefore proposes to rely on the EPA's statutory exemption in accordance with Section 4(h) of the Council's NEPA Procedures (80 FR 25680 (May 5, 2015)) (NEPA Procedures).

II. Environmental Compliance

Prior to approving an activity for funding in FPL Category 1, the Council must comply with NEPA (unless the given activity is exempt from NEPA) and other applicable Federal environmental laws. At the time of approval of the FPL, the Council had not fully addressed the environmental laws applicable to implementation of the TBEP project elements. The Council did, however, recognize the potential ecological value of the TBEP project elements, based on a review conducted during the FPL process. For this reason, the Council approved $100,000 in planning funds for the TBEP, a portion of which would be used to complete any needed environmental compliance activities. As noted above, the Council placed the implementation portion of the TBEP project elements into FPL Category 2, pending the outcome of this environmental compliance work and further Council review.

The estimated cost of implementation activities for the TBEP was $2,000,000, including the five restoration elements listed above, as well as two other elements that are not included in this proposed approval of implementation funding (*i.e.,* the Palm River Restoration Project Phase II, East McKay Bay and Coopers Point Water Quality Improvement). In a separate **Federal Register** notice, issued March 17, 2017, the Council proposed approving implementation funding for Palm River Restoration Project Phase II, East McKay Bay, with Florida as the sponsor. The EPA continues to work on design, engineering and environmental compliance for Coopers Point Water Quality Improvement project element, and anticipates seeking Council approval of implementation funding for it at a later date.

Section 4(h) of the Council's NEPA Procedures provides:

> ''(h) Actions Exempt from the Requirements of NEPA. Certain Council Actions may be covered by a statutory exemption under existing law. The Council will document its use of such an exemption pursuant to applicable requirements.''

In accordance with the above provision, the Council is proposing to rely upon the EPA's statutory NEPA exemption in association with approval of implementation funding for the following five TBEP elements: (1) Ft De Soto Recirculation and Seagrass Recovery Project; (2) St. Petersburg Biosolids to Energy Project; (3) Robinson Preserve Expansion Project; (4) Hillsborough County Parks Coastal Invasive Plant Removal Project; and (5) Copeland Park Pond Restoration Project.

The EPA has provided the Council with documentation confirming that the five elements listed above fall within the EPA's statutory NEPA exemption. This documentation also contains information demonstrating compliance with other applicable laws, including the Endangered Species Act, National Historic Preservation Act and the Magnuson-Stevens Act. The EPA would be required to adhere to all applicable terms and conditions contained in this documentation.

The Council's reliance upon the EPA's statutory NEPA exemption does not in any way alter the Council's or the EPA's obligation to comply with other applicable laws.

The Council has reviewed the environmental compliance documentation provided by the EPA and has found that it addresses the laws applicable to Council approval of funding under the Council-Selected Restoration Component. Information on the NEPA statutory exemption and the associated documentation can be found here: *https://www.restorethegulf.gov/funded-priorities-list.* (See: *Tampa Bay Estuary Program—Implementation.*)

TBEP Restoration Elements

If approved for funding, the five TBEP restoration elements are expected to result in the following environmental benefits: An estimated reduction of 5,147 tons/year greenhouse gas (GHG) emissions associated with the Biosolids to Energy element; 14.8 acres of coastal upland habitat created or restored at Robinson Preserve, including approximately 4.42 acres of live oak hammock; 4.64 acres of pine flatwoods; 2.9 acres of coastal shrub; and 2.81 acres of coastal hammock; Hillsborough County Parks Coastal Invasive Plant Removal Project: Invasive plants removed on approximately 650 acres near Cockroach Bay; Circulation modeling, monitoring, and an estimated 200 acres of seagrass habitat enhanced or created at Fort DeSoto Park; and Shoreline restoration, littoral shelf development, and open water habitat restoration on a 1.83 acre pond at Copeland Park.

If approved for implementation funding, the five TBEP restoration elements are expected to result in approximately 664 acres of coastal habitat restored or enhanced and 200 acres of seagrass enhanced or created. Habitat restoration activities include exotics removal; tidal exchange restoration; and sheet flow restoration. Additionally, an estimated 5,147 tons of greenhouse gas (GHG) emissions per year would be reduced, providing added climate change resiliency. GHG emissions reductions result from switching from fuel to biogas for municipal vehicles. Habitat restored, enhanced or created include: 200 acres

of seagrass, 650 acres of coastal wetlands, 14 acres of coastal uplands, and 1.8 acres of freshwater wetlands. Habitat restoration includes invasive removal, sediment contouring, and native plantings.

Additional information on the TBEP restoration elements, including metrics of success, response to science reviews and more is available in an activity-specific appendix to the FPL, which can be found at *https://www.restorethegulf.gov.* (Please see the table on page 25 of the FPL and click on: Tampa Bay Estuary Program, Implementation.)

Will D. Spoon,

Program Analyst, Gulf Coast Ecosystem Restoration Council.

[FR Doc. 2017–07720 Filed 4–18–17; 8:45 am]

BILLING CODE 6560–58–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–0004: Docket No. CDC–2017–0035]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the revision of the National Disease Surveillance Program II Disease Summaries information collection. These surveillance data are essential on the local, state, and federal levels for measuring trends in diseases, evaluating the effectiveness of current preventive strategies, and determining the need to modify current preventive measures.

DATES: Written comments must be received on or before June 19, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0035 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

National Disease Surveillance Program II Disease Summaries (OMB Control Number 0920–0004, Expiration Date 10/31/2017)—Revision—National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC requests a three-year approval for the revision of the National Disease Surveillance Program II Disease Summaries information collection.

As with the previous approval, these data are essential for measuring trends in diseases, evaluating the effectiveness of current preventive strategies, and determining the need to modify current preventive measures. The following diseases in this surveillance program are Influenza Virus, Caliciviruses, Respiratory and Enteric Viruses, Foodborne Outbreaks, Waterborne Outbreaks and Enteroviruses. Proposed revisions include form consolidation, minor revised language and rewording to improve clarity and readability of the data collection forms and the discontinuation of multiple previously approved influenza collection instruments, and the National Respiratory & Enteric Virus Surveillance System (NREVSS) Laboratory Assessment (CDC 55.83). CDC requests the use of a new form, Suspect Respiratory Virus Patient Form, to assist health departments and clinical sites when they submit specimens to the CDC lab for viral pathogen identification. The data will enable rapid detection and characterization of outbreaks of known pathogens, as well as potential newly emerging viral pathogens.

The total burden estimate for all collection instruments in this revision request is 24,804. The frequency of response for each form will depend on the disease and surveillance need. This represents a 7,117 burden hour reduction since last approval. This

reduction in burden hours is attributed primarily to the discontinuation of previously approved forms and formatting changes to existing forms.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Epidemiologist	NORS Foodborne Disease Transmission_Person to Person Disease Transmission_Animal Contact_Environmental Contamination_Unknown Transmission Mode_52.13.	54	37	20/60	666
Epidemiologist	WHO COLLABORATING CENTER FOR INFLUENZA Influenza Virus Surveillance.	53	52	10/60	460
Epidemiologist	U.S. WHO Collaborating Laboratories Influenza Testing Methods Assessment.	113	1	10/60	19
Epidemiologist	U.S. Outpatient Influenza-like Illness Surveillance Network (ILINet) Weekly_CDC 55.20.	1,800	52	10/60	15,600
Epidemiologist	U.S. Outpatient Influenza-like Illness Surveillance Network (ILINet) Workfolder 55.20E.	1,800	1	5/60	150
Epidemiologist	Influenza-Associated Pediatric Mortality Case Report Form.	57	2	30/60	57
Epidemiologist	Human Infection with Novel Influenza A Virus Case Report Form.	57	2	30/60	57
Epidemiologist	Human Infection with Novel Influenza A Virus Severe Outcomes.	57	1	1.5/60	86
Epidemiologist	Novel Influenza A Virus Case Screening Form ..	57	1	15/60	15
Epidemiologist	Antiviral Resistant Influenza Infection Case Report Form.	57	3	30/60	86
Epidemiologist	National Respiratory & Enteric Virus Surveillance System (NREVSS) (55.83A, B, D) (electronic).	550	52	15/60	7,150
Epidemiologist	National Enterovirus Surveillance Report: (CDC 55.9) (electronic).	20	12	15/60	60
Epidemiologist	National Adenovirus Type Reporting System (NATRS).	13	4	15/60	13
Epidemiologist	Middle East Respiratory Syndrome (MERS) Patient Under Investigation (PUI) Short Form.	57	3	25/60	72
Epidemiologist	Viral Gastroenteritis Outbreak Submission Form	20	5	5/60	9
Epidemiologist	NORS Waterborne Disease Transmission Form_52.12..	57	1	20/60	19
Epidemiologist	Influenza Virus (Electronic, Year Round), PHLIP_HL7 messaging Data Elements.	57	52	5/60	247
Epidemiologist	Influenza virus (electronic, year round) (PHIN–MS).	3	52	5/60	13
Epidemiologist	Suspect Respiratory Virus Patient Form	10	5	30/60	25
Total					24,804

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–07902 Filed 4–18–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–17ABC; Docket No. CDC–2017–0033]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''Zika Postpartum Emergency Response Survey (ZPER), Puerto Rico, 2017.''

DATES: Written comments must be received on or before June 19, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0033 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office,

Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Zika Postpartum Emergency Response Survey (ZPER), Puerto Rico, 2017—New ICR—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In December 2015, the Puerto Rico Department of Health (PRDH) reported the first locally acquired (index) case of Zika virus disease in the United States. Since then, 38,733 cases have been confirmed in Puerto Rico, including 3,076 among pregnant women. Because the most common mosquito vector of Zika virus, Aedes aegypti, is present throughout Puerto Rico, Zika virus transmission is ongoing. The island has been designated at the highest level of risk according to a 3-tiered Zika virus infection risk scale developed by CDC's Emergency Operations Center (EOC).

While pregnant women do not differ from the general population in terms of susceptibility to Zika virus infection or severity of disease, they are at risk for adverse pregnancy and birth outcomes associated with Zika virus infection during pregnancy. After review of the available evidence, CDC concluded that Zika virus infection during pregnancy is a cause of microcephaly and other brain defects.

Given the adverse pregnancy and birth outcomes associated with Zika virus infection during pregnancy, it is more important than ever to understand the Zika-related concerns of pregnant women, interactions regarding Zika between pregnant women and their health care providers, sources of information that pregnant women consult regarding Zika virus, and use of recommended precautions by pregnant women to reduce the risk of exposure to Zika virus. This information was successfully collected for the first time in a hospital-based survey of women 24–48 hours after delivery by the Puerto Rico Department of Health in the fall of 2016 (Emergency OMB approval, control #0920–1127), and has been critical for informing clinical guidance, developing communication messages, and providing resources for pregnant women.

The currently proposed data collection includes three components. The first component is a telephone follow-back survey among a subset of the original cohort of participants. This component would be the first population-based sample of postpartum women who were pregnant during the early period of the Zika outbreak, and would provide information on the accessibility and utilization of postpartum and newborn services, and continued adherence to Zika prevention behaviors. The second component would repeat the hospital-based survey in a second cohort of pregnant women to assess the effectiveness of emergency response efforts from the first mosquito season and to determine where there is a need for further refinement of efforts and outstanding resource gaps. As with the first cohort of women who participated in hospital-based survey, a subset of women in this second cohort would be invited to subsequently participate in a telephone follow-up survey. The third and final component will be a separate hospital-based survey for fathers of the infants born to mothers in the second cohort of women completing the hospital-based survey. This component would assess father's concerns about Zika related birth defects and contribution to prevention efforts.

There are no costs to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
Women with recent births	Maternal hospital-based questionnaire.	2,760	1	25/60	1,150
Fathers with recently born infants	Father hospital-based questionnaire	1,104	1	15/60	276
Women with live births 2–10 months prior.	Follow-up phone questionnaire	2,868	1	15/60	717
Total					2,143

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–07880 Filed 4–18–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–17NF; Docket No. CDC–2017–0006]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''ZIRP Puerto Rico Study: Zika Virus RNA Persistence in Pregnant Women and Congenitally-Infected Infants in Puerto Rico.''

DATES: Written comments must be received on or before June 19, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0006 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

ZIRP Puerto Rico Study: Zika Virus RNA Persistence in Pregnant Women and Congenitally-Infected Infants in Puerto Rico—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Zika virus (ZIKV) infection is a mosquito-borne flavivirus transmitted by *Aedes* species mosquitoes, and also through sexual and mother-to-child transmission; laboratory-acquired infections have also been reported. Evidence of human ZIKV infection was observed sporadically in Africa and Asia prior to 2007 when an outbreak of ZIKV caused an estimated 5,000 infections in the State of Yap, Federated States of Micronesia.

In addition to mosquito-to-human transmission, ZIKV infections have been documented through sexual transmission, blood transfusion, laboratory exposure, intrauterine transmission resulting in congenital infection, and intrapartum transmission from a viremic mother to her newborn. Along with serum, ZIKV RNA has been detected in semen, urine, breast milk, and amniotic fluid. ZIKV IgM antibodies are generally first detectable at 4 to 8 days after onset of illness and likely persist for weeks to months; however, the duration of persistence of anti ZIKV IgM antibodies is unknown as well as the timing form infection to the development of IgG antibodies. The prevalence of ZIKV RNA in various body fluids among patients with acute ZIKV infection and the length of time that ZIKV RNA might persist in these body fluids is not well understood, nor the frequency with which it is infectious.

A few small studies have suggested that testing pregnant women for Zika virus (ZIKV) more than seven days from symptom onset might detect women with persistence of ZIKV RNA. Less is known about persistent ZIKV RNA in congenitally-infected infants.

The Puerto Rico Department of Health (PRDH) reported the first case of autochthonous transmission of Zika Virus (ZIKV) in December 2015. As of December 16, 2016, 35,648 confirmed ZIKV cases had been reported in Puerto Rico, more than any other location in the U.S., and the number is expected to rise. Among the confirmed cases, 2,864 have been among pregnant women, and the first case of microcephaly in a fetus with confirmed ZIKV infection was announced by the PRDH on May 13, 2016. Currently, testing for ZIKV infection can be done by either using rRT–PCR to detect the presence of ZIKV RNA or by serologic testing to detect IgM and neutralizing antibodies. rRT–PCR testing has been the preferred and suggested method for diagnosing ZIKV infection, but has a shorter testing window.

ZIKV RNA typically only persists in serum for 3–7 days and is thought to be cleared by 10 days. Currently, CDC recommends that all pregnant women living in areas with active ZIKV transmission such as Puerto Rico be tested. Symptomatic pregnant women should have serum and urine tested for the presence of ZIKV RNA by rRT–PCR within two weeks of symptom onset. Symptomatic pregnant women being tested more than two weeks after symptom onset and symptomatic women with negative rRT–PCR test results should have serologic testing. Asymptomatic pregnant women are recommended to have serologic testing at the initiation of prenatal care and again during their first and second trimesters as a part of routine care; serum and urine rRT–PCR testing should be done after a positive or equivocal serological test result.

Limited data from human studies suggest that pregnant women have persistent detection of ZIKV RNA. In one case report, a pregnant woman became symptomatic at 11 weeks gestation and was rRT–PCR-positive at 16 weeks gestation. In another case report, a pregnant woman tested positive by rRT–PCR 107 days after symptom onset. A recent case series found persistent detection of ZIKV RNA in five pregnant women. Symptomatic women had detectable virus at 17, 23, 44, and 46 days post symptom onset and one asymptomatic woman was still rRT–PCR positive 53 days after returning from travel. This pattern has led to the hypothesis that persistent detection of ZIKV RNA in pregnant women may be a marker of fetal infection and thus potentially a marker of adverse fetal outcomes including microcephaly.

Additionally, researchers have speculated that fetal infection might be influenced by viral load as well as persistence. The increasing number of cases and stage of the outbreak in Puerto Rico provide an opportunity to collect actionable information on a shorter timeframe than is possible elsewhere.

The ZIRP Puerto Rico study aims to determine the prevalence and duration of ZIKV RNA persistence in pregnant women and congenitally infected infants. This information will be essential for establishing guidance for testing and clinical management of pregnant women and congenitally infected infants with exposure to ZIKV. Moreover, this study is expected to provide critical scientific information to help the United States prepare for the unprecedented challenges posed by Zika and possible clinical guidelines related to ZIKV RNA testing.

CDC is requesting emergency OMB review for six months of clearance. However, because information collection is expected to take two years, CDC will submit a non-emergency information collection request to OMB for an additional two years of clearance.

Authorizing Legislation for this information collection comes from Section 301 of the Public Health Service Act (42 U.S.C. 241)

There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
ZIKV positive Pregnant women	Pregnant women screening form	150	1	2/60	5
	Pregnant women enrollment questionnaire.	150	1	8/60	20
	Pregnant women symptom questionnaire.	150	1	8/60	20
	Pregnant women follow-up questionnaire.	150	48	8/60	960
Parents of ZIKV positive Infants	Infant enrollment questionnaire	150	1	8/60	20
	Infant sample collection questionnaire.	150	1	8/60	20
	Infant follow-up questionnaire	150	6	8/60	120
Total					1,165

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–07881 Filed 4–18–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–17ABB]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

ZEN Colombia Study: Zika in Pregnant Women and Children in Colombia—New—Pregnancy and Birth Defects Task Force, National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Zika virus (ZIKV) infection is a mosquito-borne flavivirus transmitted by *Aedes* species mosquitoes, and also through sexual and mother-to-child transmission; laboratory-acquired infections have also been reported. Evidence of human ZIKV infection was observed sporadically in Africa and Asia prior to 2007, when an outbreak of ZIKV caused an estimated 5,000 infections in the State of Yap, Federated States of Micronesia. Since then, evidence of ZIKV has been found in 65 countries and territories, mostly in Central and South America. Common symptoms of ZIKV in humans include rash, fever, arthralgia, and nonpurulent conjunctivitis. The illness is usually mild and self-limited, with symptoms lasting for several days to a week; however, based on previous outbreaks, some infections are asymptomatic. The prevalence of asymptomatic infection in the current Central and South American epidemic is unknown.

Although the clinical presentation of ZIKV infection is typically mild, ZIKV infection in pregnancy can cause microcephaly and related brain abnormalities when fetuses are exposed *in utero.* Other adverse pregnancy outcomes related to ZIKV infection remain under study, and include pregnancy loss, other major birth defects, arthrogryposis, eye abnormalities, and neurologic abnormalities.

As the spectrum of adverse health outcomes potentially related to ZIKV infection continues to grow, large gaps remain in our understanding of ZIKV infection in pregnancy. These include the full spectrum of adverse health outcomes in pregnant women, fetuses, and infants associated with ZIKV infection; the relative contributions of sexual transmission and mosquito-borne transmission to occurrence of infections in pregnancy; and variability in the risk of adverse fetal outcomes by gestational week of maternal infection or symptoms of infection. There is an urgency to fill these large gaps in our understanding given the rapidity of the epidemic's spread and the severe health outcomes associated with ZIKV to date.

Colombia's Instituto Nacional de Salud (INS) began surveillance for ZIKV in 2015, reporting the first autochthonous transmission in October 2015 in the north of the country. As of October 2016, Colombia has reported over 105,000 suspected ZIKV cases, with over 19,000 of them among pregnant women. With a causal link established between ZIKV infection in pregnancy and microcephaly, there is an urgent need to understand: How ZIKV transmission can be prevented; the full spectrum of adverse maternal, fetal, and infant health outcomes associated with ZIKV infection; and risk factors for occurrence of these outcomes. To answer these questions, INS and CDC will follow 5,000 women enrolled in the first trimester of pregnancy, their male partners, and their infants, in various cities in Colombia where ZIKV transmission is currently ongoing.

The primary research questions we aim to address with the ZEN Colombia study are:

1. Evaluate associations between ZIKV in pregnancy and adverse pregnancy or maternal outcomes, such as preterm birth, preeclampsia, maternal death, postpartum hemorrhage, and intrapartum fetal demise, among others. Effect modification by gestational age of infection will also be explored.

2. Quantify the magnitude of the association between ZIKV infection in pregnancy and major birth defects, with specific focus on microcephaly and congenital Zika syndrome. The prospective design of the study will allow estimation of both absolute and relative risk for microcephaly for women with ZIKV infection during pregnancy.

3. Identify risk factors for symptomatic ZIKV infection in pregnancy among all women with laboratory-confirmed ZIKV in pregnancy. A spectrum of risk factors will be considered, including maternal demographics, ZIKV infection characteristics, and other potential risk factors such as smoking and medication use.

4. Identify risk factors for ZIKV infection in infancy. A spectrum of risk factors will be explored, including maternal infection factors and birth and pregnancy factors.

5. Identify risk factors for symptomatic ZIKV infection in infancy among infants with laboratory-confirmed ZIKV born to women enrolled in the study. A spectrum of risk factors will be considered, including maternal ZIKV infection in pregnancy factors, co-infections, sociodemographic characteristics and birth factors.

6. Investigate associations between ZIKV infection in utero or in infancy and hearing loss and other physical, neurologic, and neurodevelopmental outcomes at 6 months of age.

7. Estimate survival of infants born to ZIKV infected mothers.

Secondary research questions we aim to address with the ZEN Colombia study are:

1. Identify risk factors for ZIKV infection in pregnant women, partners and infants. A spectrum of risk factors will be explored, including mosquito bites and mosquito bite preventive measures, sexual transmission, sociodemographic characteristics, and medical risk factors. The results of this analysis will provide information on the reduction in risk associated with adherence to recommended preventive measures and risk factors for infection in pregnant women.

2. Identify characteristics associated with taking preventive measures (mosquito bite prevention, sexual transmission) against contracting Zika virus among pregnant women and their partners. The results of this analysis will assist in targeting education or intervention to individuals at greatest risk for Zika infection.

3. Describe symptoms associated with ZIKV and estimate the positive predictive value of certain symptoms or constellations of symptoms in pregnant women, men, and infants to allow for refinement of clinical diagnosis of ZIKV infection in a setting in which testing and/or results might not be readily available.

4. Assess the duration of viremia following ZIKV infection and investigate risk factors (such as sociodemographics, comorbidities, and co-infections) associated with prolonged viremia among pregnant women, men, and infants with laboratory-confirmed ZIKV infection in blood.

The project aims to enroll approximately 5,000 women, 1,250 male partners, and 4,500 newborns. Pregnant women will be recruited in the first trimester of pregnancy for study enrollment, followed by assessments during pregnancy (every other week until 32 weeks gestation and monthly thereafter), and at or within 72 hours of delivery. At all visits, participants will complete visit-specific questionnaires. In addition to the questionnaires, at all pregnancy and delivery visits, participants will receive Colombian national recommended clinical care and provide samples for laboratory testing.

Male partners will be recruited around the time of the pregnant partners' study enrollment, followed by monthly visits until his pregnant partner reaches the third trimester (approximately 27 weeks gestation). If the male partner contracts ZIKV during this time, visits will occur every other week until the partner has two negative consecutive tests for ZIKV or the pregnancy ends. At all study visits, male partners will complete visit-specific questionnaires and provide samples for laboratory testing.

All newborns of mothers participating in the study will be followed every other week from birth to 6 months of age. At all visits, infants will receive national recommended clinical care (at birth and clinic visits at 1, 2, 3, and 6 months), provide samples for laboratory testing, and mothers will complete study-specific questionnaires about infant ZIKV symptoms. Infants will also have cranial ultrasounds at birth, their head circumference measured (birth, 72 hours, 1, 2, 3, and 6 months of age), and enhanced hearing/vision tests at 1 and 6 months old. For mothers and their infants, relevant information collected as part of clinical care will be abstracted from medical records. Study results will be used to guide recommendations made by both INS and CDC to prevent ZIKV infection; to improve counseling of patients about risks to themselves, their pregnancies, their partners, and their infants; and to help agencies prepare to provide services to affected children and families. Participation in this study is voluntary. The total estimated annualized burden hours are 19,415, and there are no costs to participants other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Pregnant women	Pregnant women eligibility questionnaire	3,125	1	5/60
	Pregnant women enrollment questionnaire	2,500	1	35/60
	Adult symptom questionnaire	2,500	15	10/60
	Pregnant women follow-up questionnaire	2,500	8	15/60
	Infant symptoms questionnaire	2,250	14	10/60
Male partners	Male partner eligibility questionnaire	2,500	1	5/60
	Male enrollment questionnaire	625	1	25/60
	Adult symptom questionnaire	625	7	10/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–07879 Filed 4–18–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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/contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications/contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; HPV Review.

Date: May 10, 2017.

Time: 11:00 a.m. to 2:00 p.m.
Agenda: To review and evaluate contract proposals.
Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W530, Rockville, MD 20850 (Telephone Conference Call).
Contact Person: Shamala K. Srinivas, Ph.D., Associate Director, Office of Referral, Review, and Program Coordination, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W530, Bethesda, MD 20892–9750, 240–276–6442, *ss537t@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Immunotherapy Trials Network.
Date: May 18, 2017.
Time: 2:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W102, Rockville, MD 20850 (Telephone Conference Call).
Contact Person: Shakeel Ahmad, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W102, Bethesda, MD 20892–9750, 240–276–6349, *ahmads@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Technical Evaluation Panel #1.
Date: May 23, 2017.
Time: 10:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate contract proposals.
Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W260, Rockville, MD 20850 (Telephone Conference Call).
Contact Person: Nadeem Khan, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W260, Bethesda, MD 20892–9750, 240–276–7684, *nadeem.khan@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Technical Evaluation Panel #2.
Date: May 24, 2017.
Time: 10:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate contract proposals.
Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W260, Rockville, MD 20850 (Telephone Conference Call).
Contact Person: Nadeem Khan, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W260, Bethesda, MD 20892–9750, 240–276–7684, *nadeem.khan@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Drug Resistance 1.
Date: June 27–28, 2017.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.
Contact Person: Michael B. Small, Ph.D., Chief, Program and Review Extramural Staff Training Office, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W412, Bethesda, MD 20892–9750, 240–276–6438, *smallm@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Drug Resistance 2.
Date: June 27–28, 2017.
Time: 8:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.
Contact Person: Wlodek Lopaczynski, MD, Ph.D., Assistant Director, Office of the Director, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W514, Bethesda, MD 20892–9750, 240–276–6340, *lopacw@mail.nih.gov*.

Name of Committee: National Cancer Institute Initial Review Group; Subcommittee I—Transition to Independence.
Date: June 14–15, 2017.
Time: 8:00 a.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Crown Plaza National Airport, 1480 Crystal Drive, Arlington, VA 22202.
Contact Person: Delia Tang, MD, Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W602, Bethesda, MD 20892–9750, 240–276–6456, *tangd@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 13, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–07842 Filed 4–18–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2017–0015]

Notice of Request for Revision to and Extension of a Currently Approved Information Collection for Chemical-Terrorism Vulnerability Information

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 60-Day Notice and request for comments; Revision of Information Collection Request: 1670–0015.

SUMMARY: The Department of Homeland Security (DHS or the Department), National Protection and Programs Directorate (NPPD), Office of Infrastructure Protection (IP), Infrastructure Security Compliance Division (ISCD), will submit the following Information Collection Request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. DHS proposes to remove five of the six instruments previously approved to support the Chemical-terrorism Vulnerability Information (CVI) program under the Chemical Facility Anti-terrorism Standards (CFATS) regulations, 6 CFR 27.400. DHS also proposes to extend this collection with revisions to reduce the estimated burden for the remaining instrument in this collection.

DATES: Comments are encouraged and will be accepted until June 19, 2017. This process is conducted in accordance with 5 CFR 1320.8.

ADDRESSES: Interested persons are invited to submit comments on the proposed revision to, and extension of, this approved information collection through the Federal eRulemaking Portal at *http://www.regulations.gov.* All submissions received must include the words ''Department of Homeland Security'' and the docket number DHS–2017–0015. Except as provided below, comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Comments that include trade secrets, confidential commercial or financial information, CVI,[1] Sensitive Security Information (SSI),[2] or Protected Critical Infrastructure Information (PCII) [3] should not be submitted to the public regulatory docket. Please submit such comments separately from other comments in response to this notice. Comments containing trade secrets, confidential commercial or financial information, CVI, SSI, or PCII should be appropriately marked and packaged in

[1] For more information about CVI see 6 CFR 27.400 and the CVI Procedural Manual at *http://www.dhs.gov/xlibrary/assets/chemsec_cvi_proceduresmanual.pdf.*

[2] For more information about SSI see 49 CFR part 1520 and the SSI Program Web page at *http://www.tsa.gov.*

[3] For more information about PCII see 6 CFR part 29 and the PCII Program Web page at *http://www.dhs.gov/protected-critical-infrastructure-information-pcii-program.*

accordance with applicable requirements and submitted by mail to the DHS/NPPD/IP/ISCD CFATS Program Manager at the Department of Homeland Security, 245 Murray Lane SW., Mail Stop 0610, Arlington, VA 20528–0610.

FOR FURTHER INFORMATION CONTACT: Questions and requests for additional information may be directed to the CFATS Program Manager via email at *cfats@dhs.gov* or telephone at (866) 323–2957.

SUPPLEMENTARY INFORMATION: Section 550 of the Homeland Security Appropriations Act of 2007, Public Law 109–295 (2006), provided the Department with the authority to regulate the security of high-risk chemical facilities. On April 9, 2007, the Department issued an Interim Final Rule (IFR), implementing this statutory mandate at 72 FR 17688. In December of 2014, the President signed into law the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (the CFATS Act of 2014), Public Law 113–254, which authorized the Chemical Facility Anti-Terrorism Standards program in the Homeland Security Act of 2002, as amended, Public Law 107–296.[4]

The CFATS regulation (available at 6 CFR part 27) govern the security at covered chemical facilities that have been determined by the Department to be at high risk for terrorist attack. See 6 CFR part 27. CFATS represents a national-level effort to minimize terrorism risk to such facilities. Its design and implementation balance maintaining economic vitality with securing facilities and their surrounding communities. The regulations were designed, in collaboration with the private sector and other stakeholders, to take advantage of protective measures already in place and to allow facilities to employ a wide range of tailored measures to satisfy the regulations' Risk-Based Performance Standards.

In 6 CFR 27.400, CFATS establishes the requirements that covered persons must follow to safeguard certain documents and other information developed under the regulations from unauthorized disclosure. This information is identified as ''Chemical-terrorism Vulnerability Information'' and, by law, receives protection from public disclosure and misuse. The instruments within this collection will be used to manage the CVI program in support of CFATS. The current information collection for the CVI program (IC 1670–0015) will expire on September 30, 2017.[5]

The Department proposes the following revisions from the previously approved collection:

- Removal of the following instruments: (1) ''Determination of CVI''; (2) Determination of a ''Need to Know'' by a Public Official''; (3) ''Disclosure of CVI Information; (4) Notification of Emergency or Exigent Circumstances''; and (5) ''Tracking Log for CVI Received'' from this collection. As required by 5 CFR 1320.5, the Department reevaluated the continued need for each instrument in this collection. This evaluation resulted in a finding these instruments have historically been used rarely.

The Department expects that in many instances when the Department may need or want to collect information regarding emergency and/or unauthorized disclosure of CVI, the collection would not be covered by the Paperwork Reduction Act because the information would be collected during the conduct of an investigation involving specific individuals or entities. See 44 U.S.C. 3518(c)(2) and 5 CFR 1320.4(a). The Department now encourages State and local officials to gain information regarding chemical facilities in their jurisdictions from the Department rather than from the facilities. Accordingly, these officials are now generally directed to IP Gateway. The information that must be collected routinely in order for such officials to gain access to IP Gateway has been authorized under OMB Control No. 1670–0009.

- A reduction of the number of respondents for the CVI Authorization instrument from 30,000 to 20,000. This estimate is based on historical data and the anticipated impact of the Department's revision of its Chemical Security Assessment Tool (CSAT) and enhancement of its risk tiering methodology for the CFATS program. See 81 FR 47001 (Jul. 20, 2016).

The Department's Methodology in Estimating the Burden for the Chemical-Terrorism Vulnerability Information Authorization Number of Respondents

The current information collection estimated that 30,000 respondents (rounded estimate) would submit a request for a CVI Authorization annually. Based on data collected between CY 2014–2016, 13,115 respondents on average submitted information to obtain CVI Authorization on an annual basis. Historical data also indicates that the peak number of respondents for this instrument was 18,727 in 2008. However, the Department expects that annual usage in the next three years may increase from the CY 2014–2016 average based on new users who must become CVI authorized to submit Top-Screens following the Department's revision of CSAT and enhancement of its risk tiering methodology. See 81 FR 47001 (Jul. 20, 2016). For these reasons, the Department has revised the estimated number of respondents to 20,000.

Estimated Time per Respondent

In the current information collection, the estimated time per respondent to prepare and submit a CVI Authorization is one hour. Based on data collected between Calendar Year (CY) 2014–2016 by the CSAT system measuring time spent by users to complete this instrument, the average response time is 0.50 hours (30 minutes). Based upon this data, the Department proposes to reduce the estimated time per respondent to prepare and submit this instrument to 0.50 hours (30 minutes).

Annual Burden Hours

The annual burden hours for the CVI Authorization is [0.50 hours × 20,000 respondents × 1 response per respondent], which equals 10,000 hours.

Total Capital/Startup Burden Cost

The Department provides access to CSAT free of charge and assumes that each respondent already has computer hardware and access to the internet for basic business needs. Therefore, there are no annualized capital or start-up costs incurred by chemical facilities of interest or high-risk chemical facilities for this information collection.

Total Recordkeeping Burden

There are no recordkeeping burden costs incurred by chemical facilities of interest or high-risk chemical facilities for this information collection.

[4] Section 2 of the CFATS Act of 2014 adds a new Title XXI to the Homeland Security Act of 2002. Title XXI contains new sections numbered 2101 through 2109. Citations to the Homeland Security Act of 2002 throughout this document reference those sections of Title XXI. In addition to being found in amended versions of the Homeland Security Act of 2002, those sections of Title XXI can also be found in sec. 2 of the CFATS Act of 2014, or in 6 U.S.C. 621–629.

[5] The current information collection for CVI may be found at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201303-1670-003*.

Total Annual Burden Cost

The Department assumes that the majority of individuals who will complete this instrument are Site Security Officers (SSOs), although a smaller number of other individuals may also complete this instrument (*e.g.,* Federal, State, and local government employees and contractors). For the purpose of this notice, the Department maintains this assumption. Therefore, to estimate the total annual burden, the Department multiplied the annual burden of 10,000 hours by the average hourly wage rate of SSOs of $67.72 per hour. Therefore, the total annual burden cost for the CVI Authorization instrument is $677,200 [10,000 total annual burden hours × $67.72 per hour].

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate, Office of Infrastructure Protection, Infrastructure Security Compliance Division.

Title: CFATS Chemical-terrorism Vulnerability Information.

OMB Number: 1670–0015.

Instrument: Chemical-terrorism Vulnerability Information Authorization.

Frequency: ''On occasion'' and ''Other''.

Affected Public: Business or other for-profit.

Number of Respondents: 20,000 respondents (rounded estimate).

Estimated Time per Respondent: 0.50 hours.

Total Burden Hours: 10,000 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost: $677,200.

David Epperson,

Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. 2017–07927 Filed 4–18–17; 8:45 am]

BILLING CODE 9110–9P–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1002]

Certain Carbon and Alloy Steel Products; Commission Determination To Reset the Time for the Beginning of the April 20, 2017, Oral Argument

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to reset the time for the beginning of the oral argument, *see* 82 FR 16417–8 (Apr. 4, 2017), to 10 a.m. on April 20, 2017.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Investigation No. 337–TA–1002 on June 2, 2016, based on a complaint filed by Complainant United States Steel Corporation of Pittsburgh, Pennsylvania (''U.S. Steel''), alleging a violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337. *See* 81 FR 35381–2 (June 2, 2016). The complaint alleges violations of Section 337 based upon the importation, the sale for importation, or the sale after importation into the United States of certain carbon and alloy steel products by reason of: (1) A conspiracy to fix prices and control output and export volumes, the threat or effect of which is to restrain or monopolize trade and commerce in the United States; (2) misappropriation and use of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States; and (3) false designation of origin or manufacturer, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* The notice of investigation identified forty (40) respondents that are Chinese steel manufacturers or distributors, as well as some of their Hong Kong and United States affiliates. *Id.* In addition to the private parties, the Commission assigned an Investigative Attorney from the Commission's Office of Unfair Import Investigations (OUII), who functions as an independent litigant or party in the investigation. *Id.*

On August 26, 2016, Respondents filed a motion to terminate U.S. Steel's antitrust claim under 19 CFR 210.21. On November 14, 2016, the administrative law judge (''ALJ'') issued an initial determination (''ID'') (Order No. 38), granting Respondents' motion to terminate Complainant's antitrust claim under 19 CFR 210.21 and, in the alternative, under 19 CFR 210.18.

On December 19, 2016, the Commission issued a Notice determining to review the ID (Order No. 38). *See* 81 FR 94416–7 (Dec. 23, 2016). In the December 19, 2016, Notice, the Commission requested written submissions from ''[t]he parties to the investigation, including the Office of Unfair Import Investigations, and interested government agencies,'' and set a date of March 14, 2017, for possible oral argument. *Id.*

On March 3, 2017, the Commission issued another notice seeking further written submissions from the public and rescheduling the date and time for the oral argument to April 20, 2017 at 9:30 a.m. *See* 82 FR 13133–4 (Mar. 9, 2017).

On March 30, 2017, the Commission issued another notice setting the procedure for the oral argument. *See* 82 FR 16417–8 (Apr. 4, 2017).

The Commission has determined to reset the time for the beginning of the oral argument to 10 a.m. on April 20, 2017.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: April 12, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–07758 Filed 4–18–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

United States V. Danone S.A. and the Whitewave Foods Company; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States of America* v.

Danone S.A. and The WhiteWave Foods Company, Civil Action No. 00592. On April 3, 2017, the United States filed a Complaint alleging that Danone S.A.'s proposed acquisition of The WhiteWave Foods Company would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment, filed at the same time as the Complaint, requires Danone S.A. to divest its Stonyfield Farms, Inc. subsidiary, including manufacturing, administrative, storage, and distribution facilities in Londonderry, New Hampshire; trademarks to Stonyfield Farms brands, including Stonyfield and Brown Cow; and certain other tangible and intangible assets.

Copies of the Complaint, proposed Final Judgment and Competitive Impact Statement are available for inspection on the Antitrust Division's Web site at *http://www.justice.gov/atr* and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, including the name of the submitter, and responses thereto, will be posted on the Antitrust Division's Web site, filed with the Court, and, under certain circumstances, published in the **Federal Register**. Comments should be directed to Maribeth Petrizzi, Chief, Litigation II Section, Antitrust Division, Department of Justice, 450 Fifth Street NW., Suite 8700, Washington, DC 20530 (telephone: 202–307–0924).

Patricia A. Brink,

Director of Civil Enforcement.

United States District Court for the District of Columbia

United States of America, Department of Justice, Antitrust Division, 450 5th Street NW., Suite 8700, Washington, D.C. 20530, Plaintiff, v. *Danone S.A., 17, Boulevard Haussmann, Paris, France, 75009,* and *The Whitewave Foods Company, 1225 Seventeenth Street, Suite 1000, Denver, Colorado 80202,* Defendants.

Case No.: 17–cv–00592 (KBJ)
Judge: Ketanji Brown Jackson

COMPLAINT

The United States of America (''United States''), acting under the direction of the Attorney General of the United States, brings this civil antitrust action for equitable relief against defendants Danone S.A. (''Danone'') and The WhiteWave Foods Company (''WhiteWave''), for violating Section 7 of the Clayton Act, 15 U.S.C. 18. The United States alleges as follows:

I. NATURE OF THE ACTION

1. On July 6, 2016, Danone, the leading U.S. manufacturer of organic yogurt, agreed to acquire WhiteWave, the leading U.S. manufacturer of fluid organic milk, for approximately $12.5 billion. Danone has participated in the raw organic milk and fluid organic milk markets for the past two decades through a strategic partnership with WhiteWave's closest competitor, CROPP Cooperative (''CROPP''). As a result, Danone's acquisition of WhiteWave effectively brings together WhiteWave and CROPP, the top purchasers of raw organic milk in the northeast United States and the producers of the three leading brands of fluid organic milk in the United States.

2. Danone is invested in CROPP's success through two agreements, pursuant to which CROPP supplies almost all organic milk requirements for Danone's market-leading Stonyfield organic yogurt brand (''Supply Agreement'') and licenses from Danone the exclusive right to produce Stonyfield-branded fluid organic milk (''License Agreement''). The two companies have cooperated with each other to bring Stonyfield products to market and to compete against WhiteWave. WhiteWave is CROPP's closest competitor, and competes to contract with farmers for the purchase of raw organic milk in the northeast United States, and to manufacture and sell fluid organic milk to retail customers nationwide.

3. Post merger, the entanglements between the merged entity (''Danone-WhiteWave'') and CROPP would provide incentives and opportunities for the two companies to interact, strategize, coordinate marketing, and exchange confidential information. As the only two major purchasers of raw organic milk in the northeast United States, and the two primary sellers of fluid organic milk nationwide, post-merger Danone-WhiteWave and CROPP would have the incentive to compete less aggressively to recruit and retain organic farmers and customer accounts. This would likely result in less favorable contract terms for northeast farmers for raw organic milk, and higher prices for fluid organic milk consumers. Given the entanglements between Danone and CROPP, the merger between Danone and WhiteWave likely would substantially lessen competition in the purchase of raw organic milk in the northeast and the manufacture and sale of fluid organic milk in the United States in violation of Section 7 of the Clayton Act, 15 U.S.C. 18.

II. DEFENDANTS

4. Danone S.A., a *société anonyme* organized under the laws of France, is the ultimate parent company of Stonyfield Farms, Inc. (''Stonyfield''), the leading U.S. manufacturer of organic yogurt, and one of the largest consumers of raw and processed organic milk in the nation. Danone's 2015 annual sales were approximately $24.3 billion. Stonyfield is Danone's U.S. organic dairy subsidiary. It is a Delaware corporation that manufactures yogurt at a facility in Londonderry, New Hampshire.

5. The WhiteWave Foods Company is a Delaware corporation headquartered in Denver, Colorado. WhiteWave's premium dairy division is one of the largest purchasers of raw organic milk in the northeast United States, and sells fluid organic milk, organic yogurt, and other organic dairy products nationwide through its Horizon dairy and Wallaby organic yogurt food businesses. WhiteWave's 2015 annual sales were $3.86 billion.

III. JURISDICTION AND VENUE

6. The United States brings this action under Section 15 of the Clayton Act, 15 U.S.C. 25, to prevent and restrain defendants from violating Section 7 of the Clayton Act, 15 U.S.C. 18.

7. Defendants purchase raw organic milk in the northeast United States and sell organic dairy products nationwide. They are engaged in the regular and continuous flow of interstate commerce, and their activities in organic dairy procurement and manufacturing have had a substantial effect upon interstate commerce. The Court has subject matter jurisdiction over this action under Section 15 of the Clayton Act, 15 U.S.C. 25, and 28 U.S.C. 1331, 1337(a), and 1345.

8. Venue for Danone and WhiteWave is proper in this district under Section 12 of the Clayton Act, 15 U.S.C. 22, and 28 U.S.C. 1391(c). Defendants have consented to venue and personal jurisdiction in the District of Columbia.

IV. BACKGROUND

A. Industry Overview

9. Milk collected from a cow that has not been pasteurized and processed is called raw milk. Conventional raw milk comes from non-organic cows. Raw organic milk is milk collected from organic cows on organic farms that must meet rigorous USDA regulations governing grazing practices, hauling, handling, and processing.

10. Individual farmers typically sell their raw organic milk either in affiliation with a cooperative, which negotiates a sales price for its farmers, or through a contract, at a specified price. Farmers choose to affiliate with purchasers on the basis of service, price, and other financial incentives. Purchasers strive to form networks of farmers that meet their needs for raw organic milk and that permit efficient hauling routes. Raw organic milk purchasers compete to attract farmers to their networks.

11. Purchasers arrange for raw organic milk to be picked up from farms and transported to milk processing plants. Raw organic milk will spoil if not processed within 72 hours of collection from a cow. At the processing plant, raw organic milk is separated into fat and skim milk, pasteurized to kill bacteria, and homogenized to reduce the size of the remaining milk fat particles. The final result of this process is fluid organic milk. Most raw organic milk becomes fluid organic milk, and most fluid organic milk is packaged for retail sale as branded or private-label products that can be shipped to retail customers nationally. Some fluid organic milk is transported by bulk tanker to a manufacturer for conversion into another product, such as organic yogurt.

12. Fluid organic milk is packaged and sold directly to consumers in a variety of retail outlets. Most retailers prefer to carry at least one brand of packaged fluid organic milk in addition to their own private-label fluid organic milk. By monitoring retail shelves, fluid organic milk competitors can track which rival brands are carried by particular retail customers.

B. Pre-Acquisition Relationships Between WhiteWave, Danone, and CROPP

1. Danone/CROPP Agreements

13. For more than twenty years, Danone's Stonyfield subsidiary has cultivated a strategic partnership with CROPP. Stonyfield, the leading manufacturer of organic yogurt in the United States, relies on CROPP for the supply of almost all of its organic milk requirements. CROPP, in turn, relies on the revenue stream from Stonyfield's organic milk purchases to retain and compensate its farmer members, as Stonyfield has been CROPP's largest customer for the same period of time. Presently, CROPP supplies Danone with at least 90 percent of Stonyfield's requirements for raw organic milk, fluid organic milk, and milk equivalents (*e.g.,* cream, condensed, or powdered organic milk) in the United States.

14. This longstanding Supply Agreement is critical to the viability of each of Danone and CROPP's businesses, and this dependence over the years has forged a strong relationship. This relationship includes the sharing of competitively sensitive information regarding, for example, costs, sales, products, and customers.

15. Danone's strategic partnership with CROPP deepened in 2009, when it granted CROPP an exclusive license allowing CROPP to produce and sell Stonyfield branded fluid organic milk, in exchange for a royalty payment. This License Agreement has allowed CROPP to expand its sales in the northeast, and to add the well-known Stonyfield trademark to a portfolio that already included the cooperative's own Organic Valley fluid organic milk brand.

16. As a result of the License Agreement, Danone and CROPP share the Stonyfield brand, which competes with WhiteWave's market-leading Horizon brand. The Stonyfield brand-sharing allowed under the License Agreement necessitates frequent meetings between Danone and CROPP to discuss marketing and to collaborate on promotions, which have required the sharing of confidential and competitively sensitive business information. CROPP's Stonyfield fluid organic milk benefits from Danone's investments in the Stonyfield organic yogurt brand. Danone, in turn, receives a royalty payment while also benefitting from the perception of a broader Stonyfield portfolio, without requiring an investment in the production of Stonyfield fluid organic milk.

2. WhiteWave and CROPP

17. WhiteWave and CROPP are the first- and second-largest purchasers of raw organic milk in the northeast United States, respectively. To supply its needs, WhiteWave contracts with approximately 600 farms in the northeast and 800 farms in total nationwide. To supply Danone and its own needs, CROPP contracts with 500 northeast farms and 1,500 farms in total nationwide.

18. WhiteWave and CROPP compete to offer farmers the best price for their raw organic milk, the highest quality service, and the most attractive incentives to convert from conventional to organic dairy farming. Farmers, in turn, request concessions from WhiteWave based on CROPP's offers, and vice versa.

19. WhiteWave's Horizon brand is the only nationwide competitor to CROPP's Organic Valley brand and Danone-CROPP's Stonyfield brand for the sale of fluid organic milk to retailers.

V. RELEVANT MARKETS

A. The Purchase of Raw Organic Milk in the Northeast

20. The purchase of raw organic milk is a relevant product market and line of commerce under Section 7 of the Clayton Act. Although raw organic milk could be sold by farmers as conventional milk, the milk would typically be sold at a loss because conventional milk prices do not cover the organic farmer's production costs. Therefore, farmers who sell raw organic milk cannot economically switch to supplying purchasers of conventional milk.

21. Transporting raw organic milk produced by northeast farmers beyond the northeast United States is expensive, risks spoilage of the raw organic milk, and stretches the outer bounds of regulatory requirements that raw organic milk be processed within 72 hours of its collection. Most raw organic milk is processed within several hundred miles of the location where it is produced. Indeed, the relevant geographic market for the purchase of raw organic milk is referred to in the dairy industry as ''the northeast,'' because the farmers who sell raw organic milk to WhiteWave and to Danone (through CROPP) are located in the northeast United States. For these purposes, the northeast includes Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Maryland. A hypothetical monopsonist purchaser of raw organic milk from farmers in the northeast would profitably impose a reduction in the price of raw organic milk paid to farmers by at least a small but significant and non-transitory amount (*e.g.,* five percent).

B. The Sale of Fluid Organic Milk in the United States

22. Fluid organic milk is a relevant product market and line of commerce under Section 7 of the Clayton Act. Consumers do not significantly switch away from fluid organic milk, for example to conventional milk, when the price increases by a significant non-transitory amount. The relevant geographic market for the sale of fluid organic milk is no larger than the United States. Fluid organic milk is pasteurized using methods that allow for a longer shelf life than most conventional milk, allowing it to be shipped long distances when necessary. A hypothetical monopolist seller of fluid organic milk in the United States would profitably impose at least a small but significant and non-transitory price increase.

VI. ANTICOMPETITIVE EFFECTS

23. Given the strategic partnership between Danone and CROPP, this transaction gives Danone the incentive and ability to limit the existing competition between WhiteWave and CROPP for both farmer contracts and retail customer accounts. Danone and CROPP are linked together by the Supply Agreement, the License Agreement, and years of operational cooperation. They are dependent on each other for supply and revenue, respectively, and they share the Stonyfield brand. Their aligned interests and mutual dependence make it unlikely, therefore, that CROPP would continue to compete fiercely with Danone-WhiteWave post merger.

24. Concentrated markets, coupled with the entanglements created by these agreements, increase the likelihood of anticompetitive effects. WhiteWave and CROPP collectively purchase approximately 70 percent of the available northeast raw organic milk supply. The small, regional dairies that make up the remaining 30 percent cannot expand their farmer networks (thereby increasing their own purchases) without access to the fluid organic milk customers currently supplied by WhiteWave and CROPP.

25. In retail fluid organic milk sales, Horizon, Organic Valley, and Stonyfield account for 41 percent, 10 percent, and 5 percent of shares, respectively. For branded fluid organic milk, specifically, Horizon, Organic Valley, and Stonyfield represent 67 percent, 16 percent, and 8 percent of national retail sales, respectively. The merger links these three firms, which together control almost 56 percent of all fluid organic milk sales, and 91 percent of all branded fluid organic milk sales.

26. CROPP and WhiteWave generally can identify when and where they are competing against each other for farmers or retail customers. Affiliations between farmers and purchasers are well known because there are relatively few purchasers and one can readily observe which farmers are in a given purchaser's network. Relationships between fluid organic milk sellers and their retail customers are also well known because it is easy to observe which brands are available in each retail store. These highly transparent supply and customer relationships allow market participants to identify their particular rival in most competitive interactions. Given the transparency of these markets, the merger would curtail competition between the Danone-CROPP partnership and WhiteWave.

27. The merger reduces the incentives for the combined Danone-WhiteWave to compete aggressively against CROPP, and the supply and license relationships linking the merged entity to CROPP will provide opportunities for WhiteWave and CROPP to interact, strategize, coordinate marketing, and exchange confidential and competitively sensitive information.

28. The only way for CROPP to continue to compete aggressively against WhiteWave post merger is by severing its Supply Agreement and License Agreement with Danone. This would have significant costs and risks. In light of these costs and risks, and as CROPP's ability to compete with WhiteWave is undermined by the merger, it will likely find it more profitable to remain in the partnership than to abandon it. The result is a likely lessening of competition in the purchase of raw organic milk from farmers and in the sale of fluid organic milk to retailers.

VII. ABSENCE OF COUNTERVAILING FACTORS

29. New entry and expansion by existing competitors are unlikely to prevent or remedy the acquisition's likely anticompetitive effects. Barriers to entry and expansion in the raw organic and fluid organic milk markets include: (1) the substantial time and expense required to build a brand reputation sufficient to provide an outlet for raw organic milk purchases and fluid organic milk sales; (2) substantial sunk costs to be able to sell fluid organic milk in wholesale and retail outlets; (3) the expense of capital investments necessary to manufacture fluid organic milk; and (4) the investments necessary to develop raw organic milk hauling, fluid organic milk distributor relationships, and fluid organic milk delivery routes.

VIII. VIOLATIONS ALLEGED

30. The acquisition of WhiteWave by Danone likely would substantially lessen competition in each of the relevant markets in violation of Section 7 of the Clayton Act, 15 U.S.C. 18.

31. Unless enjoined, the transaction will have the following anticompetitive effects, among others:

a. Competition generally in the relevant markets would be substantially reduced; and

b. Prices and commercial terms for the relevant products would be less favorable.

IX. REQUEST FOR RELIEF

32. The United States requests that this Court:

a. adjudge and decree Danone's proposed acquisition of WhiteWave to be unlawful and in violation of Section 7 of the Clayton Act, 15 U.S.C. 18;

b. preliminarily and permanently enjoin and restrain defendants and all persons acting on their behalf from consummating Danone's proposed acquisition of WhiteWave or from entering into or carrying out any contract, agreement, plan, or understanding, the effect of which would be to combine Danone and WhiteWave;

c. award the United States its costs of this action; and

d. award the United States such other relief as the Court deems just and proper.

Dated: April 3, 2017.

Respectfully submitted,

FOR PLAINTIFF UNITED STATES:

/s/ _____

Brent C. Snyder,
Acting Assistant Attorney General, Antitrust Division.

/s/ _____

Patricia A. Brink,
Director of Civil Enforcement, Antitrust Division.

/s/ _____

Maribeth Petrizzi (D.C. Bar #435204),
Chief, Litigation II Section, Antitrust Division.

/s/ _____

Stephanie A. Fleming,
Assistant Chief, Litigation II Section, Antitrust Division.

/s/ _____

Suzanne Morris* (D.C. Bar #450208)
Rebecca Valentine (D.C. Bar #989607)
Jeremy Cline (D.C. Bar #1011073),
United States Department of Justice, Antitrust Division Litigation II Section, 450 Fifth Street NW., Suite 8700, Washington, DC 20530, Telephone: (202) 307–1188, Facsimile: (202) 514–9033, suzanne.morris@usdoj.gov.

*LEAD ATTORNEY TO BE NOTICED

United States District Court for the District of Columbia

United States of America, Plaintiff, v. *Danone S.A.* and *The WhiteWave Foods Company, Defendants.*
Case No.: 17–cv–00592 (KBJ)
Judge: Ketanji Brown Jackson

COMPETITIVE IMPACT STATEMENT

Plaintiff, United States of America (''United States''), pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (''APPA'' or ''Tunney Act''), 15 U.S.C. 16(b)–(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. NATURE AND PURPOSE OF THE PROCEEDING

Pursuant to an Agreement and Plan of Merger dated July 6, 2016, Danone S.A. (''Danone'') has agreed to purchase The WhiteWave Foods Company (''WhiteWave'') for approximately $12.5 billion. Danone has participated in the raw organic milk and fluid organic milk markets for the past two decades through a strategic partnership with WhiteWave's closest competitor, CROPP Cooperative (''CROPP''). As a result, Danone's acquisition of WhiteWave effectively brings together WhiteWave and CROPP, the top purchasers of raw organic milk in the northeast United States and the producers of the three leading brands of fluid organic milk in the United States.

The United States filed a civil antitrust Complaint on April 3, 2017, seeking to enjoin the proposed acquisition. The Complaint alleges that the acquisition likely would substantially lessen competition in violation of Section 7 of the Clayton Act, 15 U.S.C. 18, in the purchase of raw organic milk in the northeast United States and in the manufacture and sale of fluid organic milk in the United States. That loss of competition likely would result in less favorable contract terms for northeast farmers for raw organic milk and higher prices for fluid organic milk consumers in the United States.

At the same time the Complaint was filed, the United States filed a Hold Separate Stipulation and Order and proposed Final Judgment, which are designed to eliminate the anticompetitive effects of Danone's acquisition of WhiteWave. Under the proposed Final Judgment, which is explained more fully below, the defendants are required to divest Stonyfield Farm, Inc. (''Stonyfield''), including its headquarters, facility and warehouse in Londonderry, New Hampshire; certain classes of tangible property used exclusively by Stonyfield; all other tangible property relating to Stonyfield; and all of the intangible assets (*i.e.,* intellectual property and know-how) owned, licensed, controlled, maintained or used primarily by the business. Under the terms of the Hold Separate Stipulation and Order, defendants will take certain steps to ensure that Stonyfield is operated as a competitively independent, economically viable and ongoing business concern; that it will remain independent and uninfluenced by the consummation of the acquisition, and that competition is maintained during the pendency of the ordered divestiture.

The United States and defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

II. DESCRIPTION OF THE EVENTS GIVING RISE TO THE ALLEGED VIOLATION

A. Defendants

Danone S.A., a société anonyme organized under the laws of France, is the ultimate parent company of Stonyfield Farms, Inc., the leading U.S. manufacturer of organic yogurt, and one of the largest consumers of raw and processed organic milk in the nation. Danone's 2015 annual sales were approximately $24.3 billion. Stonyfield is Danone's U.S. organic dairy subsidiary. It is a Delaware corporation that manufactures yogurt at a facility in Londonderry, New Hampshire.

The WhiteWave Foods Company is a Delaware corporation headquartered in Denver, Colorado. WhiteWave's premium dairy division is one of the largest purchasers of raw organic milk in the northeast, and sells fluid organic milk, organic yogurt, and other organic dairy products nationwide through its Horizon dairy and Wallaby organic yogurt food businesses. WhiteWave's 2015 annual sales were $3.86 billion.

B. The Markets

1. Industry Background

Milk that has been collected from a cow but not pasteurized and processed is called raw milk. Conventional raw milk comes from non-organic cows. Raw organic milk is collected from organic cows on organic farms that must meet rigorous USDA regulations governing grazing practices, hauling, handling, and processing.

Individual farmers typically sell their raw organic milk either in affiliation with a cooperative, which negotiates a sales price for its farmers, or through a contract, at a specified price. Farmers choose to affiliate with purchasers on the basis of service, price, and other financial incentives. Purchasers strive to form networks of farmers that meet their needs for raw organic milk and that permit efficient hauling routes. Raw organic milk purchasers compete to attract farmers to their networks.

Purchasers arrange for raw organic milk to be picked up from farms and transported to milk processing plants. Raw organic milk will spoil if not processed within 72 hours of collection from a cow. At the processing plant, raw organic milk is separated into fat and skim milk, pasteurized to kill bacteria, and homogenized to reduce the size of the remaining milk fat particles. The final result of this process is fluid organic milk. Most raw organic milk becomes fluid organic milk, and most fluid organic milk is packaged for retail sale as branded or private-label products that can be shipped to retail customers nationally. Some fluid organic milk is transported by bulk tanker to a manufacturer for conversion into another product, such as organic yogurt.

Fluid organic milk is packaged and sold directly to consumers in a variety of retail outlets. Most retailers prefer to carry at least one brand of packaged fluid organic milk in addition to their own private-label fluid organic milk. By monitoring retail shelves, fluid organic milk competitors can track which rival brands are carried by particular retail customers.

2. Pre-Acquisition Relationships Between WhiteWave, Danone, and CROPP

a. Danone and CROPP

For more than twenty years, Danone's Stonyfield subsidiary has cultivated a strategic partnership with CROPP. Stonyfield, the leading manufacturer of organic yogurt in the United States, relies on CROPP for the supply of almost all of its organic milk requirements. CROPP, in turn, relies on the revenue stream from Stonyfield's organic milk purchases to retain and compensate its farmer members, as Stonyfield has been CROPP's largest customer for the same period of time. Presently, CROPP supplies Danone with at least 90 percent of Stonyfield's requirements for raw organic milk, fluid organic milk, and milk equivalents (*e.g.,* cream, condensed, or powdered organic milk) in the United States.

This supply relationship, memorialized in a longstanding ''Supply Agreement'' is critical to the viability of both Danone and CROPP's businesses, and this dependence over the years has forged a strong relationship. This relationship includes the sharing of competitively sensitive information regarding, for example, costs, sales, products, and customers.

Danone's strategic partnership with CROPP deepened in 2009, when it granted CROPP an exclusive license allowing CROPP to produce and sell Stonyfield branded fluid organic milk, in exchange for a royalty payment (''License Agreement''). This License

Agreement has allowed CROPP to expand its sales in the northeast, and to add the well-known Stonyfield trademark to a portfolio that already included the cooperative's own Organic Valley fluid organic milk brand.

As a result of the License Agreement, Danone and CROPP share the Stonyfield brand, which competes with WhiteWave's market-leading Horizon brand. The Stonyfield brand-sharing allowed under the License Agreement necessitates frequent meetings between Danone and CROPP to discuss marketing and to collaborate on promotions, which have required the sharing of confidential and competitively sensitive business information. CROPP's Stonyfield fluid organic milk benefits from Danone's investments in the Stonyfield organic yogurt brand. Danone, in turn, receives a royalty payment while also benefitting from the perception of a broader Stonyfield portfolio, without requiring an investment in the production of Stonyfield fluid organic milk.

b. WhiteWave and CROPP

WhiteWave and CROPP are the first- and second-largest purchasers of raw organic milk in the northeast, respectively. To supply its needs, WhiteWave contracts with approximately 600 farms in the northeast and 800 farms in total nationwide. To supply Danone and its own needs, CROPP contracts with 500 northeast farms and 1,500 farms in total nationwide.

WhiteWave and CROPP compete to offer farmers the best price for their raw organic milk, the highest quality service, and the most attractive incentives to convert from conventional to organic dairy farming. Farmers, in turn, request concessions from WhiteWave based on CROPP's offers, and vice versa.

WhiteWave's Horizon brand is the only nationwide competitor to CROPP's Organic Valley brand and Danone-CROPP's Stonyfield brand for the sale of fluid organic milk to retailers.

3. The Purchase of Raw Organic Milk in the Northeast

The purchase of raw organic milk is a relevant product market and line of commerce under Section 7 of the Clayton Act. Although raw organic milk could be sold by farmers as conventional milk, the milk would typically be sold at a loss because conventional milk prices do not cover the organic farmer's production costs. Therefore, farmers who sell raw organic milk cannot economically switch to supplying purchasers of conventional milk.

Transporting raw organic milk produced by northeast farmers beyond the northeast is expensive, risks spoilage of the raw organic milk, and stretches the outer bounds of regulatory requirements that raw organic milk be processed within 72 hours of its collection. Most raw organic milk is processed within several hundred miles of the location where it is produced. Indeed, the relevant geographic market for the purchase of raw organic milk is referred to in the dairy industry as ''the northeast,'' because the farmers who sell raw organic milk to WhiteWave and to Danone (through CROPP) are located in the northeast. For these purposes, the northeast includes Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Maryland. A hypothetical monopsonist purchaser of raw organic milk from farmers in the northeast would profitably impose a reduction in the price of raw organic milk paid to farmers by at least a small but significant and non-transitory amount (*e.g.,* five percent).

4. The Sale of Fluid Organic Milk in the United States

Fluid organic milk is a relevant product market and line of commerce under Section 7 of the Clayton Act. Consumers do not significantly switch away from fluid organic milk, for example to conventional milk, when the price increases by a significant non-transitory amount. The relevant geographic market for the sale of fluid organic milk is no larger than the United States. Fluid organic milk is pasteurized using methods that allow for a longer shelf life than most conventional milk, allowing it to be shipped long distances when necessary. A hypothetical monopolist seller of fluid organic milk in the United States would profitably impose at least a small but significant and non-transitory price increase.

5. Anticompetitive Effects

Given the strategic partnership between Danone and CROPP, this transaction gives Danone the incentive and ability to limit the existing competition between WhiteWave and CROPP for both farmer contracts and retail customer accounts. Danone and CROPP are linked together by the Supply Agreement, the License Agreement, and years of operational cooperation. They are dependent on each other for supply and revenue, respectively, and they share the Stonyfield brand. Their aligned interests and mutual dependence make it unlikely, therefore, that CROPP would continue to compete fiercely with Danone-WhiteWave post merger.

Concentrated markets, coupled with the entanglements created by these agreements, increase the likelihood of anticompetitive effects. WhiteWave and CROPP collectively purchase approximately 70 percent of the available northeast raw organic milk supply. The small, regional dairies that make up the remaining 30 percent cannot expand their farmer networks (thereby increasing their own purchases) without access to the fluid organic milk customers currently supplied by WhiteWave and CROPP.

In retail fluid organic milk sales, Horizon, Organic Valley, and Stonyfield account for 41 percent, 10 percent, and 5 percent of shares, respectively. For branded fluid organic milk, specifically, Horizon, Organic Valley, and Stonyfield represent 67 percent, 16 percent, and 8 percent of national retail sales, respectively. The merger links these three firms, which together control almost 56 percent of all fluid organic milk sales, and 91 percent of all branded fluid organic milk sales.

CROPP and WhiteWave generally can identify when and where they are competing against each other for farmers or retail customers. Affiliations between farmers and purchasers are well known because there are relatively few purchasers and one can readily observe which farmers are in a given purchaser's network. Relationships between fluid organic milk sellers and their retail customers are also well known because it is easy to observe which brands are available in each retail store. These highly transparent supply and customer relationships allow market participants to identify their particular rival in most competitive interactions. Given the transparency of these markets, the merger would curtail competition between the Danone-CROPP partnership and WhiteWave.

The merger would have reduced the incentives for the combined Danone-WhiteWave to compete aggressively against CROPP, and the supply and license relationships linking the merged entity to CROPP would have provided opportunities for WhiteWave and CROPP to interact, strategize, coordinate marketing, and exchange confidential and competitively sensitive information.

The only way for CROPP to continue to compete aggressively against WhiteWave post merger would have been to sever its Supply Agreement and License Agreement with Danone. This would have had significant costs and risks. In light of these costs and risks, and as CROPP's ability to compete with WhiteWave is undermined by the

merger, it likely would have found it more profitable to remain in the partnership than to abandon it. The result would have been a likely lessening of competition in the purchase of raw organic milk from farmers and in the sale of fluid organic milk to retailers.

6. Difficulty of Entry or Expansion

New entry and expansion by existing competitors are unlikely to prevent or remedy the acquisition's likely anticompetitive effects. Barriers to entry and expansion in the raw organic and fluid organic milk markets include: (1) the substantial time and expense required to build a brand reputation sufficient to provide an outlet for raw organic milk purchases and fluid organic milk sales; (2) substantial sunk costs to be able to sell fluid organic milk in wholesale and retail outlets; (3) the expense of capital investments necessary to manufacture fluid organic milk; and (4) the investments necessary to develop raw organic milk hauling, fluid organic milk distributor relationships, and fluid organic milk delivery routes.

III. EXPLANATION OF THE PROPOSED FINAL JUDGMENT

The divestiture requirement of the proposed Final Judgment will eliminate the anticompetitive effects of the acquisition in the markets for the purchase of raw organic milk in the northeast and the manufacture and sale of fluid organic milk nationwide by establishing a new, independent, and economically viable competitor. The divestiture of Stonyfield effectively eliminates both the entanglements between Danone and CROPP and the increased incentive to reduce competition between the major brands of fluid organic milk, which otherwise would have resulted from the transaction. Pursuant to Paragraph IV(A) of the proposed Final Judgment, the defendants are required to divest Stonyfield within ninety (90) days after the filing of the Complaint, or five (5) days after notice of the entry of the Final Judgment by the Court, whichever is later. The assets must be divested in such a way as to satisfy the United States in its sole discretion that the operations can and will be operated by the purchaser as a viable, ongoing business that can compete effectively in the production and sale of Stonyfield products. Defendants must take all reasonable steps necessary to accomplish the divestiture quickly and shall cooperate with prospective purchasers.

Post merger, Danone's long-term Supply and License Agreements with CROPP would have connected CROPP with WhiteWave, its primary pre-merger competitor. These entanglements between the merged entity and CROPP would have provided incentives and opportunities for the two companies to interact, strategize, coordinate marketing and exchange confidential information. As a result of these incentives and opportunities, the companies would likely have competed less aggressively to recruit and retain organic farmers and customer accounts post merger. Consequently, organic farmers in the northeast would likely have received less favorable contract terms, and fluid organic milk customers nationwide would likely have paid higher prices. The Final Judgment requires the divestiture of the entire Stonyfield business, which will sever Danone's contractual relationships with CROPP and reduce the likelihood of anticompetitive effects in the markets for the purchase of raw organic milk in the northeast and the manufacture and sale of fluid organic milk in the United States.

A. Divestiture Assets

The Divestiture Assets, as defined in Paragraph II(M), encompass the entire Stonyfield business, including its headquarters, facility and warehouse in Londonderry, New Hampshire. Stonyfield manufactures and sells organic yogurt to customers throughout the United States and raw and fluid organic milk are its key ingredients. Stonyfield's facility in Londonderry has an established record as a high-quality, efficient production facility with sufficient capacity to meet current and future demand for its products.

Pursuant to Paragraph II(M)(2), the proposed Final Judgment requires the divestiture of certain tangible assets used exclusively by Stonyfield and other tangible assets relating to Stonyfield. For the tangible assets shared by Danone and Stonyfield, Danone and Stonyfield will each be entitled to retain that portion of the asset that relates to its respective business.

The proposed Final Judgment also requires the divestiture of all intangible assets owned, licensed, controlled, maintained or used primarily by Stonyfield. For all other intangible assets that Stonyfield uses in connection with the development, production, manufacture or sale of any Stonyfield product, but does not own or have specific rights to (including intangible assets related to the design and manufacture of certain plastic bottles), the Divestiture Assets include non-exclusive, perpetual, royalty-free licenses in accordance with Paragraphs II(M)(3)(c) and II(M)(3)(d). If Danone's consent or waiver of exclusive rights is required for the Acquirer to access or utilize these licenses, Danone will take all steps necessary to remove any impediments that could prevent the Acquirer from utilizing these licenses. The Divestiture Assets do not include the intellectual property rights to the Oikos and Activia brands. Stonyfield does not currently manufacture any products under these brands, but Danone manufactures two successful product lines under these trademarks. Accordingly, in an effort to minimize future entanglements between Danone and the Acquirer, the Acquirer will not receive the rights to use the Oikos and Activia trademarks.

Paragraph II(M)(3)(b) of the proposed Final Judgment includes a conditional non-exclusive, perpetual, royalty-free license for the Acquirer to use Danone's intellectual property relating to the formula, recipe, and specifications for the production of Stonyfield's conventional Greek yogurt products manufactured under the Brown Cow trademark (or ''Brown Cow Greek Formula,'' as defined in Paragraph II(H) of the proposed Final Judgment). This license is conditioned on Stonyfield's continued use of the Brown Cow Greek Formula. If prior to the divestiture Stonyfield elects to produce its Brown Cow conventional Greek yogurts at its Londonderry facility, and no longer uses the Brown Cow Greek Formula, the condition will not have been met.

These tangible and intangible assets that comprise the Divestiture Assets will provide the Acquirer with the physical tools, knowledge and rights needed to develop, produce, manufacture and sell any product produced by Stonyfield.

B. Transition Services and Co-Packing Agreements

The Acquirer may require a transition services agreement for back office and information technology services to ensure the continuity of the operations of the Stonyfield business. The proposed Final Judgment, Paragraph IV(G), provides the Acquirer with the option of a transition services agreement for one (1) year, with one or more possible extensions of the term for not more than an additional twelve (12) months.

Additionally, Danone currently provides to Stonyfield certain raw materials and services related to operations, quality control and design to assist with its production and regulatory compliance. The Acquirer initially may require a ready supply of raw materials and the ability to access these

specialized services. Therefore, Paragraph IV(H) of the proposed Final Judgment provides that, at the option of the Acquirer, Danone shall enter into one or more transition services agreements with the Acquirer to meet all or part of the Acquirer's needs for a period of up to six (6) months. Those agreements may relate to raw material purchases; the operation of Stonyfield's facilities; and/or quality control and design services for production and regulatory compliance. The United States, in its sole discretion, may approve extensions of these agreements for a period totaling not more than twelve (12) months.

Stonyfield currently manufactures certain yogurt products at Danone's manufacturing facilities in Fort Worth, Texas and Minster, Ohio, facilities that are not being divested. The Acquirer may need some time to contract with a third-party co-packer for the manufacture of these products or to move them to Londonderry. Accordingly, Paragraph IV(I) of the proposed Final Judgment provides that, at the option of the Acquirer, Danone shall enter into one or more co-packing contracts with the Acquirer for a period of up to (1) one year for the continued production of Stonyfield products at the Fort Worth Facility and/or the Minster Facility. The United States, in its sole discretion, may approve one or more extensions of these agreements for a period totaling not more than six (6) months. The proposed Final Judgement also sets weekly volume and notice requirements to facilitate the smooth operation of any such co-packing agreements.

C. Appointment of a Monitoring Trustee

By providing for the possibility of transition services, co-packing agreements and other obligations, the proposed Final Judgment contemplates an ongoing relationship between defendants and the Acquirer for a period of time. Should the United States conclude that it would benefit from the assistance of a Monitoring Trustee, Section X of the proposed Final Judgment provides for the appointment of a Monitoring Trustee with the power and authority to investigate and report on the parties' compliance with the terms of the Final Judgment and the Hold Separate during the pendency of the divestiture, including but not limited to the terms and implementation of the transition services and co-packing agreements with Danone. The Monitoring Trustee would not have any responsibility or obligation for the operation of the parties' businesses. The Monitoring Trustee will serve at defendants' expense, on such terms and conditions as the United States approves, and defendants must assist the trustee in fulfilling its obligations. The Monitoring Trustee will file monthly reports and will serve until the divestitures are complete. The Monitoring Trustee shall serve until the divestiture of all the Divestiture Assets is finalized pursuant to either Section IV or Section V of the Final Judgment.

In the event that defendants do not accomplish the divestiture within the periods prescribed in the proposed Final Judgment, Section V of the proposed Final Judgment provides that the Court will appoint a trustee selected by the United States to effect the divestiture. If a trustee is appointed, the proposed Final Judgment provides that defendants will pay all costs and expenses of the trustee. The trustee's commission will be structured so as to provide an incentive for the trustee based on the price obtained and the speed with which the divestiture is accomplished. After his or her appointment becomes effective, the trustee will file monthly reports with the Court and the United States setting forth his or her efforts to accomplish the divestiture. At the end of six (6) months, if the divestiture has not been accomplished, the trustee and the United States will make recommendations to the Court, which shall enter such orders as appropriate, in order to carry out the purpose of the trust, including extending the trust or the term of the trustee's appointment.

The divestiture provisions of the proposed Final Judgment will eliminate the anticompetitive effects that likely would result if Danone acquired WhiteWave, because they will establish a new, independent, and economically viable competitor in the markets for the purchase of raw organic milk in the northeast, and the sale of fluid organic milk nationwide.

IV. REMEDIES AVAILABLE TO POTENTIAL PRIVATE LITIGANTS

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no prima facie effect in any subsequent private lawsuit that may be brought against defendants.

V. PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED FINAL JUDGMENT

The United States and defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the **Federal Register**, or the last date of publication in a newspaper of the summary of this Competitive Impact Statement, whichever is later. All comments received during this period will be considered by the United States Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to the Court's entry of judgment. The comments and the response of the United States will be filed with the Court. In addition, comments will be posted on the U.S. Department of Justice, Antitrust Division's Internet Web site and, under certain circumstances, published in the **Federal Register**.

Written comments should be submitted to: Maribeth Petrizzi, Chief, Litigation II Section, Antitrust Division, United States Department of Justice, 450 Fifth Street NW., Suite 8700, Washington, DC 20530.

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

VI. ALTERNATIVES TO THE PROPOSED FINAL JUDGMENT

The United States considered, as an alternative to the proposed Final Judgment, a full trial on the merits against defendants. The United States could have continued the litigation and sought preliminary and permanent injunctions against Danone's acquisition of WhiteWave. The United States is satisfied, however, that the divestiture of assets described in the proposed Final Judgment will preserve competition for the purchase of raw

organic milk in the northeast and the manufacture and sale of fluid organic milk in the United States. Thus, the proposed Final Judgment would achieve all or substantially all of the relief the United States would have obtained through litigation, but avoids the time, expense, and uncertainty of a full trial on the merits of the Complaint.

VII. STANDARD OF REVIEW UNDER THE APPA FOR THE PROPOSED FINAL JUDGMENT

The Clayton Act, as amended by the APPA, requires that proposed consent judgments in antitrust cases brought by the United States be subject to a sixty-day comment period, after which the court shall determine whether entry of the proposed Final Judgment ''is in the public interest.'' 15 U.S.C. 16(e)(1). In making that determination, the court, in accordance with the statute as amended in 2004, is required to consider:

> (A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and
>
> (B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e)(1)(A) & (B). In considering these statutory factors, the court's inquiry is necessarily a limited one as the government is entitled to ''broad discretion to settle with the defendant within the reaches of the public interest.'' *United States* v. *Microsoft Corp.,* 56 F.3d 1448, 1461 (D.C. Cir. 1995); *see generally United States* v. *SBC Commc'ns, Inc.,* 489 F. Supp. 2d 1 (D.D.C. 2007) (assessing public interest standard under the Tunney Act); *United States v. U.S. Airways Group, Inc.,* No. 13–cv–1236 (CKK), 2014–1 Trade Cas. (CCH) ¶ 78, 748, 2014 U.S. Dist. LEXIS 57801, at *7 (D.D.C. Apr. 25, 2014) (noting the court has broad discretion of the adequacy of the relief at issue); *United States* v. *InBev N.V./S.A.,* No. 08–1965 (JR), 2009–2 Trade Cas. (CCH) ¶ 76,736, 2009 U.S. Dist. LEXIS 84787, at *3, (D.D.C. Aug. 11, 2009) (noting that the court's review of a consent judgment is limited and only inquires ''into whether the government's determination that the proposed remedies will cure the antitrust violations alleged in the complaint was reasonable, and whether the mechanism to enforce the final judgment are clear and manageable.'').[1]

As the United States Court of Appeals for the District of Columbia Circuit has held, under the APPA a court considers, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. *See Microsoft,* 56 F.3d at 1458–62. With respect to the adequacy of the relief secured by the decree, a court may not ''engage in an unrestricted evaluation of what relief would best serve the public.'' *United States* v. *BNS, Inc.,* 858 F.2d 456, 462 (9th Cir. 1988) (quoting *United States* v. *Bechtel Corp.,* 648 F.2d 660, 666 (9th Cir. 1981)); *see also Microsoft,* 56 F.3d at 1460–62; *United States* v. *Alcoa, Inc.,* 152 F. Supp. 2d 37, 40 (D.D.C. 2001); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *3. Courts have held that:

> [t]he balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is ''*within the reaches of the public interest.*'' More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.

Bechtel, 648 F.2d at 666 (emphasis added) (citations omitted).[2] In determining whether a proposed settlement is in the public interest, a district court ''must accord deference to the government's predictions about the efficacy of its remedies, and may not require that the remedies perfectly match the alleged violations.'' *SBC Commc'ns,* 489 F. Supp. 2d at 17; *see also U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *16 (noting that a court should not reject the proposed remedies because it believes others are preferable); *Microsoft,* 56 F.3d at 1461 (noting the need for courts to be ''deferential to the government's predictions as to the effect of the proposed remedies''); *United States* v. *Archer-Daniels-Midland Co.,* 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (noting that the court should grant due respect to the United States' prediction as to the effect of proposed remedies, its perception of the market structure, and its views of the nature of the case).

Courts have greater flexibility in approving proposed consent decrees than in crafting their own decrees following a finding of liability in a litigated matter. ''[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.' '' *United States* v. *Am. Tel. & Tel. Co.,* 552 F. Supp. 131, 151 (D.D.C. 1982) (citations omitted) (quoting *United States* v. *Gillette Co.,* 406 F. Supp. 713, 716 (D. Mass. 1975)), *aff'd sub nom. Maryland* v. *United States,* 460 U.S. 1001 (1983); *see also U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *8 (noting that room must be made for the government to grant concessions in the negotiation process for settlements (citing *Microsoft,* 56 F.3d at 1461); *United States* v. *Alcan Aluminum Ltd.,* 605 F. Supp. 619, 622 (W.D. Ky. 1985) (approving the consent decree even though the court would have imposed a greater remedy). To meet this standard, the United States ''need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.'' *SBC Commc'ns,* 489 F. Supp. 2d at 17.

Moreover, the court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint, and does not authorize the court to ''construct [its] own hypothetical case and then evaluate the decree against that case.'' *Microsoft,* 56 F.3d at 1459; *see also U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *9 (noting that the court must simply determine whether there is a factual foundation for the government's decisions such that its conclusions regarding the proposed settlements are reasonable; *InBev,* 2009 U.S. Dist. LEXIS 84787, at *20 (''the 'public interest' is

[1] The 2004 amendments substituted ''shall'' for ''may'' in directing relevant factors for court to consider and amended the list of factors to focus on competitive considerations and to address potentially ambiguous judgment terms. *Compare* 15 U.S.C. 16(e) (2004), *with* 15 U.S.C. 16(e)(1) (2006); *see also SBC Commc'ns,* 489 F. Supp. 2d at 11 (concluding that the 2004 amendments ''effected minimal changes'' to Tunney Act review).

[2] *Cf. BNS,* 858 F.2d at 464 (holding that the court's ''ultimate authority under the [APPA] is limited to approving or disapproving the consent decree''); *United States* v. *Gillette Co.,* 406 F. Supp. 713, 716 (D. Mass. 1975) (noting that, in this way, the court is constrained to ''look at the overall picture not hypercritically, nor with a microscope, but with an artist's reducing glass''). *See generally Microsoft,* 56 F.3d at 1461 (discussing whether ''the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest' '').

not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged''). Because the ''court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place,'' it follows that ''the court is only authorized to review the decree itself,'' and not to ''effectively redraft the complaint'' to inquire into other matters that the United States did not pursue. *Microsoft,* 56 F.3d at 1459–60. As this Court confirmed in *SBC Communications,* courts ''cannot look beyond the complaint in making the public interest determination unless the complaint is drafted so narrowly as to make a mockery of judicial power.'' *SBC Commc'ns,* 489 F. Supp. 2d at 15.

In its 2004 amendments, Congress made clear its intent to preserve the practical benefits of utilizing consent decrees in antitrust enforcement, adding the unambiguous instruction that ''[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.'' 15 U.S.C. 16(e)(2); *see also U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *9 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). The language wrote into the statute what Congress intended when it enacted the Tunney Act in 1974, as Senator Tunney explained: ''[t]he court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.'' 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). Rather, the procedure for the public interest determination is left to the discretion of the court, with the recognition that the court's ''scope of review remains sharply proscribed by precedent and the nature of Tunney Act proceedings.'' *SBC Commc'ns,* 489 F. Supp. 2d at 11.[3]

A court can make its public interest determination based on the competitive impact statement and response to public comments alone. *U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *9.

VIII. DETERMINATIVE DOCUMENTS

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: April 13, 2017.
Respectfully submitted,

Suzanne Morris,

United States Department of Justice, Antitrust Division, Litigation II Section, Liberty Square Building, 450 Fifth Street NW., Suite 8700, Washington, DC 20530, Telephone: (202) 307–1188, Facsimile: (202) 514–9033, suzanne.morris@usdoj.gov.

United States District Court for the District of Columbia

United States of America, Plaintiff, v. *Danone S.A.* and *The WhiteWave Foods Company, Defendants.*

Case No.: 17–cv–00592 (KBJ)
JUDGE: Ketanji Brown Jackson

PROPOSED FINAL JUDGMENT

Whereas, Plaintiff United States of America, filed its Complaint on April 3, 2017, the United States and defendants, Danone S.A. (''Danone'') and The WhiteWave Foods Company (''WhiteWave''), by their respective attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, and without this Final Judgment constituting any evidence against or admission by any party regarding any issue of fact or law;

And whereas, defendants agree to be bound by the provisions of this Final Judgment pending its approval by the Court;

And whereas, the essence of this Final Judgment is the prompt and certain divestiture of certain rights or assets by the defendants to assure that competition is not substantially lessened;

And whereas, the United States requires defendants to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint;

And whereas, defendants have represented to the United States that the divestiture required below can and will be made and that defendants will later raise no claim of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

Now therefore, before any testimony is taken, without trial or adjudication of any issue of fact or law, and upon consent of the parties, it is ordered, adjudged and decreed:

I. JURISDICTION

This Court has jurisdiction over the subject matter of and each of the parties to this action. The Complaint states a claim upon which relief may be granted against defendants under Section 7 of the Clayton Act, 15 U.S.C. 18, as amended.

II. DEFINITIONS

As used in this Final Judgment:

A. ''Acquirer'' means the entity to whom defendants divest the Divestiture Assets.

B. ''Danone'' means defendant Danone S.A., a *société anonyme* organized under the laws of France, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

C. ''WhiteWave'' means defendant The WhiteWave Foods Company, a Delaware corporation with its headquarters in Denver, Colorado, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

D. ''Stonyfield'' means Stonyfield Farm, Inc., a Delaware corporation with its headquarters in Londonderry, New Hampshire, its successors and assigns, and its subsidiaries and divisions, and their respective directors, officers, managers, agents and employees, but does not include Stonyfield's minority interest in Stonyfield Europe Ltd.

E. ''Oikos Brands'' means all Oikos trademarks, service marks, trade names, trade dress, logos and domain names, corporate names, and goodwill.

F. ''Oikos Schreiber'' means Danone's conventional Greek yogurt products manufactured under the Oikos trademark at the Schreiber Foods, Inc. facility in Shippensburg, Pennsylvania as of the date of the Complaint filed in this matter.

G. ''Brown Cow Schreiber'' means Stonyfield's conventional Greek yogurt products manufactured under the Brown Cow trademark at the Schreiber Foods, Inc. facility in Shippensburg, Pennsylvania as of the date of the Complaint filed in this matter.

H. ''Brown Cow Greek Formula'' means the intellectual property relating to the formula, recipe, and

[3] *See United States* v. *Enova Corp.,* 107 F. Supp. 2d 10, 17 (D.D.C. 2000) (noting that the ''Tunney Act expressly allows the court to make its public interest determination on the basis of the competitive impact statement and response to comments alone''); *United States* v. *Mid-Am. Dairymen, Inc.,* No. 73–CV–681–W–1, 1977–1 Trade Cas. (CCH) ¶ 61,508, at 71,980, *22 (W.D. Mo. 1977) (''Absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should . . . carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.''); S. Rep. No. 93–298, at 6 (1973) (''Where the public interest can be meaningfully evaluated simply on the basis of briefs and oral arguments, that is the approach that should be utilized.'').

specifications used as of the date of the Complaint filed in this matter for the production of the Oikos Schreiber and Brown Cow Schreiber conventional Greek yogurt products.

I. ''Centralized Business Services'' means Danone's internal provider of back office functions.

J. ''DanTrade'' means DanTrade B.V., Danone's global purchasing entity.

K. ''Fort Worth Facility'' means Danone's manufacturing facility in Fort Worth, Texas.

L. ''Minster Facility'' means Danone's manufacturing facility in Minster, Ohio.

M. ''Divestiture Assets'' means Stonyfield, including:

1. Stonyfield's headquarters, facility, and warehouse located at 10 Burton Drive, Londonderry, New Hampshire 03053;

2. The following tangible assets that comprise the Stonyfield business including but not limited to:

(a) all manufacturing equipment, tooling and fixed assets, personal property, warehouses (leased and owned), trucks and other vehicles, inventory, office furniture, materials, supplies, and other tangible property and all assets used exclusively in connection with Stonyfield; and

(b) all licenses, permits and authorizations issued by any governmental organization relating to Stonyfield; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings, relating to Stonyfield, including supply agreements; all customer lists, routes, contracts, accounts, and credit records relating to Stonyfield; all repair and performance records relating to Stonyfield; and all other records relating to Stonyfield. Notwithstanding the above, for any tangible asset in this subsection that is shared between Danone and Stonyfield, Danone and Stonyfield shall each be entitled to retain that portion of the asset that relates to their respective business. To the extent Danone's consent or waiver of exclusive rights is required for Stonyfield to renegotiate or modify the terms of any shared asset in this subsection, Danone shall take all steps necessary to remove any impediments that would prevent Stonyfield from renegotiating or modifying the terms of the shared asset.

3. The following intangible assets:

(a) all intangible assets owned, licensed, controlled, or used primarily by Stonyfield (except the Oikos Brands), including, but not limited to, all patents, licenses and sublicenses, intellectual property, copyrights, trademarks, trade names, service marks, service names, formulas, recipes, proprietary cultures, technical information, computer software and related documentation, know-how, trade secrets, drawings, artwork, blueprints, designs, design protocols, specifications for materials, specifications for production and packaging, specifications for parts and devices, safety procedures for the handling of materials and substances, quality assurance and control procedures, design tools and simulation capability, all manuals and technical information defendants provide to their own employees, customers, suppliers, agents or licensees, and all research data concerning historic and current research and development efforts relating to Stonyfield, including, but not limited to, designs of experiments, and the results of successful and unsuccessful designs and experiments;

(b) a non-exclusive, perpetual, royalty-free license, transferable among Stonyfield and its subsidiaries, to use the Brown Cow Greek Formula to produce all Stonyfield products that use the Brown Cow Greek Formula as of the date of the Complaint; provided that if prior to the divestiture ordered by this Final Judgment, Stonyfield ceases the use of the Brown Cow Greek Formula, this license will not be included as a Divestiture Asset;

(c) a non-exclusive, perpetual, royalty-free license, transferable among Stonyfield and its subsidiaries, to use any intangible assets (except the Brown Cow Greek Formula and Activia trademarks) that are not included in paragraph II(M)(3)(a) above, and were used in connection with the development, production, manufacture, or sale of any Stonyfield product. To the extent Danone's consent or waiver of exclusive rights is required for Stonyfield to access or utilize a license, Danone will take all steps necessary to provide Stonyfield with the license and remove any impediments that would prevent Stonyfield from utilizing the license. Any improvements or modifications to these intangible assets developed by the Acquirer of Stonyfield shall be owned solely by that Acquirer; and

(d) a non-exclusive, perpetual, royalty-free license, transferable among Stonyfield and its subsidiaries, to use Danone's intangible assets related to the design and manufacture of the 3.1 oz plastic bottles used to package Stonyfield products at the Minster Facility as of the date of the Complaint.

N. ''Competitively Sensitive Information'' means information that is not public and could be used by a competitor or supplier to make development, production, pricing, or marketing decisions including, but not limited to, information relating to costs, capacity, distribution, marketing, supply, market territories, customer relationships, the terms of dealing with any particular customer (including the identity of individual customers and the quantity sold to any particular customer), and current and future prices, including discounts, slotting allowances, bids, or price lists. ''Competitively Sensitive Information'' does not include information that must be disclosed in the ordinary course of business in order to implement a transition services or co-packing arrangement.

III. APPLICABILITY

A. This Final Judgment applies to Danone and WhiteWave, as defined above, and all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

B. If, prior to complying with Sections IV and V of this Final Judgment, defendants sell or otherwise dispose of all or substantially all of their assets or of lesser business units that include the Divestiture Assets, they shall require the purchaser to be bound by the provisions of this Final Judgment. Defendants need not obtain such an agreement from the Acquirer of the assets divested pursuant to this Final Judgment.

IV. DIVESTITURE

A. Defendants are ordered and directed, within ninety (90) calendar days after the filing of the Complaint in this matter, or five (5) calendar days after notice of the entry of this Final Judgment by the Court, whichever is later, to divest the Divestiture Assets in a manner consistent with this Final Judgment to an Acquirer acceptable to the United States, in its sole discretion. The United States, in its sole discretion, may agree to one or more extensions of this time period not to exceed sixty (60) calendar days in total, and shall notify the Court in such circumstances. Defendants agree to use their best efforts to divest the Divestiture Assets as expeditiously as possible.

B. In accomplishing the divestiture ordered by this Final Judgment, defendants promptly shall make known, by usual and customary means, the availability of the Divestiture Assets. Defendants shall inform any person making an inquiry regarding a possible purchase of the Divestiture Assets that they are being divested pursuant to this Final Judgment and provide that person with a copy of this Final Judgment. Defendants shall offer to furnish to all prospective Acquirers, subject to

customary confidentiality assurances, all information and documents relating to the Divestiture Assets customarily provided in a due diligence process except such information or documents subject to the attorney-client privileges or work-product doctrine. Defendants shall make available such information to the United States at the same time that such information is made available to any other person.

C. Defendants shall provide the Acquirer and the United States information relating to the personnel involved in the development, production, marketing and sale of any product produced or sold by Stonyfield to enable the Acquirer to make offers of employment. Defendants will not interfere with any negotiations by the Acquirer to employ any defendant employee whose primary responsibility is the development, production, marketing and sale of any product produced or sold by Stonyfield.

D. Defendants shall permit prospective Acquirers of the Divestiture Assets to have reasonable access to Stonyfield personnel and to make inspections of the physical facilities included in the Divestiture Assets; access to any and all environmental, zoning, and other permit documents and information; and access to any and all financial, operational, or other documents and information customarily provided as part of a due diligence process.

E. Defendants shall warrant to the Acquirer that each asset will be operational on the date of sale.

F. Defendants shall not take any action that will impede in any way the permitting, operation, or divestiture of the Divestiture Assets.

G. At the option of the Acquirer, Danone's Centralized BusinessServices division will provide back office and information technology services and support for Stonyfield for a period of up to one (1) year. The United States, in its sole discretion, may approve one or more extensions of this agreement for a total of up to an additional twelve (12) months. If the Acquirer seeks an extension of the term of this transition services agreement, it shall so notify the United States in writing at least three (3) months prior to the date the transition services contract expires. If the United States approves such an extension, it shall so notify the Acquirer in writing at least two (2) months prior to the date the transition services contract expires. The terms and conditions of any contractual arrangement intended to satisfy this provision must be reasonably related to the market value of the expertise of the personnel providing any needed assistance. The Danone employee(s) tasked with providing these transitional services may not share Stonyfield's Competitively Sensitive Information with any other Danone or WhiteWave employee.

H. At the option of the Acquirer, Danone shall enter into one or more transition services agreements with the Acquirer for raw material purchases through DanTrade at Danone's internal transfer pricing rate; services relating to the operation of Stonyfield's facilities; and quality control and design services for production and regulatory compliance; to meet all or part of the Acquirer's needs for a period of up to six (6) months. The United States, in its sole discretion, may approve one or more extensions of this agreement for a total of up to an additional twelve (12) months. The terms and conditions of any contractual arrangement intended to satisfy this provision must be reasonably related to the market value of the expertise of the personnel providing any needed assistance.

I. At the option of the Acquirer, Danone shall enter into one or more co-packing contracts with the Acquirer for a period of up to one (1) year for the continued production of Stonyfield products produced at the Fort Worth Facility and/or the Minster Facility as of the date of the Complaint. Danone will produce up to 100 percent of the average 2016 weekly volume of these Stonyfield products for the Acquirer each week upon receipt of seven (7) days' notice. The Acquirer may increase the weekly volume by 20 percent by providing Danone notice no later than three (3) days prior to production. The Acquirer may increase the weekly production volume by 100 percent with four (4) weeks' notice. The terms and conditions of any contractual arrangement to satisfy this provision must be reasonably related to market conditions for co-packing yogurt products. The United States, in its sole discretion, may approve one or more extensions of these agreements for a total of up to an additional six (6) months. If the Acquirer seeks an extension of the term of these co-packing agreements, it shall so notify the United States in writing at least three (3) months prior to the date the co-packing agreement(s) expires. If the United States approves such an extension, it shall so notify the Acquirer in writing at least two (2) months prior to the date the co-packing agreement(s) expires. Danone employees at the Fort Worth and Minster Facilities may not share Stonyfield's Competitively Sensitive Information with other Danone or WhiteWave employees.

J. Defendants shall warrant to the Acquirer that there are no material defects in the environmental, zoning or other permits pertaining to the operation of each asset, and that following the sale of the Divestiture Assets, defendants will not undertake, directly or indirectly, any challenges to the environmental, zoning, or other permits relating to the operation of the Divestiture Assets.

K. Unless the United States otherwise consents in writing, the divestiture pursuant to Section IV, or by Divestiture Trustee appointed pursuant to Section V, of this Final Judgment, shall include the entire Divestiture Assets, and shall be accomplished in such a way as to satisfy the United States, in its sole discretion, that the Divestiture Assets can and will be used by the Acquirer as part of a viable, ongoing business in the production and sale of Stonyfield products. Specifically, the United States must be satisfied, in its sole discretion, that the Divestiture Assets can and will remain viable, and that the divestiture will remedy the competitive harm alleged in the Complaint. The divestiture, whether pursuant to Section IV or Section V of this Final Judgment,

1. shall be made to an Acquirer that, in the United States' sole judgment, has the intent and capability (including the necessary managerial, operational, technical and financial capability) of competing effectively in the markets for products produced or sold by Stonyfield; and

2. shall be accomplished so as to satisfy the United States, in its sole discretion, that none of the terms of any agreement between an Acquirer and defendants give defendants the ability unreasonably to raise the Acquirer's costs, to lower the Acquirer's efficiency, or otherwise to interfere in the ability of the Acquirer to compete effectively.

V. APPOINTMENT OF DIVESTITURE TRUSTEE

A. If defendants have not divested the Divestiture Assets within the time period specified in Section IV(A), defendants shall notify the United States of that fact in writing. Upon application of the United States, the Court shall appoint a Divestiture Trustee selected by the United States and approved by the Court to effect the divestiture of the Divestiture Assets.

B. After the appointment of a Divestiture Trustee becomes effective, only the Divestiture Trustee shall have the right to sell the Divestiture Assets. The Divestiture Trustee shall have the power and authority to accomplish the divestiture to an Acquirer acceptable to the United States at such price and on

such terms as are then obtainable upon reasonable effort by the Divestiture Trustee, subject to the provisions of Sections IV, V, and VI of this Final Judgment, and shall have such other powers as this Court deems appropriate. Subject to Section V(D) of this Final Judgment, the Divestiture Trustee may hire at the cost and expense of defendants any investment bankers, attorneys, or other agents, who shall be solely accountable to the Divestiture Trustee, reasonably necessary in the Divestiture Trustee's judgment to assist in the divestiture. Any such investment bankers, attorneys, or other agents shall serve on such terms and conditions as the United States approves including confidentiality requirements and conflict of interest certifications.

C. Defendants shall not object to a sale by the Divestiture Trustee on any ground other than the Divestiture Trustee's malfeasance. Any such objections by defendants must be conveyed in writing to the United States and the Divestiture Trustee within ten (10) calendar days after the Divestiture Trustee has provided the notice required under Section VI.

D. The Divestiture Trustee shall serve at the cost and expense of defendants pursuant to a written agreement, on such terms and conditions as the United States approves including confidentiality requirements and conflict of interest certifications. The Divestiture Trustee shall account for all monies derived from the sale of the assets sold by the Divestiture Trustee and all costs and expenses so incurred. After approval by the Court of the Divestiture Trustee's accounting, including fees for its services yet unpaid and those of any professionals and agents retained by the Divestiture Trustee, all remaining money shall be paid to defendants and the trust shall then be terminated. The compensation of the Divestiture Trustee and any professionals and agents retained by the Divestiture Trustee shall be reasonable in light of the value of the Divestiture Assets and based on a fee arrangement providing the Divestiture Trustee with an incentive based on the price and terms of the divestiture and the speed with which it is accomplished, but timeliness is paramount. If the Divestiture Trustee and defendants are unable to reach agreement on the Divestiture Trustee's or any agents' or consultants' compensation or other terms and conditions of engagement within fourteen (14) calendar days of appointment of the Divestiture Trustee, the United States may, in its sole discretion, take appropriate action, including making a recommendation to the Court. The Divestiture Trustee shall, within three (3) business days of hiring any other professionals or agents, provide written notice of such hiring and the rate of compensation to defendants and the United States.

E. Defendants shall use their best efforts to assist the Divestiture Trustee in accomplishing the required divestiture. The Divestiture Trustee and any consultants, accountants, attorneys, and other agents retained by the Divestiture Trustee shall have full and complete access to the personnel, books, records, and facilities of the business to be divested, and defendants shall develop financial and other information relevant to such business as the Divestiture Trustee may reasonably request, subject to reasonable protection for trade secret or other confidential research, development, or commercial information or any applicable privileges. Defendants shall take no action to interfere with or to impede the Divestiture Trustee's accomplishment of the divestiture.

F. After its appointment, the Divestiture Trustee shall file monthly reports with the United States and, as appropriate, the Court setting forth the Divestiture Trustee's efforts to accomplish the divestiture ordered under this Final Judgment. To the extent such reports contain information that the Divestiture Trustee deems confidential, such reports shall not be filed in the public docket of the Court. Such reports shall include the name, address, and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person. The Divestiture Trustee shall maintain full records of all efforts made to divest the Divestiture Assets.

G. If the Divestiture Trustee has not accomplished the divestiture ordered under this Final Judgment within six months after its appointment, the Divestiture Trustee shall promptly file with the Court a report setting forth (1) the Divestiture Trustee's efforts to accomplish the required divestiture, (2) the reasons, in the Divestiture Trustee's judgment, why the required divestiture has not been accomplished, and (3) the Divestiture Trustee's recommendations. To the extent such report contains information that the Divestiture Trustee deems confidential, such report shall not be filed in the public docket of the Court. The Divestiture Trustee shall at the same time furnish such report to the United States which shall have the right to make additional recommendations consistent with the purpose of the trust. The Court thereafter shall enter such orders as it shall deem appropriate to carry out the purpose of the Final Judgment, which may, if necessary, include extending the trust and the term of the Divestiture Trustee's appointment by a period requested by the United States.

H. If the United States determines that the Divestiture Trustee has ceased to act or failed to act diligently or in a reasonably cost-effective manner, it may recommend the Court appoint a substitute Divestiture Trustee.

VI. NOTICE OF PROPOSED DIVESTITURE

A. Within two (2) business days following execution of a definitive divestiture agreement, defendants or the Divestiture Trustee, whichever is then responsible for effecting the divestiture required herein, shall notify the United States of any proposed divestiture required by Section IV or V of this Final Judgment. If the Divestiture Trustee is responsible, it shall similarly notify defendants. The notice shall set forth the details of the proposed divestiture and list the name, address, and telephone number of each person not previously identified who offered or expressed an interest in or desire to acquire any ownership interest in the Divestiture Assets, together with full details of the same.

B. Within fifteen (15) calendar days of receipt by the United States of such notice, the United States may request from defendants, the proposed Acquirer, any other third party, or the Divestiture Trustee, if applicable, additional information concerning the proposed divestiture, the proposed Acquirer, and any other potential Acquirer. Defendants and the Divestiture Trustee shall furnish any additional information requested within fifteen (15) calendar days of the receipt of the request, unless the parties shall otherwise agree.

C. Within thirty (30) calendar days after receipt of the notice or within twenty (20) calendar days after the United States has been provided the additional information requested from defendants, the proposed Acquirer, any third party, and the Divestiture Trustee, whichever is later, the United States shall provide written notice to defendants and the Divestiture Trustee, if there is one, stating whether or not it objects to the proposed divestiture. If the United States provides written notice that it does not object, the divestiture may be consummated, subject only to defendants' limited right

to object to the sale under Section V(C) of this Final Judgment. Absent written notice that the United States does not object to the proposed Acquirer or upon objection by the United States, a divestiture proposed under Section IV or Section V shall not be consummated. Upon objection by defendants under Section V(C), a divestiture proposed under Section V shall not be consummated unless approved by the Court.

VII. FINANCING

Defendants shall not finance all or any part of any purchase made pursuant to Section IV or V of this Final Judgment.

VIII. HOLD SEPARATE

Until the divestiture required by this Final Judgment has been accomplished, defendants shall take all steps necessary to comply with the Hold Separate Stipulation and Order entered by this Court. Defendants shall take no action that would jeopardize the divestiture ordered by this Court.

IX. AFFIDAVITS

A. Within twenty (20) calendar days of the filing of the Complaint in this matter, and every thirty (30) calendar days thereafter until the divestiture has been completed under Section IV or V, defendants shall deliver to the United States an affidavit as to the fact and manner of its compliance with Section IV or V of this Final Judgment. Each such affidavit shall include the name, address, and telephone number of each person who, during the preceding thirty (30) calendar days, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person during that period. Each such affidavit shall also include a description of the efforts defendants have taken to solicit buyers for the Divestiture Assets, and to provide required information to prospective Acquirers, including the limitations, if any, on such information. Assuming the information set forth in the affidavit is true and complete, any objection by the United States to information provided by defendants, including limitation on information, shall be made within fourteen (14) calendar days of receipt of such affidavit.

B. Within twenty (20) calendar days of the filing of the Complaint in this matter, defendants shall deliver to the United States an affidavit that describes in reasonable detail all actions defendants have taken and all steps defendants have implemented on an ongoing basis to comply with Section VIII of this Final Judgment. Defendants shall deliver to the United States an affidavit describing any changes to the efforts and actions outlined in defendants' earlier affidavits filed pursuant to this section within fifteen (15) calendar days after the change is implemented.

C. Defendants shall keep all records of all efforts made to preserve and divest the Divestiture Assets until one (1) year after such divestiture has been completed.

X. APPOINTMENT OF MONITORING TRUSTEE

A. Upon application of the United States, the Court shall appoint a Monitoring Trustee selected by the United States and approved by the Court.

B. The Monitoring Trustee shall have the power and authority to monitor defendants' compliance with the terms of this Final Judgment and the Hold Separate Stipulation and Order entered by this Court, and shall have such other powers as this Court deems appropriate. The Monitoring Trustee shall be required to investigate and report on the Defendants' compliance with this Final Judgment and the Hold Separate Stipulation and Order and the defendants' progress toward effectuating the purposes of this Final Judgment, including but not limited to the terms and implementation of the transition services and co-packing agreements with Danone contemplated by Paragraphs IV(G), (H), and (I).

C. Subject to Paragraph X(E) of this Final Judgment, the Monitoring Trustee may hire at the cost and expense of defendants any consultants, accountants, attorneys, or other agents, who shall be solely accountable to the Monitoring Trustee, reasonably necessary in the Monitoring Trustee's judgment. Any such consultants, accountants, attorneys, or other agents shall serve on such terms and conditions as the United States approves including confidentiality requirements and conflict of interest certifications.

D. Defendants shall not object to actions taken by the Monitoring Trustee in fulfillment of the Monitoring Trustee's responsibilities under any Order of this Court on any ground other than the Monitoring Trustee's malfeasance. Any such objections by defendants must be conveyed in writing to the United States and the Monitoring Trustee within ten (10) calendar days after the action taken by the Monitoring Trustee giving rise to the defendants' objection.

E. The Monitoring Trustee shall serve at the cost and expense of defendants pursuant to a written agreement with defendants and on such terms and conditions as the United States approves including confidentiality requirements and conflict of interest certifications. The compensation of the Monitoring Trustee and any consultants, accountants, attorneys, and other agents retained by the Monitoring Trustee shall be on reasonable and customary terms commensurate with the individuals' experience and responsibilities. If the Monitoring Trustee and defendants are unable to reach agreement on the Monitoring Trustee's or any agents' or consultants' compensation or other terms and conditions of engagement within fourteen (14) calendar days of appointment of the Monitoring Trustee, the United States may, in its sole discretion, take appropriate action, including making a recommendation to the Court. The Monitoring Trustee shall, within three (3) business days of hiring any consultants, accountants, attorneys, or other agents, provide written notice of such hiring and the rate of compensation to defendants and the United States.

F. The Monitoring Trustee shall have no responsibility or obligation for the operation of defendants' businesses.

G. Defendants shall use their best efforts to assist the Monitoring Trustee in monitoring defendants' compliance with their individual obligations under this Final Judgment and under the Hold Separate Stipulation and Order. The Monitoring Trustee and any consultants, accountants, attorneys, and other agents retained by the Monitoring Trustee shall have full and complete access to the personnel, books, records, and facilities relating to compliance with this Final Judgment, subject to reasonable protection for trade secret or other confidential research, development, or commercial information or any applicable privileges. Defendants shall take no action to interfere with or to impede the Monitoring Trustee's accomplishment of its responsibilities.

H. After its appointment, the Monitoring Trustee shall file reports monthly, or more frequently as needed, with the United States, and, as appropriate, the Court setting forth defendants' efforts to comply with its obligations under this Final Judgment and under the Hold Separate Stipulation and Order. To the extent such reports contain information that the Monitoring Trustee deems confidential, such reports shall not be filed in the public docket of the Court.

I. The Monitoring Trustee shall serve until the divestiture of all the Divestiture Assets is finalized pursuant to either Section IV or Section V of this Final Judgment and the transition services and co-packing agreements with Danone contemplated by Paragraphs IV(G), (H), and (I) have expired or been terminated.

J. If the United States determines that the Monitoring Trustee has ceased to act or failed to act diligently or in a reasonably cost-effective manner, it may recommend the Court appoint a substitute Monitoring Trustee.

XI. COMPLIANCE INSPECTION

A. For the purposes of determining or securing compliance with this Final Judgment, or of any related orders such as the Hold Separate Stipulation and Order, or of determining whether the Final Judgment should be modified or vacated, and subject to any legally recognized privilege, from time to time authorized representatives of the United States Department of Justice, including consultants and other persons retained by the United States, shall, upon written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendants, be permitted:

1. access during defendants' office hours to inspect and copy, or at the option of the United States, to require defendants to provide hard copy or electronic copies of, all books, ledgers, accounts, records, data, and documents in the possession, custody, or control of defendants, relating to any matters contained in this Final Judgment; and

2. to interview, either informally or on the record, defendants' officers, employees, or agents, who may have their individual counsel present, regarding such matters. The interviews shall be subject to the reasonable convenience of the interviewee and without restraint or interference by defendants.

B. Upon the written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, defendants shall submit written reports or response to written interrogatories, under oath if requested, relating to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this section shall be divulged by the United States to any person other than an authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by defendants to the United States, defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(1)(g) of the Federal Rules of Civil Procedure, and defendants mark each pertinent page of such material, ''Subject to claim of protection under Rule 26(c)(1)(g) of the Federal Rules of Civil Procedure,'' then the United States shall give defendants ten (10) calendar days' notice prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

XII. NO REACQUISITION

Defendants may not reacquire any part of the Divestiture Assets during the term of this Final Judgment.

XIII. RETENTION OF JURISDICTION

This Court retains jurisdiction to enable any party to this Final Judgment to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify any of its provisions, to enforce compliance, and to punish violations of its provisions.

XIV. EXPIRATION OF FINAL JUDGMENT

Unless this Court grants an extension, this Final Judgment shall expire ten (10) years from the date of its entry.

XV. PUBLIC INTEREST DETERMINATION

Entry of this Final Judgment is in the public interest. The parties have complied with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, including making copies available to the public of this Final Judgment, the Competitive Impact Statement, and any comments thereon and the United States' responses to comments. Based upon the record before the Court, which includes the Competitive Impact Statement and any comments and response to comments filed with the Court, entry of this Final Judgment is in the public interest.

Date:

Court approval subject to procedures of Antitrust Procedures and Penalties Act, 15 U.S.C. § 16

United States District Judge

[FR Doc. 2017–07924 Filed 4–18–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act and Chapter 11 of the United States Bankruptcy Code

On April 13, 2017, the Department of Justice lodged a proposed Settlement Agreement with the United States Bankruptcy Court for the District of Maine in *In re: Lincoln Paper and Tissue, LLC,* No. 15–10715 PGC. The agreement was entered into by the United States, on behalf of the United States Environmental Protection Agency (''EPA''), the debtor Lincoln Paper and Tissue, LLC (''Debtor''), and the Maine Department of Environmental Protection (''MDEP'').

The agreement relates to liabilities of the Debtor under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 *et seq.* (''CERCLA''), in connection with the 275-acre paper mill owned by the Debtor in Lincoln, Maine (''Facility''). Pursuant to the agreement's terms, the Debtor has agreed to implement certain removal actions at the Facility, including the removal of drums and containers of hazardous substances and hazardous wastes, the removal of radioactive signs, and the removal of friable asbestos. The Debtor has also agreed to pay EPA the difference between the cost of these removal actions (expected to be about $250,000) and $400,000. The Debtor has also agreed that if the estate's net recoveries in the bankruptcy proceeding (other than insurance recoveries related to environmental claims) exceed $500,000, the Debtor will pay EPA 25% of the excess, with an overall cap of $225,000. With respect to insurance proceeds for environmental claims, the Debtor has agreed to pay EPA 50% of any net proceeds over $400,000, with no cap on the amount. MDEP has agreed that an escrow account of $50,000, which was set aside by the Debtor earlier in the bankruptcy case for the benefit of any remediation sought by MDEP at the Facility, will be paid to EPA to help defray EPA's removal costs at the Facility. MDEP has signed the Settlement Agreement due to this aspect of the settlement. The Debtor has also agreed that EPA will have an allowed general unsecured claim in the amount of the removal costs that will be incurred by EPA at the Facility, minus certain cash payments to be made by the Debtor to EPA, with a cap of $1.5 million.

The United States, on behalf of EPA, has provided the Debtor with a covenant not to sue, under Sections 106 and 107 of CERCLA, with respect to the Facility, as well as a property located adjacent to the Facility (the ''Excluded Area''), as well as those areas of the Penobscot River where hazardous substances from the Facility or the Excluded Area have come to be located. The covenant also applies to the Debtor's successors and assigns, former and current officers, directors, employees, and trustees, but only to the extent that the alleged liability of the successor or assign, officer, director, employee, or trustee is based solely on his, her or its status and on his, her or its capacity as a successor or assign, officer, director, employee or trustee of the Debtor.

The publication of this notice opens a period for public comment on the Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *In re: Lincoln Paper and Tissue, LLC,* No. 15–10715 PGC, D.J. Ref. No. 90–11–3–11537. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Agreement may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the agreement upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $19.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert E. Maher, Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–07905 Filed 4–18–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0043]

Agency Information Collection Activities; Proposed eCollection; eComments Requested; Extension With or Without Change, of a Previously Approved Collection: Drug Questionnaire (DEA–341)

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-day notice.

SUMMARY: Department of Justice (DOJ), Drug Enforcement Administration will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** at 82 FR 15370, on March 28, 2017, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until May 19, 2017.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Diane E. Filler, Assistant Administrator, Drug Enforcement Administration, Human Resources Division, 8701 Morrissette Drive, Springfield, VA 22152. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Drug Questionnaire.

(3) *Agency form number, if any and the applicable component of the Department sponsoring the collection:* The form number is DEA–341. The sponsoring component is the Drug Enforcement Administration.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals. Other: None.

DEA is requesting an extension of a currently approved collection. This collection requires the drug history of any individual seeking employment with DEA. DEA policy states that a past history of illegal drug use may result in ineligibility for employment. The form asks job applicants specific questions about their personal history, if any, of illegal drug use.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 15,000 respondents will complete each form in approximately 5 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 1,250 total annual burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 3E.405A, Washington, DC 20530.

Dated: April 13, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–07839 Filed 4–18–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Confidential Information Protection and Statistical Efficiency Act of 2002 Pledge Update

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Bureau of Labor Statistics (BLS) sponsored information collection request (ICR) titled, ''Confidential Information Protection and Statistical Efficiency Act of 2002 Pledge Update,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 19, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201702–1220–001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–BLS, Office of Management and Budget, Room 10235, 725 17th Street, NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue, NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA) Pledge Update information collection. This request covers a previously approved update to the CIPSEA pledge the BLS provides to many individuals responding to BLS surveys. As per OMB instruction, a single ICR has updated the CIPSEA confidentiality pledges used in numerous BLS data collections; however, the request does not otherwise affect the content, scope, burden, or the current expiration dates of any of these collections. The BLS Authorizing Statute authorizes the underlying information collections. *See* 29 U.S.C. 1, 2.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1220–0190.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on June 30, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 7, 2016 (81 FR 88270).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1220–0190. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–BLS.

Title of Collection: Confidential Information Protection and Statistical Efficiency Act of 2002 Pledge Update.

OMB Control Number: 1220–0190.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 1.

Total Estimated Number of Responses: 1.

Total Estimated Annual Time Burden: 0 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: April 13, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–07917 Filed 4–18–17; 8:45 am]

BILLING CODE 4510–24–P

LEGAL SERVICES CORPORATION

Notice to LSC Grantees of Application Process for Subgranting 2018 Basic Field Funds

AGENCY: Legal Services Corporation.

ACTION: Notice of application dates and format for subgrant applications.

SUMMARY: The Legal Services Corporation (LSC) is the national organization charged with administering Federal funds provided for civil legal services to low-income people. LSC hereby announces the submission dates for applications for subgrants of 2018 Basic Field Grant funds. LSC is also providing information about where applicants may locate subgrant application forms and directions for providing the information required to apply for a subgrant.

DATES: See **SUPPLEMENTARY INFORMATION** section for application dates.

ADDRESS: Legal Services Corporation—Office of Compliance and Enforcement, 3333 K Street NW., Third Floor, Washington, DC 20007–3522.

FOR FURTHER INFORMATION CONTACT: Office of Compliance and Enforcement by email at *subgrants@lsc.gov,* or visit the LSC Web site at *http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant.*

SUPPLEMENTARY INFORMATION: LSC revised its subgrant rule, 45 CFR part 1627, effective April 1, 2017. The revised rule requires LSC to publish, on an annual basis, ''notice of the requirements concerning the format and contents of the application annually in the **Federal Register** and on its Web site.'' 45 CFR 1627.4(b). This Notice and the publication of the Subgrant Application Forms on LSC's Web site satisfies § 1627.4(b)'s notice requirement for the Basic Field Grant program. Only current or prospective LSC grantees may apply. Notices regarding the subgrant application processes for 2018 Pro Bono Innovation Fund grants, Technology Initiative Grants, and 2017 mid-year Basic Field subgrants will be forthcoming.

Applications will be available the week of April 10, 2017. Subgrant applications must be submitted through LSC Grants at *https://lscgrants.lsc.gov.* Applicants must submit their applications by 5:00 p.m. E.D.T. on the due date identified below.

Applications for subgrants of calendar year 2018 Basic Field Grant funds must be submitted with the applicant's application for 2018 funding. 45 CFR 1627.4(b)(1). The deadlines for application submissions are as follows:

- *June 5, 2017* for applicants that have not had an LSC Program Quality Visit (PQV) since January 1, 2015 and for applicants who are not current LSC recipients;
- *June 12, 2017* for applicants that have had a PQV since January 1, 2015, have received a final PQV report by April 28, 2017, and are the only applicant for the service area;
- *August 7, 2017* for applicants that have had a PQV since January 1, 2015, have received a final PQV report during the period May 1, 2017 through July 3, 2017, and are the only applicant for the service area.

The deadlines for the submission of final and signed subgrant agreements are as follows:

- *September 1, 2017* for applicants required to submit applications by June 5 and 12, 2017.
- *October 9, 2017* for applicants required to submit applications by August 7, 2017.

Applicants may also find these deadlines on LSC's Web site at *http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant/basic-field-grant-key-dates.*

Applicants may access the application under the ''Subgrants'' heading on their LSC Grants home page. Applicants may initiate an application by selecting ''Initiate Subgrant Application.'' Applicants must then provide the information requested in the LSC Grants data fields, located in the Subrecipient Profile, Subgrant Summary, and Subrecipient Budget screens, and upload the following documents:

- A draft Subgrant Agreement (with the required terms provided in Subgrant Application Form A);
- Subgrant Inquiry Form B (for new subgrants) or C (for renewal subgrants);
- The subrecipient's accounting manual (or letter indicating that the subrecipient does not have one and why);
- The subrecipient's most recent audited financial statement (or letter indicating that the subrecipient does not have one and why);
- The subrecipient's most recent Form 990 filed with the IRS (or letter indicating that the subrecipient does not have one and why);
- The subrecipient's current fidelity bond coverage (or letter indicating that the subrecipient does not have one);
- The subrecipient's conflict of interest policy (or letter indicating that the subrecipient does not have one); and
- The subrecipient's whistleblower policy (or letter indicating that the subrecipient does not have one).

Subgrant Application Forms A, B, and C are available on LSC's Web site at *http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant.*

LSC encourages applicants to use LSC's Subgrant Agreement Form (Form A) as a model subgrant agreement. If the applicant does not use LSC's Subgrant Agreement Form, the proposed agreement must include, at a minimum, the substance of the provisions of that form. LSC recommends that applicants pay careful attention to the terms included in, and instructions on, the Subgrant Agreement Form. Several of the terms have been modified from previous years and new terms have been added. LSC subgrant agreements effective after June 1, 2017 must reflect those modifications.

Once submitted, LSC will evaluate the application and provide applicants with instructions on any needed modifications to the information, documents, or Draft Agreement provided with the application. The applicant must then upload a final and signed subgrant agreement through LSC Grants by the timeframes referenced above. This can be done by selecting ''Upload Signed Agreement'' to the right of the application ''Status'' under the ''Subgrant'' heading on an applicant's LSC Grants home page.

As required by 45 CFR 1627.4(b)(1)(ii), LSC will inform applicants of its decision to disapprove or approve the subgrant no later than the date LSC informs applicants of LSC's 2018 Basic Field Grant funding decisions.

Stefanie K. Davis,

Assistant General Counsel.

[FR Doc. 2017–07891 Filed 4–18–17; 8:45 am]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Notice to LSC Grantees of Application Process for Subgranting 2017 Midyear Basic Field Grant Funds

AGENCY: Legal Services Corporation.

ACTION: Notice of application dates and format for 2017 Basic Field Grant midyear subgrant applications.

SUMMARY: The Legal Services Corporation (LSC) is the national organization charged with administering Federal funds provided for civil legal services to low-income people. LSC hereby announces the submission dates for applications for subgrants of Basic Field Grant funds starting after June 1, 2017 but before January 1, 2018. LSC is also providing information about where applicants may locate subgrant application forms and directions for providing the information required to apply for a subgrant.

DATES: See **SUPPLEMENTARY INFORMATION** section for application dates.

ADDRESSES: Legal Services Corporation—Office of Compliance and Enforcement, 3333 K Street NW., Third Floor, Washington, DC 20007–3522.

FOR FURTHER INFORMATION CONTACT: Office of Compliance and Enforcement by email at *subgrants@lsc.gov,* or visit the LSC Web site at *http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant.*

SUPPLEMENTARY INFORMATION: LSC revised its subgrant rule, 45 CFR part 1627, effective April 1, 2017. The revised rule requires LSC to publish, on an annual basis, ''notice of the requirements concerning the format and contents of the application annually in the **Federal Register** and on its Web site.'' 45 CFR 1627.4(b). This Notice and the publication of the Subgrant

Application Forms on LSC's Web site satisfies § 1627.4(b)'s notice requirement for the Basic Field Grant program. Only current or prospective LSC grantees may apply. Notices regarding the subgrant application processes for subgranting 2018 LSC funds will be forthcoming.

Applications for subgrants of 2017 Basic Field Grant funds with starting dates between June 1, 2017 and January 1, 2018, must be submitted at least 45 days in advance of the proposed effective date. 45 CFR 1627.4(b)(3).

Subgrant applications must be submitted through LSC Grants at *https://lscgrants.lsc.gov.* Applicants may access the application under the ''Subgrants'' heading on their LSC Grants home page. Applicants may initiate an application by selecting ''Initiate Subgrant Application.'' Applicants must then provide the information requested in the LSC Grants data fields, located in the Subrecipient Profile, Subgrant Summary, and Subrecipient Budget screens, and upload the following documents:

- A draft Subgrant Agreement (with the required terms provided in Subgrant Application Form A);
- Subgrant Inquiry Form B (for new subgrants) or C (for renewal subgrants);
- The subrecipient's accounting manual (or letter indicating that the subrecipient does not have one and why);
- The subrecipient's most recent audited financial statement (or letter indicating that the subrecipient does not have one and why);
- The subrecipient's most recent Form 990 filed with the IRS (or letter indicating that the subrecipient does not have one and why);
- The subrecipient's current fidelity bond coverage (or letter indicating that the subrecipient does not have one);
- The subrecipient's conflict of interest policy (or letter indicating that the subrecipient does not have one); and
- The subrecipient's whistleblower policy (or letter indicating that the subrecipient does not have one).

Subgrant Application Forms A, B, and C are available on LSC's Web site at *http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant.*

LSC encourages applicants to use LSC's Subgrant Agreement Form as a model subgrant agreement. If the applicant does not use LSC's Subgrant Agreement Form, the proposed agreement must include, at a minimum, the substance of the provisions in that form. LSC recommends that applicants pay careful attention to the terms included in, and instructions on, the Subgrant Agreement Form. Several of the terms have been modified from previous years and new terms have been added. LSC subgrant agreements effective after June 1, 2017 must reflect those modifications.

Once submitted, LSC will evaluate the application and provide applicants with instructions on any needed modifications to the information, documents, or Draft Agreement provided with the application. The applicant must then upload a final and signed subgrant agreement through LSC Grants. This can be done by selecting ''Upload Signed Agreement'' to the right of the application ''Status'' under the ''Subgrant'' heading on an applicant's LSC Grants home page.

As required by 45 CFR 1627.4(b)(3), LSC will inform applicants of its decision to disapprove, approve, or request modifications to the subgrant by no later than the subgrant's proposed effective date.

Stefanie K. Davis,

Assistant General Counsel.

[FR Doc. 2017–07890 Filed 4–18–17; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL SCIENCE FOUNDATION

Committee Management; Renewal

The NSF management officials having responsibility for the advisory committee listed below has determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee: Advisory Committee for International Science and Engineering, #25104.

Effective date for renewal is April 14, 2017. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

Dated: April 14, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–07887 Filed 4–18–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–9083; ASLBP No. 17–952–01–MLA–BD01]

U.S. Army Installation Command; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission, *see* 37 FR 28710 (Dec. 29, 1972), and the Commission's regulations, *see, e.g.,* 10 CFR 2.104, 2.105, 2.300, 2.309, 2.313, 2.318, 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

U.S. Army Installation Command

(Source Materials License No. SUC–1593, Amendment 2, Davy Crockett Depleted Uranium at Various United States Army Installations)

This proceeding involves an amendment application by the U.S. Army Installation Command related to Army Source Materials License No. SUC–1593, Amendment 2, Davy Crockett Depleted Uranium at various United States Army sites. In response to a notice filed in the **Federal Register**, *see* 82 FR 10031 (Feb. 9, 2017), the following petitioners filed hearing requests: (1) Cory (Martha) Harden; (2) James Albertini; (3) Hawane Rios; and (4) Ruth Aloua.

The Board is comprised of the following Administrative Judges:

William J. Froehlich, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dr. Gary S. Arnold, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dr. Sue H. Abreu, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule. *See* 10 CFR 2.301.

Dated: April 13, 2017.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel, Rockville, Maryland.

[FR Doc. 2017–07892 Filed 4–18–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–482; License No. NPF–42; NRC–2016–0234]

In the Matter of Wolf Creek Nuclear Operating Corporation: Wolf Creek Generating Station, Unit 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Indirect transfer of license; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an order approving indirect license transfer of control of Renewed Facility Operating License No. NPF–42 for the Wolf Creek Generating Station (WCGS). The indirect transfer of control will result from the proposed merger of Great Plains Energy Incorporated (Great Plains) and Westar Energy, Inc. (Westar) pursuant to the terms of the merger agreement, with Westar merging and becoming a subsidiary of Great Plains. Wolf Creek Nuclear Operating Corporation will continue to be the operator of WCGS.

DATES: The Order was issued on April 7, 2017, and is effective for one year.

ADDRESSES: Please refer to Docket ID NRC–2016–0234 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0234. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The order was issued to the licensee in a letter dated April 7, 2017, and it is available in ADAMS under Accession No. ML17037D120).
- 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: Balwant K. Singal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–3016, email: *Balwant.Singal@nrc.gov*.

SUPPLEMENTARY INFORMATION: The text of the order is attached.

Dated at Rockville, Maryland, this 11th day of April 2017.

For the Nuclear Regulatory Commission.

Balwant K. Singal,

Senior Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Order Approving Indirect Transfer of License

United States of America

Nuclear Regulatory Commission

In the Matter of Wolf Creek Nuclear Operating Corporation; Wolf Creek Generating Station, Unit 1 Dockets No. 50–482 License No. NPF–42 Order Approving Indirect Transfer of License

I.

Wolf Creek Nuclear Operating Corporation (WCNOC) is the holder of the Renewed Facility Operating License (FOL) No. NPF–42 for the Wolf Creek Generating Station, Unit 1 (WCGS) authorized to possess, use, and operate WCGS. WCGS is located in Coffey County, Kansas.

II.

Pursuant to Section 184 of the Atomic Energy Act of 1954, as amended (AEA), and Title 10 of the *Code of Federal Regulations* (10 CFR) 50.80, ''Transfer of licenses,'' WCNOC requested consent from the U.S. Nuclear Regulatory Commission (NRC) to the indirect transfer of control of Renewed FOL No. NPF–42 for the WCGS by application dated July 22, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16208A250).

WCNOC is the licensed operator of WCGS and Kansas City Power & Light Company (KCP&L), Kansas Gas and Electric Company (KG&E), and Kansas Electric Power Cooperative, Inc. (KEPCO) are the three non-operating owner licensees. KCP&L and KG&E each hold a 47 percent undivided interest in WCGS and 47 percent of the stock of WCNOC and KEPCO holds the remaining 6 percent interest. KCP&L is a subsidiary of Great Plains Energy Incorporated (Great Plains) and KG&E is a subsidiary of Westar Energy, Inc. (Westar). The indirect transfer of control will result from the proposed merger of Great Plains and Westar with Westar becoming a wholly-owned subsidiary of Great Plains. KCP&L and KG&E will each continue to hold their respective 47 percent interests in WCNOC and WCGS. KCP&L and KG&E will continue to operate as separate electric utilities responsible for their pro rata shares of the costs of operating WCGS and entitled to their pro rata shares of the capacity, energy, and other energy products produced by WCGS. Great Plains will indirectly own a combined interest in WCGS of 94 percent. The remaining 6 percent ownership interest will continue to be held by KEPCO. WCNOC will continue to be the operator of WCGS with the same management team as in effect prior to the consummation of the proposed merger.

In response to the submission of the indirect license transfer application, the NRC published in the **Federal Register** a notice entitled, ''Wolf Creek Generating Station; Consideration of Approval of Transfer of License,'' on November 17, 2016 (81 FR 81176). In a letter dated December 13, 2016 (ADAMS Accession No. ML17079A255), KEPCO submitted a public comment in response to this notice, which stated, in part, that:

> The purpose of this letter is to clarify statements in the Request [by WCNOC for NRC consent to the indirect transfer] about KEPCO's ownership interest and to make clear that the Request was not filed on behalf of all the owners of [WCNOC and WCGS].
>
> . . . While KEPCO would continue to own 6% of [WCGS] and WCNOC, WCNOC's assertion that KEPCO's ownership interests would be unaffected is inaccurate. The nature of KEPCO's ownership interest is more than the simple percentage; it was negotiated as part of an overall structure where none of the three owners commanded the majority necessary to unilaterally make important decisions. KEPCO's 6% interest as it currently exists provides KEPCO with substantial influence over the financial and strategic planning for and the oversight of [WCGS] and WCNOC. By contrast, in the post-merger world one company would own 94% of [WCGS] and WCNOC through its affiliated subsidiaries, which would undoubtedly affect how the two previously independent owners would manage their interests in and control of [WCGS] (and WCNOC).

The NRC staff reviewed KEPCO's letter as part of its review of the WCNOC request for consent to the proposed indirect license transfer. The

staff notes that, in its application, WCNOC stated that:

> The remaining 6.0% ownership interest in WCGS held by [KEPCO] is unaffected by the Merger.

The proposed merger will result in one entity, Great Plains, indirectly owning a combined interest in WCGS of 94 percent, as opposed to two entities, Great Plains and Westar, each indirectly owning a 47 percent interest in WCGS. This does not affect the fact that, in either case, KEPCO indirectly owns a 6 percent interest in WCGS. Whether, as provided by KEPCO, the proposed merger will decrease KEPCO's influence over the financial and strategic planning for WCGS is not relevant to the NRC's review of the proposed indirect license transfer application under AEA Section 184 and 10 CFR 50.80. The NRC's authority with respect to license transfer applications is limited to evaluating financial qualification, decommissioning funding assurance, management and technical support organization, operating organization, foreign ownership, control, or domination, and nuclear insurance and indemnity issues as they relate to the public health and safety and the common defense and security. The relevant NRC regulatory requirements do not apply to strategic business or other corporate decisions and considerations. Accordingly, the NRC staff concludes that the concerns identified by KEPCO do not impact its conclusion regarding the proposed indirect license transfer application.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, either directly or indirectly, through transfer of control of the license, unless the NRC gives its consent in writing. Upon review of the information in the application, and other information before the Commission, the NRC staff has determined that WCNOC is qualified to hold the license following the proposed merger of Great Plains and Westar with Westar becoming a wholly-owned subsidiary of Great Plains. The NRC staff has also determined that the proposed indirect license transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The findings set forth above are supported by an NRC safety evaluation dated April 7, 2017, and available under ADAMS Accession No. ML17037D120.

III.

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), and 2234; and 10 CFR 50.80, IT IS HEREBY ORDERED that the application regarding the proposed indirect license transfer is approved.

IT IS FURTHER ORDERED that, after receipt of all required regulatory approvals of the proposed indirect license transfer, WCNOC shall inform the Director of the Office of Nuclear Reactor Regulation in writing of such receipt, and of the date of closing of the transfer, no later than 5 business days prior to the date of the closing of the indirect license transfer. Should the proposed indirect license transfer not be completed within 1 year of this Order's date of issuance, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the application dated July 22, 2016 (ADAMS Accession No. ML16208A250), and the NRC Safety Evaluation dated April 7, 2017 (ADAMS Accession No. ML17037D120), which are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by email to *pdr.resource@nrc.gov*.

Dated at Rockville, Maryland this 7th day of April 2017.

For the Nuclear Regulatory Commission,

Mary Jane Ross-Lee,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–07894 Filed 4–18–17; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80450; File No. SR–LCH SA–2017–003]

Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change Relating to Recovery Risk Margin

April 13, 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 April 4, 2017, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared primarily by LCH SA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

LCH SA is proposing to revise its margin methodology with respect to credit default swaps (''CDS'') in the Reference Guide: CDS Margin Framework. The proposed rule change will (i) eliminate the recovery rate risk charge as a component of the margin methodology as it applies to index CDS (ii) correct a hyperlink and add a cross reference and hyperlink to the general inputs considered by LCH SA in constructing the CDS pricing for European and US dollar denominated contracts.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA 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. LCH SA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to revise LCH SA's margin methodology to eliminate the recovery rate risk charge as a component of its margin methodology for index CDS.

Currently, LCH SA applies a recovery rate risk charge to both single-name CDS and index CDS in a Clearing Member's portfolio. LCH SA considers recovery rate a risk factor affecting the market value of a CDS contract, in addition to the credit spread as the primary risk factor, and imposes a recovery rate risk charge as an add-on component of margin to address the adverse effect of the recovery rate change on the profits and losses of a Clearing Member's portfolio in the event of the recovery rate moving in the most adverse direction for each CDS instrument in the portfolio. However, while the recovery rate for a single-name CDS instrument may vary from day to day, the concept of ''recovery rate'' does not exist for index CDS. In fact, market convention is to assume a pre-defined recovery rate for pricing an index CDS, such as a CDS on iTraxx indices. Therefore, the credit spread of an index CDS already reflects both the probabilities of default and recovery rate. Since the recovery rate risk charge is designed to capture the worst adverse effect of the recovery rate moving in the most adverse direction, applying the recovery rate risk charge to the index CDS contracts cleared by LCH SA would be trying to capture a stress loss incurred in a Clearing Member's portfolio should the pre-defined recovery rate for these index CDS change, which is not consistent with market convention in normal market conditions. Therefore, LCH SA believes that recovery rate risk is a superfluous concept for index CDS and is proposing to limit the application of the recovery rate risk charge to single-name CDS.

Text is added to the beginning of Section 6 of ''Reference Guide: CDS Margin Framework'' to explain the reason for including the Recovery Rate Risk charge as a component of the margin, in addition to the spread risk considered in the VaR calculation. An additional paragraph is added and conforming changes are made to limit the application of the Recovery Rate Risk charge to single-name CDS.

In addition, LCH is also proposing to correct a hyperlink and add a cross reference and hyperlink to the general inputs considered by LCH SA in constructing the CDS pricing for European and US dollar denominated contracts in Section 2.2 of ''Reference Guide: CDS Margin Framework''. The purpose of these changes is to enhance readability and clarity of the Reference Guide: CDS Margin Framework.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of a clearing agency be designed to assure safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[3] LCH SA believes that limiting the application of the Recovery Rate Risk charge to single-name CDS would sufficiently capture the stress loss that would result in the event that recovery rates change in the most adverse direction for each instrument in a Clearing Member's portfolio. Since the recovery rate is set at pre-defined levels with respect to index CDS, the proposed rule change would better align LCH SA's margin methodology with the way recovery rate movements affect the CDS market value in reality. LCH SA expects deviations from the market convention with respect to the pre-defined recovery rates for index CDS only in extreme market conditions, which would be captured by LCH SA's stress scenarios used to size the Default Fund. Therefore, LCH SA believes that the proposed rule change is consistent with the requirement of safeguarding securities and funds in Section 17(A)(b)(3)(F) [*sic*] of the Act and the requirements of maintaining margin and limiting a clearing agency's exposures to potential losses from participants' defaults under normal market conditions in Rule 17Ad–22(b)(1) and (2).[4]

Moreover, LCH SA also believes that the proposed rule change is consistent with the requirements in Rule 17Ad–22(e)(6).[5] Rule 17Ad–22(e)(6) requires a covered clearing agency that provides central counterparty services to cover its credit exposures to its participants by establishing a risk-based margin system that, among other things, calculates margin sufficient to cover its potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default and uses an appropriate method for measuring credit exposure that accounts for relevant product risk factors and portfolio effects across products.[6] The margin framework takes into account appropriate risk factors that would affect the market value of a CDS contract, including credit spread and recovery rate risk, and calculates margin to include, among other things, spread margin and recovery rate risk charge to ensure sufficient coverage of its potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default. As stated above, the proposed rule change to limit the application of the recovery rate risk charge to single-name CDS would better align LCH SA's margin methodology with the way recovery rate movements affect the CDS market value in reality and would improve LCH SA's margin methodology for measuring credit exposure that accounts for relevant product risk factors. Therefore, LCH SA believes that the proposed rule change is consistent with Rule 17Ad–22(e)(6)(iii) and (v).[7]

Finally, Rule 17Ad–22(e)(1) provides that a covered clearing agency shall establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdiction.[8] LCH SA believes that the proposed modifications made to Section 2.2 of ''Reference Guide: CDS Margin Framework'' will correct an error and provide additional cross-reference regarding the general inputs considered by LCH SA in constructing CDS pricing for European and US dollar denominated contracts, and therefore, will improve the clarity of the Reference Guide and enable the Reference Guide to provide a clear margin framework, consistent with Rule 17Ad–22(e)(1).

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[9] LCH SA does not believe the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. While the proposed rule change may result in various margin changes among the participants, the revisions to the margin methodology will uniformly apply across all participants. In addition, as stated above, the proposed rule change is consistent with the applicable requirements of the Act and

[3] 15 U.S.C. 78q–1(b)(3)(F).

[4] 17 CFR 240.17Ad–22(b)(1) and (2).

[5] 17 CFR 240.17Ad–22(e)(6).

[6] 17 CFR 240.17Ad–22(e)(6)(iii) and (v).

[7] 17 CFR 240.17Ad–22(e)(6)(iii) and (v).

[8] 17 CFR 240.17Ad–22(e)(1).

[9] 15 U.S.C. 78q–1(b)(3)(I).

is appropriate in order to better align LCH SA's margin methodology to the way recovery rate movements affect the CDS market value in reality. Therefore, LCH SA does not believe that the proposed rule change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. LCH SA will notify the Commission of any written comments received by LCH SA.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–LCH SA–2017–003 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–LCH SA–2017–003. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of LCH SA and on LCH SA's Web site at *http://www.lch.com/asset-classes/cdsclear.* 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–LCH SA–2017–003 and should be submitted on or before May 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Brent J. Fields,

Secretary.

[FR Doc. 2017–07872 Filed 4–18–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80447; File No. SR–BatsBYX–2017–06]

Self-Regulatory Organizations; Bats BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees

April 13, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 31, 2017, Bats BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-members of the Exchange pursuant to BYX Rules 15.1(a) and (c).

The text of the proposed rule change is available at the Exchange's Web site at *www.bats.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule to: (i) Adopt fee code PL; and (ii) modify its description of fee code PX. The Exchange recently implemented a new midpoint routing strategy known as RMPL,[6] under which a MidPoint Peg Order[7] first checks the

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] *See* Securities Exchange Act Release No. 79603 (December 19, 2016), 81 FR 94440 (December 23, 2016) (SR–BatsBYX–2016–41) (''RMPL Filing'').

[7] In sum, a MidPoint Peg Order is a non-displayed Market Order or Limit Order with an instruction to execute at the midpoint of the NBBO, or, alternatively, pegged to the less aggressive of the midpoint of the NBBO or one minimum price variation inside the same side of the NBBO as the order. *See* Exchange Rule 11.9(c)(9).

System [8] for available shares and routes any remaining shares to destinations on the System routing table [9] that support midpoint eligible orders. If any shares remain unexecuted after routing, they are posted on the BYX Book [10] as MidPoint Peg Orders, unless otherwise instructed by the User.[11] As a result of this additional functionality, the Exchange proposes to amend its fee schedule to adopt fees which would apply to orders routed pursuant to the RMPL routing strategy.

Fee Code PL. The Exchange proposes [sic] adopt fee code PL, which would apply to orders routed to Bats BZX Exchange, Inc. (''BZX''), Bats EDGX Exchange, Inc. (''EDGX''), the New York Stock Exchange, Inc. (''NYSE''), NYSE Arca, Inc. (''NYSE Arca''), or Nasdaq Stock Market LLC (''Nasdaq'') using a RMPL routing strategy. Orders that yield fee code PL would be charged a fee of $0.0030 per share in securities priced at or above $1.00 and 0.29% of the trade's total dollar value in securities priced below $1.00.[12]

Fee Code PX. Currently, fee code PX only applies to orders routed using a RMPT routing strategy. Orders that yield fee code PX are assessed a fee of $0.0012 per share in securities priced at or above $1.00 and 0.29% of the trade's total dollar value in securities priced below $1.00. The RMPT routing strategy operates similarly to RMPL in that under both Mid-Point Peg Orders check the System for available shares and any remaining shares are then sent to destinations on the System routing table that support midpoint eligible orders. If any shares remain unexecuted after routing, they are posted on the BYX Book as a Mid-Point Peg Order, unless otherwise instructed by the User. While RMPL and RMPT operate in an identical manner, the trading venues that each routing strategy routes to and the order in which it routes them differ. The Exchange now proposes [sic] modify the application of fee code PX not only [sic] apply to RMPT, but to also apply RMPL. However, fee code PX would only apply to orders routed to destinations not covered by fee code PL using the RMPL routing strategy, as set forth above. The Exchange does not propose to modify the fee associated with fee code PX.

Implementation Date

The Exchange proposes to implement the above changes to its fee schedule on April 3, 2017.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[13] in general, and furthers the objectives of Section 6(b)(4),[14] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange believes the proposed fees under fee codes PL and PX for orders routed using the options RMPL routing strategy represents an equitable allocation of reasonable dues, fees, and other charges. The proposed change would enable the Exchange to charge a rate reasonably related to the rate that Bats Trading, Inc. (''Bats Trading''), the Exchange's affiliated routing broker-dealer, would be charged for routing orders to destinations described in fee codes PL and PX when it does not qualify for a volume tier reduced fee. As a result, when Bats Trading is charged a fee when it routes an order which removes liquidity from a destination described in fee codes PL and PX.[15] Bats Trading will pass through these rates to the Exchange and the Exchange, in turn, will charge the rates under fee codes PL or PX, as applicable. The proposed fee under fee codes PL and PX for orders routed pursuant to the RMPL routing strategy would enable the Exchange to equitably allocate its costs among all Members.

The Exchange notes that routing through Bats Trading is voluntary. Members seeking to [sic] midpoint eligible route orders to BZX, EDGX, NYSE, NYSE Arca, Nasdaq, or to any other destination covered by the RMPL routing strategy may connect to those destinations directly and be charged the fee or provided the rebate from that destination. The Exchange further believes that this pricing structure is non-discriminatory, as it applies equally to all Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that this change represents a significant departure from previous pricing offered by the Exchange or from pricing offered by the Exchange's competitors. The proposed rates would apply uniformly to all Members, and Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets. The Exchange believes that its proposal to fees would increase intermarket competition by offering customers an alternative means to route to destinations covered by fee codes PL and PX. As stated above, routing through Bats Trading is voluntary and Members may utilize other avenues to route orders to destinations covered by fee codes PL and PX, such as connecting to those destinations directly. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value or if they view the fees as excessive. Further, excessive fees would serve to impair an exchange's ability to compete for order flow and members rather than burdening competition. The Exchange believes that its proposal would not burden intramarket competition because the proposed rate would apply uniformly to all Members.

[8] The term ''System'' is defined as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.'' *See* Exchange Rule 1.5(aa).

[9] The term ''System routing table'' refers to the proprietary process for determining the specific trading venues to which the System routes orders and the order in which it routes them. *See* Exchange 11.13(b)(3). While the process for determining the specific trading venues to which orders are routed is proprietary, the Exchange publicly discloses the trading venues associated with each routing strategy via its Web site at *http://cdn.batstrading.com/resources/features/bats_exchange_routing-strategies.pdf.*

[10] The term ''BYX Book'' is defined as the ''System's electronic file of orders.'' *See* Exchange Rule 1.5(e).

[11] The term ''User'' is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(cc).

[12] Pursuant to footnote 8, the Exchange charges 0.29% of the transactions total dollar value in securities priced below $1.00 that are routed using the following routing strategies: Parallel D, Parallel 2D, ROUT, ROUX, Post to Away, *RMPL,* and RMPT routed executions. The Exchange proposes to modify footnote 8 to include RMPL and to append footnote 8 to fee code PL.

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4).

[15] For example, Nasdaq, NYSE, NYSE Arca, BZX, and EDGX charge a fee of $0.0030 per share for orders that remove midpoint liquidity. *See* Nasdaq's fee schedule *available at http://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2;* NYSE's price list *available at https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf;* NYSE Arca's price list *available at https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf;* BZX's fee schedule *available at http://www.bats.com/us/equities/membership/fee_schedule/bzx/;* and EDGX's fee schedule *available at http://www.bats.com/us/equities/membership/fee_schedule/edgx/.*

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [16] and paragraph (f) of Rule 19b–4 thereunder.[17] 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–BatsBYX–2017–06 on the subject line.

Paper Comments

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

All submissions should refer to File No. SR–BatsBYX–2017–06. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BatsBYX–2017–06, and should be submitted on or before May 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Brent J. Fields,

Secretary.

[FR Doc. 2017–07868 Filed 4–18–17; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80457; File No. SR–NYSEArca–2017–33]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1 Thereto, To List and Trade Shares of the Euro Gold Trust, Pound Gold Trust, and the Yen Gold Trust Under NYSE Arca Equities Rule 8.201

April 13, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 31, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. On April 12, 2017, the Exchange filed Amendment No. 1 to the proposal, which amended and replaced the proposed rule change in its entirety. The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the Euro Gold Trust, Pound Gold Trust, and the Yen Gold Trust under NYSE Arca Equities Rule 8.201. The proposed change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the Euro Gold Trust, Pound Gold Trust, and the Yen Gold Trust (each a ''Fund'' and, collectively, the ''Funds''), which are series of the World Currency Gold Trust (''Trust''), under NYSE Arca Equities Rule 8.201.[4] Under NYSE Arca Equities Rule 8.201, the Exchange may propose to list and/or trade pursuant to unlisted trading privileges (''UTP'') ''Commodity-Based Trust Shares.'' [5]

The Funds will not be registered investment companies under the Investment Company Act of 1940 [6] and are not required to register under such act.

The Sponsor of the Funds and the Trust will be WGC USA Asset

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] On March 30, 2017, the Trust filed with the Commission its initial registration statement on Form S–1 under the Securities Act of 1933 (''1933 Act'') relating to the Funds (File No. 333–217041) (''Registration Statement''). The description of the operation of the Trust and the Funds herein is based, in part, on the Registration Statement.

[5] Commodity-Based Trust Shares are securities issued by a trust that represent investors' discrete identifiable and undivided beneficial ownership interest in the commodities deposited into the Trust.

[6] 15 U.S.C. 80a–1.

Management Company, LLC (the ''Sponsor'').[7] BNY Mellon Asset Servicing, a division of The Bank of New York Mellon (''BNYM''), will be the Funds' administrator (''Administrator'') and transfer agent (''Transfer Agent'') and will not be affiliated with the Trust, the Funds or the Sponsor. BNYM will also serve as the custodian of the Funds' cash, if any. HSBC Bank plc will be the custodian (the ''Custodian'') of the Funds' gold.

The Commission has previously approved listing on the Exchange under NYSE Arca Equities Rules 5.2(j)(5) and 8.201 of other precious metals and gold-based commodity trusts, including the Merk Gold Trust; [8] ETFS Gold Trust,[9] ETFS Platinum Trust [10] and ETFS Palladium Trust (collectively, the ''ETFS Trusts''); [11]APMEX Physical-1 oz. Gold Redeemable Trust; [12] Sprott Gold Trust; [13] SPDR Gold Trust (formerly, streetTRACKS Gold Trust); iShares Silver Trust; [14] iShares COMEX Gold Trust; [15] and Long Dollar Gold Trust.[16] Prior to their listing on the Exchange, the Commission approved listing of the streetTRACKS Gold Trust on the New York Stock Exchange (''NYSE'') [17] and listing of iShares COMEX Gold Trust and iShares Silver Trust on the American Stock Exchange LLC.[18] In addition, the Commission has approved trading of the streetTRACKS Gold Trust and iShares Silver Trust on the Exchange pursuant to UTP.[19]

The Euro Gold Trust will be designed to track the performance of the Solactive GLD® EUR Gold Index, less the expenses of the Fund's operations. The Solactive GLD® EUR Gold Index seeks to track the daily performance of a long position in physical gold (as represented by the ''Gold Price'', as defined below) and a short position in the Euro (*i.e.,* a long U.S. dollar (''USD'') exposure versus the Euro).

The Pound Gold Trust will be designed to track the performance of the Solactive GLD® GBP Gold Index, less the expenses of the Fund's operations. The Solactive GLD® GBP Gold Index seeks to track the daily performance of a long position in physical gold (as represented by the Gold Price) and a short position in the British Pound Sterling (*i.e.,* a long USD exposure versus the British Pound Sterling).

The Yen Gold Trust will be designed to track the performance of the Solactive GLD® JPY Gold Index, less the expenses of the Fund's operations. The Solactive GLD® JPY Gold Index seeks to track the daily performance of a long position in physical gold (as represented by the Gold Price) and a short position in the Japanese Yen (*i.e.,* a long USD exposure versus the Japanese Yen). The Japanese Yen, the Euro and the British Pound Sterling are referred to collectively herein as the ''Reference Currencies''. Each of the Solactive GLD® EUR Gold Index, Solactive GLD® GBP Gold Index, and Solactive GLD® JPY Gold Index are referred to herein as an ''Index'' and, collectively, as the ''Indexes''.

Operation of the Funds

According to the Registration Statement, each Fund will be a passive investment vehicle and will be designed to track the performance of its Index regardless of: (i) The price of gold or the corresponding Reference Currency; (ii) market conditions; and (iii) whether the Index is increasing or decreasing in value. Each Fund's holdings generally will consist entirely of ''Gold Bullion''.[20] Substantially all of the Funds' Gold Bullion holdings are delivered by ''Authorized Participants'' (as described below) in exchange for Fund Shares. The Funds will not hold their respective Reference Currencies. The Funds generally will not hold USDs (except from time to time in very limited amounts to pay Fund expenses). The Funds' Gold Bullion holdings are not managed and the Funds do not have any investment discretion.

Each Fund's net asset value (''NAV'') will go up or down each Business Day [21] based primarily on two factors. The first is the change in the price of gold measured in USDs from the prior Business Day. This drives the value of the Fund's Gold Bullion holdings measured in USDs up (as gold prices increase) or down (as gold prices fall). The second is the change in the value of the Fund's corresponding Reference Currency against the USD from the prior Business Day. This drives the value of the Fund's Gold Bullion holdings measured in the Reference Currency up (when the value of the USD against the Reference Currency increases) or down (when the value of the USD against the Reference Currency declines). The value of gold and the Reference Currencies are based on publicly available, transparent prices—for gold, the LBMA Gold Price AM; for currencies, the WMR Fix.[22]

Because each Fund generally holds only Gold Bullion (and not USDs or its Reference Currency), the actual economic impact of changes in the value of the Fund's Reference Currency against the USD from day to day can be reflected in the Fund only by moving an amount of Gold Bullion ounces of equivalent value into or out of the Fund on a daily basis. Therefore, each Fund will seek to track the performance of its Index by entering into a daily

[7] The Trust will be a Delaware statutory trust consisting of multiple series, each of which will issue common units of beneficial interest, which represent units of fractional undivided beneficial interest in and ownership of such series. The term of the Trust and each series will be perpetual (unless terminated earlier in certain circumstances). The sole trustee of the Trust will be Delaware Trust Company (''Trustee'').

[8] Securities Exchange Act Release No. 71378 (January 23, 2014), 79 FR 4786 (January 29, 2014) (SR–NYSEArca–2013–137).

[9] Securities Exchange Act Release No. 59895 (May 8, 2009), 74 FR 22993 (May 15, 2009) (SR–NYSEArca–2009–40).

[10] Securities Exchange Act Release No. 61219 (December 22, 2009), 74 FR 68886 (December 29, 2009) (SR–NYSEArca–2009–95).

[11] Securities Exchange Act Release No. 61220 (December 22, 2009), 74 FR 68895 (December 29, 2009) (SR–NYSEArca–2009–94).

[12] Securities Exchange Act Release No. 66930 (May 7, 2012), 77 FR 27817 (May 11, 2012) (SR–NYSEArca–2012–18).

[13] Securities Exchange Act Release No. 61496 (February 4, 2010), 75 FR 6758 (February 10, 2010) (SR–NYSEArca–2009–113).

[14] *See* Securities Exchange Act Release No. 58956 (November 14, 2008), 73 FR 71074 (November 24, 2008) (SR–NYSEArca–2008–124) (approving listing on the Exchange of the iShares Silver Trust).

[15] *See* Securities Exchange Act Release No. 56224 (August 8, 2007), 72 FR 45850 (August 15, 2007) (SR–NYSEArca–2007–76) (approving listing on the Exchange of the streetTRACKS Gold Trust); Securities Exchange Act Release No. 56041 (July 11, 2007), 72 FR 39114 (July 17, 2007) (SR–NYSEArca–2007–43) (order approving listing on the Exchange of iShares COMEX Gold Trust).

[16] *See* Securities Exchange Act Release No. 79518 (December 9, 2016), 81 FR 90876 (December 15, 2016) (SR–NYSEArca–2016–84) (order approving listing and trading of shares of the Long Dollar Gold Trust).

[17] *See* Securities Exchange Act Release No. 50603 (October 28, 2004), 69 FR 64614 (November 5, 2004) (SR–NYSE–2004–22) (order approving listing of streetTRACKS Gold Trust on NYSE).

[18] *See* Securities Exchange Act Release Nos. 51058 (January 19, 2005), 70 FR 3749 (January 26, 2005) (SR–Amex–2004–38) (order approving listing of iShares COMEX Gold Trust on the American Stock Exchange LLC); 53521 (March 20, 2006), 71 FR 14967 (March 24, 2006) (SR–Amex–2005–72) (approving listing on the American Stock Exchange LLC of the iShares Silver Trust).

[19] *See* Securities Exchange Act Release Nos. 53520 (March 20, 2006), 71 FR 14977 (March 24, 2006) (SR–PCX–2005–117) (approving trading on the Exchange pursuant to UTP of the iShares Silver Trust); 51245 (February 23, 2005), 70 FR 10731 (March 4, 2005) (SR–PCX–2004–117) (approving trading on the Exchange of the streetTRACKS Gold Trust pursuant to UTP).

[20] Gold Bullion means (a) gold meeting the requirements of ''London Good Delivery Standards'' or (b) credit to an ''Unallocated Account'' representing the right to receive Gold Bullion meeting the requirements of London Good Delivery Standards. London Good Delivery Standards are the specifications for weight dimensions, fineness (or purity), identifying marks and appearance set forth in ''The Good Delivery Rules for Gold and Silver Bars'' published by the London Bullion Markets Association (''LBMA'').

[21] A Business Day with respect to the Funds is any day the Exchange is open for business.

[22] The WMR Fix is the World Markets Company plc foreign exchange benchmark rate.

transaction with the ''Gold Delivery Provider'' as described herein.

As with the Indexes, Fund Shares are intended to increase in value when the price of the Gold Bullion held by a Fund increases (as measured by the Gold Price) and/or when the price of the USD increases against the value of the Fund's corresponding Reference Currency. Fund Shares are intended to decrease in value when the price of the Gold Bullion held by a Fund decreases (as measured by the Gold Price) and/or when the price of the USD declines against the value of the Fund's corresponding Reference Currency. The net impact of these changes determines the value of each Fund on a daily basis. Although investors will purchase Shares of the Funds in USD, each Fund is designed to provide investors with the economic effect of holding gold in terms of the Fund's corresponding Reference Currency, rather than the USD.

Description of the Indexes

Each Index is maintained and calculated by Solactive AG, the Index Provider. The description of the strategy and methodology underlying each Index is based on rules published by the Index Provider (the ''Index Rules'').

Each Index is described as a ''notional'' or ''synthetic'' portfolio or strategy because there is no actual portfolio of assets to which any person is entitled or in which any person has any ownership interest. Each Index references certain assets (*i.e.,* gold and one of the Reference Currencies), the performance of which will be used as a reference point for calculating the daily performance of the Index (each, an ''Index Level''). Each Index seeks to track the daily performance of a long position in physical gold and a short position in its corresponding Reference Currency relative to USDs (*i.e.,* a long USD exposure versus the corresponding Reference Currency). If the Gold Price (as defined below) increases and the corresponding Reference Currency depreciates against the USD, each Index Level is intended to increase. Conversely, if the Gold Price decreases and the corresponding Reference Currency appreciates against the USD, each Index Level is intended to decrease. In certain cases, the appreciation of the Gold Price or the depreciation of a Reference Currency may be offset by the appreciation of such Reference Currency or the depreciation of the Gold Price, as applicable. The net impact of these changes determines each Index Level on a daily basis.

Rather than viewing an Index in terms of percentage weightings of gold and the corresponding Reference Currency, it is more accurate to view the Index as being weighted 100% in gold with an overlay of the Reference Currency that essentially reflects how the gold is performing in terms of the Reference Currency. Just as the gold price in terms of U.S. dollars is not weighted partially in gold and partially in U.S. dollars, an Index is not weighted partially in gold and partially in the corresponding Reference Currency.

According to the Registration Statement, the daily price of gold generally is the primary driver of Index returns. Fluctuations in the value of each Reference Currency has historically typically accounted for less than 1% of the daily returns of the corresponding Index. Each Index values gold on a daily basis using the ''Gold Price.'' The Gold Price generally is the LBMA Gold Price AM. The ''LBMA Gold Price'' means the price per troy ounce of gold stated in USDs as set via an electronic auction process run twice daily at 10:30 a.m. and 3:00 p.m. London time each Business Day as calculated and administered by the ICE Benchmark Administration Limited (''IBA'') and published by the LBMA on its Web site. The ''LBMA Gold Price AM'' is the 10:30 a.m. LBMA Gold Price. IBA, an independent specialist benchmark administrator, provides the price platform, methodology and the overall administration and governance for the LBMA Gold Price.

According to the Registration Statement, each Index reflects the price of Gold in U.S. dollars adjusted by the price of its corresponding Reference Currency (as specified above) against the U.S. dollar. Each Index is designed to measure daily Gold Bullion returns as though an investor had invested in Gold Bullion in terms of the Reference Currency reflected in that Index. In general, each Index is intended to increase in value when the price of gold (as measured by the Gold Price) increases and/or when the value of the USD increases against the value of the corresponding Reference Currency. In general, each Index is intended to decrease in value when the price of gold (as measured by the Gold Price) decreases and/or when the value of the USD declines against the value of the corresponding Reference Currency. The net impact of these changes determines the value of each Index on a daily basis. Each Fund's Index is maintained and calculated by the Index Provider.

According to the Registration Statement, the daily price of gold in USD generally is the primary driver of Index returns. Historically, fluctuations in the price of each Reference Currency have accounted for only a small portion of Index returns. Each Index is not designed to reflect the price of spot trades in its corresponding Reference Currency (which per market convention assume delivery of the Reference Currency). Rather, each Index assumes that positions in its corresponding Reference Currency are rolled forward and not physically settled. The Index does this by approximating what would occur if spot-next trades were entered into on each ''Index Business Day'' and closed out on the next Index Business Day against spot transactions.[23] Each Index approximates the cost of entering into a spot-next trade by linearly interpolating the cost of that trade based on the WM/Reuters (''WMR'') ''SW—Spot Week (One Week)'' forward rates and a spot transaction.[24] The ''Spot Next Forward Points'' adjust the spot price to reflect the cost of rolling Reference Currency positions.

Valuation of the Reference Currency in an Index

Each Reference Currency is expressed in the corresponding Index in terms of a number of foreign currency units relative to one USD (*e.g.,* a number of Japanese Yen per one USD) or in terms of a number of USDs per one unit of the reference currency (*e.g.,* a number of USDs per one Euro). In order to reflect currency returns and for purposes of calculating each Index, each Index references the Spot Rate and Spot Next Forward Points associated with its Reference Currency.

A ''Spot Rate'' is the rate at which a Reference Currency can be exchanged for USDs on an immediate basis, subject to the applicable settlement cycle. In other words, if an investor wanted to convert USDs into Euros, the investor could enter into a spot transaction at the Spot Rate (subject to the bid/ask) and would receive Euros in a number of days, depending on the settlement cycle of that currency. Generally, the

[23] An Index Business Day is (i) any day that is a business day in New York and London, (ii) any day (other than a Saturday or Sunday) on which the LBMA is scheduled to publish the LBMA Gold Price AM, and (iii) any day (other than a Saturday or Sunday) on which WM Company is scheduled to publish prices for each Reference Currency pair.

[24] WMR provides both intraday and closing fixes for currency spot rates, forward contracts and non-deliverable forward contracts. WMR rates are widely utilized by financial institutions in evaluating global markets. Thomson Reuters Benchmark Services Limited, the administrator of the WM/Reuters spot, forward and non-deliverable foreign exchange benchmark rates, has stated that it complies with the International Organization of Securities Commissions (IOSCO) Principles for Financial Benchmarks. *See http://financial.thomsonreuters.com/content/dam/openweb/documents/pdf/financial/wm-reuters-iosco-principles-statement.pdf.*

settlement of a ''spot'' transaction is two currency business days. The following table sets forth the Reference Currencies (each of which is measured against USDs), the applicable Reuters Page for each Spot Rate referenced by the applicable Index and the market convention for quoting such currency.

Reference currency	Reuters page	Market convention for quotation
EUR/USD	USDEURFIX=WM	Number of USD per one EUR.
USD/JPY	USDJPYFIX=WM	Number of JPY per one USD.
GBP/USD	USDGBPFIX=WM	Number of USD per one GBP.

Each Index generally references the Spot Rate for its Reference Currency as of 9:00 a.m. London time, but may use different fixing times for certain reasons as described in the Index Rules.

According to the Registration Statement, the World Markets Company plc (''WM'') provides an exchange rate service that publishes Spot Rates at fixed times throughout the global trading day.[25] WM does not use a panel or polling solicitation process to obtain underlying data in the benchmark calculation process. WM uses transactional data to set ''Trade Rates,'' reflecting data from actual transactions entered into on an arm's length basis between buyers and sellers in that market, where that data is available and reflects sufficient liquidity.[26]

The Thomson Reuters Market Data System is the primary infrastructure used to source spot foreign exchange rates used in the calculation of the rates. Other systems may be used where the appropriate rates are not available on the Thomson Reuters architecture.

Over a five-minute fix period, actual trades executed and bid and offer order rates from the order matching systems are captured every second from 2 minutes 30 seconds before to 2 minutes 30 seconds after the time of the fix. From each data source, a single traded rate will be captured—this will be identified as a bid or offer depending on whether the trade is a buy or sell. A pre-defined spread set for each currency at each fix to reflect liquidity at different times of day will be applied to the Trade Rate to calculate the opposite bid or offer. All captured trades will be subjected to validation checks. This may result in some captured data being excluded from the fix calculation.

In most spot currency transactions, settlement is two currency business days after the trade date. A spot-next trade effectively extends the spot settlement cycle by one Business Day (*i.e.,* the ''next'' day) and a Spot-Next Forward Point represents the difference in price between a spot transaction and a spot-next trade. Combining a spot-next trade with a spot transaction allows for exposure to the currency without taking delivery. By entering on each Index Business Day into notional spot-next trades that are closed the next Index Business Day against spot transactions, each Index is exposed to its corresponding Reference Currency without having to take delivery of the currency. Each Index approximates the cost of entering into a spot-next trade by linearly interpolating the cost of that trade based on the WM/Reuters ''SW—Spot Week (One Week)'' forward rates and a spot transaction.

The following table sets forth the Reference Currencies (each of which is measured against USDs) and the applicable Reuters Page for each SW—Spot Week (One Week) forward rate referenced by each Index.

Reference currency	Reuters page
EUR/USD	USDEURSWFIX=WM.
USD/JPY	USDJPYSWFIX=WM.
GBP/USD	USDGBPSWFIX=WM.

Each Index references the SW—Spot Week (One Week) forward rate for its Reference Currency as of 9:00 a.m. London time.

The Index Provider will publish the Index Levels (also referred to herein as ''Index values'') as of each Index Business Day in accordance with the Index Rules. If an Index Business Day is not a Publication Day, the Index Provider will not publish the Index Levels and the Index Provider will resume publishing the Index Levels on the immediately following Publication Day, subject to the consequences of the occurrence of a Market Disruption Event or Extraordinary Event. A ''Publication Day'' is any day that (a) is an Index Business Day and (b) is not on a day on which a Market Disruption Event or Extraordinary Event has occurred or is continuing.

The Gold Delivery Agreement

Pursuant to the terms of the Gold Delivery Agreement, each Fund will enter into a transaction to deliver Gold Bullion to, or receive Gold Bullion from, the ''Gold Delivery Provider'' each Business Day''. The amount of Gold Bullion transferred essentially will be equivalent to the Fund's profit or loss as if the Fund had exchanged the corresponding Reference Currency for USDs in an amount equal to the Fund's holdings of Gold Bullion on such day. In general, if there is a currency gain (*i.e.,* the value of the USD against the corresponding Reference Currency increases), the Fund will receive Gold Bullion.[27] In general, if there is a currency loss (*i.e.,* the value of the USD against the corresponding Reference Currency decreases), the Fund will deliver Gold Bullion. In this manner, the amount of Gold Bullion held by a

[25] The Commission has previously approved for Exchange trading issues of Currency Trust Shares based on the WM/Reuters closing rate. *See, e.g.,* Securities Exchange Act Release No. 58365 (August 14, 2008), 73 FR 49522 (August 21, 2008) (SR–NYSEArca–2008–81) (notice of filing and order granting accelerated approval of proposed rule change relating to listing and trading of four CurrencyShares Trusts). The Sponsor represents that WM/Reuters utilizes the same methodology in calculating the Closing Spot Rate and the ''Spot Rate'' as defined herein. In addition, the Commission has approved for Exchange listing and trading exchange-traded products based on indexes that use the WM/Reuters Closing Spot Rate to calculate the applicable foreign currency exchange rate. *See, e.g.,* Securities Exchange Act Release Nos. 56592 (October 1, 2007), 72 FR 57364 (October 9, 2007) (SR–Amex–2007–60) (order approving proposed rule change relating to the listing and trading on the American Stock Exchange of shares of eight funds of the ProShares Trust based on MSCI international equity indexes); 55985 (June 29, 2007), 72 FR 37291 (July 9, 2007) (SR–NYSEArca–2007–47) (notice of filing and order granting accelerated approval of proposed rule change to list and trade shares of the iShares FTSE EPRA/NAREIT Asia Index Funds). *See also,* Securities Exchange Act Release Nos. 58458 (September 3, 2008), 73 FR 52717 (September 10, 2008) (SR–NYSEArca–2008–95) (notice of filing and immediate effectiveness of proposed rule change relating to a change in net asset value calculations for CurrencyShares Trusts to use the WM/Reuters Closing Spot Rate); 79518 (December 9, 2016), 81 FR 90876 (December 15, 2016) (SR–NYSEArca–2016–84) (order approving listing and trading of shares of the Long Dollar Gold Trust).

[26] The Spot Rate is calculated by WMR using observable data from arms-length transactions between buyers and sellers in the applicable currency market.

[27] The Gold Delivery Provider will not be affiliated with the Trust, the Funds, the Sponsor, the Trustee, the Administrator, the Transfer Agent, the Custodian or the Index Provider.

Fund will be adjusted to reflect the daily change in the value of the corresponding Reference Currency against the USD.[28] The Gold Delivery Agreement requires Gold Bullion ounces equal to the value of the ''Gold Delivery Amount'' to be delivered to the custody account of a Fund or the Gold Delivery Provider, as applicable. The fee that a Fund pays the Gold Delivery Provider for its services under the Gold Delivery Agreement is accrued daily and reflected in the calculation of the Gold Delivery Amount. The Gold Delivery Amount is the amount of Gold Bullion to be delivered into or out of a Fund on a daily basis to reflect price movements in the Fund's corresponding Reference Currency against the USD, calculated pursuant to the Gold Delivery Agreement.

Market Disruption and Extraordinary Events

From time to time, unexpected events may cause the calculation of an Index and/or the operation of a Fund to be disrupted. These events are expected to be relatively rare, but there can be no guarantee that these events will not occur. These events are referred to as either ''Market Disruption Events'' or ''Extraordinary Events'' depending largely on their significance and potential impact to the Index and Fund. Market Disruption Events with respect to a Fund generally include disruptions in the trading of gold or the Fund's Reference Currency, delays or disruptions in the publication of the LBMA Gold Price or the Reference Currency prices, and unusual market or other events that are tied to either the trading of gold or the Reference Currency or otherwise have a significant impact on the trading of gold or the Reference Currency. For example, market conditions or other events which result in a material limitation in, or a suspension of, the trading of physical gold generally would be considered Market Disruption Events, as would material disruptions or delays in the determination or publication of the LBMA Gold Price AM. Similarly, market conditions which prevent, restrict or delay the Gold Delivery Provider's ability to convert a Reference Currency to USDs or deliver a Reference Currency through customary channels generally would be considered a Market Disruption Event, as would material disruptions or delays in the determination or publication of WMR spot prices for any Reference Currency. The complete definition of a Market Disruption Event is set forth below.

A ''Market Disruption Event'' with respect to a Fund occurs if either an ''FX Disruption Event'' or a ''Gold Disruption Event'' occurs.

An ''FX Disruption Event'' with respect to a Fund occurs if any of the following exist on any Index Business Day with respect to the Fund's Reference Currency:

(i) an event, circumstance or cause (including, without limitation, the adoption of or any change in any applicable law or regulation) that has had or would reasonably be expected to have a materially adverse effect on the availability of a market for converting such Reference Currency to US Dollars (or vice versa), whether due to market illiquidity, illegality, the adoption of or change in any law or other regulatory instrument, inconvertibility, establishment of dual exchange rates or foreign exchange controls or the occurrence or existence of any other circumstance or event, as determined by the Index Provider; or

(ii) the failure of Reuters to announce or publish the relevant spot exchange rates for such Reference Currency; or

(iii) any event or any condition that (I) results in a lack of liquidity in the market for trading such Reference Currency that makes it impossible or illegal for market participants (a) to convert from one currency to another through customary commercial channels, (b) to effect currency transactions in, or to obtain market values of, such, currency, (c) to obtain a firm quote for the related exchange rate, or (d) to obtain the relevant exchange rate by reference to the applicable price source; or (II) leads to any governmental entity imposing rules that effectively set the prices of any of the currencies; or

(iv) the declaration of (a) a banking moratorium or the suspension of payments by banks, in either case, in the country of any currency used to determine such Reference Currency exchange rate, or (b) capital and/or currency controls (including, without limitation, any restriction placed on assets in or transactions through any account through which a non-resident of the country of any currency used to determine the currency exchange rate may hold assets or transfer monies outside the country of that currency, and any restriction on the transfer of funds, securities or other assets of market participants from, within or outside of the country of any currency used to determine the applicable exchange rate.

A ''Gold Disruption Event'' with respect to a Fund occurs if any of the following exist on any Index Business Day with respect to gold:

(i) (a) The failure of the LBMA to announce or publish the LBMA Gold Price (or the information necessary for determining the price of gold) on that Index Business Day, (b) the temporary or permanent discontinuance or unavailability of the LBMA or the LBMA Gold Price; or

(ii) the material suspension of, or material limitation imposed on, trading in gold by the LBMA; or

(iii) an event that causes market participants to be unable to deliver gold bullion loco London under rules of the LBMA by credit to an unallocated account at a member of the LBMA; or

(iv) the permanent discontinuation of trading of gold on the LBMA or any successor body thereto, the disappearance of, or of trading in, gold; or

(v) a material change in the formula for or the method of calculating the price of gold, or a material change in the content, composition or constitution of gold.

The occurrence of a Market Disruption Event with respect to a Fund for ten consecutive Index Business Days generally would be considered an Extraordinary Event with respect to such Fund.

Consequences of a Market Disruption or Extraordinary Event

On any Index Business Day in which a Market Disruption Event or Extraordinary Event with respect to a Fund has occurred or is continuing, the Index Provider generally will calculate a Fund's Index based on the following fallback procedures: (i) Where the Market Disruption Event is based on the Gold Price, the Index will be kept at the same level as the previous Index Business Day and updated when the Gold Price is no longer disrupted; (ii) where the Gold Price is not disrupted but the corresponding Reference Currency price is disrupted, the Index will be calculated in the ordinary course except that the Reference Currency will be kept at its value from the previous Index Business Day and updated when it is no longer disrupted; and (iii) if both the Gold Price and the Reference Currency price are disrupted, the Index will be kept at the same level as the previous Index Business Day and updated when such prices are no longer disrupted. If a Market Disruption Event with respect to a Fund has occurred and is continuing for ten (10) or more consecutive Index Business Days, the Index Provider will calculate a

[28] If the applicable currency exchange rates did not change from one day to the next, or the net impact of such changes was zero, then a Fund would neither deliver nor receive Gold Bullion pursuant to the Gold Delivery Agreement.

substitute price for each index component that is disrupted. If an Extraordinary Event with respect to a Fund has occurred and is continuing, the Index Provider shall be responsible for making any decisions regarding the future composition of the applicable Index and implement any necessary adjustments that might be required.

If the LBMA Gold Price AM is unavailable during the occurrence of a Market Disruption Event or Extraordinary Event with respect to a Fund, a Fund will calculate NAV using the last published LBMA Gold Price AM.

The London Gold Bullion Market

Although the market for physical gold is global, most OTC market trades are cleared through London. In addition to coordinating market activities, the LBMA acts as the principal point of contact between the market and its regulators. A primary function of the LBMA is its involvement in the promotion of refining standards by maintenance of the ''London Good Delivery Lists,'' which are the lists of LBMA accredited melters and assayers of gold. The LBMA also coordinates market clearing and vaulting, promotes good trading practices and develops standard documentation.

The term ''loco London'' refers to gold bars physically held in London that meet the specifications for weight, dimensions, fineness (or purity), identifying marks (including the assay stamp of an LBMA acceptable refiner) and appearance set forth in ''The Good Delivery Rules for Gold and Silver Bars'' published by the LBMA. Gold bars meeting these requirements are known as ''London Good Delivery Bars.'' All of the Gold Bullion will be London Good Delivery Bars meeting the requirements of London Good Delivery Standards.

The unit of trade in London is the troy ounce, whose conversion between grams is: 1,000 grams = 32.1507465 troy ounces and 1 troy ounce = 31.1034768 grams. A London Good Delivery Bar is acceptable for delivery in settlement of a transaction on the OTC market. Typically referred to as 400-ounce bars, a London Good Delivery Bar must contain between 350 and 430 fine troy ounces of gold, with a minimum fineness (or purity) of 995 parts per 1,000 (99.5%), be of good appearance and be easy to handle and stack. The fine gold content of a gold bar is calculated by multiplying the gross weight of the bar (expressed in units of 0.025 troy ounces) by the fineness of the bar.

The LBMA Gold Price

The LBMA Gold Price is determined twice each Business Day (10:30 a.m. and 3:00 p.m. London time) through an auction which provides reference gold prices for that day's trading. The LBMA Gold Price was initiated on March 20, 2015 and replaced the London PM Gold Fix. The auction that determines the LBMA Gold Price is a physically settled, electronic and tradeable auction, with the ability to settle trades in U.S. dollars, euros or British pounds. The IBA provides the auction platform and methodology as well as the overall administration and governance for the LBMA Gold Price. Many long-term contracts are expected to be priced on the basis of either the morning (AM) or afternoon (PM) LBMA Gold Price, and many market participants are expected to refer to one or the other of these prices when looking for a basis for valuations.

Participants in the IBA auction process submit anonymous bids and offers which are published on screen and in real-time. Throughout the auction process, aggregated gold bids and offers are updated in real-time with the imbalance calculated and the price updated every 45 seconds until the buy and sell orders are matched. When the net volume of all participants falls within a pre-determined tolerance, the auction is deemed complete and the applicable LBMA Gold Price is published. Information about the auction process (such as aggregated bid and offer volumes) will be immediately available after the auction on the IBA's Web site.

The Financial Conduct Authority, or FCA, in the U.K. regulates the LBMA Gold Price.

The Gold Futures Markets

Although the Fund will not invest in gold futures, information about the gold futures market is relevant as such markets contribute to, and provide evidence of, the liquidity of the overall market for gold.

The most significant gold futures exchange is COMEX, part of the CME Group, Inc., which began to offer trading in gold futures contracts in 1974. TOCOM (Tokyo Commodity Exchange) is another significant futures exchange and has been trading gold since 1982. Trading on these exchanges is based on fixed delivery dates and transaction sizes for the futures and options contracts traded. Trading costs are negotiable. As a matter of practice, only a small percentage of the futures market turnover ever comes to physical delivery of the gold represented by the contracts traded. Both exchanges permit trading on margin. Both COMEX and TOCOM operate through a central clearance system and in each case, the clearing organization acts as a counterparty for each member for clearing purposes. Gold futures contracts also are traded on the Shanghai Gold Exchange and the Shanghai Futures Exchange.

The global gold markets are overseen and regulated by both governmental and self-regulatory organizations. In addition, certain trade associations have established rules and protocols for market practices and participants.

Net Asset Value

The Administrator will determine the NAV of Shares of a Fund on each Business Day. The NAV of Shares of a Fund is the aggregate value of the Fund's assets (which include gold payable, but not yet delivered, to the Fund) less its liabilities (which include accrued but unpaid fees and expenses). The NAV of a Fund is calculated based on the price of gold per ounce applied against the number of ounces of Gold Bullion owned by the Fund. For purposes of calculating NAV, the number of ounces of Gold Bullion (i) is adjusted up or down on a daily basis to reflect the Gold Delivery Amount; and (ii) reflects the amount of Gold Bullion delivered into (or out of) a Fund on a daily basis by Authorized Participants creating and redeeming Shares. The number of ounces of Gold Bullion held by a Fund is adjusted downward by the Sponsor's fee and the expenses of the Gold Delivery Agreement.

In determining a Fund's NAV, the Administrator generally will value the Gold Bullion based on the LBMA Gold Price AM for an ounce of gold. If no LBMA Gold Price AM is made on a particular evaluation day or if the LBMA Gold Price PM has not been announced by 12:00 p.m. Eastern time (''E.T.'') on a particular evaluation day (including a Business Day that is not an Index Business Day), the next most recent LBMA Gold Price AM generally will be used in the determination of the NAV of the Fund, unless the Sponsor determines that such price is inappropriate to use as the basis for such determination. If the Sponsor determines that such price is inappropriate to use, it shall identify an alternate basis for evaluation of the Gold Bullion held by the Fund. In such case, the Sponsor would, for example, look to the current trading price of gold from other reported sources, such as dealer quotes, broker quotes or electronic trading data, to value the Fund's Shares. Although the Fund will not hold the

Reference Currencies, the Gold Delivery Provider generally will value the Reference Currencies based on the rates in effect as of the WMR FX Fixing Time, which is generally at 9:00 a.m., London Time (though other prices may be used if the 9:00 a.m. rate is delayed or unavailable). The Administrator will also determine the NAV per Share, which equals the NAV of the Fund, divided by the number of outstanding Shares. Unless there is a Market Disruption Event or Extraordinary Event with respect to the price of gold, NAV generally will be calculated and disseminated by 12:00 p.m. E.T.

The NAV generally will be calculated as of 12:00 p.m. E.T. on any Business Day. The Administrator will also determine the NAV per Share.

Creation and Redemption of Shares

The Funds expect to create and redeem Shares but only in Creation Units (a Creation Unit equals a block of 10,000 Shares or more). The creation and redemption of Creation Units requires the delivery to a Fund (or the distribution by a Fund in the case of redemptions) of the amount of Gold Bullion and any cash, if any, represented by the Creation Units being created or redeemed. The total amount of Gold Bullion and cash, if any, required for the creation of Creation Units will be based on the combined NAV of the number of Creation Units being created or redeemed. The initial amount of Gold Bullion required for deposit with a Fund to create Shares is 1,000 ounces per Creation Unit. The number of ounces of Gold Bullion required to create a Creation Unit or to be delivered upon redemption of a Creation Unit will change over time depending on Index performance net of the fees charged by a Fund and the Gold Delivery Provider. Creation Units may be created or redeemed only by Authorized Participants (as described below), who may be required to pay a transaction fee for each order to create or redeem Creation Units as will be set forth in the Registration Statement. Authorized Participants may sell to other investors all or part of the Shares included in the Creation Units they purchase from a Fund.

Creation Procedures—Authorized Participants

Authorized Participants are the only persons that may place orders to create and redeem Creation Units. To become an Authorized Participant, a person must enter into a Participant Agreement. All Gold Bullion must be delivered to a Fund and distributed by a Fund in unallocated form through credits and debits between an Authorized Participant's unallocated account (''Authorized Participant Unallocated Account'') and a Fund's unallocated account (''Fund Unallocated Account'') (except for Gold Bullion delivered to or from the Gold Delivery Provider pursuant to the Gold Delivery Agreement). All Gold Bullion must be of at least a minimum fineness (or purity) of 995 parts per 1,000 (99.5%) and otherwise conform to the rules, regulations practices and customs of the LBMA, including the specifications for a London Good Delivery Bar.

On any Business Day, an Authorized Participant may place an order with a Fund to create one or more Creation Units. Purchase orders must be placed by 5:30 p.m., E.T. The day on which a Fund receives a valid purchase order is the purchase order date. By placing a purchase order, an Authorized Participant agrees to deposit Gold Bullion with a Fund, or a combination of Gold Bullion and cash, if any, as described below.[29] Prior to the delivery of Creation Units for a purchase order, the Authorized Participant must also have wired to a Fund the non-refundable transaction fee due for the purchase order.

The total deposit of Gold Bullion (and cash, if any) required to create each Creation Unit is referred to as the ''Creation Unit Gold Delivery Amount.'' The Creation Unit Gold Delivery Amount is the number of ounces of Gold Bullion required to be delivered to a Fund by an Authorized Participant in connection with a creation order for a single Creation Unit.[30] The Creation Unit Gold Delivery Amount will be determined on the Business Day following the date such creation order is accepted. It is calculated by multiplying the number of Shares in a Creation Unit by the number of ounces of Gold Bullion associated with Fund Shares on the Business Day after the day the creation order is accepted. In addition, because the Gold Delivery Amount for a Fund does not reflect creation order transactions (see the section herein entitled ''The Gold Delivery Agreement''), the Creation Unit Gold Delivery Amount is required to reflect the Gold Delivery Amount associated with such creation order. This amount is determined on the Business Day following the date such creation order is accepted.

An Authorized Participant who places a purchase order is responsible for crediting its Authorized Participant Unallocated Account with the required Gold Bullion deposit amount by the end of the third Business Day in London following the purchase order date. Upon receipt of the Gold Bullion deposit amount, the Custodian, after receiving appropriate instructions from the Authorized Participant and a Fund, will transfer on the third Business Day following the purchase order date the Gold Bullion deposit amount from the Authorized Participant Unallocated Account to a Fund Unallocated Account and the Administrator will direct the Depository Trust Company (''DTC'') to credit the number of Creation Units ordered to the Authorized Participant's DTC account. The expense and risk of delivery, ownership and safekeeping of Gold Bullion until such Gold Bullion has been received by a Fund will be borne solely by the Authorized Participant. If Gold Bullion is to be delivered other than as described above, the Sponsor is authorized to establish such procedures and to appoint such custodians and establish such custody accounts as the Sponsor determines to be desirable.

Acting on standing instructions given by a Fund, the Custodian will transfer the Gold Bullion deposit amount from a Fund Unallocated Account to a Fund's allocated account by allocating to the allocated account specific bars of Gold Bullion which the Custodian holds or instructing a subcustodian to allocate specific bars of Gold held by or for the subcustodian. The Gold Bullion bars in an allocated Gold Bullion account are specific to that account and are identified by a list which shows, for each Gold Bullion bar, the refiner, assay or fineness, serial number and gross and fine weight. Gold Bullion held in a Fund's allocated account is the property of a Fund and is not traded, leased or loaned under any circumstances.

The Custodian will use commercially reasonable efforts to complete the transfer of Gold Bullion to a Fund's allocated account prior to the time by which the Administrator is to credit the Creation Unit to the Authorized Participant's DTC account; if, however, such transfers have not been completed by such time, the number of Creation Units ordered will be delivered against receipt of the Gold Bullion deposit amount in a Fund's unallocated account, and all Shareholders will be exposed to the risks of unallocated Gold Bullion to the extent of that Gold Bullion deposit amount until the

[29] The Sponsor anticipates that in the ordinary course of a Fund's operations cash generally will not be part of any Creation Unit.

[30] The ''Creation Unit Gold Delivery Amount'' is also used to refer to the number of ounces of Gold to be paid by the Fund to an Authorized Participant in connection with the redemption of a Creation Unit. *See* ''Redemption Procedures—Authorized Participants'' herein.

Custodian completes the allocation process.

Redemption Procedures—Authorized Participants

The procedures by which an Authorized Participant can redeem one or more Creation Units mirror the procedures for the creation of Creation Units. On any Business Day, an Authorized Participant may place an order with a Fund to redeem one or more Creation Units. Redemption orders must be placed by 5:30 p.m. E.T. A redemption order so received is effective on the date it is received in satisfactory form by a Fund. An Authorized Participant may be required to pay a transaction fee per order to create or redeem Creation Units as will be set forth in the Registration Statement.

(a) The redemption distribution from a Fund consists of a credit in the amount of the Creation Unit Gold Delivery Amount to the Authorized Participant Unallocated Account of the redeeming Authorized Participant. The Creation Unit Delivery Amount for redemptions is the number of ounces of Gold Bullion held by a Fund associated with the Shares being redeemed plus, or minus, the cash redemption amount (if any). The Sponsor anticipates that in the ordinary course of a Fund's operations there will be no cash distributions made to Authorized Participants upon redemptions. In addition, because the Gold Bullion to be paid out in connection with the redemption order will decrease the amount of Gold Bullion subject to the Gold Delivery Agreement, the Creation Unit Gold Delivery Amount reflects the cost to the Gold Delivery Provider of resizing (*i.e.,* decreasing) its positions so that it can fulfill its obligations under the Gold Delivery Agreement.

The redemption distribution due from a Fund is delivered to the Authorized Participant on the third Business Day following the redemption order date if, by 10:00 a.m. E.T. on such third Business Day, a Fund's DTC account has been credited with the Creation Units to be redeemed. If the Administrator's DTC account has not been credited with all of the Creation Units to be redeemed by such time, the redemption distribution is delivered to the extent of whole Creation Units received. Any remainder of the redemption distribution is delivered on the next Business Day to the extent of remaining whole Creation Units received if the Administrator receives the fee applicable to the extension of the redemption distribution date which the Administrator may, from time to time, determine and the remaining Creation Units to be redeemed are credited to the Administrator's DTC account by 10:00 a.m. E.T. on such next Business Day. Any further outstanding amount of the redemption order will be cancelled. The Administrator is also authorized to deliver the redemption distribution notwithstanding that the Creation Units to be redeemed are not credited to the Administrator's DTC account by 10:00 a.m. E.T. on the third Business Day following the redemption order date if the Authorized Participant has collateralized its obligation to deliver the Creation Units through DTC's book entry system on such terms as the Sponsor and the Administrator may from time to time agree upon.

The Custodian transfers the redemption Gold Bullion amount from a Fund's allocated account to a Fund's unallocated account and, thereafter, to the redeeming Authorized Participant's Authorized Participant Unallocated Account.

Secondary Market Trading

While a Fund's investment objective is for its Shares to reflect the performance of Gold Bullion in terms of a Reference Currency reflected in the applicable Index, less the expenses of a Fund, the Shares may trade in the secondary market at prices that are lower or higher relative to their NAV per Share. The amount of the discount or premium in the trading price relative to the NAV per Share may be influenced by non-concurrent trading hours between the NYSE Arca and the COMEX, London, Zurich and Singapore. While the Shares will trade on NYSE Arca until 8:00 p.m. E.T., liquidity in the global gold market will be reduced after the close of the COMEX at 1:30 p.m. E.T. As a result, during this time, trading spreads, and the resulting premium or discount, on the Shares may widen.

The Adviser represents that market makers in the Shares will be able to efficiently hedge their positions through use of spot gold transactions and spot currency transactions in Reference Currencies. Transactions in spot gold and spot currencies during the Exchange's Core Trading Session (9:30 a.m. to 4:00 p.m. E.T.) take place in a highly liquid market; such transactions that hedge the market makers' positions in Shares are expected to facilitate the market maker's ability to trade Shares at a price that is not at a material discount or premium to NAV.

Availability of Information Regarding Gold and Reference Currency Prices

Currently, the Consolidated Tape Plan does not provide for dissemination of the spot price of a commodity, such as gold, or the spot price of the Reference Currencies, over the Consolidated Tape. However, there will be disseminated over the Consolidated Tape the last sale price for the Shares, as is the case for all equity securities traded on the Exchange (including exchange-traded funds). In addition, there is a considerable amount of information about gold and currency prices and gold and currency markets available on public Web sites and through professional and subscription services.

Investors may obtain on a 24-hour basis gold pricing information based on the spot price for an ounce of gold and pricing information for the Reference Currencies from various financial information service providers, such as Reuters and Bloomberg.

Reuters and Bloomberg, for example, provide at no charge on their Web sites delayed information regarding the spot price of gold and last sale prices of gold futures, as well as information about news and developments in the gold market. Reuters and Bloomberg also offer a professional service to subscribers for a fee that provides information on gold prices directly from market participants. Complete real-time data for gold futures and options prices traded on the COMEX are available by subscription from Reuters and Bloomberg. There are a variety of other public Web sites providing information on gold, ranging from those specializing in precious metals to sites maintained by major newspapers. In addition, the LBMA Gold Price is publicly available at no charge at *www.lbma.org.uk.*

In addition, Reuters and Bloomberg, for example, provide at no charge on their Web sites delayed information regarding the spot price of each Reference Currency, as well as information about news and developments in the currency markets. Reuters and Bloomberg also offer a professional service to subscribers for a fee that provides information on currency transactions directly from market participants. Complete real-time data for currency transactions are available by subscription from Reuters and Bloomberg. There are a variety of other public Web sites providing information about the Reference Currencies and currency transactions, ranging from those specializing in currency trading to sites maintained by major newspapers.

Availability of Information

The Funds' Web site will provide an intraday indicative value (''IIV'') per Share for the Shares updated every 15 seconds, as calculated by the Exchange or a third party financial data provider during the Exchange's Core Trading Session (9:30 a.m. to 4:00 p.m. E.T.) The IIV will be calculated based on the amount of gold held by the Fund and (i) a price of gold derived from updated bids and offers indicative of the spot price of gold, and (ii) intra-day exchange rates for each Reference Currency against the U.S. dollar.[31] The Funds' Web site will also provide the Creation Basket Deposit and the NAV of the Fund as calculated each Business Day by the Administrator. The value for each Index will be disseminated by one or more major market data vendors each Index Business Day at approximately 6:00 a.m. E.T.

In addition, the Web site for each Fund will contain the following information, on a per Share basis, for the Fund: (a) The mid-point of the bid-ask price [32] at the close of trading (''Bid/Ask Price''), and a calculation of the premium or discount of such price against such NAV; and (b) data in chart format displaying the frequency distribution of discounts and premiums of the Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. The Web site for each Fund will also provide the Fund's prospectus, as well as the two most recent reports to stockholders. Finally, the Funds' Web site will provide the last sale price of the Shares as traded in the U.S. market. In addition, the Exchange will make available over the Consolidated Tape quotation information, trading volume, closing prices and NAV for the Shares from the previous day. The Index value will be calculated daily using the daily LBMA Gold Price AM and the Spot Rate as of 9:00 a.m., London time. The Index value will be available from one or more major market data vendors and will be available during the Exchange's Core Trading Session.

Criteria for Initial and Continued Listing

The Funds will be subject to the criteria in NYSE Arca Equities Rule 8.201(e) for initial and continued listing of the Shares.

A minimum of 100,000 Shares will be required to be outstanding at the start of trading. The minimum number of shares required to be outstanding is comparable to requirements that have been applied to previously listed shares of the Sprott Physical Gold Trust, ETFS Trusts, streetTRACKS Gold Trust, the iShares COMEX Gold Trust, and the iShares Silver Trust. The Exchange believes that the anticipated minimum number of Shares outstanding at the start of trading is sufficient to provide adequate market liquidity.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares of the Funds subject to the Exchange's existing rules governing the trading of equity securities. Trading in the Shares on the Exchange will occur in accordance with NYSE Arca Equities Rule 7.34(a). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

Under NYSE Arca Equities Rule 8.201(g), an ETP Holder acting as a registered Market Maker in Commodity-Based Trust Shares with exposure to one or more non-U.S. currencies (''Underlying FX'') must file with the Exchange, in a manner prescribed by the Exchange, and keep current a list identifying all accounts for trading in Underlying FX and derivatives overlying Underlying FX which the Market Maker may have or over which it may exercise investment discretion, as well as a list of all commodity and commodity-related accounts referenced above. In addition, no Market Maker in Commodity-Based Trust Shares shall trade in a commodity, Underlying FX or any related derivative in an account that the Market Maker (1) directly or indirectly controls trading activities or has a direct interest in the profits or losses thereof, (2) is required by this rule to disclose to the Exchange, and (3) has not reported to the Exchange. In addition to the existing obligations under Exchange rules regarding the production of books and records, an ETP Holder acting as a Market Maker in Commodity-Based Trust Shares shall make available to the Exchange such books, records or other information pertaining to transactions by such entity or registered or non-registered employee affiliated with such entity for its or their own accounts for trading the underlying physical commodity, related commodity futures or options on commodity futures, applicable Underlying FX, or any other related commodity or applicable Underlying FX derivatives, as may be requested by the Exchange.

The Exchange notes that, under NYSE Arca Equities Rule 10.2, in the course of an investigation by the Exchange, the Exchange may request from ETP Holders documentary materials and other information, including trading records, regarding trading in currencies and currency derivatives. In addition, Commentary .04 of NYSE Arca Equities Rule 6.3 requires an ETP Holder acting as a registered Market Maker, and its affiliates, in the Shares to establish, maintain and enforce written policies and procedures reasonably designed to prevent the misuse of any material nonpublic information with respect to such products, any components of the related products, any physical asset or commodity underlying the product, applicable currencies, underlying indexes, related futures or options on futures, and any related derivative instruments (including the Shares).

As a general matter, the Exchange has regulatory jurisdiction over its ETP Holders and their associated persons, which include any person or entity controlling an ETP Holder. A subsidiary or affiliate of an ETP Holder that does business only in commodities or futures contracts would not be subject to Exchange jurisdiction, but the Exchange could obtain information regarding the activities of such subsidiary or affiliate through surveillance sharing agreements with regulatory organizations of which such subsidiary or affiliate is a member.

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. Trading on the Exchange in the Shares may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. In addition, trading in Shares will be subject to trading halts caused by extraordinary market volatility pursuant to the Exchange's ''circuit breaker'' rule.[33] The Exchange will halt trading in the Shares if the NAV of the Trust is not calculated or disseminated daily. The Exchange may halt trading during the day in which an interruption occurs to the dissemination of the IIV, as described above, or the Index value. If the interruption to the dissemination of the IIV or the Index value persists past the

[31] The IIV on a per Share basis disseminated during the Core Trading Session should not be viewed as a real-time update of the NAV, which is calculated once a day.

[32] The bid-ask price of the Shares will be determined using the highest bid and lowest offer on the Consolidated Tape as of the time of calculation of the closing day NAV.

[33] *See* NYSE Arca Equities Rule 7.12.

trading day in which it occurs, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

Surveillance

The Exchange represents 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 the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[34] The Exchange represents 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.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[35]

Also, pursuant to NYSE Arca Equities Rule 8.201(g), the Exchange is able to obtain information regarding trading in the Shares and the underlying gold, gold futures contracts, options on gold futures, any other gold derivative, applicable non-U.S. currencies or applicable non-U.S. currency derivatives through ETP Holders acting as registered Market Makers, in connection with such ETP Holders' proprietary or customer trades through ETP Holders which they effect on any relevant market.

All statements and representations made in this filing regarding (a) the description of the portfolios of the Funds, (b) limitations on portfolio holdings, or (c) the applicability of Exchange listing rules specified in this rule filing shall constitute continued listing requirements for listing the Shares on the Exchange.

The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Funds to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Equities Rule 5.5(m).

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Baskets (including noting that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) how information regarding the IIV is disseminated; (4) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; (5) the possibility that trading spreads and the resulting premium or discount on the Shares may widen as a result of reduced liquidity of gold trading during the Core and Late Trading Sessions after the close of the major world gold markets; and (6) trading information. For example, the Information Bulletin will advise ETP Holders, prior to the commencement of trading, of the prospectus delivery requirements applicable to a Fund. The Exchange notes that investors purchasing Shares directly from a Fund (by delivery of the Creation Basket Deposit) will receive a prospectus. ETP Holders purchasing Shares from a Fund for resale to investors will deliver a prospectus to such investors.

In addition, the Information Bulletin will reference that a Fund is subject to various fees and expenses as will be described in the Registration Statement. The Information Bulletin will also reference the fact that there is no regulated source of last sale information regarding physical gold, that the Commission has no jurisdiction over the trading of gold as a physical commodity, and that the Commodity Futures Trading Commission has regulatory jurisdiction over the trading of gold futures contracts and options on gold futures contracts.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[36] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.201. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. Under NYSE Arca Equities Rule 10.2, in the course of an investigation by the Exchange, the Exchange may request from ETP Holders documentary materials and other information, including trading records, regarding trading in currencies and currency derivatives. In addition, Commentary .04 of NYSE Arca Equities Rule 6.3 requires an ETP Holder acting as a registered Market Maker, and its affiliates, in the Shares to establish, maintain and enforce written policies and procedures reasonably designed to prevent the misuse of any material nonpublic information with respect to such products, any components of the related products, any physical asset or commodity underlying the product, applicable currencies, underlying

[34] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[35] For a list of the current members of ISG, *see www.isgportal.org.*

[36] 15 U.S.C. 78f(b)(5).

indexes, related futures or options on futures, and any related derivative instruments (including the Shares).

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that there is a considerable amount of gold price and gold market information available on public Web sites and through professional and subscription services. Investors may obtain on a 24-hour basis gold pricing information based on the spot price for an ounce of gold from various financial information service providers. Investors may obtain gold pricing information based on the spot price for an ounce of gold from various financial information service providers. Current spot prices also are generally available with bid/ask spreads from gold bullion dealers. In addition, the Funds' Web site will provide pricing information for gold spot prices and the Shares. Market prices for the Shares will be available from a variety of sources including brokerage firms, information Web sites and other information service providers. The NAV of the Funds will be published by the Sponsor on each day that the NYSE Arca is open for regular trading and will be posted on the Funds' Web site. The IIV relating to the Shares will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session. In addition, the LBMA Gold Price is publicly available at no charge at *www.lbma.org.uk.* The Funds' Web site will also provide the Funds' prospectus, as well as the two most recent reports to stockholders. In addition, the Exchange will make available over the Consolidated Tape quotation information, trading volume, closing prices and NAV for the Shares from the previous day.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding gold pricing.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed rule change will enhance competition by accommodating Exchange trading of an additional exchange-traded product relating to physical gold.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as modified by Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2017–33 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSEArca–2017–33. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2017–33, and should be submitted on or before May 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[37]

Brent J. Fields,

Secretary.

[FR Doc. 2017–07877 Filed 4–18–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80456; File No. SR–NYSE–2017–14]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposal To Adopt a Fee Schedule for Acquisition Companies

April 13, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 4, 2017, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-

[37] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt a fee schedule for Acquisition Companies. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt a flat initial listing fee for Acquisition Companies and exempt Acquisition Companies from the Exchange's Initial Application Fee. Acquisition Companies (commonly referred to in the marketplace as ''special purpose acquisition companies'' or ''SPACs'') are listed pursuant to Section 102.06 of the NYSE Listed Company Manual (the ''Manual''). Currently, Acquisition Companies are subject to the initial listing and annual fee schedule set forth in Section 902.03 of the Manual and applied generally to listed operating companies.

The Exchange proposes to adopt new Section 902.11 of the Manual to establish a separate listing fee schedule for Acquisition Companies. Under proposed Section 902.11, Acquisition Companies would be subject to a flat fee of $85,000 upon initial listing. Proposed Section 902.11 would specify that the common stock and warrants listed by Acquisition Companies would continue to be subject to the annual listing fees set forth for those categories of securities in Section 902.03.

Acquisition Companies typically sell units in their initial public offering, consisting of a common equity security and a whole or fractional warrant to purchase common stock.[4] Holders of Acquisition Company units typically have the right to separate the units shortly after the IPO and the Exchange lists the common equity securities and the warrants (in addition to the units) upon separation.

The flat initial listing fee in proposed Section 902.11 would be lower than the minimum initial listing fee applicable to Acquisition Companies under Section 902.03.[5] The Exchange notes that Acquisition Companies differ in some important respects from traditional operating companies and believes that these differences make it reasonable to adopt a separate initial listing fee schedule for Acquisition Companies.

An Acquisition Company's listing often lasts for a brief period of time. Under the Acquisition Company structure, the company's charter provides that it must either enter into a business combination within a specified limited period of time (typically two years or less, but no longer than three years is permitted under Section 102.06) or return the funds held in trust to the company's shareholders and dissolve the company.[6] Acquisition Company business combinations do not always result in a continued listing of the post-business combination entity, as the resultant entity may be a private company or list on another exchange or the Acquisition Company may be acquired by another company that is already listed. In contrast to an Acquisition Company, when an operating company lists, it is reasonable to expect that it will likely remain listed for many years. A listed operating company can therefore view the upfront cost of paying initial listing fees as relating to the benefits it receives from its NYSE listing over an extended period, including such things as the prestige associated with a listing, the liquid trading market, access to the NYSE's physical facilities, the NYSE's technological infrastructure, and the Exchange's regulatory program. Acquisition Companies, on the other hand, must assess the economic value of a listing on the basis of a potentially very brief period of listing. Given the much shorter average length of an Acquisition Company's listing, the Exchange believes it is reasonable to charge Acquisition Companies lower initial listing fees than operating companies.

Proposed Section 902.11 would make clear that Acquisition Companies would not be subject to the $25,000 Initial Application Fee charged to applicants under Section 902.03. Given the significantly lower initial listing fees that would be charged to Acquisition Company applicants under proposed Section 902.11, a $25,000 Initial Application Fee would represent a much higher percentage of the initial listing fees payable upon listing than it would for an operating company applicant. In addition, the Initial Application Fee is used to reduce the initial listing fees an applicant pays upon listing. The Exchange has also observed that Acquisition Company IPOs are significantly more likely to be completed than proposed operating company IPOs, so the likelihood that the Exchange will forego revenue if it does not charge the Initial Application Fee to Acquisition Companies is significantly reduced.

The Exchange does not expect the financial impact of these two proposed amendments to be material in terms of the level of listing fees collected from issuers on the Exchange. Specifically, the Exchange notes that Acquisition Companies represent a relatively small number of potential listings and therefore anticipates that only a limited number of Acquisition Companies will list. Accordingly, the Exchange believes that the proposed rule change will not impact the Exchange's resource commitment to its regulatory oversight of the listing process or its regulatory programs.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with

[4] The number of warrants included in the units sold in an Acquisition Company IPO varies. Sometimes there is a warrant to purchase one common share included as part of each unit. Recently the units sold in some Acquisition Company IPOs have included a fractional warrant to purchase a share. In order to exercise these fractional warrants or trade them separate from the units, an investor would need to acquire sufficient warrants to be able to exercise them for whole numbers of shares.

[5] A new class of common stock listed on the NYSE is subject to a minimum initial listing fee of $125,000 and an additional one-time special charge of $50,000. As such, the minimum aggregate initial listing fees an Acquisition Company must pay in relation to its common stock alone amounts to $175,000. In addition, an Acquisition Company has to pay initial listing fees for its warrants under the schedule set forth for short-term securities (*i.e.,* securities with a maximum life of no more than seven years) in Section 902.06. Consequently, the minimum fees currently charged in connection with an Acquisition Company initial listing far exceed the proposed flat fee of $85,000.

[6] An Acquisition Company which remains listed upon consummation of its business combination is not subject to additional initial listing fees at that time, although it must pay supplemental listing fees with respect to any additional shares of common stock issued in connection with the business combination. An Acquisition Company transferring from another national securities exchange is not required to pay initial listing fees.

Section 6(b) of the Exchange Act,[7] in general, and furthers the objectives of Sections 6(b)(4)[8] of the Exchange Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges and is not designed to permit unfair discrimination among its members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act, in particular in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is consistent with Sections 6(b)(4) and 6(b)(5) of the Exchange Act in that it represents an equitable allocation of fees and does not unfairly discriminate among listed companies. In particular, the Exchange notes that the proposed amendment is not unfairly discriminatory as Acquisition Companies frequently have a much shorter period of listing on the Exchange than operating companies. It is not unfairly discriminatory to exempt Acquisition Companies from the Initial Application Fee because the Initial Application Fee would represent a significantly larger percentage of the initial listing fees payable by an Acquisition Company upon listing and Acquisition Companies are more likely than operating companies to successful complete their IPO so the Exchange is less likely to forego revenue if they do not pay the Initial Application Fee.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to adopt reduced initial listing fees for Acquisition Companies and will therefore increase the competition for the listing of those companies by making the NYSE a more attractive listing venue for them.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[9] of the Act and subparagraph (f)(2) of Rule 19b–4[10] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[11] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2017–14 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSE–2017–14. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2017–14 and should be submitted on or before May 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Brent J. Fields,

Secretary.

[FR Doc. 2017–07876 Filed 4–18–17; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(2).

[11] 15 U.S.C. 78s(b)(2)(B).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80454; File No. SR–DTC–2017–006]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the DTC Rules in Order to Enhance Transparency With Regard to Application Criteria and Participation Requirements for Applicants and Participants

April 13, 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 April 7, 2017, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

agency. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A)[3] of the Act and Rule 19b–4(f)(1)[4] thereunder. The proposed rule change was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend the Rules, By-Laws and Organization Certificate of DTC (''Rules'')[5] to expressly set forth in the Rules (i) the existing applicable minimum financial resource requirements that any applicant to become a Participant (''Applicant'') that is a U.S. bank, trust company or registered broker-dealer must respectively meet in order to qualify to become a Participant and, once admitted, continue as a Participant in good standing[6] and (ii) the existing requirement that each Applicant that is a U.S. entity must provide a legal opinion as part of its application to become a Participant, as discussed below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Pursuant to Rule 2,[7] DTC has established application criteria and participation requirements for Applicants and Participants related to financial resources, creditworthiness and operational capability.[8] These requirements are designed to manage the risks a Participant presents to DTC or to its membership, while facilitating fair and open access by market participants.[9] The proposed rule change would amend the Rules to enhance transparency with respect to certain existing application criteria and participation requirements, specifically, (i) the minimum financial resource requirements for Applicants and Participants that are either U.S. banks, trust companies or registered broker-dealers and (ii) the requirement for Applicants that are U.S. entities to provide a legal opinion, as discussed below.

Minimum Financial Requirements

Rule 2 requires each Applicant or Participant to demonstrate that it has sufficient financial ability to meet its anticipated obligations to DTC.[10] In this regard, DTC sets financial requirements for establishing and continuing participation that are based on the type of legal entity and the types of services that the entity will use at DTC. Currently, among other requirements, a registered broker dealer must have a minimum of $500,000 in excess net capital over its regulatory net capital requirement,[11] and a U.S. bank or trust company must have more than $2 million in equity capital[12] (collectively, ''Minimum Financial Requirements''), to become, and continue in good standing as, a Participant.[13] The Minimum Financial Requirements are currently disclosed in the PFMI and in a list of DTC application requirements that is made available to all Applicants (''Onboarding Requirements''). In order to increase transparency with regard to its application and participation requirements, DTC proposes to amend the Rules by adding the Minimum Financial Requirements for Applicants and Participants that are (i) U.S. broker-dealers or (ii) U.S. banks or trust companies to Section 1 of the Policy Statement.[14]

Legal Opinion Requirement

Each Applicant enters into a Participant's Agreement (''Agreement''), pursuant which the Applicant agrees, *inter alia,* that the DTC Rules shall be a part of the terms and conditions of every contract or transaction that it may make or have with DTC. DTC requires that all Applicants provide an opinion of counsel that provides DTC with comfort as to the valid authorization, execution and delivery of the Agreement by an Applicant and, as applicable, the enforceability of the Agreement under applicable state and federal laws (''Legal Opinion Requirement''). Except with respect to

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(1).

[5] *Available at http://www.dtcc.com/legal/rules-and-procedures.* Capitalized terms used herein and not otherwise defined shall have the meaning assigned to such terms in the Rules.

[6] A U.S. bank or trust company that otherwise meets the application criteria and participation requirements established by DTC pursuant to the Rules is qualified to become a Participant pursuant to Section 1(d) of Rule 3. A U.S. broker dealer that otherwise meets the application criteria and participation requirements pursuant to the Rules is qualified to become a Participant pursuant to Section 1(h)(ii) of Rule 3. *See* Rule 3, *supra* note 5.

[7] Rule 2, *supra* note 5.

[8] *See also* Disclosure under the Principles for Financial Market Infrastructures (''PFMI''), *available at http://www.dtcc.com/~/media/Files/Downloads/legal/policy-and-compliance/DTC_Disclosure_Framework.pdf* at 100–104 (Describing DTC access and participation requirements).

[9] Rule 17 Ad–22(e)(18) under the Act, provides that each covered clearing agency shall establish, implement, maintain and enforce written policies and procedures reasonably designed to, as applicable, ''establish objective, risk-based, and publicly disclosed criteria for participation, which permit fair and open access by direct and, where relevant, indirect participants and other financial market utilities, require participants to have sufficient financial resources and robust operational capacity to meet obligations arising from participation in the clearing agency, and monitor compliance with such participation requirements on an ongoing basis.'' 17 CFR 240.17Ad–22(e)(18). (The Commission adopted amendments to Rule 17Ad–22, including the addition of new section 17Ad–22(e), on September 28, 2016. *See* Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016) (S7–03–14). DTC is a ''covered clearing agency'' as defined in Rule 17Ad–22(a)(5), and must comply with new section (e) (including subsection (e)(18) described above) of Rule 17Ad–22 by April 11, 2017.)

[10] Rule 2, *supra* note 5.

[11] For this purpose, the broker dealer's minimum regulatory net capital requirement is the greater of (i) the amount imposed on it pursuant to Rule 15c3–1 under the Act, 17 CFR 240.15c3–1, and (ii) such higher amount imposed by the broker-dealer's designated examining authority, as named by the Commission pursuant to Rule 17d–1 under the Act, 17 CFR 240.17d–1.

[12] For this purpose, equity capital has the meaning as defined on the form of Consolidated Report of Condition and Income and related instructions maintained by the Federal Financial Institutions Examination Council (FFIEC), *available at https://www.ffiec.gov/pdf/FFIEC_forms/FFIEC031_201612_f.pdf* and *https://www.ffiec.gov/pdf/FFIEC_forms/FFIEC031_FFIEC041_201609_i.pdf,* respectively.

[13] Not including non-U.S. Participants, whose minimum financial resource requirements are set forth in the Policy Statement on the Admission of Participants (''Policy Statement''), *See* Policy Statement, *supra* note 5 at 122, most Applicants and Participants are (i) U.S. broker dealers or (ii) U.S. banks or trust companies. Since U.S. broker dealers and U.S. banks and trust companies are subject to standard regulatory capital requirements, DTC has determined that setting the Minimum Financial Requirements based on applicable regulatory requirements is a practical method for determining whether such entities have sufficient financial ability to meet their obligations to DTC. For other Applicants and Participants, DTC reviews any appropriate financial information or reports available with respect to that entity to determine whether it maintains sufficient financial ability to meet its obligations under the Rules.

[14] *See* Policy Statement, *supra* note 5 at 121.

non-U.S. Applicants,[15] the Legal Opinion Requirement is not currently expressly set forth in the Rules.[16] To enhance transparency with regard to the Legal Opinion Requirement, DTC proposes to amend the Rules to add the Legal Opinion Requirement for U.S. Applicants to the Policy Statement.

Proposed Changes to Rules Text

Pursuant to the proposed rule change, DTC would (i) amend the text of Section 1 of the Policy Statement to add the existing (A) Minimum Financial Requirements and (B) Legal Opinion Requirement that pertains to U.S. Applicants, as discussed above, and (ii) add a cross-reference within Rule 2 to the requirements that would be added to the Policy Statement.

Effective Date of Proposed Rule Change

The proposed rule change would become effective immediately upon filing with the Commission.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act, requires, *inter alia,* that the Rules promote the prompt and accurate clearance and settlement of securities transactions.[17] The proposed rule change would provide transparency in the Rules regarding existing participation requirements that Applicants and Participants must meet for access to DTC's services, including but not limited to participation in its settlement service, by (i) adding the Minimum Financial Requirements and the Legal Opinion Requirement to the Policy Statement and (ii) adding a cross-reference within Rule 2 to the Policy Statement, as discussed above. Collectively, the proposed changes would enhance the transparency and clarity of the Rules, which would enable stakeholders to readily understand DTC's access requirements. Therefore, by providing stakeholders with enhanced transparency and clarity with regard to existing participation requirements that Applicants and Participants must meet for access to DTC's services, including but not limited to participation in its settlement service, DTC believes that the proposed rule changes would promote the prompt and accurate clearance and settlement of securities transactions consistent with Section 17A(b)(3)(F) of the Act.

Rule 17Ad–22(d)(2) under the Act requires a clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed to, as applicable, require participants to have sufficient financial resources and robust operational capacity to meet obligations arising from participation in the clearing agency; have procedures in place to monitor that participation requirements are met on an ongoing basis; and have participation requirements that are objective and publicly disclosed, and permit fair and open access.[18] As mentioned above, the proposed rule change would provide transparency in the Rules regarding existing DTC participation requirements by (i) adding the Minimum Financial Requirements and the Legal Opinion Requirement to the Policy Statement and (ii) adding a cross-reference within Rule 2 to the Policy Statement, as discussed above. Therefore, by providing stakeholders with greater transparency with regard to existing participation requirements by providing an additional source of public disclosure in this regard through the Policy Statement, DTC believes that the proposed rule change is consistent with Rule 17Ad–22(d)(2) promulgated under the Act cited above.

The proposed rule change is also designed to be consistent with Rule 17Ad–22(e)(18) of the Act, which was recently adopted by the Commission.[19] Rule 17Ad–22(e)(18) will require DTC, *inter alia,* to establish, implement, maintain and enforce written policies and procedures reasonably designed to, as applicable, establish objective, risk-based, and publicly disclosed criteria for participation, which permit fair and open access by direct and, where relevant, indirect participants and other financial market utilities, require participants to have sufficient financial resources and robust operational capacity to meet obligations arising from participation in the clearing agency, and monitor compliance with such participation requirements on an ongoing basis. As mentioned above, the proposed rule change would provide transparency in the Rules regarding existing DTC participation requirements by (i) adding the Minimum Financial Requirements and the Legal Opinion Requirement to the Policy Statement and (ii) adding a cross-reference within Rule 2 to the Policy Statement, as discussed above. Therefore, by providing stakeholders with greater transparency with regard to existing participation requirements by providing an additional source of public disclosure in this regard through the Policy Statement, DTC believes that the proposed rule change is consistent with Rule 17Ad–22(e)(18) promulgated under the Act cited above.

(B) Clearing Agency's Statement on Burden on Competition

DTC does not believe that the proposed rule change would have any impact on competition because the proposed change expressly reflects existing application criteria and participation requirements applicable to all Applicants and Participants.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has not solicited and does not intend to solicit comments regarding the proposed rule change. DTC has not received any unsolicited written comments from interested parties. To the extent DTC receives written comments on the proposed rule change, DTC will forward such comments to the Commission.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)[20] of the Act and paragraph (f) of Rule 19b–4[21] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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

[15] *Id* at 122.

[16] The Legal Opinion Requirement is set forth in the Onboarding Requirements.

[17] 15 U.S.C. 78q–1(b)(3)(F).

[18] 17 CFR 240.17Ad–22(d)(2).

[19] 17 CFR 240.17Ad–22(e)(18). As mentioned above, the Commission adopted amendments to Rule 17Ad–22, including the addition of new subsection 17Ad–22(e), on September 28, 2016. *See* Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016) (S7–03–14). DTC is a ''covered clearing agency'' as defined by new Rule 17Ad–22(a)(5) and must comply with new subsection (e) of Rule 17Ad–22 by April 11, 2017. *Id.*

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f).

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–DTC–2017–006 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-DTC–2017–006. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of DTC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–DTC–2017–006 and should be submitted on or before May 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Brent J. Fields,

Secretary.

[FR Doc. 2017–07875 Filed 4–18–17; 8:45 am]

BILLING CODE 8011–01–P

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80453; File No. SR–IEX–2017–09]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Specify the Required Forms of Listing Application, Agreement and Other Documentation

April 13, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 3, 2017, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 (''Act''),[4] and Rule 19b–4 thereunder,[5] Investors Exchange LLC (''IEX'' or ''Exchange'') is filing with the Commission a proposed rule change to specify the required forms of listing application, listing agreement and other documentation that listed companies must execute or complete (as applicable) as a prerequisite for listing on the Exchange. The Exchange has designated this proposal as non-controversial and provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) under the Act.[6]

The text of the proposed rule change is available at the Exchange's Web site at *www.iextrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

On June 17, 2016 the Commission granted IEX's application for registration as a national securities exchange under Section 6 of the Act including approval of rules applicable to the qualification, listing and delisting of companies on the Exchange.[7] The Exchange plans to begin a listing program in 2017 and is proposing to adopt listing applications and forms applicable to companies applying for listing or listed on the Exchange in this proposed rule change. As proposed, the listing forms are substantially similar to those currently in use by the Nasdaq Stock Exchange LLC (''Nasdaq''), with certain differences as described herein.[8]

The Exchange proposes to specify the required forms of listing application, listing agreement and other documentation that listing applicants and listed companies must execute or complete (as applicable) as a prerequisite for initial and ongoing listing on the Exchange, as applicable (collectively, ''listing documentation''). All listing documentation will be available on the Exchange's Web site (*www.iextrading.com*). In the event that in the future the Exchange makes any substantive changes (including changes to the rights, duties, or obligations of a listed company or listing applicant or the Exchange, or that would otherwise require a rule filing) to such documents, it will submit a rule filing in accordance with Rule 19b–4.[9]

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CRF 240.19b–4.

[6] 17 CFR 240.19b–4(f)(6)(iii).

[7] See Securities Exchange Act Release No. 34–78101 (June 17, 2016), 81 FR 41141 (June 23, 2016) (File No. 10–222).

[8] Nasdaq's listing applications and forms are available at: *https://listingcenter.nasdaq.com/Forms_Preview.aspx.* In connection with IEX's Form 1 application for registration as a national securities exchange, the Commission approved rules applicable to the qualification, listing and delisting of companies on IEX. *See* Securities Exchange Act Release No. 78101 (June 17, 2016), 81 FR 41141 (June 23, 2016) (File No. 10–222). These rules are modelled on Nasdaq's rules applicable to the qualification, listing and delisting of companies on Nasdaq.

[9] The Exchange will not submit a rule filing if the changes made to a document are solely typographical or stylistic in nature.

The following is a description of the listing documentation.[10]

IEX Listing Application

Pursuant to IEX Rule 14.202, after receiving a listing clearance letter pursuant to IEX Rule 14.201,[11] a company must file and execute an original listing application to apply for listing on IEX. The Listing Application provides information necessary, and in accordance with Section 12(b) of the Act, for IEX regulatory staff to conduct a due diligence review of a company to determine if it qualifies for listing on the Exchange. Relevant factors regarding the company and securities to be listed will determine the type of information required.[12] Accordingly, different types of listing applications and information would be required to be submitted, as described below:

1. Initial Public Offering (''IPO'') or Distribution Spin-Off

This form of listing application would be used by a company listing in conjunction with an IPO,[13] spin-off or other distribution transaction.[14]

2. Transfer From a National Securities Exchange

This form of listing application would be used by a company that is currently listed on another national securities exchange [15] to transfer its listing to the Exchange.

3. Transfer From a Market That Is Not a National Securities Exchange

This form of listing application would be used by a company that is currently a publicly traded in the United States on a market that is not a national securities exchange.

4. Listing of a New Class of Securities by a Listed Company

This form of listing application would be used by a company that is currently listed and seeking to list a new class of securities on the Exchange.

5. Listing Following a Change of Control Between a Listed Company and an Unlisted Company

This form of application would be used by a company listing in conjunction with a business transaction that results in a change of control (*e.g.,* merger or acquisition).

As noted in the table below, certain categories of information would be required for all application types, as well as application specific information for particular application types. The following describes each category and use of application information:

1. Corporate information regarding the issuer of the security to be listed, including company name, address, Central Index Key Code (CIK), SEC File Number, date and place of incorporation, fiscal year end, whether the company is a foreign private issuer, whether the company is eligible for a Direct Registration Program operated by a clearing agency registered under Section 17A of the Act, and a company description. This information is required of all applicants and is necessary in order for the Exchange's regulatory staff to collect basic company information for recordkeeping and due diligence purposes, including review of information contained in the company's SEC filings.

2. Corporate contact information including for the company's legal counsel. This information is required of all applicants and is necessary in order for the Exchange's regulatory staff to collect current company contact information for purposes of obtaining any additional due diligence information to complete a listing qualification review of the applicant.

3. Securities/accounting information regarding the company's investment banker, auditor and transfer agent. Auditor information is required for all applicants, except for a listed company applying to list a new class of securities, whereas information regarding the company's investment banker is only required of applicants listing in connection with an IPO or distribution spin-off or for listing a new class of securities. Transfer agent is required for all applicants. This information is necessary in order for the Exchange's regulatory staff to collect current contact information for such company advisors and vendors for purposes of obtaining any additional due diligence information to complete a listing qualification review of the applicant.

4. Offering and security information regarding an IPO or other offering, including the type of offering, expected effective date of registration statement, expected date of initial trading on IEX, expected closing date of the offering, whether stock certificates will be delivered within three business days of listing, and whether the stock certificates will contain any restrictive legends. This information is required of applicants listing in connection with an IPO or distribution spin-off and for listing a new class of securities, and is necessary in order for the Exchange's regulatory staff to collect basic information about the offering, as well as to identify whether a when issued trading market will be needed (if stock certificates will not be delivered within three business days of listing) and to assess compliance with IEX Rules 14.310(a)(2) and 14.315(a)(1) regarding publicly held shares.

5. Associated Corporate Actions information regarding a listed company conducting a business combination with an unlisted company that results in a change of control of the listed company, including changes to company name, trading symbol, CUSIP, whether a reverse stock split will be effected and other relevant information. This information is necessary in order to collect basic information about the company following the business transaction and to enable the Exchange to provide timely and accurate notifications of the associated corporate actions to Members and other market participants.[16]

6. Issue-specific information regarding securities to be listed, such as trading symbol, current market (except for applicants listing in connection with an IPO or distribution spin-off or for listing a new class of securities), issue type/class, CUSIP, number, par value, voting power, shares outstanding and shareholders, whether the security is book entry only, and American depositary share information. This information is necessary in order for the

[10] For each form a duly authorized representative of the company must sign an affirmation that the information provided is true and correct as of the date the form was signed and that the company will promptly notify IEX of any material changes.

[11] Pursuant to IEX Rule 14.201 a company seeking the initial listing of one or more classes of securities on the Exchange must participate in a free confidential pre-application eligibility review by the Exchange in order to determine whether it meets the Exchange's listing criteria. If, upon completion of this review, the Exchange determines that a company is eligible for listing, the Exchange will provide a clearance letter to the company notifying the company that it has been cleared to submit an original listing application pursuant to IEX Rule 14.202. A clearance letter is valid for nine months from its date of issuance.

[12] See the table on page 10 infra which specifies the categories of information required for each application type.

[13] A company shall be considered to be listing in conjunction with an initial public offering if immediately prior to the effective date of a registration covering securities to be listed, the company was not required to file reports with the Commission pursuant to Section 13(a) or 15(d) of the Act.

[14] In a ''spin-off [sic], a parent company distributes shares of a subsidiary to the parent company's shareholders so that the subsidiary becomes a separate, independent company. The shares are usually distributed on a pro rata basis. *See,* ''Fast Answers'' available on *sec.gov.*

[15] A national securities exchange is a securities exchange that has registered with the SEC under Section 6 of the Act.

[16] The Exchange expects to provide such notification on its Web site and through a subscription based service, both on a complimentary basis.

Exchange's regulatory staff to collect basic information about the security that is the subject of the listing application, as well as to assess compliance with IEX Rules 14.310(a) regarding distribution requirements and 14.413 regarding voting rights.

7. Board member identification and information including identification of independent directors and committee members. This information is necessary in order for the Exchange's regulatory staff to assess compliance with IEX Rule 14.405 regarding board of directors and committee requirements.

8. Regulatory review information, including a description of regulatory proceedings and litigation the company is subject to; certain regulatory, legal or criminal matters involving the company's current executive officers, directors and ten percent or greater shareholders; prior listing background, SEC filing background; and prior financing transactions.[17] This section also notes that IEX reserves the right to request additional information or documentation, public or non-public, deemed necessary to make a determination regarding a security's qualification for initial listing, including but not limited to, any material provided to or received from the SEC or other regulatory authority. Additionally, this section notes that the fact that an applicant may meet IEX's numerical guidelines does not necessarily mean that its application will be approved. This regulatory review information is necessary in order for the Exchange's regulatory staff to assess whether there are regulatory matters related to the company that render it unqualified for listing, or warrant the application of more stringent listing criteria, pursuant to IEX Rule 14.101.[18]

9. Supporting documentation required prior to listing approval includes a listing agreement,[19] logo submission form,[20] corporate governance certification,[21] regulatory correspondence over the past 12 months [22] shareholder confirmation documents, and symbol reservation form.[23] This documentation is necessary in order to support the Exchange's regulatory staff listing qualification review (corporate governance certification form, regulatory correspondence and shareholder confirmation documents), to effectuate the listed company's agreement to the terms of listing (listing agreement),[24] and enable the Exchange to use the company's logo for marketing and publicity purposes on IEX's Web site. In addition, the IPO application requires that if the company qualifies as an emerging growth company under the JOBS Act of 2012 and has submitted a confidential draft registration statement to the Commission in connection with its proposed IPO, the company provide the most recent copy of such draft registration statement and all related correspondence with the Commission or its staff. This documentation, which is not publicly available, is required to support the Exchange regulatory staff's listing qualification review.

The chart below show the categories of information required on each application type:

Information category	IPO application	Exchange transfer	Non-exchange transfer	Change of control	New class
Corporate	✓	✓	✓	✓	✓
Contacts	✓	✓	✓	✓	✓
Securities/Accounting	✓	✓	✓	✓	✓
Offering and Security	✓				✓
Associated Corporate Action				✓	
Issue-Specific	✓	✓	✓	✓	✓
Board Member	✓	✓	✓	✓	
Regulatory Review [25]	✓	✓	✓	✓	✓
Supporting Documentation	✓	✓	✓	✓	✓

IEX Listing Agreement

Pursuant to IEX Rule 14.202, to apply for listing on IEX, a company must execute a Listing Agreement. Pursuant to the Listing Agreement a company agrees with the Exchange as follows:

1. Company certifies that it understands and agrees to comply with all IEX rules, as they may be amended from time to time, and pay all applicable listing fees when due.

[17] *See also* note 25 regarding the scope of regulatory information initially required to be included in various application types.

[18] Pursuant to IEX Rule 14.101 the Exchange ''. . . has broad discretionary authority over the initial and continued listing of securities on the Exchange in order to maintain the quality, transparency and integrity of and public confidence in its market; to prevent fraudulent and manipulative acts and practices; to promote just and equitable principles of trade; to protect investors and the public interest; and to protect the safety and security of the Exchange and its employees. The Exchange may use such discretion to deny initial listing, apply additional or more stringent criteria for the initial or continued listing of particular securities, or suspend or delist particular securities based on any event, condition, or circumstance that exists or occurs that makes initial or continued listing of the securities on the Exchange inadvisable or unwarranted in the opinion of the Exchange, even though the securities meet all enumerated criteria for initial or continued listing on the Exchange. In the event that the Exchange Staff makes a determination to suspend or deny continued listing pursuant to its discretionary authority, the Company may seek review of that determination through the procedures set forth in the IEX Rule Series 14.500.''

[19] *See* description of the listing agreement *infra.*

[20] *See* description of the logo submission form *infra.*

[21] *See* description of the corporate governance certification *infra.*

[22] This includes correspondence between the listing applicant and each of its regulators. Review of such correspondence by IEX Regulation staff is designed to identify any public interest concerns that would preclude listing approval. In this regard, IEX Rule 14.101 provides that the Exchange ''. . . has broad discretionary authority over the initial and continued listing of securities on the Exchange in order to maintain the quality, transparency and integrity of and public confidence in its market; to prevent fraudulent and manipulative acts and practices; to promote just and equitable principles of trade; to protect investors and the public interest; and to protect the safety and security of the Exchange and its employees. The Exchange may use such discretion to deny initial listing, apply additional or more stringent criteria for the initial or continued listing of particular securities, or suspend or delist particular securities based on any event, condition, or circumstance that exists or occurs that makes initial or continued listing of the securities on the Exchange inadvisable or unwarranted in the opinion of the Exchange, even though the securities meet all enumerated criteria for initial or continued listing on the Exchange. In the event that the Exchange Staff makes a determination to suspend or deny continued listing pursuant to its discretionary authority, the Company may seek review of that determination through the procedures set forth in the IEX Rule Series 14.500.''

[23] *See* description of the symbol reservation form *infra.*

[24] *See* discussion of listing agreement *infra.*

[25] Because more information is generally available to IEX Regulation staff based on existing listing on IEX or another national securities exchange, the Exchange Transfer and New Class applications require only information on nondisclosed regulatory and/or legal matters. As warranted, IEX Regulation staff will request additional regulatory information necessary to make a listing qualification determination.

2. Company agrees to promptly notify IEX in writing of any corporate action or other event which will cause Company to cease to be in compliance with IEX listing requirements.

3. Company understands that IEX may remove its securities from the Investors Exchange LLC, pursuant to applicable procedures, if it fails to meet one or more requirements of Paragraphs 1–2.

4. Company understands that if an exception to any of the provisions of any of the IEX rules has been granted by IEX, such exception shall, during the time it is in effect, supersede any conflicting provision of this Listing Agreement.

5. Company warrants and represents that any trading symbol requested to be used by Company does not violate any trade/service mark, trade name, or other intellectual property right of any third party. Company agrees and understands that a trading symbol is provided to Company for the limited purpose of identifying Company's security in authorized quotation and trading systems and that Company has no ownership rights in the trading symbol. The assignment and use of a trading symbol is governed by the National Market System Plan for the Selection and Reservation of Securities Symbols, as may be amended from time to time.

6. Company hereby grants to IEX a non-exclusive, royalty free, license to use Company's logos, trade names, and trade/service marks in IEX's advertising, literature, media interactions, industry events, conferences, Web sites, social media content, and mobile applications solely in connection with marketing and related purposes in connection with being an IEX-listed company, and to convey quotation information, transactional reporting information, and other information regarding Company in connection with IEX. Company agrees to hold harmless and indemnify IEX (and its officers, directors, employees and agents) against any and all claims and losses, including but not limited to costs and attorneys' fees, resulting from, suffered, or incurred as a result of any third party's claim or litigation relating to the infringement of any trade/service mark, trade name, or other intellectual property right related to or arising out of IEX's use of Company's trading symbol, corporate logos, Web site address, trade names, and trade/service marks in accordance with the terms of this Listing Agreement.

The various provisions of the Listing Agreement are designed to accomplish several objectives. First, clauses 1–3 reflect the Exchange's self-regulatory organization (''SRO'') obligations to assure that only listed companies that are compliant with applicable IEX rules may remain listed. Thus, these provisions contractually bind a listed company to comply with IEX rules, provide notification of any corporate action or other event that will cause the company to cease to be in compliance with IEX listing requirements, and evidence the company's understanding that it may be removed from listing (subject to applicable procedures) if it fails to be in compliance or notify the Exchange of any event of noncompliance. Clause 4 reflects the contractual impact of any exception granted to a listed company with respect to any IEX rules.[26] Clauses 5 and 6 contains standard legal representations and agreements from the listed company to IEX regarding use of its logo, trade names, trade/service markets, and trading symbol as well as potential legal claims against IEX in connection thereto.

Corporate Governance Certification

In accordance with IEX Rule 14.400, companies listed on IEX are required to comply with certain corporate governance standards, relating to, for example, audit committees, director nominations, executive compensation, board composition, and executive sessions. In certain circumstances the corporate governance standards that apply vary depending on the nature of the company. In addition, there are phase-in periods and exemptions available to certain types of companies.[27] The Corporate Governance Certification enables a company to confirm to the Exchange that it is in compliance with the applicable standards, and specify any applicable phase-ins or exemptions.[28] In addition, the Corporate Governance Certification enables a company to confirm to the Exchange its compliance with quorum,[29] internal audit,[30] code of conduct,[31] and direct registration system (''DRS'') eligibility [32] requirements. Companies are required to submit a Corporate Governance Certification upon initial listing on IEX and thereafter when an event occurs that makes an existing form inaccurate. This Corporate Governance Certification thus assists IEX regulatory staff in monitoring listed company compliance with the corporate governance requirements.

Company Event Notifications

Pursuant to IEX Rule 14.207(e), various corporate events resulting in material changes will trigger the requirement for a listed company to submit certain forms to the Exchange. The following describes the applicable forms, as proposed, for different event types:

1. Shares Outstanding Change Form

Pursuant to IEX Rule 14.207(e)(1), listed companies are required to file, on a form designated by the Exchange no later than 10 calendar days after the occurrence, any aggregate increase or decrease of any listed class of securities listed on the Exchange that exceeds 5% of the amount of the class outstanding. This notification requirement is designed to assist IEX regulatory staff in identifying a situation in which a listed company may have issued additional shares without obtaining shareholder approval as required [33] or in violation of IEX's voting rights rule.[34] Accordingly, as proposed, the Exchange designates the Shares Outstanding Change Form for this purpose.

2. Listing of Additional Shares

Pursuant to IEX Rule 14.207(e)(2) listed companies must notify IEX of events involving the issuance, or potential issuance of common stock, securities convertible into common stock or other voting securities.[35] Such events include but are not limited to, public offerings, private placements, acquisitions using stock, establishment, or materially amending stock option plans and transactions that may result in a change of control of a company. Companies must file notifications on the Listing of Additional Shares form as soon as possible but at least 15 calendar days prior to the transaction in question. The Exchange regulatory staff will use the information provided to assess whether a transaction is in compliance with applicable IEX rules, including the shareholder approval requirements.

3. Company Event Notification Form

Pursuant to IEX Rule 14.207(e)(3), listed companies are required to file, on a form designated by the Exchange, notification of specified record keeping changes no later than 10 calendar days after the occurrence. These include any

[26] For example, pursuant to IEX rule 14.501 and 14.502 a listed company may be granted an exception to certain listing standards for a limited period of time, as permitted by IEX rules.

[27] *See* IEX Rule 14.407.

[28] *See* IEX Rule 14.407.

[29] *See* IEX Rule 14.408(c).

[30] *See* IEX Rule 14.414. Note that Nasdaq does not have a corresponding internal audit requirement.

[31] *See* IEX Rule 14.406.

[32] *See* IEX Rule 14.208.

[33] *See* IEX Rule 14.412.

[34] *See* IEX Rule 14.413.

[35] A company solely listing American Depositary Receipts is not subject to such notification requirement.

changes to its name, the par value or title of its security, its symbol or similar change. In addition, listed companies are required to notify the exchange promptly in writing (absent any fees) of any change in the general character or nature of its business and any change in the address of its principal executive offices. Further, pursuant to IEX Rule 14.207(e)(4), listed companies are required to notify the Exchange of a Substitution Listing Event (other than a reincorporation or a change to the company's place of organization) [36] no later than 15 calendar days prior to the implementation of such event by filing the appropriate form as designated by the Exchange. For a reincorporation or change to a company's place of organization, a company shall notify the Exchange as soon as practicable after such event has been implemented by filing the appropriate form as designated by the Exchange. These notifications are required for administrative reasons (*i.e.,* to assure that the Exchange has accurate information regarding each listed company and security). The Exchange proposes to designate the Company Event Notification for such notifications.

4. Dividend-Distribution-Interest Payment Form

Pursuant to IEX Rule 14.207(e)(6), no later than 10 calendar days prior to the record date of any dividend action or action relating to a stock distribution listed companies are required to notify the Exchange by filing the appropriate form as designated by the Exchange.[37] This notification to IEX is required so that the Exchange can advise its Members and other market participants of dividend and distribution actions, including determination and dissemination of any applicable ex-dates. The Exchange proposes to designate the Dividend-Distribution-Interest Payment Form for such notifications.

Logo Submission Form

Pursuant to the Logo Submission Form company logos may be included in IEX's advertising, literature, media interactions, industry events, conferences, Web sites, social media content, and mobile applications solely in connection with marketing and related purposes in connection with being an IEX-listed company, and to convey quotation information, transactional reporting information, and other information regarding a company in connection with IEX. This form is required for administrative purposes to facilitate use of a listed company's corporate logos, trade names and trade/service marks.

Symbol Reservation Form

The Symbol Reservation Form enables a company to reserve a symbol to identify its securities trading on IEX. A company can provide its primary choice and two alternatives and IEX will reserve a symbol through the Intermarket Symbols Reservation Authority. This form facilitates the operational aspects of trading symbol reservation and assignment through the Intermarket Symbol Reservation Authority.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act, in general and with Sections 6(b) [38] of the Act in general, and furthers the objectives of Sections 6(b)(5) of the Act,[39] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that the proposed rule change supports these objectives because it provides appropriate listing applications, agreements, and forms that are designed to facilitate the collection of necessary information and agreements from listed companies and support IEX's regulatory review and monitoring of listed company compliance with IEX's listing rules. The Exchange also believes that providing standardized applications, agreements, and forms will provide a transparent means for listed companies and applicants to provide information required by IEX rules and for administrative purposes to the Exchange which is consistent with the public interest and the protection of investors.

The Exchange also believes that the proposed rule change does not unfairly discriminate between customers, issuers, brokers and dealers since all similarly situated listed companies and applicants will be required to complete the same documentation. Although in some cases different documentation is required, the differences relate solely to the information necessary to assess listing compliance.

The Exchange also notes that substantially similar applications, agreements, and forms are used by Nasdaq so the proposed rule change does not raise any new or novel issues that have not already been considered by the Commission.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change requires the collection of information required by IEX rules and for administrative purposes and is not intended to address or advance any competitive issues.

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 proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) [40] of the Act and Rule 19b–4(f)(6) thereunder.[41]

[36] Pursuant to IEX Rule 14.002(32), a Substitution Listing Event means: A reverse stock split, re-incorporation or a change in the Company's place of organization, the formation of a holding company that replaces a listed Company, reclassification or exchange of a Company's listed shares for another security, the listing of a new class of securities in substitution for a previously-listed class of securities or any technical change whereby the Shareholders of the original Company receive a share-for-share interest in the new Company without any change in their equity position or rights. A Substitution Listing Event also includes the replacement of, or any significant modification to, the index, portfolio or Reference Asset underlying a security listed under Chapter 16 of the IEX Rules (including, but not limited to, a significant modification to the index methodology, a change in the index provider, or a change in control of the index provider).

[37] Rule 14.207(e)(6) also requires that the company provide public notice of the action using a Regulation FD compliant method. Notice to the Exchange should be given as soon as possible after declaration and, in any event, no later than simultaneously with the public notice.

[38] 15 U.S.C. 78f.

[39] 15 U.S.C. 78f(b)(5).

[40] 15 U.S.C. 78s(b)(3)(A)(iii).

[41] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule

Continued

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 under Section 19(b)(2)(B)[42] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–IEX–2017–09 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–IEX–2017–09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–IEX–2017–09 and should be submitted on or before May 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[43]

Brent J. Fields,

Secretary.

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change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[42] 15 U.S.C. 78s(b)(2)(B).

[43] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80449; File No. SR–ICEEU–2017–004]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Third Party Collateral Purchase Arrangements Under the ICE Clear Europe Finance Procedures and Other Clarifying Changes to the ICE Clear Europe Finance Procedures

April 13, 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 April 6, 2017, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I, II and III below, which Items have been prepared primarily by ICE Clear Europe. ICE Clear Europe filed the proposed rule changes pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(4)(i) and (ii)[4] thereunder, so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(i), (ii).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the changes is to modify certain aspects of the ICE Clear Europe Finance Procedures in connection with third party collateral purchase arrangements. The amendments also make certain other clarifying changes and updates to the Finance Procedures.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe 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. ICE Clear Europe has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the amendments is to modify the Finance Procedures to expand the permitted use of certain third-party collateral purchase arrangements with respect to Triparty Collateral provided by F&O Clearing Members in the context of an Individually Segregated Margin-flow Co-mingled Account (commonly referred to as an ''ISOC Account''). The amendments also make certain other clarifying changes to the Finance Procedures. ICE Clear Europe is not proposing to modify its Clearing Rules (the ''Rules'')[5] in connection with these amendments.

Under paragraph 3.32 of the existing Finance Procedures, an F&O Clearing Member may request that the Clearing House enter into a third party collateral purchase agreement (a ''Purchase Agreement'') with a third party collateral purchaser (the ''TPCP'') designated by the F&O Clearing Member.[6] The Clearing House has no obligation to enter into a Purchase

[5] Capitalized terms used but not defined herein have the meanings specified in the Rules.

[6] A more detailed discussion of the existing third party collateral purchase arrangements is set out in Notice of Filing of Proposed Rule Change to Finance Procedures, Exchange Act Release No. 34–73667, File No. SR–ICEEU–2014–23 (Nov. 21, 2014), 79 FR 70905 (Nov. 28, 2014).

Agreement. The TPCP may be an affiliate of the Clearing Member. Under the terms of a Purchase Agreement, if the Clearing House declares the F&O Clearing Member to be a Defaulter under the Rules, the Clearing House will offer to sell that Clearing Member's Triparty Collateral to the TPCP, for a specified price established by the Clearing House based on its determination of the market value of the collateral. The TPCP will have a specified period to accept or reject the offer to sell. If the TPCP accepts the offer, the Clearing House will sell the Triparty Collateral to the TPCP at the specified price. The proceeds of such sale would be applied by the Clearing House in the default management process and net sum calculation in the same manner as any other liquidation of margin of a Defaulter. If the TPCP rejects the offer to sell, or does not respond within the specified period, the offer will expire, and the Clearing House will apply or liquidate the Triparty Collateral pursuant to the Rules as part of its usual default management process. Under the current Finance Procedures, Purchase Agreements can only apply to Triparty Collateral provided by F&O Clearing Members in respect of their proprietary accounts, and cannot apply to other margin, collateral or permitted cover provided by F&O Clearing Members or any margin, collateral or permitted cover provided by CDS or FX Clearing Members in respect of CDS or FX Contracts, respectively.

At the request of certain F&O Clearing Members and their customers, the Clearing House proposes to expand these arrangements to permit the use of third party collateral purchase arrangements for a customer of an F&O Clearing Member in respect of which positions and margin are held in an ISOC Account.[7] ICE Clear Europe understands that some such customers have requested such arrangements to facilitate their own collateral management activities, under which they (or their affiliates) may wish to reacquire collateral held in an ISOC Account to settle other transactions following an F&O Clearing Member default.

Specifically, ICE Clear Europe is amending paragraph 3.32 of the Finance Procedures to permit the use of a Purchase Agreement in respect of an ISOC Account of an F&O Clearing Member. As with Purchase Agreements involving the proprietary account, the Purchase Agreement for such an account would provide that upon default of the F&O Clearing Member, the Clearing House would offer to the TPCP the Triparty Collateral in the relevant ISOC Account. The amendments also provide that the relevant customer must be a party to the Purchase Agreement, and that the identity of the customer must be approved by the Clearing House. The amendments clarify that the net proceeds of any sale pursuant to a Purchase Agreement (for either the proprietary or an ISOC Account) would be included in the net sum calculation under Rules 905(b)(vii) and 906(a). Purchase Agreements could not be used for any other category of customer account of an F&O Clearing Member.

The Finance Procedures are also being amended to make certain unrelated clarifying changes relating to the timing of settlement of the transfer of securities as Permitted Cover. Paragraph 11.4 was amended in a previous filing[8] to remove certain account details and matching criteria for particular securities transfer systems (with the relevant details to be made available from time to time on ICE Clear Europe's Web site). Those amendments inadvertently removed certain settlement timing provisions (including as to instruction deadlines, trade dates and contractual settlement dates). Those settlement timing provisions have now been reinstated in paragraph 11.4. Certain updates to the settlement timings have been made (which are consistent with the timing requirements currently in effect as set forth on ICE Clear Europe's Web site).

2. Statutory Basis

ICE Clear Europe believes that the proposed rule changes are consistent with the requirements of Section 17A of the Act[9] and the regulations thereunder applicable to it, including the relevant standards under Rule 17Ad–22,[10] and are consistent with the prompt and accurate clearance of and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts and transactions, the safeguarding of securities and funds in the custody or control of ICE Clear Europe or for which it is responsible and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[11]

The amended third party collateral purchase arrangements will use the existing Clearing House procedures for Triparty Collateral, which is held with a triparty collateral service provider such as Euroclear Bank. As a result, the amendments will not adversely affect the manner in which collateral provided by a Clearing Member is currently held, prior to default, and accordingly will not adversely affect the safeguarding of securities or funds in the custody or control of ICE Clear Europe or for which it is responsible, within the meaning of Section 17A(b)(3)(F) of the Act.[12] The arrangement would not apply to CDS Clearing Members or FX Clearing Members acting in their capacities as such.

In terms of default management, ICE Clear Europe believes that the proposed amendments would not interfere with its ability to manage a Clearing Member default, consistent with the standards in the Act and Rule 17Ad–22.[13] Under its Rules, the Clearing House has broad rights to apply and liquidate collateral provided by a Clearing Member following its default.[14] In ICE Clear Europe's view, the arrangements provide an additional means by which Triparty Collateral can be liquidated following default, through a pre-arranged alternative purchase by a TPCP. The amendments expand the potential use of these arrangements to a particular type of individually segregated customer account. The arrangements may provide certain default management benefits for the Clearing House if the collateral purchase option is exercised, as the collateral purchase option will provide the Clearing House with the cash value of the relevant collateral promptly, without the need for the Clearing House to undertake the liquidation of the collateral in the market (and incur related expenses). As under the current Finance Procedures, the proposed third party collateral purchase arrangement would provide only a brief period in which the TPCP would have the right to purchase the Triparty Collateral. ICE Clear Europe does not believe this delay, even in the event the TPCP did not elect to purchase the collateral, would materially impact the Clearing House's ability to manage a default or liquidate collateral following expiration of the period. By limiting the arrangement to ISOC Accounts, in

[7] As defined under the Rules, ISOC Accounts provide a form of individual segregation for positions and margin of certain customers. Each ISOC Account constitutes a separate account, referencing a single client, for which the Clearing House keeps separate records of both positions and margin. However, as an operational matter, margin flows are aggregated across all such ISOC Accounts of a Clearing Member. ISOC Accounts are only available for Non-FCM/BD Clearing Members.

[8] Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Finance Procedures, Exchange Act Release No. 34–79375, File No. SR–ICEEU–2016–013 (Nov. 22, 2016), 81 FR 86048 (Nov. 29, 2016).

[9] 15 U.S.C. 78q–1.

[10] 17 CFR 240.17Ad–22.

[11] 15 U.S.C. 78q–1(b)(3)(F).

[12] 15 U.S.C. 78q–1(b)(3)(F).

[13] 17 CFR 240.17Ad–22.

[14] See Rules 903–906.

which positions and margin of a customer are individually segregated, the Clearing House also avoids any concern that the arrangement could affect other customers of the F&O Clearing Member. In ICE Clear Europe's view, the amendments will thus promote the prompt and accurate clearance and settlement of cleared contracts, and the protection of market participants and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[15] For similar reasons, ICE Clear Europe believes that the amendments are also consistent with the requirements to establish default procedures that ensure that the clearing agency can take timely action to contain losses and liquidity pressures and to continue meetings its obligations in the event of a clearing member default in Rule 17Ad–22(d)(11)[16] and (as and when compliance therewith is required) Rule 17Ad–22(e)(13).[17]

The approach will also benefit certain F&O Clearing Members (and their relevant customers using ISOC Accounts), who have requested such arrangements in order to facilitate their own collateral management activities, under which they or their affiliates may want to have the ability to reacquire the relevant collateral. In this respect, ICE Clear Europe believes that the amendments are also consistent with the requirements of Rule 17Ad–22(d)(6)[18] and (as and when compliance therewith is required) Rule 17Ad–22(e)(21),[19] which require that clearing agency procedures be cost-effective in meeting the requirements of market participants while maintaining safe and secure operations.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed amendments would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes will provide additional flexibility by permitting the use, on a voluntary basis, of third party collateral purchase arrangements for those F&O Clearing Members (and their customers) that are interested in such arrangements in respect of an ISOC Account. No Clearing Member will be required to use these arrangements, and the changes will thus not affect those Clearing Members (or their customers) that do not participate in such arrangements. In addition, the amendments will not otherwise affect the terms or conditions of any cleared contract or the standards or requirements for participation in or use of the Clearing House. Accordingly, the changes should not, in the Clearing House's view, affect the availability of clearing, access to clearing services or the costs of clearing for clearing members or other market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed changes to the rules have not been solicited or received. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A)[20] of the Act and paragraphs (f)(4)(i) and (ii) of Rule 19b–4[21] thereunder, because it effects a change in an existing service of a registered clearing agency that does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible, and does not significantly affect the respective rights or obligations of the clearing agency or persons using its clearing service, within the meaning of Rule 19b–4(f)(4)(i),[22] and because it effects a change in an existing service of a registered clearing agency that primarily affects the clearing operations of the clearing agency with respect to products that are not securities, including futures that are not security futures, swaps that are not security-based swaps or mixed swaps, and forwards that are not security forwards, and does not significantly affect any securities clearing operations of the clearing agency or any rights or obligations of the clearing agency with respect to securities clearing or persons using such securities clearing service, within the meaning of Rule 19b–4(f)(4)(ii),[23] as applicable. 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.

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–ICEEU–2017–004 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–ICEEU–2017–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at *https://www.theice.com/clear-europe/regulation#rule-filings.*

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–ICEEU–2017–004 and should be submitted on or before May 10, 2017.

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] 17 CFR 240.17Ad–22(d)(11).

[17] 17 CFR 240.17Ad–22(e)(13).

[18] 17 CFR 240.17Ad–22(d)(6).

[19] 17 CFR 240.17Ad–22(e)(21).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(4)(i) and (ii).

[22] 17 CFR 240.19b–4(f)(4)(i).

[23] 17 CFR 240.19b–4(f)(4)(ii).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Brent J. Fields,

Secretary.

[FR Doc. 2017–07870 Filed 4–18–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80451; File No. SR–LCH SA–2017–004]

Self-Regulatory Organizations; LCH SA; Notice of Proposed Rule Change, Security-Based Swap Submission, or Advance Notice Relating to CDS Margin and Extreme Credit Spread Curves

April 13, 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 April 4, 2017, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared primarily by LCH SA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

LCH SA is proposing to amend its CDS margin framework, in order to promote operational efficiency and improve operational risk management, to provide for an approximation-based method to replace the algorithm that is currently used in the event that the International Swaps and Derivatives Association (''ISDA'') standard model for pricing (''ISDA Pricer'') credit default swaps (''CDS'') fails as a result of extreme spread curves, as further described herein.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA 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. LCH SA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Spread margin is a component in LCH SA's margin methodology. LCH SA currently uses the ISDA Pricer to calibrate credit spread curves. In the case of ''extreme'' credit spread curves, however, it is not possible to calibrate credit spread curves using the ISDA Pricer. Currently, in the event that the ISDA Pricer fails, LCH SA uses a dichotomy-based algorithm to adjust the spread input and to perform repeated calibration of the spread curve between two tenors until it identifies (x) the tenor which has caused the calibration to fail and (y) the level of the spread closest to input for the tenor that allows the curve to calibrate. In practice, applying this algorithm is time consuming and may lead to lengthy system processing, because it necessitates repetition of a dichotomy analysis until the tenor that is responsible for the failure is identified. This, in turn, could result in delay in performing LCH SA's margin calculation. In addition, because the spread curve will be replicated in subsequent simulation runs as part of the spread margin calculation, it is very likely that the calibration failure that occurs when obtaining the mark-to-market price for a CDS contract will also occur in subsequent simulation runs, which means that the dichotomy algorithm would need to be used many times, which accounts for significant processing time in CDSClear's overnight batch. Therefore, to promote operational efficiency and improve operational risk management while maintaining a sound pricing mechanism, LCH SA is proposing to replace its existing dichotomy-based algorithm with a new approximation-based method to price CDS contracts in the event of extreme spread curves that cause the ISDA Pricer to fail.

Text is added to Section 2.2 ''CDS Pricing'' in ''Reference Guide: CDS Margin Framework'' to describe the new approximation-based method, which specifies that in the event the ISDA Pricer fails, LCH SA would use an approximation-based method to calibrate credit spread curves. The new method consists of three steps: (i) Constructing a piecewise constant hazard rate curve, (ii) constructing a piecewise constant interest rate curve, and (iii) defining the average hazard rate and average interest rate over the period considered and applying them to price the CDS using the usual mark-to-market pricing formula in any market conditions, under the assumption of continuous coupon payment.

LCH SA has performed analysis comparing its approximation method to the ISDA Pricer and the results indicate that its approximation method provides a reliable pricing estimate. The proposed rule change would, therefore, simplify LCH SA's margin methodology and would significantly reduce operational risk while simultaneously providing a sound pricing method for extreme curves.

2. Statutory Basis

LCH SA believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to LCH SA. Specifically, in accordance with Section 17(A)(b)(3)(F),[3] LCH SA believes that the proposed rule change will promote the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions and 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, in that the proposed rule change is designed to promote operational efficiency and reduce operational risk caused by the existing dichotomy-based algorithm, which is used in the event of extreme spread curves that cause the ISDA Pricer to fail, while maintaining a sound pricing mechanism for LCH SA's margin calculation. In addition, the proposed rule change is consistent with the relevant requirements of Rule 17Ad–22(d)(4), which requires a clearing agency to establish and maintain policies and procedures that identify sources of operational risk and to minimize such risk through development of procedures that are reliable,[4] as well as Rule 17Ad–22(e)(17), which requires a covered clearing agency to establish and maintain policies and procedures reasonably designed to manage the covered clearing agency's operational risks by identifying the plausible sources of operational risk and mitigating their impact through the use of appropriate systems, policies, procedures and controls.[5] LCH SA has

[24] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78q–1(b)(3)(F).

[4] 17 CFR 240.17Ad–22(d)(4).

[5] 17 CFR 240.17Ad–22(e)(17).

identified its current dichotomy-based algorithm as a source of operational risk, based on its observation of the algorithm as an operationally intensive and time consuming practice. LCH SA believes that the new pricing method as described in the proposed rule change is reasonably designed to minimize operational risk and eliminate possible delays existing in the current overnight batch process as a result of the dichotomy-based algorithm in the event of extreme spread curves that cause the ISDA Pricer to fail. In addition, LCH SA has performed analysis comparing its approximation method to the ISDA Pricer and the results indicate that its approximation method provides a reliable pricing estimate. Therefore, LCH SA believes that the proposed rule change is reasonably designed to minimize or mitigate the operational risk identified by LCH SA through the use of appropriate systems and policies, consistent with Rule 17Ad–22(d)(4) and Rule 17Ad–22(e)(17). The proposed rule change is also consistent with Rule 17Ad–22(b)(1) and (2),[6] which require a clearing agency to maintain margin and limit a clearing agency's exposures to potential losses from participants' defaults under normal market conditions, and Rule 17Ad–22(e)(4),[7] which requires a covered clearing agency to manage credit exposures to participants by maintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence. LCH SA has performed analysis to support the new pricing method for extreme spread curves as a reliable pricing tool to use in its margin methodology in the event of extreme spread curves that cause the ISDA Pricer to fail, and, therefore, believes that the proposed rule change would continue to cause LCH SA to maintain margin to cover its credit exposure to, and to limit its exposures to potential losses, each Clearing Member's defaults *[sic]* under normal market conditions with a high degree of confidence.

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[8] The proposed rule change is part of the spread margin calculation, which will uniformly apply across all participants and, as noted above, is consistent with the applicable requirements of the Act, eliminates operational risk and provides reliable pricing of CDS in the event that the ISDA Pricer fails. Therefore, LCH SA does not believe the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. LCH SA will notify the Commission of any written comments received by LCH SA.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov. Please include File Number SR–LCH SA–2017–004 on the subject line.*

Paper Comments

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

All submissions should refer to File Number SR–LCH SA–2017–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of LCH SA and on LCH SA's Web site at *http://www.lch.com/asset-classes/cdsclear.*

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–LCH SA–2017–004 and should be submitted on or before May 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Brent J. Fields,

Secretary.

[FR Doc. 2017–07873 Filed 4–18–17; 8:45 am]

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[6] 17 CFR 240.17Ad–22(b)(1)–(2).

[7] 17 CFR 240.17Ad–22(e)(4).

[8] 15 U.S.C. 78q–1(b)(3)(I).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80448; File No. SR–BatsEDGA–2017–06]

Self-Regulatory Organizations; Bats EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use on Bats EDGA Exchange, Inc.

April 13, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 31, 2017, Bats EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members [5] and non-members of the Exchange pursuant to EDGA Rules 15.1(a) and (c).

The text of the proposed rule change is available at the Exchange's Web site at *www.bats.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule for its equity platform (''EDGA Equities'') to: (i) Adopt fee code PL, modify fee codes PA, PT, and PX, as well as the RMPT Tier under footnote 3 to provide fees for the recently implemented RMPL routing strategy; and (ii) modify the descriptions of fee codes MM and MT.

Fees for RMPL Routing Strategy

The Exchange recently implemented a new midpoint routing strategy known as RMPL [6] under which a MidPoint Peg Order [7] first checks the System [8] for available shares and routes any remaining shares to destinations on the System routing table [9] that support midpoint eligible orders. If any shares remain unexecuted after routing, they are posted on the EDGA Book [10] as MidPoint Peg Orders, unless otherwise instructed by the User.[11] As a result of this additional functionality, the Exchange proposes to amend its fee schedule to adopt fees which would apply to orders routed pursuant to the RMPL routing strategy.

Fee Code PL. The Exchange proposes to adopt fee code PL, which would apply to orders routed to Bats BZX Exchange, Inc. (''BZX''), Bats EDGX Exchange, Inc. (''EDGX''), the New York Stock Exchange, Inc. (''NYSE''), NYSE Arca, Inc. (''NYSE Arca''), or Nasdaq Stock Market LLC (''Nasdaq'') using a RMPL routing strategy. Orders that yield fee code PL would be charged a fee of $0.0030 per share in securities priced at or above $1.00 and 0.30% of the trade's total dollar value in securities priced below $1.00.

Fee Codes PA, PT, PX, and RMPT Tier. The RMPT routing strategy operates similarly to RMPL in that under both Mid-Point Peg Orders check the System for available shares and any remaining shares are then sent to destinations on the System routing table that support midpoint eligible orders. If any shares remain unexecuted after routing, they are posted on the EDGA Book as a Mid-Point Peg Order, unless otherwise instructed by the User. While RMPL and RMPT operate in an identical manner, the trading venues that each routing strategy routes to and the order in which it routes them differ. Due to the identical behavior of RMPT and RMPL routing options, the Exchange proposes to amend fee Codes PA, PT, PX, and RMPT Tier, all of which set forth fees for the RMPT routing strategy, to also provide fees for the RMPL routing strategy. Each of these changes are as follows:

- *Fee Code PA.* Currently, fee code PA only applies to orders which add liquidity to the Exchange using a RMPT routing strategy. Orders that yield fee code PA are assessed a fee of $0.0008 per share in securities priced at or above $1.00 and are not assessed a fee in securities below $1.00. The Exchange now proposes modify the application of fee code PA not only apply to RMPT, but to also apply RMPL. The Exchange does not propose to modify the fee associated with PA.

- *Fee Code PT.* Currently, fee code PT only applies to orders which remove liquidity on the Exchange using a RMPT routing strategy. Orders that yield fee code PT are assessed a fee of $0.0010 per share in securities priced at or above $1.00 and are not assessed a fee in securities below $1.00. The Exchange now proposes modify the application of fee code PT not only apply to RMPT, but to also apply RMPL. The Exchange does not propose to modify the fee associated with PT.

- *Fee Code PX.* Currently, fee code PX only applies to orders routed using a RMPT routing strategy. Order that yield fee code PX are assessed a fee of $0.0012 per share in securities priced at or above $1.00 and 0.30% of the trade's total dollar value in securities priced below $1.00. The Exchange now proposes modify the application of fee code PX not only apply to RMPT, but to also apply RMPL. However, fee code PX would only apply to orders routed to destinations not covered by fee code PL using the RMPL routing strategy, as set forth above. The Exchange does not propose to modify the fee associated with PX.

- RMPT Tier Under Footnote 3. Currently, the Exchange offers one RMPT Tier under which a Member may receive a discounted fee of $0.0008 per share for orders yielding fee codes PT or PX where that Member adds or removes

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] *See* Securities Exchange Act Release No. 79596 (December 19, 2016), 81 FR 94454 (December 26, 2016) (SR–BatsEDGA–2016–34) (''RMPL Filing'').

[7] In sum, a MidPoint Peg Order is a non-displayed Market Order or Limit Order with an instruction to execute at the midpoint of the NBBO, or, alternatively, pegged to the less aggressive of the midpoint of the NBBO or one minimum price variation inside the same side of the NBBO as the order. *See* Exchange Rule 11.8(d).

[8] The term ''System'' is defined as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.'' *See* Exchange Rule 1.5(cc).

[9] The term ''System routing table'' refers to the proprietary process for determining the specific trading venues to which the System routes orders and the order in which it routes them. *See* Exchange Rule 11.11(g). While the process for determining the specific trading venues to which orders are routed is proprietary, the Exchange publicly discloses the trading venues associated with each routing strategy via its Web site at *http://cdn.batstrading.com/resources/features/bats_exchange_routing-strategies.pdf.*

[10] The term ''EDGA Book'' is defined as the ''System's electronic file of orders.'' *See* Exchange Rule 1.5(d). The Exchange also proposed to capitalize the word ''Book'' within Rule 11.11(g)(13) as the term EDGA Book is a defined term in the Exchange's Rules.

[11] The term ''User'' is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(ee).

an ADV [12] greater than or equal to 2,000,000 shares using a the RMPT routing strategy. The Exchange now proposes to amend the RMPT Tier to allow the Member's ADV to also include shares that use the RMPL routing strategy. The Exchange does not propose to modify the fee associated with PT.

Fee Codes MM and MT

The Exchange proposes to amend the descriptions of fee code MM and MT to align with the description of similar fee codes of its affiliated exchanges.[13] Fee code MM is [sic] applies to Non-Displayed [14] orders that *add* liquidity at the midpoint of the national best bid and offer (''NBBO'') while fee code MT is [sic] applies to Non-Displayed orders that *remove* liquidity at the midpoint of the NBBO. Orders that yield fee code MM or MT are charged a fee of $0.00080 per share in securities priced at or above $1.00 and 0.08% of the trade's total dollar value in securities priced below $1.00. To align the description of fee codes MM and MT with similar fee codes of its affiliated exchanges,[15] the Exchange proposes to amend their descriptions as follows. Fee code MM would now state that is applies to Non-displayed orders that add liquidity using Mid-Point Peg order type. Fee code MT would now state that is applies to Non-displayed orders that remove liquidity using Mid-Point Peg order type. The proposed changes do not alter the types of orders to which the fee codes would apply. The Exchange does not propose to modify the fee associated with MM and MT.

Implementation Date

The Exchange proposes to implement the above changes to its fee schedule on April 3, 2017.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[16] in general, and furthers the objectives of Section 6(b)(4),[17] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

Fees for RMPL Routing Strategy

The Exchange believes the proposed fee code PL and the expansion of fee codes PA, PT and PX as well as the RMPT Tier to adopt fees for orders routed using the options RMPL routing strategy represents an equitable allocation of reasonable dues, fees. The proposed fee code structure would enable the Exchange to charge a rate reasonably related to the rate that Bats Trading, Inc. (''Bats Trading''), the Exchange's affiliated routing broker-dealer, would be charged for routing orders to destinations described in fee codes PL, PA, PT and PX when it does not qualify for a volume tier reduced fee. As a result, when Bats Trading is charged a fee when it routes an order which removes liquidity from a destination described in fee codes PL, PA, PT and PX.[18] Bats Trading will pass through these rates to the Exchange and the Exchange, in turn, will charge the rates under fee codes PL, PA, PT and PX, as applicable. The proposed fee under fee codes PL, PA, PT and PX for orders routed pursuant to the RMPL routing strategy would enable the Exchange to equitably allocate its costs among all Members. Further, the Exchange believe that the expansion of the RMPT Tier to allow the Member's ADV to also include shares that use the RMPL routing strategy is also reasonable and equitable because of the similar operation of the RMPL and RMPT routing strategies and results in the equal treatment of those orders under the Exchange's tiered pricing structure. In addition, the inclusion of the RMPL routing strategy in the RMPT Tier should also attract additional midpoint liquidity to the Exchange, resulting in increased price improvement opportunities for orders seeking an execution at the midpoint of the NBBO on the Exchange or elsewhere.

The Exchange notes that routing through Bats Trading is voluntary. Members seeking to [sic] midpoint eligible route such orders to BZX, EDGX, NYSE, NYSE Arca, and Nasdaq, or to any other destination covered by the RMPL routing strategy may connect to those destinations directly and be charged the fee or provided the rebate from that destination. The Exchange further believes that this pricing structure is non-discriminatory as it applies equally to all Members.

Fee Codes MM and MT

The Exchange believes [sic] proposed rule change represents an equitable allocation of reasonable dues, fees, and other charges because the amended the descriptions of fee code MM and MT to [sic] solely intended to align with the description of similar fee codes of its affiliated exchanges. Harmonized descriptions should help alleviate potential investor confusion for those that send midpoint eligible order to the exchange and its affiliates. The proposed changes do not alter the types of orders to which the fee codes would apply. Nor does the Exchange propose to modify the fees associated with MM and MT. In addition, the Exchange also believes that the proposed modifications of the descriptions of fee codes MM and MT are non-discriminatory because they would apply uniformly to all Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that this change represents a significant departure from previous pricing offered by the Exchange or from pricing offered by the Exchange's competitors. The proposed rates would apply uniformly to all Members, and Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets. The Exchange believes that its proposal to [sic] fees would increase intermarket competition by offering customers an alternative means to route to destinations covered by fee codes PL, PA, PT and PX. As stated above, routing through Bats Trading is voluntary and Members may utilize other avenues to route orders to destinations covered by fee codes PL, PA, PT and PX, such as connecting to those destinations directly. The changes

[12] ADV is generally defined as average daily volume calculated as the number of shares added to, removed from, or routed by, the Exchange, or any combination or subset thereof, per day. *See* the Exchange's fee schedule *available at http://www.bats.com/us/equities/membership/fee_schedule/edga/.*

[13] The Exchange's affiliates are Bats EDGX Exchange, Inc. (''EDGX''), Bats BYX Exchange, Inc., (''BYX''), and Bats BZX Exchange, Inc. (''BZX'').

[14] *See* Exchange Rule 11.6(e)(2).

[15] *See e.g.,* fee codes MM and MT on the BYX fee schedule *available at http://www.bats.com/us/equities/membership/fee_schedule/byx/; and* fee code MM on the EDGX fee schedule *available at http://www.bats.com/us/equities/membership/fee_schedule/edgx/.*

[16] 15 U.S.C. 78f.

[17] 15 U.S.C. 78f(b)(4).

[18] For example, Nasdaq, NYSE, NYSE Arca, BZX, and EDGX charge a fee of $0.0030 per share for orders that remove midpoint liquidity. *See* Nasdaq's fee schedule *available at http://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2;* NYSE's price list *available at https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf;* NYSE Arca's price list *available at https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf;* BZX's fee schedule *available at http://www.bats.com/us/equities/membership/fee_schedule/bzx/;* and EDGX's fee schedule *available at http://www.bats.com/us/equities/membership/fee_schedule/edgx/.*

to the RMPT Tier to include the RMPL routing strategy as part of the tier's ADV calculation should increase competition as it is designed to attract additional midpoint order flow to the Exchange. The changes to the descriptions of fee codes MM and MT should have no impact on competition as they are similar designed to align their descriptions with that of similar fee codes offered by the Exchange's affiliates. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets. The Exchange believes that its proposal would not burden intramarket competition because the proposed rate would apply uniformly to all Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [19] and paragraph (f) of Rule 19b–4 thereunder.[20] 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR-BatsEDGA–2017–06 on the subject line.

Paper Comments

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

All submissions should refer to File No. SR-BatsEDGA–2017–06. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BatsEDGA–2017–06, and should be submitted on or before May 10, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Brent J. Fields,

Secretary.

[FR Doc. 2017–07869 Filed 4–18–17; 8:45 am]

BILLING CODE 8011–01–P

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80455; File No. 4–631]

Joint Industry Plan; Order Approving the Thirteenth Amendment to the National Market System Plan To Address Extraordinary Market Volatility by Bats BZX Exchange, Inc., Bats BYX Exchange, Inc., Bats EDGA Exchange, Inc., Bats EDGX Exchange, Inc., Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, NASDAQ BX, Inc., NASDAQ PHLX LLC, The Nasdaq Stock Market LLC, NYSE National, Inc., New York Stock Exchange LLC, NYSE MKT LLC, and NYSE Arca, Inc.

April 13, 2017.

I. Introduction

On February 13, 2017, NYSE Group, Inc., on behalf of the other parties [1] to the National Market System Plan to Address Extraordinary Market Volatility (the ''Plan''), filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 608 thereunder,[3] a proposal to amend the Plan.[4] The proposal represents the thirteenth amendment to the Plan, and reflects proposed changes unanimously approved by the Participants (''Thirteenth Amendment''). The proposed Thirteenth Amendment was published for comment in the **Federal Register** on March 16, 2017.[5] The Commission received no comment letters regarding the amendment. This order approves the Thirteenth Amendment to the Plan as proposed.

II. Description of the Proposal

In the Thirteenth Amendment, the Participants propose to (1) extend the pilot period of the Plan from April 21, 2017 to April 16, 2018; (2) require the Processor to publish, in connection with a reopening after a Trading Pause, the auction reference price, auction collars,

[1] Bats BZX Exchange, Inc., Bats BYX Exchange, Inc., Bats EDGA Exchange, Inc., Bats EDGX Exchange, Inc., Chicago Stock Exchange, Inc., the Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, NASDAQ BX, Inc., NASDAQ PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC (''NYSE''), NYSE Arca, Inc., NYSE MKT LLC, and NYSE National Inc. (collectively, the ''Participants'').

[2] 15 U.S.C. 78k–1.

[3] 17 CFR 242.608.

[4] *See* Letter from Elizabeth King, General Counsel, NYSE, to Brent J. Fields, Secretary, Commission, dated February 10, 2017 (''Transmittal Letter'').

[5] *See* Securities Exchange Act Release No. 80203 (March 10, 2017), 82 FR 14068.

and number of extensions to the reopening auction, as provided by the Primary Listing Exchange; and (3) amend the Plan to reflect name changes of certain Participants.[6]

III. Discussion and Commission Findings

The Commission finds that the Thirteenth Amendment is consistent with the requirements of the Act and the rules and regulations thereunder. Specifically, the Commission finds that the Thirteenth Amendment is consistent with Section 11A of the Act [7] and Rule 608 thereunder [8] in that it is appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, and that it removes impediments to, and perfects the mechanism of, a national market system.

The Participants propose to extend the pilot period for an additional year to April 16, 2018. As the Participants note, the planned implementation date for the twelfth amendment to the Plan (''Twelfth Amendment'') [9] and the related Primary Listing Exchanges' amended reopening procedures is scheduled to be during the third quarter of 2017, which is after the end date of the current pilot period. In addition, the Participants state that an extension of the pilot period would provide additional time for the Participants, the Commission, and the public to consider other potential modifications to the Plan that are currently under consideration, including changes to how NMS Stocks are tiered under the Plan and the applicable percentage parameters associated with such tiers, whether double-wide Price Bands at the open and close of trading should be eliminated, and recommendations made by the Equity Market Structure Advisory Committee with respect to Plan operations.[10] Finally, the Commission understands that the Participants continue to review and analyze the harmonization of clearly erroneous execution rules with the Plan, such that these rules could not be used to break trades occurring within Price Bands absent a legitimate technical failure at a Self-Regulatory Organization.[11]

The Commission believes that a one-year extension of the Plan will allow the Participants to implement and assess the changes the Plan under the Twelfth Amendment. In addition, the extension of the pilot period will provide Participants with additional time to continue their examination and analysis of the matters described above. Accordingly, the Commission believes that it is appropriate in the public interest, for the protection of investors and the maintenance of a fair and orderly market to approve the amendment to extend the pilot period until April 16, 2018.

The Participants also propose to amend Section VII(B)(1) of the Plan to specify that the Processor would publish certain information that the Primary Listing Exchange would provide to the Processor in connection with reopening an NMS Stock after a Trading Pause. Specifically, the Processor will publish the auction reference price; auction collars; and number of extensions to the reopening auction. This information will provide greater transparency regarding whether an NMS Stock will reopen at the end of the scheduled Trading Pause, or if such Trading Pause has been extended beyond the five-minute period contemplated in the Plan. The Commission believes that it is appropriate in the public interest, for the protection of investors and the maintenance of a fair and orderly market to approve this proposed change because it should enhance transparency about the reopening processes during a Trading Pause.

Finally, the Participants propose to amend the Plan to reflect name changes of certain Participants. The Commission believes that it is appropriate in the public interest, for the protection of investors and the maintenance of a fair and orderly market to approve this proposed change because it ensures that the Plan remains accurate and up-to-date.

For the reasons noted above, the Commission finds that the Thirteenth Amendment to the Plan is consistent with Section 11A of the Act [12] and Rule 608 thereunder.[13] The Commission reiterates its expectation that the Participants will continue to monitor the scope and operation of the Plan and study the data produced, and will propose any modifications to the Plan that may be necessary or appropriate.[14]

IV. Conclusion

It is therefore ordered, pursuant to Section 11A of the Act [15] and Rule 608 thereunder,[16] that the Thirteenth Amendment to the Plan (File No. 4–631) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Brent J. Fields,

Secretary.

[FR Doc. 2017–07878 Filed 4–18–17; 8:45 am]

BILLING CODE 8011–01–P

[6] Unless otherwise specified, the terms used herein have the same meaning as set forth in the Plan.

[7] 15 U.S.C. 78k–1.

[8] 17 CFR 242.608.

[9] *See* Securities Exchange Act Release No. 79845 (January 19, 2017), 82 FR 8551 (January 26, 2017) (order approving the Twelfth Amendment).

[10] *See* U.S. Securities and Exchange Commission Equity Market Structure Advisory Committee, *Recommendations for Rulemaking on Issues of Market Quality,* dated November 29, 2016, *available at https://www.sec.gov/spotlight/emsac/emsac-recommendations-rulemaking-market-quality.pdf.*

[11] *See* Securities Exchange Act Release No. 77679 (April 21, 2016), 81 FR 24908, 24909 (April 27, 2016) (order approving the Tenth Amendment).

[12] 15 U.S.C. 78k–1.

[13] 17 CFR 242.608.

[14] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012).

[15] 15 U.S.C. 78k–1.

[16] 17 CFR 242.608.

[17] 17 CFR 200.30–3(a)(29).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

DATES: Submit comments on or before June 19, 2017.

ADDRESSES: Send all comments regarding whether these information collections are necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collections, to Carol Fendler, Director Licensing and Program Standards, Office of Investment, Small Business Administration, 409 3rd Street, 6th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Carol Fendler, Director Licensing and Program Standards, 202–205–7559 *carol.fendler@sba.gov*; Curtis B. Rich, Management Analyst, 202–205–7030; *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION:

Title: ''SBIC Financial Reports''

Abstract: To obtain the information needed to carry out its oversight responsibilities under the Small Business Investment Act, the Small Business Administration (SBA) requires Small Business Investment Companies (SBICs) to submit financial statements and supplementary information on SBA

Form 468. SBA uses this information to monitor SBIC financial condition and regulatory compliance, for credit analysis when considering SBIC leverage applications, and to evaluate financial risk and economic impact for individual SBICs and the program as a whole.

Description of Respondents: Small Business Investment Companies.

Form Number's: 468.1, .2, .3, .4.

Annual Responses: 1,050.

Annual Burden: 26,700.

Title: ''Portfolio Financing Reports''.

Abstract: To obtain the information needed to carry out its program evaluation and oversight responsibilities. SBA requires small business investment companies (SBIC'S) to provide information on SBA Form 1031 each time financing is extended to a small business concern. SBA uses this information to evaluate how SBIC'S fill market financing gaps and contribute to economic growth, and to monitor the regulatory compliance of individual SBIC'S. Individual SBICs and the program as a whole.

Description of Respondents: Small Business Investment Companies.

Form Number: 1031.

Annual Responses: 2,800.

Annual Burden: 560.

Curtis Rich,

Management Analyst.

[FR Doc. 2017–07836 Filed 4–18–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9967]

E.O. 13224 Designation of Farah Mohamed Shirdon, aka Farah Shirdon, aka Abu Usamah, aka Abu Usamah Somali, aka Abu Usama al Somali, aka Abu Usamah as-Somali, as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Farah Mohamed Shirdon, aka Farah Shirdon, aka Abu Usamah, aka Abu Usamah Somali, aka Abu Usama al Somali, aka Abu Usamah as-Somali, has committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: March 27, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017–07911 Filed 4–18–17; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 9968]

E.O. 13224 Designation of Tarek Sakr as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Tarek Sakr, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: March 27, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017–07912 Filed 4–18–17; 8:45 am]

BILLING CODE 4710–AD–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36110]

Texas & Eastern Railroad, LLC—Change in Operator Exemption—Texas State Railroad Authority

Texas & Eastern Railroad, LLC (T&ER), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to assume operations over approximately 27 miles of rail line (the Line), between Rusk and Palestine, in Anderson and Cherokee Counties, Tex.[1] T&ER states that the Line is owned by the Texas Parks and Wildlife Authority and leased to the Texas State Railroad Authority (TSRA). In 2012, TSRA leased the Line to Rusk, Palestine & Pacific Railroad, LLC. (RP&P).[2] The verified notice indicates that, as a result of this transaction, T&ER will become a carrier and replace RP&P as the Line's exclusive lessee and operator. According to T&ER, RP&P is aware that TSRA plans to change operators over the Line.

The verified notice indicates that RP&P and Union Pacific Railroad Company (UP) have an existing agreement that allows RP&P to operate over approximately 1.3 miles of track owned and operated by UP between a point where the Line connects with UP and UP's yard located in Palestine, Tex. T&ER states that it will either take assignment of the existing interchange agreement or enter into a new agreement.

This transaction is related to a concurrently filed verified notice of exemption in *David L. Durbano—Continuance in Control Exemption—Texas & Eastern Railroad, LLC,* Docket No. FD 36111, in which David L. Durbano seeks to continue in control of T&ER upon T&ER's becoming a Class III rail carrier.

T&ER certifies that the underlying lease and operation agreement does not contain any provision or agreement that would limit future interchange with a third-party connecting carrier. Further, T&ER certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier. Under 49 CFR 1150.32(b), a change in operator requires that notice be given to shippers. T&ER certifies that notice of the change of operator was served on all known shippers on the Line on April 3, 2017.

[1] According to T&ER, there are no mileposts on the Line.

[2] *See Rusk, Palestine & Pac. R.R.—Operation Exemption—Tex. State R.R. Auth.,* FD 35669 (STB served Sept. 14, 2012).

The earliest this transaction can be consummated is May 3, 2017, the effective date of the exemption.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later April 26, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36110, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037.

Board decisions and notices are available on our Web site at *WWW.STB.GOV.*

Decided: April 14, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Raina S. Contee,

Clearance Clerk.

[FR Doc. 2017–07903 Filed 4–18–17; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36097]

Nebraska Northwestern Railroad, Inc. and Nebkota Railway, Inc.—Intra-Corporate Family Transaction Exemption

Nebraska Northwestern Railroad, Inc. (NNW) and Nebkota Railway, Inc. (NRI) (collectively, the Parties) have jointly filed a verified notice of exemption under 49 CFR 1180.2(d)(3) for an intra-corporate family transaction. NNW and NRI, both Class III rail carriers, are controlled by John D. Nielsen (Mr. Nielsen), an individual.[1]

Under the proposed transaction, NRI will be merged with and into NNW with NNW being the surviving corporate entity. The Parties state that the purpose of the transaction is to streamline administration, enhance the financial conditions of the two rail carriers that are already largely integrated, and consolidate the two into a single company. According to the Parties, the proposed merger would eliminate the preparation of separate tax returns and the need to maintain separate corporate records. In addition, there would be certain operational and other record-keeping advantages that would be gained from the merger.

The Parties state that the proposed merger agreement between NNW and NRI contains no provision or agreement that would limit NNW's interchange with a third-party connecting carrier.[2]

Unless stayed, the exemption will be effective on May 3, 2017 (30 days after the verified notice was filed). The Parties state that they intend to consummate the proposed transaction on or after that date.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The Parties state that the transaction will not result in adverse changes in service levels, significant operational changes, or any change in the competitive balance with carriers outside the corporate family.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the exemption. Petitions for stay must be filed no later than April 26, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36097, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Audrey L. Brodrick, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

According to the Parties, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our Web site at *WWW.STB.GOV.*

Decided: April 11, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Rena Laws-Byrum,

Clearance Clerk.

[FR Doc. 2017–07669 Filed 4–18–17; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[STB Finance Docket No. 36111]

David L. Durbano—Continuance in Control Exemption—Texas & Eastern Railroad, LLC

David L. Durbano (Durbano), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of Texas & Eastern Railroad, LLC (T&ER), upon T&ER's becoming a Class III rail carrier.

This transaction is related to a concurrently filed verified notice of exemption in Docket No. FD 36110, *Texas & Eastern Railroad, LLC—Change in Operator Exemption—Texas State Railroad Authority.* In that proceeding, T&ER seeks an exemption under 49 CFR 1150.31 to assume operations over approximately 27 miles of rail line, between Rusk and Palestine, in Anderson and Cherokee Counties, Tex.

The earliest this transaction can be consummated is May 3, 2017, the effective date of the exemption (30 days after the verified notice was filed). Durbano states that he intends to consummate the transaction on or shortly after May 3, 2017.

Durbano will continue in control of T&ER upon T&ER's becoming a Class III rail carrier, and remains in control of Class III carriers Southwestern Railroad, Inc., Cimarron Valley Railroad, L.C., Clarkdale Arizona Central Railroad, L.C., Wyoming and Colorado Railroad Company, Inc., and Saratoga Railroad, LLC.

Durbano certifies that: (1) The rail lines to be operated by T&ER do not connect with any other railroads in the Durbano corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect these rail lines with any other railroad in the Durbano corporate family; and (3) the transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to

[1] *See John D. Nielsen—Control Exemption—Nebkota Ry.,* FD 35759 (STB served Nov. 25, 2013). According to the Parties, Mr. Nielsen does not have a controlling interest in any common carriers other than NNW and NRI.

[2] An unexecuted draft copy of the agreement was filed with the notice of exemption.

relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all of the carriers involved are Class III carriers.

If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than April 26, 2017 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36111, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037.

Board decisions and notices are available on our Web site at *WWW.STB.GOV*.

Decided: April 14, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Raina S. Contee,

Clearance Clerk.

[FR Doc. 2017–07904 Filed 4–18–17; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–23]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before May 1, 2017.

ADDRESSES: You may send comments identified by docket number FAA–2016–9582 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments digitally.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Forseth, ANM–113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356, email *mark.forseth@faa.gov,* phone (425) 227–2796; or Sandra Long, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, email *sandra.long@faa.gov,* phone (202) 493–5245.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington on, April 11, 2017.

Victor Wicklund,

Manager, Transport Standards Staff.

Petition for Exemption

Docket No.: FAA–2016–9582.
Petitioner: Aviation Partners Inc.
Section of 14 CFR Affected: § 26.47(e)(5).

Description of Relief Sought: Aviation Partners Inc. requests 18 months, versus the regulation's 12 months, to develop the damage-tolerance data for APB blended or split scimitar winglets installed on Boeing Model 737 Next Generation airplanes.

[FR Doc. 2017–07871 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0015]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its denial of 114 applications from individuals who requested an exemption from the Federal vision standard applicable to interstate truck and bus drivers and the reasons for the denials. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemptions does not provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal vision standard for a renewable 2-year period if it finds ''such an exemption would likely achieve a

level of safety that is equivalent to or greater than the level that would be achieved absent such an exemption.'' The procedures for requesting an exemption are set forth in 49 CFR part 381.

Accordingly, FMCSA evaluated 114 individual exemption requests on their merit and made a determination that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption program. Each applicant has, prior to this notice, received a letter of final disposition on the exemption request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published in this notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

Drew S. Buss (IN), does not have sufficient driving experience of the past 3 years under normal highway operating conditions (limited hours).

The following 33 applicants had no experience operating a CMV:

Teressa J. Banaei (OH)
Edmund J. Burke (WI)
Charles K. Collins (ID)
Jermaine B. Davis (NY)
Bryan G. Felling (MN)
John T. Ferguson (IN)
Lee J. Gaffney (OH)
Porfirio Guzman (NY)
Davey Harris (IL)
Casey G. Harvie (CO)
Jay A. Hendrick (TX)
Clayton S. Howard (IL)
Michael J. Klein (IA)
Lonnie R. Liles (MI)
Anthony R. Lomangino (CT)
Jonathan Marin (NJ)
Peter Markee (NJ)
Michael D. Mitchell (OK)
Jack T. Moyers (GA)
Christopher C. Mullings (CT)
Michael C. Pitt (MI)
Antonio J. Potts (FL)
Bruce A. Robinson (GA)
Larry D. Robinson (GA)
David A. Rossman (IL)
Derrick P. Rotherham (OR)
Jerry W. Sennett (OK)
Frances M. Simmonette (PA)
Jacob A. Smith (TN)
Clifford C. Stamm (CT)
Jerry Vance (IL)
Jeffrey Varner (NC)
Nathaniel C. Volk (IL)

The following 11 applicants did not have 3 years of experience driving a CMV on public highways with their vision deficiencies:

Norman E. Howes (MN)
Jose A. Mercedes (OH)
Charles W. Ohman (IA)
Jay S. Peck (WA)
Timothy J. Shaver (IA)
Robert F. Swartrout (OR)
Robert J. Trinkle (PA)
Clifford B. Webb III (VA)
Richard E. Wells (CA)
John A. Wilbert (OH)
Leslie M. Wilson (MO)

The following 6 applicants did not have 3 years of recent experience driving a CMV with the vision deficiency:

Ahmed M. Gutale (MN)
Deborah Hughes (CA)
Mia T. Jones (DC)
Jimmy R. Kite (TN)
Mariano Marez (NM)
Marlin D. Stoltzfus (PA)

The following 11 applicants did not have sufficient driving experience during the past 3 years under normal highway operating conditions (gaps in driving record):

Baltazar Arreola-Evangelista (GA)
Paul R. Beckett (MN)
Larry G. Bell (MI)
Joseph S. Byler (NC)
Darin V. Davis (MD)
William G. Gamble (IN)
Jonathen M. Gilligan (NY)
Roger D. Grunert (KS)
Sait Hernandez (UT)
David G. Segall (WY)
Benjamin H. Tafolla (IL)

The following applicant 2 applicants were charged with moving violations in conjunction with CMV accidents:

Randol C. Hoefner (WI)
Mark A. Matthies (IL)

The following 3 applicants did not have optometrists or ophthalmologists willing to make statements that they are able to operate CMVs from a vision standpoint:

Joshua Kline (PA)
Robert E. McMahon (NV)
Jeremy E. Studebaker (IN)

The following 7 applicants were denied for multiple reasons:

Arcardio D. Booze (MD)
Cody R. Chase (VT)
Tammy C. Clark (FL)
Scott R. Engler (KY)
Richard Ikey (OH)
Tyler J. Lung (OR)
Jorge Maldonado (NY)

The following 8 applicants have not had stable vision for the preceding 3-year period:

Hani Abiyounes (CA)
William H. Baelz (IN)
Richard W. Boger (MD)
Jason A. Holland (IA)
Michael Lendzin (NY)
Eugene R. Ruchti (MN)
Francis J. Toth (PA)
Tim R. Washburn (AZ)

Jason J. Merrifield (IA) does not meet the vision standard in his better eye.

The following 11 applicants met the current federal vision standards. Exemptions are not required for applicants who meet the current regulations for vision:

Jose Francisco Briones Hernandez (FL)
Dylan Incha (WI)
Bradley A. Katzenberger (IA)
Preston J. Lefeber (WI)
Kenneth Meyer (TN)
Haley J. O'Neal (GA)
Barbara A. Pace (TX)
Duffield M. Rose (SC)
John P. Smith (MD)
Mark A. Walters (NC)
David E. Zetsch (TN)

The following 2 applicants drove interstate while restricted to intrastate driving:

Gary K. Sparks (NC)
William E. Tyler (IL)

The following 17 applicants will not be driving interstate, intrastate commerce, or are not required to carry a DOT medical card:

Timothy J. Baszak (NJ)
Daniel A. Bell (MD)
George U. Clendenny (IN)
Jerry Collado (NY)
John D. Davidson (TX)
Nicholas P. Graab (WI)
Donald N. Hjuler (IA)
Gary N. Keathley (AR)
Roy L. Long (OK)
Jacqueline A. Mason (TN)
Michael D. Mattingly (KY)
William W. Nichols (NV)
Angel A. Rizo (CA)
Brian T. Sullivan (NY)
Timothy Tupa (MN)
James P. Weir (FL)
Kevin E. Wenndt (IA)

Yolanda P. Davis (NJ) performs transportation for the Federal government, state, or any political subdivision of the state.

Issued on: April 11, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–07888 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0034]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its denial of 61 applications from individuals who requested an exemption from the Federal diabetes standard applicable to interstate truck and bus drivers and the reasons for the denials. FMCSA has statutory authority to exempt individuals from the diabetes requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemptions does not provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal diabetes standard for a renewable 2-year period if it finds ''such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption.'' The procedures for requesting an exemption are set forth in 49 CFR part 381.

Accordingly, FMCSA evaluated 61 individual exemption requests on their merits and made a determination that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption program. Each applicant has, prior to this notice, received a letter of final disposition on the exemption request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published in this notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 8 applicants met the diabetes requirements of 49 CFR 391.41(b)(3) and do not need an exemption:

Dwight R. Atkison (IL)
Malcolm C. Barrentine (GA)
Chavis G. Burton (NC)
Roger R. Howe (IN)
Cesar A. Maldonado (VA)
John E. Parascandolo (TN)
Carl E. Thomas (TN)
Sixto F. Torres (NY)

The following 30 applicants were not operating CMVs in interstate commerce:

Harold G. Bergman (WA)
Daniel L. Berwager (MD)
Jorge A. Cuc (FL)
William E. Danz Jr. (NJ)
Craig Elgard (NJ)
Bernardo A. Fernandez (PA)
Bill J. Fowler (TX)
Gilberto Garcia (IL)
Bryan D. Giddings (IN)
Victor A. Gutierrez (CO)
Todd J. Hearn (VA)
Michael E. Holley (OH)
John E. Holmes (CT)
Aaron P. Hughes (UT)
John R. Hutchins (AL)
Bradley L. Jackson (OH)
Anthony B. Johnson (WI)
Joline R. Knauss (IN)
Rickey S. McCane (MD)
Gabriel Mendoza (WA)
Alicia L. Pittman (WI)
Jonathan W. Pluko (PA)
Jared R. Richards (FL)
Bruce A. Riegle (OH)
Camellia T. Sanders (GA)
Gregory V. Stack (ND)
Zachary A. Stovall (TX)
Jerald J. Tarasewicz (WI)
Wayne F. Todd (NE)
Alvin G. Welch (NY)

The following 4 applicants have had more than one hypoglycemic episode requiring hospitalization or the assistance of others, or has had one such episode but has not had one year of stability following the episode:

James D. Hagins (MO)
David C. Clarke (KS)
Kim E. Davis (MI)
William Rosado (NY)

The following 2 applicants had other medical conditions making the applicant otherwise unqualified under the Federal Motor Carrier Safety Regulations:

George M. Frederick (FL)
Jeffrey B. Leighow (PA)

The following 3 applicants did not have endocrinologists willing to make statements that they are able to operate CMVs from a diabetes standpoint:

Walter Glover (MI)
Miguel H. Hernandez (OR)
Rodolfo E. Weeks (MN)

Norman C. Frost (NC) is unable or has not demonstrated with willingness to properly monitor and manage his diabetes, whether by a personal decision or medical inability.

The following 4 applicants did not meet the minimum age criteria outlined in 49 CFR 391.41(b)(1) which states that an individual must be at least 21 years old to operate a CMV in interstate commerce:

Rachel N. Anszelowicz (NY)
Brady A. Bronkema (IL)
Connor F. Meinhart (IL)
Jacob Villegas (TX)

The following 9 applicants were exempt from the diabetes standard:

Jimmy P. Davis (TN)
Joel P. Faustino (CA)
Paul L. Green (OK)
Michael G. Johnson (OK)
William H. Jones (VA)
Timothy D. Kinsey (SC)
Mark A. Long (PA)
James R. Moynihan (CA)
Holly S. Trees-Miller (IN)

Issued on: April 11, 2017.

Associate Administrator for Policy.

[FR Doc. 2017–07889 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0069]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SEA SMOKE; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 19, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0069. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents

entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SEA SMOKE is:

—*Intended Commercial Use of Vessel:* ''Charter Sport fishing, Day fishing, Water taxi''

—*Geographic Region:* ''Connecticut, New York, Rhode Island''

The complete application is given in DOT docket MARAD–2017–0069 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administration.

Dated: April 13, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–07853 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0065]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel AEOLUS; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 19, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0065. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel AEOLUS is:

—*Intended Commercial Use of Vessel:* Pleasure Charter up to 10 persons

—*Geographic Region:* ''Florida, Puerto Rico''

The complete application is given in DOT docket MARAD–2017–0065 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administrator.

Dated: April 10, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–07846 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0064]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SUNSHINE GIRL; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-

build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 19, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0064. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SUNSHINE GIRL is:

—*Intended Commercial Use of Vessel:* ''Charter Sailing''

—*Geographic Region:* ''Washington State''

The complete application is given in DOT docket MARAD–2017–0064 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administrator.

Dated: April 10, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–07854 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0073]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel VARENBANK; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 19, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0073. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel VARENBANK is:

—*Intended Commercial Use of Vessel:* ''Limited Charter of passengers for luxury day, overnight, and extended cruises.''

—*Geographic Region:* ''Washington, Oregon, and California''

The complete application is given in DOT docket MARAD–2017–00783 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administrator.

Dated: April 13, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–07855 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0075]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel HOT STUFF; Invitation for Public Comments

AGENCY: Maritime Administration, DOT

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 19, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0075. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel HOT STUFF is:

—*Intended Commercial Use of Vessel:* ''Commercial charter''

—*Geographic Region:* ''California''

The complete application is given in DOT docket MARAD–2017–0075 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

By Order of the Maritime Administrator.

Dated: April 13, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–07849 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0071]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel MILLENNIUM II; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 19, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0071X. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel MILLENNIUM II is:

—*Intended Commercial Use of Vessel:* ''Private Vessel Charters, Passengers Only''

—*Geographic Region:* ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, East Florida, California, Oregon, Washington, and Alaska (excluding waters in Southeastern Alaska and waters north of a line between Gore Point to Cape Suckling [including the North Gulf Coast and Prince William Sound])''

The complete application is given in DOT docket MARAD–2017–0071 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments

should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administrator.

Dated: April 13, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–07850 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0074]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel QUE VIDA; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 19, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0074. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel QUE VIDA is:

—*Intended Commercial Use of Vessel:* ''sight seeing cruises, dinner cruises, bareboat charters, overnight charters''

—*Geographic Region:* ''California''

The complete application is given in DOT docket MARAD–2017–0074 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

Dated: April 13, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–07845 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0066]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SANDS OF TIME; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 19, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0066. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453,

Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SANDS OF TIME is:

—*Intended Commercial Use of Vessel:* ''charter passenger''

—*Geographic Region:* ''New York and Florida''

The complete application is given in DOT docket MARAD–2017–0066 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administrator.

Dated: April 10, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–07852 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0067]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BREATHLESS; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 19, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0067. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel BREATHLESS is:

—*Intended Commercial Use of Vessel*: Small day coastal cruises

—*Geographic Region:* ''California''

The complete application is given in DOT docket MARAD–2017–0067 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administrator.

Dated: April 13, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–07848 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0063]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ANNIE; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 19, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0063. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ANNIE is:

—*Intended Commercial Use of Vessel:* ''Carry passengers for hire''

—*Geographic Region:* ''Alaska, limited to the island of St Paul in the Pribilof's and waters surrounding the island.''

The complete application is given in DOT docket MARAD–2017–0063 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administrator.

Dated: April 10, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–07847 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0070]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel MILAGRO; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 19, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0070. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel MILAGRO is:

—*Intended Commercial Use of Vessel:* ''small family, student or social groups to make Milagro available for small group ecology tours including shorebird and seal watching, small group sail charters by catamaran where the existing options are too big to allow for a small private group, and small student groups studying the coastal environment and in need of a stable platform for water quality and microscopic plankton studies.''

—*Geographic Region:* ''Massachusetts; New Hampshire; Maine''

The complete application is given in DOT docket MARAD–2017–0070 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

Dated: April 13, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–07844 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0072]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel RAINBOW'S END; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 19, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0072. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel RAINBOW'S END is:

—*Intended Commercial Use of Vessel:* ''Occasional Chartering''

—*Geographic Region:* ''Florida, Georgia, North & South Carolina, Virginia, Mississippi, Louisiana, Texas, Alabama''

The complete application is given in DOT docket MARAD–2017–0072 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administrator.

Dated: April 13, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–07856 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0068]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel REMEDY; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 19, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0068. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel REMEDY is:

—*Intended Commercial Use of Vessel:* ''Pleasure charters, Sport fishing''

—*Geographic Region:* ''California, Oregon, Washington, Texas''

The complete application is given in DOT docket MARAD–2017–0068 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver

criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administrator.

Dated: April 13, 2017.

T. Mitchell Hudson, Jr.,

Secretary Maritime Administration.

[FR Doc. 2017–07851 Filed 4–18–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Action Pursuant to Executive Order 13726 of April 19, 2016, ''Blocking Property and Suspending Entry Into the United States of Persons Contributing to the Situation in Libya''

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name of one individual whose property and interests in property are blocked pursuant to Executive Order 13726 of April 19, 2016, ''Blocking Property and Suspending Entry into the United States of Persons Contributing to the Situation in Libya,'' and whose name has been added to OFAC's List of Specially Designated Nationals and Blocked Persons (SDN List).

DATES: OFAC's actions described in this notice are effective as of April 13, 2017.

FOR FURTHER INFORMATION CONTACT: Associate Director for Global Targeting, tel.: 202/622–2420, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Assistant Director for Licensing, tel.: 202/622–2480, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

The SDN List and additional information concerning OFAC sanctions programs are available from OFAC's Web site (*www.treasury.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs is also available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Notice of OFAC Actions

On April 13, 2017, OFAC blocked the property and interests in property of the following individual pursuant to Executive Order 13726 of April 19, 2016, ''Blocking Property and Suspending Entry into the United States of Persons Contributing to the Situation in Libya:''

HAMANI, Hamma (a.k.a. BANA, Hama; a.k.a. HAMANI, Mohammed; a.k.a. ''DJANET, el Hadj Hama''); DOB 1967; POB Illizi, Algeria; nationality Algeria (individual) [SDGT] [LIBYA3] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

Dated: April 13, 2017.

Andrea M. Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2017–07837 Filed 4–18–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Nuclear Decommissioning Funds

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Nuclear Decommissioning Funds.

DATES: Written comments should be received on or before June 19, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie E. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the regulation should be directed to Martha R. Brinson, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Nuclear Decommissioning Funds.

OMB Number: 1545–2091.

Regulation Project Number: TD 9512.

Abstract: Statutory changes permit taxpayers that have been subject to limitations on contributions to qualified nuclear decommissioning funds in previous years to make a contribution to the fund of the previously-excluded amount. The regulation provides guidance concerning the calculation of the amount of the contribution and the manner of making the contribution.

Current Actions: There are no changes being made to the collection at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 25 hours.

Estimated Total Annual Burden Hours: 2,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 6, 2017.

Laurie Brimmer,

IRS Senior Tax Analyst.

[FR Doc. 2017–07921 Filed 4–18–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection: Comment Request for Deductibility, Substantiation, and Disclosure of Certain Charitable Contributions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Deductibility, Substantiation, and Disclosure of Certain Charitable Contributions.

DATES: Written comments should be received on or before June 19, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie E. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the regulation should be directed to Martha R. Brinson, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Deductibility, Substantiation, and Disclosure of Certain Charitable Contributions.

OMB Number: 1545–1464.

Regulation Project Number: TD 8690.

Abstract: This regulation provides guidance regarding the allowance of certain charitable contribution deductions, the substantiation requirements for charitable contributions of $250 or more, and the disclosure requirements for quid pro quo contributions in excess of $75. The regulations affect donee organizations described in Internal Revenue code section 170(c) and individuals and entities that make payments to these organizations.

Current Actions: There are no changes being made to the collection at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 1,750,000.

Estimated Time per Respondent: 1 hour, 8 minutes.

Estimated Total Annual Burden Hours: 1,975,000.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 13, 2017.

Laurie E. Brimmer

IRS Senior Tax Analyst.

[FR Doc. 2017–07920 Filed 4–18–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection: Comment Request for Disclosure of Returns and Return Information in Connection With Written Contracts or Agreements for the Acquisition of Property or Services for Tax Administration Purposes

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Disclosure of Returns and Return Information in Connection With Written Contracts or Agreements for the Acquisition of Property or Services for Tax Administration Purposes.

DATES: Written comments should be received on or before June 19, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie E. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the regulation should be directed to Martha R. Brinson, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Disclosure of Returns and Return Information in Connection With Written Contracts or Agreements for the Acquisition of Property or Services for Tax Administration Purposes.

OMB Number: 1545–1821.

Regulation Project Number: TD 9327.

Abstract: The regulations clarify that redisclosures of returns and return information by contractors to agents or subcontractors are permissible, and that the penalty provisions, written notification requirements, and safeguard requirements are applicable to these agents and subcontractors. Section

301.6103(n)–1(e)(3) of the regulations require that before the execution of a contract or agreement for the acquisition of property or services under which returns or return information will be disclosed, the contract or agreement must be made available to the IRS.

Current Actions: There are no changes being made to the collection at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 2,500.

Estimated Time per Respondent: .10 hour.

Estimated Total Annual Burden Hours: 250.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 13, 2017.

Laurie E. Brimmer,

IRS Senior Tax Analyst.

[FR Doc. 2017–07918 Filed 4–18–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning source of income from sales of inventory and natural resources produced in one jurisdiction and sold in another jurisdiction.

DATES: Written comments should be received on or before June 19, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Source of Income From Sales of Inventory and Natural Resources Produced in One Jurisdiction and Sold in Another Jurisdiction.

OMB Number: 1545–1476.

Form Number: INTL–3–95 (TD 8687).

Abstract: This regulation provides rules for allocating and apportioning income from sales of natural resources or other inventory produced in the United States and sold outside the United States or produced outside the United States and sold in the United States. The information provided is used by the IRS to determine on audit whether the taxpayer has properly determined the source of its income from export sales.

Current Actions: There is no change to this existing collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 450.

Estimated Average Time per Respondent: 2 hours, 47 minutes.

Estimated Total Annual Burden Hours: 1,250 hours.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 7, 2017.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–07919 Filed 4–18–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Survey of Foreign-Residents' Holdings of U.S. Securities

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection request(s) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on the collection(s) listed below.

DATES: Comments should be received on or before May 19, 2017 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect

of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Departmental Offices (DO)

Title: Survey of Foreign-Residents' Holdings of U.S. Securities.

OMB Control Number: 1505–0123.

Type of Review: Revision of a currently approved collection.

Abstract: The survey collects information on foreign resident's holdings of U.S. securities, including selected money market instruments. The data is used in the computation of the U.S. balance of payments accounts and U.S. international investment position, in the formulation of U.S. financial and monetary policies, to satisfy 22 U.S.C. 3101, and for information on foreign portfolio investment patterns. Respondents are primarily the largest banks, securities dealers, and issuers of U.S. securities.

Form: SHL(A) Schedules 1 & 2.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 40,793.

Authority: 44 U.S.C. 3501 et seq.

Dated: April 13, 2017.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2017–07843 Filed 4–18–17; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Multiemployer Pension Plan Application To Reduce Benefits

AGENCY: Department of the Treasury.

ACTION: Notice of availability; Request for comments.

SUMMARY: The Board of Trustees of the United Furniture Workers Pension Fund A (UFW Pension Fund), a multiemployer pension plan, has submitted an application to Treasury to reduce benefits under the plan in accordance with the Multiemployer Pension Reform Act of 2014 (MPRA). The purpose of this notice is to announce that the application submitted by the Board of Trustees of the UFW Pension Fund has been published on the Web site of the Department of the Treasury (Treasury), and to request public comments on the application from interested parties, including participants and beneficiaries, employee organizations, and contributing employers of the UFW Pension Fund.

DATES: Comments must be received by June 5, 2017.

ADDRESSES: You may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov,* in accordance with the instructions on that site. Electronic submissions through *www.regulations.gov* are encouraged.

Comments may also be mailed to the Department of the Treasury, MPRA Office, 1500 Pennsylvania Avenue NW., Room 1224, Washington, DC 20220. Attn: Eric Berger. Comments sent via facsimile and email will not be accepted.

Additional Instructions. All comments received, including attachments and other supporting materials, will be made available to the public. Do not include any personally identifiable information (such as Social Security number, name, address, or other contact information) or any other information in your comment or supporting materials that you do not want publicly disclosed. Treasury will make comments available for public inspection and copying on *www.regulations.gov* or upon request. Comments posted on the Internet can be retrieved by most Internet search engines.

FOR FURTHER INFORMATION CONTACT: For information regarding the application from the UFW Pension Fund, please contact Treasury at (202) 622–1534 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The Multiemployer Pension Reform Act of 2014 (MPRA) amended the Internal Revenue Code to permit a multiemployer plan that is projected to have insufficient funds to reduce pension benefits payable to participants and beneficiaries if certain conditions are satisfied. In order to reduce benefits, the plan sponsor is required to submit an application to the Secretary of the Treasury, which Treasury, in consultation with the Pension Benefit Guaranty Corporation (PBGC) and the Department of Labor, is required to approve or deny.

On March 15, 2017, the Board of Trustees of the UFW Pension Fund submitted an application for approval to reduce benefits under the plan. As required by MPRA, that application has been published on Treasury's Web site at *https://auth.treasury.gov/services/Pages/Plan-Applications.aspx.* Treasury is publishing this notice in the **Federal Register**, in consultation with the PBGC and the Department of Labor, to solicit public comments on all aspects of the UFW Pension Fund application.

Comments are requested from interested parties, including participants and beneficiaries, employee organizations, and contributing employers of the UFW Pension Fund. Consideration will be given to any comments that are timely received by Treasury.

Dated: April 14, 2017.

Tom West,

Tax Legislative Counsel, Office of Tax Policy.

[FR Doc. 2017–07941 Filed 4–14–17; 4:15 pm]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0613]

Agency Information Collection Activity Under OMB Review: Record Keeping at Flight Schools

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 19, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0613'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.*

Please refer to ''OMB Control No. 2900–0613.''

SUPPLEMENTARY INFORMATION:

Title: Record Keeping at Flight Schools.

OMB Control Number: 2900–0613.

Type of Review: Extension of a currently approved collection.

Abstract: 2900–0613 is for information reports provided by educational institutions. VA will use data collected to determine if courses offered by flights schools should be approved and to verify the accuracy of VA educational payments made to students training at flight schools.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on Thursday, January 19, 2017, Volume 82, No 12, pages 6728–6729.

Affected Public: Businesses or other for-profits, not-for-profit institutions.

Estimated Annual Burden: 572 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: Annual.

Estimated Number of Respondents: 1717.

Authority: 44 U.S.C. 3501–3521.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Enterprise Records Service, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–07860 Filed 4–18–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No 2900–0721]

Agency Information Collection Activity: Exam for Housebound Status or Permanent Need for Regular Aid and Attendance

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

VA Form 21–2680 is used to determine eligibility for the aid and attendance and/or housebound benefit. This form is maintained in the veteran's claims folder. The purpose of this examination is to record manifestations and findings pertinent to the question of whether the claimant is housebound (confined to the home or immediate premises) or in need of the regular aid and attendance of another person.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 19, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0721'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Exam for Housebound Status or Permanent Need for Regular Aid and Attendance (VA Form 21–2680).

OMB Control Number: 2900–0721.

Type of Review: Extension of an approved collection.

Abstract: VA Form 21–2680 is used to determine eligibility for the aid and attendance and/or housebound benefit. This form is maintained in the veteran's claims folder. The purpose of this examination is to record manifestations and findings pertinent to the question of whether the claimant is housebound (confined to the home or immediate premises) or in need of the regular aid and attendance of another person.

Affected Public: Individuals or households.

Estimated Annual Burden: 7,000 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 14,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Enterprise Records Service, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–07861 Filed 4–18–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0802]

Agency Information Collection Activity Under OMB Review: Shoulder and Arm Conditions Disability Benefits Questionnaire

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs./AGY≤

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 19, 2017.

ADDRESSES: Submit written comments on the collection of information through

www.Regulations.gov, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0802'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0802'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Shoulder and Arm Conditions Disability Benefits Questionnaire (VA Form 21–0960M–12).

OMB Control Number: 2900–0802.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–0960 series is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations. VA gathers medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits. The Disability Benefit Questionnaire title will include the name of the specific disability for which it will gather information. VA Forms 21–0960M–12 is used to gather information related to the claimant's diagnosis of a shoulder or arm condition.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR 16, on January 26, 2017, page 8568.

Affected Public: Individuals or Households.

Estimated Annual Burden: 25,000.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 50,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Enterprise Records Service, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–07865 Filed 4–18–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0809]

Agency Information Collection Activity Under OMB Review: Hand and Finger Conditions Disability Benefits Questionnaire

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 19, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0809'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0809'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Hand and Finger Conditions Disability Benefits Questionnaire (VA Form 21–0960M–7).

OMB Control Number: 2900–0809.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–0960 series is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations. VA gathers medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits. The Disability Benefit Questionnaire title will include the name of the specific disability for which it will gather information. VAF 21–0960M–7, Hand and Finger Conditions Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of a hand or finger condition.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR 43, on March 7, 2017, page 12912.

Affected Public: Individuals or Households.

Estimated Annual Burden: 15,000.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 30,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Enterprise Records Service, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–07864 Filed 4–18–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0779]

Agency Information Collection Activity: Hematologic and Lymphatic Conditions, Including Leukemia Disability Benefits Questionnaire, Amyotrophic Lateral Sclerosis (Lou Gehrig's Disease) Disability Benefits Questionnaire, Peripheral Nerve Conditions (Not Including Diabetic Sensory-Motor Peripheral Neuropathy) Disability Benefits Questionnaire, Persian Gulf and Afghanistan Infectious Diseases Disability Benefits Questionnaire, Tuberculosis Disability Benefits Questionnaire, Kidney Conditions (Nephrology) Disability Benefits Questionnaire, Male Reproductive Organ Conditions Disability Benefits Questionnaire, Prostate Cancer Disability Benefits Questionnaire, Eating Disorders Disability Benefits Questionnaire, Mental Disorders (Other Than PTSD and Eating Disorders) Disability Benefits Questionnaire, Review Post Traumatic Stress Disorder (PTSD) Disability Benefits Questionnaire

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

VA Form 21–0960 series is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations. VA gathers medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits. The Disability Benefit Questionnaire title will include the name of the specific disability for which it will gather information. VAF 21–0960B–2, Hematologic and Lymphatic Conditions, Including Leukemia Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of any hematologic or lymphatic condition; VAF 21–0960C–2, Amyotrophic Lateral Sclerosis (Lou Gehrig's Disease) Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of amyotrophic lateral sclerosis; VAF 21–0960C–10, Peripheral Nerve Conditions (Not Including Diabetic Sensory-Motor Peripheral neuropathy) Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of a peripheral nerve disorder; VAF 21–0960I–1, Persian Gulf and Afghanistan Infectious Diseases Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of an infectious disease due to service in the Persian Gulf or Afghanistan; VAF 210960–I–6, Tuberculosis Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of tuberculosis; VAF 21–0960J–1, Kidney Conditions (Nephrology) Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of kidney disease; VAF 21–0960J–2, Male Reproductive Organ Conditions Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of a condition affecting the male reproductive organ; VAF 21–0960J–3, Prostate Cancer Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of prostate cancer; VAF 21–0960P–1, Eating Disorders Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of an eating disorder; VAF 21–0960P–2, Mental Disorders (other than PTSD and Eating Disorders) Disability Benefits Questionnaire will gather information related to the claimant's diagnosis of any mental disorder with the exception of PTSD; VAF 21–0960P–3, Review Post Traumatic Stress Disorder (PTSD) Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of PTSD.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 19, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0779'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION:

Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–21.

Title: (Hematologic and Lymphatic Conditions, Including Leukemia Disability Benefits Questionnaire (VA Form 21–0960B–2), Amyotrophic Lateral Sclerosis (Lou Gehrig's Disease) Disability Benefits Questionnaire (VA Form 21–0960C–2), Peripheral Nerve Conditions (Not Including Diabetic Sensory-Motor Peripheral Neuropathy) Disability Benefits Questionnaire (VA Form 21–0960C–10), Persian Gulf and Afghanistan Infectious Diseases Disability Benefits Questionnaire (VA Form 21–0960I–1), Tuberculosis Disability Benefits Questionnaire (VA Form 21–0960I–6), Kidney Conditions (Nephrology) Disability Benefits Questionnaire (VA Form 21–0960J–1), Male Reproductive Organ Conditions Disability Benefits Questionnaire (VA Form 21–0960J–2), Prostate Cancer Disability Benefits Questionnaire (VA Form 21–0960J–3), Eating Disorders Disability Benefits Questionnaire (VA Form 21–0960P–1), Mental Disorders (other than PTSD and Eating Disorders) Disability Benefits Questionnaire (VA Form 21–0960P–2), Review Post Traumatic Stress Disorder (PTSD) Disability Benefits Questionnaire (VA Form 21–0960P–3))

OMB Control Number: 2900–0779.

Type of Review: Extension of an approved collection.

Abstract: VA Form 21–0960 series is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations. VA gathers medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits. The Disability Benefit Questionnaire title will include the name of the specific disability for which it will gather information. VAF 21–0960B–2, Hematologic and Lymphatic Conditions, Including Leukemia Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of any hematologic or lymphatic condition; VAF 21–0960C–2, Amyotrophic Lateral Sclerosis (Lou Gehrig's Disease) Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of amyotrophic lateral sclerosis; VAF 21–0960C–10, Peripheral Nerve Conditions (Not Including Diabetic Sensory-Motor Peripheral neuropathy) Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of a peripheral nerve disorder; VAF 21–0960I–1, Persian Gulf and Afghanistan Infectious Diseases Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of an infectious disease due to service in the Persian Gulf or Afghanistan; VAF 210960–I–6, Tuberculosis Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of tuberculosis; VAF 21–0960J–1, Kidney Conditions (Nephrology) Disability

Benefits Questionnaire, will gather information related to the claimant's diagnosis of kidney disease; VAF 21–0960J–2, Male Reproductive Organ Conditions Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of a condition affecting the male reproductive organ; VAF 21–0960J–3, Prostate Cancer Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of prostate cancer; VAF 21–0960P–1, Eating Disorders Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of an eating disorder; VAF 21–0960P–2, Mental Disorders (other than PTSD and Eating Disorders) Disability Benefits Questionnaire will gather information related to the claimant's diagnosis of any mental disorder with the exception of PTSD; VAF 21–0960P–3, Review Post Traumatic Stress Disorder (PTSD) Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of PTSD.

Affected Public: Individuals or households.

Estimated Annual Burden: 127,917.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 307,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Enterprise Records Service, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–07863 Filed 4–18–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0546]

Agency Information Collection Activity: Gravesite Reservation Questionnaire

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the National Cemetery Administration (NCA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 19, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0546 in any correspondence.

FOR FURTHER INFORMATION CONTACT: Willie Lewis, National Cemetery Administration (NCA), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–4242 or email *willie.lewis@va.gov.*

SUPPLEMENTARY INFORMATION:

Title: Gravesite Reservation Questionnaire (2-year).

OMB Control Number: 2900–0546.

Type of Review: Revision of a currently approved collection.

Abstract: The information is needed to determine if individuals holding gravesite set-asides wish to retain their set-aside or their wish to relinquish it. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Affected Public: Individual or House Holds.

Estimated Annual Burden: 4,166 hours.

Estimated Average Burden per Respondent: 10 minutes each.

Frequency of Response: One-time.

Estimated Number of Respondents: 25,000.

Authority: 44 U.S.C. 3501–3521.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Enterprise Records Service, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–07859 Filed 4–18–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0253]

Agency Information Collection Activity Under OMB Review: Non-Supervised Lender's Nomination and Recommendation of Credit Underwriter

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 19, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0253'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0253.''

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–3521.

Title: Nonsupervised Lender's Nomination and Recommendation of Credit Underwriter.

OMB Control Number: 2900–0253.

Type of Review: Extension of a currently approved collection.

Abstract: The standards established by the Secretary require that a lender have a qualified underwriter review all loans to be closed on an automatic basis to determine that the loan meets VA's credit underwriting standards. To determine if the lender's nominee is qualified to make such a determination, VA has developed VA Form 26–8736a which contains information that VA considers crucial to the evaluation of the underwriter's experience. This form will be completed by the lender and the lender's nominee for underwriter and then submitted to VA for approval.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR Page 8564 on January 26, 2017.

Affected Public: Private Sector.
Estimated Annual Burden: 500 hours.
Estimated Average Burden per Respondent: 20 minutes.
Frequency of Response: On occasion.
Estimated Number of Respondents: 1,500.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Enterprise Records Service, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–07866 Filed 4–18–17; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 82 Wednesday,
No. 74 April 19, 2017

Part II

The President

Proclamation 9592—National Park Week, 2017

Federal Register
Vol. 82, No. 74
Wednesday, April 19, 2017

Presidential Documents

Title 3—

The President

Proclamation 9592 of April 14, 2017

National Park Week, 2017

By the President of the United States of America

A Proclamation

This year we celebrate National Park Week as the National Park Service begins its second century as a critical guardian of America's Federal public lands. During National Park Week, national parks across our country waive their entrance fees and welcome all explorers to experience, as past generations have, the history and splendor of our Nation's treasures.

The national park system started with a painting. In 1872, Thomas Moran painted *The Grand Canyon of the Yellowstone*, presented it to the Congress, and captivated countless Americans. Inspired by Moran's beautiful illustration and western explorers' stories, photographs, and sketches, the Congress and President Ulysses S. Grant enacted the Yellowstone National Park Protection Act. This law established Yellowstone as the world's first national park and transformed how we protect many of our Nation's landmarks.

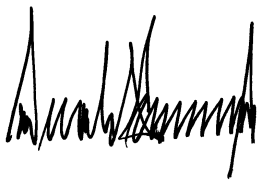
Forty years later, President Theodore Roosevelt, known as the ''Conservation President,'' established Crater Lake, Oregon, as our fifth national park. During his presidency, Roosevelt doubled the number of national parks, designating, in addition to Crater Lake: Wind Cave, South Dakota; Sullys Hill, North Dakota; Mesa Verde, Colorado; and Platt, Oklahoma. Given his instrumental role in expanding our national park system, it is fitting that his likeness endures at Mount Rushmore National Memorial.

Today, visitors from around the world travel to our Nation's 59 national parks to climb snow-capped peaks, splash under majestic falls, rappel into the deepest canyons, and find peace in shaded forests. Our parks routinely provide visitors with unforgettable, sometimes life-changing experiences. From their unsurpassed beauty to their unmatched physical challenges, our parks capture the spirit of America's pioneering history. They symbolize our ongoing commitment to the preservation of our land and wildlife, and they set the conservation standard for the rest of the world.

It is a priority of my Administration to protect these magnificent lands, and to ensure all Americans have access to our national parks, as well as to other National Park Service sites, throughout the next century. For this reason, I chose to donate the first portion of my salary as President to the American Battlefield Protection Program, which the National Park Service uses to preserve significant American battlefields. It is my hope that we will pass down these natural and historic sites to our children and grandchildren.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 15 through April 23, 2017, as National Park Week. I encourage all Americans to celebrate by visiting our national parks and learning more about the natural, cultural, and historical heritage that belongs to each and every citizen of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.



[FR Doc. 2017–08071
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Federal Register

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