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

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

OFFICE OF MANAGEMENT AND BUDGET

2 CFR Part 200

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

AGENCY: Executive Office of the President, Office of Management and Budget.

ACTION: Correcting amendment to continue delay of implementation date.

SUMMARY: The Office of Management and Budget (OMB) is updating the final guidance that appeared in the **Federal Register** on December 26, 2013. Guidance on the effective/applicability date is revised to allow a grace period of one additional fiscal year for non-Federal entities to implement changes to their procurement policies and procedures in accordance with guidance on procurement standards. Other requirements in the section remain unchanged.

DATES:

Effective date: May 17, 2017.
Implementation date: For all non-Federal entities, there is an additional one-year grace period for implementation of the procurement standards in 2 CFR 200.317 through 200.326. This means the grace period for non-Federal entities extends through December 25, 2017, and the implementation date for the procurement standards will start for fiscal years beginning on or after December 26, 2017.

FOR FURTHER INFORMATION CONTACT: Rhea Hubbard or Gil Tran, Office of Federal Financial Management, rhubbard@omb.eop.gov or [Hai M. Tran@omb.eop.gov](mailto:Hai_M._Tran@omb.eop.gov), or via telephone at (202) 395-3993.

SUPPLEMENTARY INFORMATION: This is a summary of OMB's Erratum, 2 CFR part 200 released on December 26, 2013.

Previous revisions were published in the **Federal Register** on December 19,

2014 (79 FR 75871) and September 10, 2015 (80 FR 54407). This document augments those revisions that were published in the **Federal Register** on September 10, 2015 (80 FR 54407).

List of Subjects in 2 CFR Part 200

Accounting, Auditing, Colleges and universities, State and local governments, Grant programs, Grants administration, Hospitals, Indians, Nonprofit organizations, Reporting and recordkeeping requirements.

Mark Reger,
Deputy Controller.

Under the authority of the Chief Financial Officers Act of 1990 (31 U.S.C. 503), the Office of Management and Budget amends 2 CFR part 200 as follows:

PART 200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 1. The authority citation for part 200 continues to read as follows:

Authority: 31 U.S.C. 503.

■ 2. In § 200.110, revise paragraph (a) to read as follows:

§ 200.110 Effective/applicability date.

(a) The standards set forth in this part that affect the administration of Federal awards issued by Federal awarding agencies become effective once implemented by Federal awarding agencies or when any future amendment to this part becomes final. Federal awarding agencies must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014, unless different provisions are required by statute or approved by OMB. For the procurement standards in §§ 200.317 through 200.326, non-Federal entities may continue to comply with the procurement standards in previous OMB guidance (as reflected in § 200.104) for a total of three fiscal years after this part goes into effect. As such, the effective date for implementation of the procurement standards for non-Federal entities will start for fiscal years beginning on or after December 26, 2017. If a non-Federal entity chooses to use the previous procurement standards for all or part of these three fiscal years before adopting the procurement

standards in this part, the non-Federal entity must document this decision in its internal procurement policies.

* * * * *

[FR Doc. 2017-09909 Filed 5-16-17; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 300, 441, 530, 531, 532, 533, 534, 537, 539, 540, 541, 544, 548, 550, 552, 555, 557, 559, 560, and 561

[Docket No. FSIS-2017-0003]

Changes to the Inspection Coverage in Official Establishments That Slaughter Fish of the Order Siluriformes

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notification and request for comments.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing and requesting comment on its plan to adjust inspection coverage at official establishments that slaughter fish of the order Siluriformes, which include catfish, from all hours of operation to once per production shift.

DATES: Submit comments on or before June 16, 2017.

ADDRESSES: FSIS invites interested persons to submit comments relevant to adjusting inspection coverage as discussed and outlined in this notification. Only comments addressing the scope of this notification will be considered.

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 online instructions at that site for submitting comments.

Mail, CD-ROMs: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8-163B, 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–2017–0003. 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 to comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW., Room 164–A, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Rachel Edelstein, Deputy Assistant Administrator, Office of Policy and Program Development; Telephone: (202) 205–0495, or by Fax: (202) 720–2025.

SUPPLEMENTARY INFORMATION:

Background

On December 2, 2015, FSIS published the final rule, “Mandatory Inspection of Fish of the Order Siluriformes and Products Derived from Such Fish,” which amended its regulations to establish a mandatory inspection program for fish of the order Siluriformes (80 FR 75590). The final rule established regulations to implement the provisions of the 2008 and 2014 Farm Bills, which amended the Federal Meat Inspection Act (FMIA) to include all fish of the order Siluriformes as an amenable species (21 U.S.C. 601(w)(2)) and provided for their inspection under Section 606, “Inspection and labeling of meat food products” (21 U.S.C. 606(b)). Fish of the order Siluriformes include, but are not limited to, “catfish” (fish of the family Ictaluridae) and “basa” and “swai” (fish of the family Pangasiidae). For convenience, this notification will use “fish” to mean all fish of the order Siluriformes.

The 2008 and 2014 Farm Bills placed the authority for FSIS’s inspection of fish under Section 606 of the FMIA (21 U.S.C. 606(b)), “Inspecting and labeling of meat food products.” FSIS’s longstanding and well-known interpretation of Section 606 is that it only requires inspection once per production shift. Further, the Farm Bills amended the FMIA to add a new Section 625 (21 U.S.C. 625), which explicitly excludes fish from the statutory provisions requiring ante-mortem and post-mortem inspection and humane methods of slaughter (21 U.S.C. 603, 604, 605 and 610(b)). These requirements, again, not applicable to

inspection of fish, can only be implemented through inspection at all times when an establishment is conducting slaughter operations. Accordingly, FSIS does not believe that Congress intended for FSIS to inspect the slaughter or slaughter and processing of fish during all hours of an establishment’s operations, but instead intended that FSIS inspect fish establishments consistent with how FSIS inspects meat and poultry processing establishments, at least once per production shift.

In the final rule discussion of inspection coverage at official fish establishments, the Agency stated that upon initial implementation of fish inspection on March 1, 2016, although not required by the FMIA, it would assign inspection personnel during all hours of operation at official establishments that kill live fish and at least quarterly at processing-only establishments (80 FR 75606). This level of inspection coverage was intended to provide an orderly transition from the FDA regulatory model to the FSIS inspection model and to assist official fish establishments in bringing their operations into full compliance with the new regulations. Providing inspection coverage during all hours of operation at official fish slaughter establishments also assisted the Agency in gaining experience and insight into commercial fish production in the United States, from the receiving of live fish to the fabrication of fish products.

The Agency provided for an 18-month transitional period, from March 1, 2016, until September 1, 2017, during which it is exercising broad enforcement discretion and taking enforcement actions when establishments produce adulterated or misbranded product, or when there is intimidation or interference with FSIS personnel. In the final rule, FSIS stated that, based on its findings during and after the 18-month transitional period, it may adjust inspection frequency in official fish slaughter establishments in the future, meaning that although inspection would be provided when an establishment is operational, it may not be during all hours of operation (80 FR 75606). The Agency also stated that it would establish the criteria it would follow in determining how inspection would be adjusted and make these criteria available to the public. In addition, the Agency stated that, at the end of the 18-month transitional period, inspection program personnel would be assigned at least once per day per shift at processing-only establishments.

FSIS is announcing that it has decided to adjust its inspection coverage

at official fish slaughter establishments, starting September 1, 2017, the date of full enforcement of the regulatory requirements for fish, from all hours of operation to once per production shift. As discussed below, this decision is based on the Agency’s experience inspecting fish slaughter establishments since implementing the mandatory inspection program on March 1, 2016. As discussed in the final rule, on September 1, 2017, inspection program personnel will be assigned at least once per day per shift at processing-only establishments (80 FR 75607).

Fish Slaughter Establishment Operations

At this time, there are 16 official fish slaughter establishments that receive inspection during all hours of operation. All of these establishments receive live fish that are subsequently slaughtered and further processed. The FSIS definition of “slaughter,” with respect to fish, is the “intentional killing under controlled conditions” (9 CFR 531.1). “Further processing” is defined as “smoking, cooking, canning, curing, refining, or rendering,” (9 CFR 531.1) and includes processes such as cutting and packaging. FSIS defined the terms “slaughter” and “further processing,” for fish based on the inspection operations of other FMIA amenable species, e.g., cattle and swine, and its adaptation of the meat regulations.

From FSIS’s inspection experience in these fish slaughter establishments, the fish are raised either contiguous to the establishment, or in close proximity, and are transported to the facility in aerated live haul trucks. The live fish are unloaded, drained, and weighed before being moved to holding vats or carried by conveyor to an electrical stunner. The fish are sorted by size or weight, with the fish that are processed typically weighing less than two pounds each. Dead and diseased fish and undesirable species are sorted manually prior to processing. The deheading, eviscerating, filleting, and skinning operations are typically automated, and the process flows quickly and seamlessly on conveyor belts. When the operations are manual, the size and immobility of the fish allow the process to move quickly. Thus, the typical farm-raised fish slaughter operation is a streamlined, automated process that combines slaughter with processing in the same continuous operation. As such, fish slaughter operations are more closely aligned with meat processing-only operations, as opposed to meat slaughter operations.

FDA’s definition of fish processing combines the slaughter and processing

steps, "Processing means, with respect to fish or fishery products: Handling, storing, preparing, heading, eviscerating, shucking, freezing, changing into different market forms, manufacturing, preserving, packing, labeling, dockside unloading, or holding" (21 CFR 123.3(k)(1)). This definition accurately describes FSIS's observations and experience in fish slaughter establishments, *i.e.*, a continuous slaughter and processing system. In addition, the fish industry's longstanding practice is to use the term "processor" to refer to any type of fish manufacturing operation, including those that receive and kill live fish. FSIS intends to amend the regulatory definition of "processing" with respect to fish to be more consistent with FDA's definition.

Starting on September 1, 2017, FSIS is making an adjustment in its inspection coverage at official fish slaughter establishments based on the following criteria:

- FSIS's longstanding interpretation of Section 606 of the FMIA (21 U.S.C. 606(b)) requiring inspection once per production shift.
- FSIS's in-plant experience thus far confirming that fish slaughter establishments are most similar in operation and design to meat processing-only establishments. Thus, once per production shift inspection coverage will ensure FSIS verifies whether establishments are in compliance with all regulatory requirements.
- FSIS's more efficient use of inspection resources by including fish slaughter establishments in once-per-production shift inspection assignments for meat and poultry establishments that only process product.

Thus, based on the above criteria, the Agency has determined that adjusting the inspection coverage at fish slaughter establishments on September 1, 2017, from all hours of operation to once per production shift will enable it to provide adequate inspection coverage to fulfill the FMIA mandate and allow it to most efficiently equip its workforce with the resources and tools they need to protect public health.

USDA Nondiscrimination Statement

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Fax: (202)690-7442.

Email: program.intake@usda.gov.

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Additional Public Notification

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Done at Washington, DC on: May 12, 2017.

Alfred V. Almanza,
Administrator.

[FR Doc. 2017-09993 Filed 5-16-17; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2017-0389]

Drawbridge Operation Regulation; Willamette River, Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the upper deck of the Steel Bridge across the Willamette River, mile 12.1, at Portland, OR. The deviation is necessary to support the Starlight Parade and Rose Parade events. This deviation allows the upper span of the Steel Bridge to remain in the closed-to-navigation position to allow for the safe passage of participates and mass transit vehicles across the bridge.

DATES: This deviation is effective from 7 p.m. June 3, 2017 through 1 p.m. June 10, 2017.

ADDRESSES: The docket for this deviation, USCG-2017-0389, is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206-220-7282, email d13-pf-d13bridges@uscg.mil.

SUPPLEMENTARY INFORMATION: Union Pacific Railroad Company (UPRR) has requested a temporary deviation from the operating schedule for the Steel Bridge across the Willamette River, at mile 12.1, at Portland, OR. The deviation is necessary to accommodate participates in the Starlight Parade and Rose Parade events and mass transit vehicles. The Steel Bridge is a double-deck lift bridge with a lower lift deck and an upper lift deck which operate independent of each other. To facilitate this event, the upper deck will remain in closed-to-navigation position. When the lower deck is in the closed-to-navigation position, the bridge provides 26 feet of vertical clearance above Columbia River Datum 0.0; and in open-to-navigation position, the vertical clearance is 71 feet above Columbia River Datum 0.0. The deviation period is from 7 p.m. to 11:30 p.m. on June 3, 2017, and from 7 a.m. to 1 p.m. on June

10, 2017. The lower deck for the Steel Bridge will operate in accordance with 33 CFR 117.897(c)(3)(ii), and at all times outside the specified deviation period, the upper deck of the Steel Bridge will operate in accordance with 33 CFR 117.897(c)(3)(ii).

Waterway usage on this part of the Willamette River includes vessels ranging from commercial tug and barge to small pleasure craft. Vessels able to pass through the bridge with the lower deck in the open-to-navigation position or upper deck in the closed-to-navigation position may do so at any time. The bridge will be able to open for emergencies, and there is no immediate alternate route for vessels to pass. The Coast Guard has conducted a public outreach for this closure of the upper deck on the Steel Bridge to known mariners that transit on the river. The Coast Guard has not received any objections to this temporary deviation from the operating schedule. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: May 9, 2017.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2017-09965 Filed 5-16-17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2017-0407]

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

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Montlake Bridge across Lake Washington Ship Canal, mile 5.2, at Seattle, WA. The deviation is necessary to accommodate

the Rock and Roll Marathon event. This deviation allows the bridge span to remain in the closed-to-navigation position.

DATES: This deviation is effective from 6:30 a.m. to 8:30 a.m. on June 18, 2017.

ADDRESSES: The docket for this deviation, [USCG-2017-0407] is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206-220-7282, email d13-pf-d13bridges@uscg.mil.

SUPPLEMENTARY INFORMATION: The Washington Department of Transportation (bridge owner) has requested a temporary deviation from the operating schedule for the Montlake Bridge across Lake Washington Ship Canal, at mile 5.2, at Seattle, WA. The deviation is necessary to accommodate Rock and Roll Marathon event participants to cross the bridge safely. The Montlake Bridge is a double leaf bascule bridge; and in the closed-to-navigation position provides 30 feet of vertical clearance throughout the navigation channel, and 46 feet of vertical clearance throughout the center 60 feet of the bridge; vertical clearance references to Mean Water Level of Lake Washington. To facilitate this event, the double bascule span will remain closed from 6:30 a.m. to 8:30 a.m. on June 18, 2017. The Coast Guard provided notice of and objections to this deviation to local mariners via the Local Notice Mariners. No objections were submitted to the Coast Guard.

The normal operating schedule for the Montlake Bridge operates in accordance with 33 CFR 117.1051(e). Waterway usage on the Lake Washington Ship Canal ranges from commercial tug and barge to small pleasure craft. Vessels able to pass through the bridge in the closed-to-navigation position may do so at anytime. The bridge will be able to open for emergencies and emergency vessels in route to a call. Lake Washington Ship Canal has no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular

operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 10, 2017.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2017-09970 Filed 5-16-17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2017-0373]

Drawbridge Operation Regulation; Isle of Wight (Sinepuxent) Bay, Ocean City, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the U.S. 50 (Harry Kelly) Bridge across the Isle of Wight (Sinepuxent) Bay, mile 0.5, at Ocean City, MD. The deviation is necessary to accommodate the free movement of pedestrians and vehicles during the 2017 Ocean City Air Show. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 4 p.m. on June 17, 2017, until 5 p.m. on June 18, 2017.

ADDRESSES: The docket for this deviation, [USCG-2017-0373], is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

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

SUPPLEMENTARY INFORMATION: The event director, Ocean City, Maryland, Department of Emergency Services, with approval from the Maryland State Highway Administration, who owns and operates the U.S. 50 (Harry Kelly) Bridge, has requested a temporary deviation from the current operating regulations to accommodate the free movement of pedestrians and vehicles during the 2017 Ocean City Air Show. The bridge is a double bascule bridge

and has a vertical clearance in the closed position of 13 feet above mean high water.

The current operating schedule is set out in 33 CFR 117.559. Under this temporary deviation, the bridge will be maintained in the closed-to-navigation position from 4 p.m. to 5 p.m. on June 17 and 18, 2017. The Isle of Wight (Sinepuxent) Bay is used by a variety of vessels including small commercial vessels and recreational vessels. The Coast Guard has carefully considered the nature and volume of vessel traffic on the waterway in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notice to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impacts caused by this temporary deviation.

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

Dated: May 12, 2017.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2017-09973 Filed 5-16-17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2017-0336]

RIN 1625-AA00

Safety Zone; Tennessee River 323.0-325.0, Huntsville, AL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone for all navigable waters of the Tennessee River beginning at mile marker 323.0 and ending at mile marker 325.0 beginning at noon on May 15, 2017 through noon on May 22, 2017. This safety zone is necessary to protect persons, property,

and infrastructure from potential damage and safety hazards associated with a cargo transfer operation taking place at the Redstone Arsenal. This rule prohibits persons and vessels from entering the safety zone area unless authorized by the Captain of the Port Ohio Valley or a designated representative.

DATES: This rule is effective without actual notice from May 17, 2017 through noon on May 22, 2017. For purposes of enforcement, actual notice will be used from noon on May 15, 2017, through May 17, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2017-0336 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 Ashley Schad, MSD Nashville, Nashville, TN, at 615-736-5421 or at Ashley.M.Schad@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Ohio Valley
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

On April 18, 2017, Redstone Arsenal notified the Coast Guard of cargo transfer operations that would take place from May 15, 2017 to May 22, 2017 during the movement of hazardous cargo. The cargo transfer operations will take place at various times determined by environmental factors. The Captain of the Port Ohio Valley (COTP) has determined that this safety zone is necessary to protect persons, property, and infrastructure before, during, and after the cargo transfer operations.

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 the Coast Guard was informed of this project in early April, but full details of the operation on or over the navigable waterway were not provided until April 18, 2017. The notification of operations was made only a few weeks before the project was scheduled to begin. Immediate action is needed to respond to potential safety hazards related to this cargo transfer operation on or over this navigable waterway. We must establish this safety zone by May 15, 2017. As such, it is impracticable to publish an NPRM because we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

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**. Delaying the effective date of this rule would be contrary to public interest because immediate action is needed to establish a safety zone to protect persons, property, and infrastructure whenever cargo transfer operations take place at Redstone Arsenal from May 15, 2017 until May 22, 2017.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP has determined the need to protect persons, property, and infrastructure during the cargo transfer operations taking place at the Redstone Arsenal on the Tennessee River at mile marker 323.0 to mile marker 325.0. This rule is needed to protect personnel, vessels, and these navigable waters before, during, and after cargo transfer operations take place.

IV. Discussion of the Rule

The Captain of the Port Ohio Valley is establishing this safety zone from May 15, 2017 through May 22, 2017 for all navigable waters of the Tennessee River beginning at mile marker 323.0 and ending at mile marker 325.0. The Coast Guard was informed that the operations would take place during daylight hours. All vessels intending to transit the Tennessee River between mile markers 323.0 and 325.0 from May 15, 2017 to May 22, 2017 must contact COTP or a designated representative to request permission to transit at a time when critical operations are not taking place. If transit permission is granted, the Tennessee River between mile markers 323.0 and 325.0 will be a no wake zone. Safety zone enforcement times will be announced via Broadcast Notice to Mariners (BNM), Local Notices to

Mariners (LNM), Securities, or through other public notice. Any deviation from this rule is prohibited unless specifically authorized by the COTP or a designated representative. The COTP may be contacted by telephone at 1-800-253-7465 or can be reached by VHF-FM channel 16.

The safety zone is intended to protect persons, property, and infrastructure from safety hazards associated with cargo transfer operations. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are establishing appears at the end of this document.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone.

This safety zone prohibits transit on the Tennessee River from mile 323.0 to mile 325.0, prior to, during, and 30 minutes after any vessel movement and cargo transfer operations from May 15, 2017 through May 22, 2017. BNMs, LNM's and other forms of public notice will also inform the community of the safety zone enforcement so that they may plan accordingly for each enforcement period restricting transit. Vessel traffic must request permission from the COTP or a designated representative to enter the restricted area.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, as amended, requires Federal agencies to consider the potential impact of regulations on

small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone area may be small entities, for the reasons stated in section V.A above this rule would 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 (Public Law 104-121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such 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.ID, 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 area safety zone that would prohibit entry to unauthorized vessels. It is categorically excluded from further review under paragraph 34(g) of Figure 2-1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Record of Environmental Consideration are available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protestors. 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 U. S. 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. Temporary § 165.T08–0336 is added to read as follows:

§ 165.T08–0336 Safety Zone; Tennessee River Miles 323.0 to 325.0, Huntsville, AL.

(a) *Location.* All navigable waters of the Tennessee River beginning at mile marker 323.0 and ending at mile marker 325.0 in Huntsville, AL.

(b) *Effective date.* This rule is effective from noon on May 15, 2017 through noon on May 22, 2017.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into this area is prohibited unless authorized by the Captain of the Port Ohio Valley (COTP) or a designated representative.

(2) Persons or vessels requiring entry into or passage through the area must request permission from the COTP or a designated representative. U. S. Coast Guard Sector Ohio Valley may be contacted on VHF Channel 13 or 16, or at 1–800–253–7465.

Dated: May 12, 2017.

M.B. Zamperini,

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

[FR Doc. 2017–10000 Filed 5–16–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 130312235–3658–02]

RIN 0648–XF424

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2017 Commercial Accountability Measure and Closure for South Atlantic Vermilion Snapper

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for the commercial sector for vermilion snapper in the South Atlantic exclusive economic zone (EEZ). NMFS projects that commercial landings of vermilion snapper will reach the commercial annual catch limit (ACL) for the January through June 2017 fishing season by May 17, 2017. Therefore, NMFS closes the commercial sector for vermilion snapper in the South Atlantic EEZ on May 17, 2017, and it will remain closed until July 1, 2017, the start of the July through December commercial fishing season. This closure is necessary to protect the South Atlantic vermilion snapper resource.

DATES: This rule is effective from 12:01 a.m., local time, May 17, 2017, until 12:01 a.m., local time, July 1, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: mary.vara@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes vermilion snapper and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management 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 commercial ACL (equivalent to the commercial quota) for vermilion snapper in the South Atlantic is divided into separate quotas for two 6-month seasons, January through June and July through December. For the January through June fishing season in 2017, the commercial quota is 388,703 lb (176,313 kg), gutted weight (431,460 lb (195,707 kg), round weight), as specified in 50 CFR 622.190(a)(4)(i)(D).

On March 22, 2017 (82 FR 14641), NMFS published a temporary rule in the **Federal Register** to reduce the commercial trip limit for vermilion snapper in or from the South Atlantic EEZ to 500 lb (227 kg), gutted weight, effective at 12:01 a.m., local time, March 22, 2017, until July 1, 2017, or until the commercial quota was reached and the commercial sector closed, whichever would occur first.

In accordance with regulations at 50 CFR 622.193(f)(1), NMFS is required to close the commercial sector for

vermilion snapper when the commercial quota for that portion of the fishing year has been reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the commercial quota for South Atlantic vermilion snapper for the January through June fishing season will be reached by May 17, 2017. Accordingly, the commercial sector for South Atlantic vermilion snapper is closed effective at 12:01 a.m., local time, May 17, 2017, until 12:01 a.m., local time, July 1, 2017.

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper with vermilion snapper on board must have landed and bartered, traded, or sold such vermilion snapper prior to 12:01 a.m., local time, May 17, 2017. During the commercial closure, the recreational bag limit specified in 50 CFR 622.187(b)(5) and the possession limits specified in 50 CFR 622.187(c)(1) apply to all harvest or possession of vermilion snapper in or from the South Atlantic EEZ. Also during the commercial closure, the sale or purchase of vermilion snapper taken from the EEZ is prohibited. As specified in 50 CFR 622.190(c)(1)(i), the prohibition on sale or purchase does not apply to the sale or purchase of vermilion snapper that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, May 17, 2017, and were held in cold storage by a dealer or processor. For a person on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for the South Atlantic snapper-grouper fishery has been issued, the bag and possession limits and the sale and purchase provisions of the commercial closure for vermilion snapper apply regardless of whether the fish are harvested in state or Federal waters, as specified in 50 CFR 622.190(c)(1)(ii).

Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of South Atlantic vermilion snapper and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(f)(1) and is exempt from review under Executive Order 12866.

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately implement this action to close the commercial sector for vermilion snapper constitutes good cause to waive the requirements to provide prior notice and opportunity for

public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures would be unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the AM has been subject to notice and comment, and all that remains is to notify the public of the closure. Prior notice and opportunity for public comment on this action are contrary to the public interest because there is a need to immediately implement this action to protect the vermilion snapper resource, as the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Prior notice and opportunity for public comment would require time and could result in a harvest well in excess of the established commercial quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: May 12, 2017.

Karen H. Abrams,

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

[FR Doc. 2017-09999 Filed 5-12-17; 4:15 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 150121066-5717-02]

RIN 0648-XF413

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Temporary rule; inseason General category retention limit adjustment.

SUMMARY: NMFS is adjusting the Atlantic bluefin tuna (BFT) General category daily retention limit from the default limit of one large medium or giant BFT to four large medium or giant BFT for June 1 through August 31, 2017. This action is based on consideration of the regulatory determination criteria regarding inseason adjustments, and applies to Atlantic Tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat category permitted

vessels when fishing commercially for BFT.

DATES: Effective June 1, 2017, through August 31, 2017.

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

SUPPLEMENTARY INFORMATION:

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

The currently codified baseline U.S. quota is 1,058.9 mt (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area). See § 635.27(a). The currently codified General category quota is 466.7 mt. Each of the General category time periods (“January,” June through August, September, October through November, and December) is allocated a portion of the annual General category quota. The codified June through August subquota is 233.3 mt.

Adjustment of General Category Daily Retention Limit

Unless changed, the General category daily retention limit starting on June 1 would be the default retention limit of one large medium or giant BFT (measuring 73 inches (185 cm) curved fork length (CFL) or greater) per vessel per day/trip (§ 635.23(a)(2)). This default retention limit would apply to General category permitted vessels and to HMS Charter/Headboat category permitted vessels when fishing commercially for BFT. For the 2016 fishing year, NMFS adjusted the daily retention limit from the default level of one large medium or giant BFT to three large medium or giant BFT for the

January subquota period (80 FR 77264, December 14, 2015), which closed effective March 29, 2016 (the regulations allow the General category fishery under the “January” subquota to continue until the subquota is reached, or March 31, whichever comes first); five large medium or giant BFT for the June through August subquota period (81 FR 29501, May 12, 2016) as well as for September 1 through October 8, 2016 (81 FR 59153, August 29, 2016); four large medium or giant BFT for October 9 through October 16, 2016 (81 FR 70369, October 12, 2016); and two large medium or giant BFT for October 17 through December 31, 2016 (81 FR 71639, October 18, 2016). NMFS closed the 2016 General category fishery effective November 4, 2016 (81 FR 76874, November 4, 2016). NMFS adjusted the daily retention limit for the 2017 January subquota period from the default level of one large medium or giant BFT to three large medium or giant BFT in the same action as the 16.3-mt transfer from the December 2016 subquota period to the January 2016 subquota period (81 FR 91873, December 19, 2016), and closed the January 2017 fishery on March 29 (82 FR 16136, April 3, 2017).

Under § 635.23(a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range of zero to a maximum of five per vessel based on consideration of the relevant criteria provided under § 635.27(a)(8). NMFS has considered these criteria and their applicability to the General category BFT retention limit for June through August 2017. These considerations include, but are not limited to, the following:

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

NMFS also considered the catches of the General category quota to date (including during the fall and winter fishery in the last several years), and the likelihood of closure of that segment of the fishery if no adjustment is made (§ 635.27(a)(8)(ii)). Commercial-size BFT are anticipated to migrate to the fishing grounds off the northeast U.S. coast by early June. Based on General category

landings rates during the June through August time period over the last several years, it is highly unlikely that the June through August subquota will be filled with the default daily retention limit of one BFT per vessel. During the June–August 2015 period, under a four-fish limit, landings were approximately 205 mt (88 percent of the 233.3-mt subquota). For the entire 2015 fishing year, 138 percent and 95 percent of the baseline and adjusted General category quota was filled, respectively. In the June–August 2016 period, under a five-fish limit, landings were approximately 298.5 mt (128 percent of the subquota). For the entire 2016 fishing year, 161 percent and 111 percent of the baseline and adjusted General category quota was filled, respectively. See below for description of quota transfers to the General category for 2016 and 2017.

NMFS also considered the effects of the adjustment on BFT rebuilding and overfishing and the effects of the adjustment on accomplishing the objectives of the FMP (§ 635.27(a)(8)(v) and (vi)). The adjusted retention limit would be consistent with the quotas established and analyzed in the BFT quota final rule (80 FR 52198, August 28, 2015), and with objectives of the 2006 Consolidated HMS FMP and amendments, and is not expected to negatively impact stock health or to affect the stock in ways not already analyzed in those documents. It is also important that NMFS limit landings to the subquotas both to adhere to the FMP quota allocations and to ensure that landings are as consistent as possible with the pattern of fishing mortality (*e.g.*, fish caught at each age) that was assumed in the projections of stock rebuilding.

Another principal consideration in setting the retention limit is the objective of providing opportunities to harvest the full General category quota without exceeding it based on the goals of the 2006 Consolidated HMS FMP and amendments, including to achieve optimum yield on a continuing basis and to optimize the ability of all permit categories to harvest their full BFT quota allocations (related to § 635.27(a)(8)(x)). Adjustment of the retention limit is also supported by the Environmental Analysis for the 2011 final rule regarding General and Harpoon category management measures, which increased the General category maximum daily retention limit from three to five fish.

Despite elevated General category limits, the vast majority of successful trips (*i.e.*, General or Charter/Headboat trips on which at least one BFT is landed under General category quota)

land only one or two BFT. For instance, the landings data for 2016 show that, under the five-fish limit that applied June 1 through October 8, the proportion of trips that landed one, two, three, or four bluefin tuna was as follows: 75 percent landed one; 15 percent landed two; 5 percent landed three; 3 percent landed four; and 2 percent landed five. In the last few years, NMFS has received some comment that a high daily retention limit (specifically five fish) is needed to optimize General category fishing opportunities and account for seasonal distributions by enabling vessels to make overnight trips to distant fishing grounds. NMFS also has received some comment that a lower limit is to increase the likelihood that opportunities will extend through the end of the calendar year, as well as for improved market conditions.

NMFS anticipates that some underharvest of the 2016 adjusted U.S. BFT quota will be carried forward to 2017 to the Reserve category, in accordance with the regulations, this summer (*i.e.*, when complete BFT catch information for 2016 is available and finalized). This makes it likely that General category quota will remain available through the end of 2017 for December fishery participants, despite the transfer of 16.3 mt from the 24.3-mt General category December 2017 subquota period to the January 2017 period (81 FR 91873, December 19, 2016). General category landings were relatively high in the fall of 2016, due to a combination of fish availability, favorable fishing conditions, and higher daily retention limits. NMFS transferred 125 mt from the Reserve category (81 FR 70369, October 12, 2016) and later transferred another 85 mt (18 mt from the Harpoon category and 67 mt from the Reserve category) (81 FR 71639, October 18, 2016). Although NMFS closed the 2016 General category fishery effective November 4 to prevent further overharvest of the adjusted General category quota, NMFS anticipates that General category participants in all areas and time periods will have opportunities to harvest the General category quota in 2017, through active inseason management such as retention limit adjustments and/or the timing and amount of quota transfers (based on consideration of the determination criteria regarding inseason adjustments), as practicable.

A limit lower than four fish could result in unused quota being rolled forward to the subsequent subquota time period in the General category season. Increasing the daily retention limit from the default may prevent

rolling an excessive amount of unused quota forward from one subquota time period to the next. Increasing the daily retention limit to four fish will increase the likelihood that the General category BFT landings will approach, but not exceed, the annual quota, as well as increase the opportunity for catching BFT during the June through August subquota period. Increasing opportunity within each subquota period is also important because of the migratory nature and seasonal distribution of BFT. In a particular geographic region, or waters accessible from a particular port, the amount of fishing opportunity for BFT may be constrained by the short amount of time the BFT are present.

Based on these considerations, NMFS has determined that a four-fish General category retention limit is warranted for the June–August 2017 subquota period. It would provide a reasonable opportunity to harvest the full U.S. BFT quota (including the expected increase in available 2017 quota based on 2016 underharvest), without exceeding it, while maintaining an equitable distribution of fishing opportunities; help optimize the ability of the General category to harvest its full quota; allow the collection of a broad range of data for stock monitoring purposes; and be consistent with the objectives of the 2006 Consolidated HMS FMP and amendments. Therefore, NMFS increases the General category retention limit from the default limit (one) to four large medium or giant BFT per vessel per day/trip, effective June 1, 2017, through August 31, 2017.

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

Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. Dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. General and HMS Charter/Headboat vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing

hmspermits.noaa.gov or by using the Android or iPhone app. Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional adjustments are necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281-9260, or access *hmspermits.noaa.gov*, for updates on quota monitoring and inseason adjustments.

Classification

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

The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. The timing of this rulemaking will allow approximately two weeks' prior notice to the regulated community. Affording additional prior notice and an opportunity for public comment on the change in the daily retention limit from the default level for the June through August 2017 subquota period would be impracticable. Based on available BFT quotas, fishery performance in recent years, and the availability of BFT on the

fishing grounds, responsive adjustment to the General category BFT daily retention limit from the default level is warranted to allow fishermen to take advantage of availability of fish and of quota. NMFS could not have proposed these actions earlier, as it needed to consider and respond to updated data and information about fishery conditions and this year's landings. If NMFS was to offer a public comment period now, after having appropriately considered that data, it would preclude fishermen from harvesting BFT that are legally available consistent with all of the regulatory criteria, and/or could result in selection of a retention limit inappropriate to the amount of quota available for the period.

Fisheries under the General category daily retention limit will commence on June 1 and thus prior notice would be contrary to the public interest. Delays in increasing these retention limits would adversely affect those General and Charter/Headboat category vessels that would otherwise have an opportunity to harvest more than the default retention limit of one BFT per day/trip and may result in low catch rates and quota rollovers. Analysis of available data shows that adjustment to the BFT daily retention limit from the default level would result in minimal risks of exceeding the ICCAT-allocated quota. NMFS provides notification of retention limit adjustments by publishing the notice in the **Federal Register**, emailing individuals who have subscribed to the Atlantic HMS News electronic newsletter, and updating the information posted on the Atlantic Tunas Information Line and on

hmspermits.noaa.gov. With quota available and fish available on the grounds, and with no measurable impacts to the stock, it would be contrary to the public interest to require vessels to wait to harvest the fish allowed through this action. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment.

Adjustment of the General category retention limit needs to be effective June 1, 2017, or as soon as possible thereafter, to minimize any unnecessary disruption in fishing patterns, to allow the impacted sectors to benefit from the adjustment, and to not preclude fishing opportunities for fishermen in geographic areas with access to the fishery only during this time period. Foregoing opportunities to harvest the respective quotas may have negative social and economic impacts for U.S. fishermen that depend upon catching the available quota within the time periods designated in the 2006 Consolidated HMS FMP and amendments. Therefore, the AA finds there is also good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

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

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

Dated: May 12, 2017.

Karen H. Abrams,

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

[FR Doc. 2017-10006 Filed 5-16-17; 8:45 am]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 82, No. 94

Wednesday, May 17, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2017-0335; Directorate Identifier 2017-NM-025-AD]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company 737-100, -200, -200C, -300, -400, and -500 series airplanes. This proposed AD was prompted by a report of cracks in the upper aft skin of the right wing at certain fastener holes along the rear spar upper chord. This proposed AD would require repetitive inspections for cracking of the upper aft skin of the wings, and repair if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 3, 2017.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data

Services (C&DS), 2600 Westminster Blvd., MC 110-SK57, Seal Beach, CA 90740; telephone 562-797-1717; Internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0335.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0335; 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: Payman Soltani, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712-4137; phone: 562-627-5313; fax: 562-627-5210; email: payman.soltani@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2017-0335; Directorate Identifier 2017-NM-025-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 a report indicating that cracks were found in the upper aft skin of the right wing at fastener holes along the rear spar upper chord at wing buttock line (WBL) 125 (crack length 0.045 inch) and WBL 141 (crack length 0.060 inch). The cracks originated from fastener holes in the upper aft skin and had not penetrated the thickness of the skin. There were 68,100 total flight hours and 55,151 total flight cycles on the airplane. Several other reports of similar crack findings were found on airplanes having between 48,220 and 57,543 total flight cycles. The root cause of the cracks is identified as the braking loads, which introduce a high tension stress in the rear spar upper chord and skin between the main landing gear beam and the side-of-body for the rear spar chord. It was determined that the existing inspection programs are not sufficient to find such cracks before they grow to a critical length. The upper aft skin of both the left and right wings are subject to such cracking. This condition, if not corrected, could result in the inability of a principle structural element to sustain limit load, and consequent reduced structural integrity of the airplane.

Explanation of Applicability

This NPRM applies to all Model 737-100, -200, -200C, -300, -400, and -500 series airplanes, including some models that may have a limit of validity (LOV). Model 737 airplanes having line numbers 1 through 291 have an LOV of 34,000 total flight cycles, and the actions in this proposed AD, as specified in Boeing Alert Service Bulletin 737-57A1332, dated January 3, 2017, would be required at a compliance time occurring after reaching that LOV. Although operation of an airplane beyond its LOV is prohibited by 14 CFR 121.1115 and 129.115, this proposed AD would include those airplanes in the applicability so that those airplanes are tracked in the event the LOV is extended in the future.

Related Service Information Under 14 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737-57A1332, dated January 3, 2017. The service information describes procedures for repetitive detailed inspections of the upper aft skin of the wings for cracking. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

FAA’s Determination

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously. For information on the

procedures and compliance times, see this service information at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0335.

Costs of Compliance

We estimate that this proposed AD affects 471 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
Repetitive inspections ...	5 work-hours × \$85 per hour = \$425 per inspection cycle.	\$0	\$425 per inspection cycle.	\$200,175 per inspection cycle.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Is not a “significant rule” under the DOT Regulatory Policies and

Procedures (44 FR 11034, February 26, 1979),

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA-2017-0335; Directorate Identifier 2017-NM-025-AD.

(a) Comments Due Date

We must receive comments by July 3, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company 737-100, -200, -200C, -300, -400, and -500 series airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report of cracks in the upper aft skin of the right wing at certain fastener holes along the rear spar upper chord. We are issuing this AD to detect and correct cracks in the upper aft skin of the wings, which could result in the inability of a principle structural element to sustain limit load, and consequent reduced structural integrity of the airplane.

(f) Compliance

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

(g) Group 2 Airplanes: Detailed Inspections and Repair

For Group 2 airplanes identified in Boeing Alert Service Bulletin 737-57A1332, dated January 3, 2017: At the applicable time specified in paragraph 1.E., “Compliance,” of Boeing Alert Service Bulletin 737-57A1332, dated January 3, 2017, except as required by paragraph (i) of this AD, do a detailed inspection for cracking of the upper aft skin of the wings from wing buttock line (WBL) 80 to WBL 155, in accordance with Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737-57A1332, dated January 3, 2017. If any cracking is found, repair before further flight in accordance with the procedures specified in paragraph (j) of this AD. Although Boeing Alert Service Bulletin 737-57A1332, dated January 3, 2017, specifies to contact Boeing for repair instructions, and specifies that action as “RC” (Required for Compliance), this AD requires repair as specified in this paragraph. Repeat the inspection thereafter at the applicable time specified in paragraph 1.E., “Compliance,” of Boeing Alert Service Bulletin 737-57A1332, dated January 3, 2017.

(h) Group 1 Airplanes: Inspection and Corrective Action

For airplanes identified as Group 1 in Boeing Alert Service Bulletin 737–57A1332, dated January 3, 2017: Within 120 days after the effective date of this AD, inspect for cracking of the upper aft skin of the wings, and do all applicable corrective actions, using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Exception to the Service Information

Where Boeing Alert Service Bulletin 737–57A1332, dated January 3, 2017, specifies a compliance time “after the original issue date of this Service Bulletin,” this AD requires compliance within the specified compliance time after the effective date of this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

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

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

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

(k) Related Information

(1) For more information about this AD, contact Payman Soltani, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5313; fax: 562–627–5210; email: payman.soltani@faa.gov.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740; telephone 562–797–1717; Internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 8, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–09848 Filed 5–16–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF AGRICULTURE**Forest Service****36 CFR Part 242****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 100**

[Docket No. FWS–R7–SM–2016–0049; FXFR13350700640–167–FF07J00000; FBMS#4500096691]

RIN 1018–BB38

Subsistence Management Regulations for Public Lands in Alaska—2018–19 and 2019–20 Subsistence Taking of Wildlife Regulations

AGENCY: Forest Service, Agriculture; Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish regulations for hunting and trapping seasons, harvest limits, and methods and means related to taking of wildlife for subsistence uses during the 2018–19 and 2019–20 regulatory years. The Federal Subsistence Board is on a schedule of completing the process of revising subsistence taking of wildlife regulations in even-numbered years and subsistence taking of fish and shellfish regulations in odd-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during

the applicable cycle. When final, the resulting rulemaking will replace the existing subsistence wildlife taking regulations. This rule would also amend the general regulations on subsistence taking of fish and wildlife.

DATES: *Public comments:* Comments and proposals to change this proposed rule must be received or postmarked June 16, 2017.

Public meetings: The Federal Subsistence Regional Advisory Councils held public meetings to receive comments and make proposals to change this proposed rule on several dates between February 8 and March 15, 2017, and then will hold another round of public meetings to discuss and receive comments on the proposals, and make recommendations on the proposals to the Federal Subsistence Board, on several dates between August 24 and November 9, 2017. The Board will discuss and evaluate proposed regulatory changes during a public meeting in Anchorage, AK, in April 2018. See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

ADDRESSES: *Public meetings:* The Federal Subsistence Board and the Federal Subsistence Regional Advisory Councils’ public meetings will be held at various locations in Alaska. See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

Public comments: You may submit comments by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov> and search for FWS–R7–SM–2016–0049, which is the docket number for this rulemaking.

- *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503–6199, or hand delivery to the Designated Federal Official attending any of the Federal Subsistence Regional Advisory Council public meetings. See **SUPPLEMENTARY INFORMATION** for additional information on locations of the public meetings.

We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Public Review Process section below for more information).

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Eugene R. Peltola, Jr., Office of Subsistence Management; (907) 786–

3888 or subsistence@fws.gov. For questions specific to National Forest System lands, contact Thomas Whitford, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743-9461 or twhitford@fs.fed.us.

SUPPLEMENTARY INFORMATION:

Background

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This program provides a rural preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to carry out this program in the Federal Register on June 29, 1990 (55 FR 27114), and final regulations were published in the Federal Register on May 29, 1992 (57 FR 22940). The Program has subsequently amended these regulations a number of times. Because this program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR):

Title 36, "Parks, Forests, and Public Property," and Title 50, "Wildlife and Fisheries," at 36 CFR 242.1-28 and 50 CFR 100.1-28, respectively. The regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

Consistent with subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board comprises:

- A Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;
- The Alaska Regional Director, National Park Service;
- The Alaska State Director, Bureau of Land Management;
- The Alaska Regional Director, Bureau of Indian Affairs;
- The Alaska Regional Forester, USDA Forest Service; and
- Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Through the Board, these agencies and public members participate in the

development of regulations for subparts C and D, which, among other things, set forth program eligibility and specific harvest seasons and limits.

In administering the program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Regional Advisory Council. The Regional Advisory Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Regional Advisory Council members represent varied geographical, cultural, and user interests within each region.

Public Review Process—Comments, Proposals, and Public Meetings

The Federal Subsistence Regional Advisory Councils have a substantial role in reviewing this proposed rule and making recommendations for the final rule. The Federal Subsistence Board, through the Federal Subsistence Regional Advisory Councils, has held public meetings on this proposed rule at the following locations in Alaska, on the following dates:

Region 1—Southeast Regional Council	Saxman	March 14, 2017
Region 2—Southcentral Regional Council	Anchorage	February 13, 2017
Region 3—Kodiak/Aleutians Regional Council	Old Harbor	February 22, 2017
Region 4—Bristol Bay Regional Council	Naknek	February 28, 2017
Region 5—Yukon-Kuskokwim Delta Regional Council	Bethel	February 15, 2017
Region 6—Western Interior Regional Council	Fairbanks	February 21, 2017
Region 7—Seward Peninsula Regional Council	Nome	March 6, 2017
Region 8—Northwest Arctic Regional Council	Kotzebue	March 1, 2017
Region 9—Eastern Interior Regional Council	Fairbanks	February 7, 2017
Region 10—North Slope Regional Council	Barrow	February 8, 2017

During June 2017, the written proposals to change the subpart D, take of wildlife regulations, and subpart C, customary and traditional use determinations, will be compiled and distributed for public review. During a

subsequent public comment period, written public comments will be accepted on the distributed proposals.

The Board, through the Regional Advisory Councils, will hold a second series of public meetings in August

through November 2017, to receive comments on specific proposals and to develop recommendations to the Board at the following locations in Alaska, on the following dates:

Region 1—Southeast Regional Council	Juneau	October 31, 2017
Region 2—Southcentral Regional Council	Seldovia	November 6, 2017
Region 3—Kodiak/Aleutians Regional Council	Cold Bay	September 26, 2017
Region 4—Bristol Bay Regional Council	Dillingham	November 1, 2017
Region 5—Yukon-Kuskokwim Delta Regional Council	Bethel	October 12, 2017
Region 6—Western Interior Regional Council	Galena	October 10, 2017
Region 7—Seward Peninsula Regional Council	Nome	October 24, 2017
Region 8—Northwest Arctic Regional Council	Shungnak	October 25, 2017
Region 9—Eastern Interior Regional Council	Tanana	November 8, 2017
Region 10—North Slope Regional Council	Wainwright	August 24, 2017

A notice will be published of specific dates, times, and meeting locations in local and statewide newspapers prior to both series of meetings. Locations and dates may change based on weather or local circumstances. The amount of

work on each Regional Advisory Council's agenda determines the length of each Regional Advisory Council meeting.

The Board will discuss and evaluate proposed changes to the subsistence

management regulations during a public meeting scheduled to be held in Anchorage, Alaska, in April 2018. The Federal Subsistence Regional Advisory Council Chairs, or their designated representatives, will present their

respective Councils' recommendations at the Board meeting. Additional oral testimony may be provided on specific proposals before the Board at that time. At that public meeting, the Board will deliberate and take final action on proposals received that request changes to this proposed rule.

Proposals to the Board to modify the general fish and wildlife regulations, wildlife harvest regulations, and customary and traditional use determinations must include the following information:

- a. Name, address, and telephone number of the requester;
- b. Each section and/or paragraph designation in this proposed rule for which changes are suggested, if applicable;
- c. A description of the regulatory change(s) desired;
- d. A statement explaining why each change is necessary;
- e. Proposed wording changes; and
- f. Any additional information that you believe will help the Board in evaluating the proposed change.

The Board immediately rejects proposals that fail to include the above information, or proposals that are beyond the scope of authorities in § ___.24, subpart C (the regulations governing customary and traditional use determinations), and §§ ___.25 and ___.26, subpart D (the general and specific regulations governing the subsistence take of wildlife). If a proposal needs clarification, prior to being distributed for public review, the proponent may be contacted, and the proposal could be revised based on their input. Once distributed for public review, no additional changes may be made as part of the original submission. During the April 2018 meeting, the Board may defer review and action on some proposals to allow time for cooperative planning efforts, or to acquire additional needed information. The Board may elect to defer taking action on any given proposal if the workload of staff, Regional Advisory Councils, or the Board becomes excessive. These deferrals may be based on recommendations by the affected Regional Advisory Council(s) or staff members, or on the basis of the Board's intention to do least harm to the subsistence user and the resource involved. A proponent of a proposal may withdraw the proposal provided it has not been considered, and a recommendation has not been made, by a Regional Advisory Council. The Board may consider and act on alternatives that address the intent of a proposal while differing in approach.

You may submit written comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. If you submit a comment via <http://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy comments on <http://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <http://www.regulations.gov>, or by appointment, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays, at: USFWS, Office of Subsistence Management, 1011 East Tudor Road, Anchorage, AK 99503.

Reasonable Accommodations

The Federal Subsistence Board is committed to providing access to these meetings for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to the Office of Subsistence Management, 907-786-3888, subsistence@fws.gov, or 800-877-8339 (TTY), seven business days prior to the meeting you would like to attend.

Tribal Consultation and Comment

As expressed in Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," the Federal officials that have been delegated authority by the Secretaries are committed to honoring the unique government-to-government political relationship that exists between the Federal Government and Federally Recognized Indian Tribes (Tribes) as listed in 79 FR 4748 (January 29, 2014). Consultation with Alaska Native corporations is based on Public Law 108-199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108-447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: "The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175."

The Alaska National Interest Lands Conservation Act does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because tribal

members are affected by subsistence fishing, hunting, and trapping regulations, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult on this rule.

The Board will engage in outreach efforts for this proposed rule, including a notification letter, to ensure that Tribes and Alaska Native corporations are advised of the mechanisms by which they can participate. The Board provides a variety of opportunities for consultation: Proposing changes to the existing rule; commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Council meetings; engaging in dialogue at the Board's meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process. The Board commits to efficiently and adequately providing an opportunity to Tribes and Alaska Native corporations for consultation in regard to subsistence rulemaking.

The Board will consider Tribes' and Alaska Native corporations' information, input, and recommendations, and address their concerns as much as practicable.

Developing the 2018-19 and 2019-20 Wildlife Seasons and Harvest Limit Regulations

Subpart C and D regulations are subject to periodic review and revision. The Federal Subsistence Board currently completes the process of revising subsistence take of wildlife regulations in even-numbered years and fish and shellfish regulations in odd-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable cycle.

The current subsistence program regulations form the starting point for consideration during each new rulemaking cycle. The regulations at § ___.24 pertain to customary and traditional use determinations; the regulations at § ___.25 pertain to general provisions governing the subsistence take of wildlife, fish, and shellfish; and the regulations at § ___.26 pertain to specific provisions governing the subsistence take of wildlife.

The text of two final rules form the text of this proposed rule for the 2018-20 subparts C and D regulations:

The text of the proposed amendments to 36 CFR 242.24 and 242.26 and 50 CFR 100.24 and 100.26 is the final rule for the 2016-2018 regulations for

subsistence take of wildlife (81 FR 52528; August 8, 2016).

The text of the proposed amendments to 36 CFR 242.25 and 50 CFR 100.25 is the final rule for the 2015–17 regulations for the subsistence take of fish (80 FR 28187; May 18, 2015). (Because the most recent final rule pertaining to wildlife noted above (*i.e.*, 81 FR 52528; August 8, 2016) did not include any revisions to the general regulations pertaining to the subsistence take of wildlife, fish, and shellfish at § 100.25, the 2015 final rule pertaining to the subsistence take of fish includes the most recent revisions to 36 CFR 242.25 and 50 CFR 100.25).

These regulations will remain in effect until subsequent Board action changes elements as a result of the public review process outlined above in this document.

Compliance With Statutory and Regulatory Authorities

National Environmental Policy Act

A Draft Environmental Impact Statement that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The Final Environmental Impact Statement (FEIS) was published on February 28, 1992. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (Alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries and is available at the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

Section 810 of ANILCA

An ANILCA § 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final § 810

analysis determination appeared in the April 6, 1992, ROD and concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of this rule was conducted in accordance with § 810. That evaluation also supported the Secretaries' determination that the rule will not reach the "may significantly restrict" threshold that would require notice and hearings under ANILCA § 810(a).

Paperwork Reduction Act (PRA)

This proposed rule does not contain any new collections of information that require OMB approval under the PRA (44 U.S.C. 3501 *et seq.*) OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR 242 and 50 CFR 100, and assigned OMB Control Number 1018–0075, with an expiration date of June 30, 2019. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number.

Regulatory Planning and Review (Executive Order 12866)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this proposed rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this proposed rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of \$3.00 per pound, this amount would equate to about \$6 million in food value statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this proposed rule is not a major rule. It will not have an effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12630

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these proposed regulations have no potential takings of private property implications as defined by Executive Order 12630.

Unfunded Mandates Reform Act

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies and there is no cost imposed on any State or local entities or tribal governments.

Executive Order 12988

The Secretaries have determined that these regulations meet the applicable

standards provided in §§ 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

Executive Order 13132

In accordance with Executive Order 13132, the proposed rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

Executive Order 13175

The Alaska National Interest Lands Conservation Act, Title VIII, does not provide specific rights to tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult on this proposed rule. Consultation with Alaska Native corporations are based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: “The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.”

The Secretaries, through the Board, will provide a variety of opportunities for consultation: Commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Council meetings; engaging in dialogue at the Board’s meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process.

Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this proposed rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information

Theo Matuskowitz drafted these regulations under the guidance of Eugene R. Peltola, Jr. of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by:

- Daniel Sharp, Alaska State Office, Bureau of Land Management;

- Mary McBurney, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Trevor T. Fox, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Thomas Whitford, Alaska Regional Office, U.S. Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Proposed Regulation Promulgation

For the reasons set out in the preamble, the Federal Subsistence Board proposes to amend 36 CFR part 242 and 50 CFR part 100 for the 2018–19 and 2019–20 regulatory years.

The text of the proposed amendments to 36 CFR 242.24 and 242.26 and 50 CFR 100.24 and 100.26 is the final rule for the 2016–2018 regulatory period for wildlife (81 FR 52528; August 8, 2016).

The text of the proposed amendments to 36 CFR 242.25 and 50 CFR 100.25 is the final rule for the 2015–17 regulatory period for fish (80 FR 28187; May 18, 2015).

Dated: March 22, 2017.

Eugene R. Peltola, Jr.,

Assistant Regional Director, U.S. Fish and Wildlife Service, Acting Chair, Federal Subsistence Board.

Dated: March 27, 2017.

Thomas Whitford,

Subsistence Program Leader, USDA–Forest Service.

[FR Doc. 2017–09967 Filed 5–16–17; 8:45 am]

BILLING CODE 3410–11; 4333–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 17–59; FCC 17–24]

Advanced Methods To Target and Eliminate Unlawful Robocalls

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission invites comment on proposed changes to its rules

implementing the Telephone Consumer Protection Act and to its call completion rules. The Commission proposes rules to codify the clarification contained in the 2016 *Guidance PN* that providers may block calls when the subscriber to a particular telephone number requests that calls originating from that number be blocked; permit providers to block calls originating from invalid numbers; permit providers to block calls originating from valid numbers that are not allocated to a voice service provider; and permit providers to block calls originating from valid numbers that are allocated but not assigned to a subscriber. In addition, the Commission seeks comment on the possibility of permitting providers to block calls in other situations where the calls to be blocked are reasonably likely to be illegal based upon objective criteria.

DATES: Comments are due on or before July 3, 2017, and reply comments are due on or before July 31, 2017.

ADDRESSES: You may submit comments, identified by CG Docket 17–59 by any of the following methods:

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the Commission’s Electronic Comment Filing System (ECFS), through the Commission’s Web site: <http://apps.fcc.gov/ecfs/>. Filers should follow the instructions provided on the Web site for submitting comments. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and CG Docket No. 17–59.

- **Mail:** Parties who choose to file by paper must file an original and one copy of each filing. Filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

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

FOR FURTHER INFORMATION CONTACT:

Jerusha Burnett, Consumer Policy Division, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554 by email at jerusha.burnett@fcc.gov or by phone at (202) 418–0526.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s Notice of Proposed Rulemaking and Notice of

Inquiry in CG Docket No. 17–59, adopted on March 23, 2017, and released March 23, 2017. A copy of document FCC 17–24 and any subsequently filed documents in this matter will be available during regular business hours at the FCC Reference Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554, (202) 418–0270. The full text of document FCC 17–24 will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. A copy of document FCC 17–24 and any subsequently filed documents in this matter may also be found by searching ECFS at: <http://apps.fcc.gov/ecfs/> (insert CG Docket No. 17–59 into the Proceeding block).

Pursuant to 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using ECFS. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial Mail sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street SW., Washington, DC 20554.

Pursuant to § 1.1200 of the Commission's rules, 47 CFR 1.1200, this matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substances of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). Document FCC 17–24 can also be downloaded in Word or Portable Document Format (PDF) at: <https://www.fcc.gov/document/robocall-blocking-nprm-and-noi>.

Initial Paperwork Reduction Act of 1995 Analysis

Document FCC 17–24 seeks comment on proposed rule amendments that may result in modified information collection requirements. If the Commission adopts any modified information collection requirements, the Commission will publish another notice in the **Federal Register** inviting the public to comment on the requirements, as required by the Paperwork Reduction Act, Public Law 104–13, 109 Stat. 163; 44 U.S.C. 3501–3520. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, the Commission seeks comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees. Public Law 107–198, 116 Stat. 729; 44 U.S.C. 3506(c)(4).

Synopsis

1. In the document FCC 17–24, the Commission begins a process to facilitate voice service providers' blocking of illegal robocalls. Providers have been active in identifying such robocalls, and consumer groups and others have asked the Commission to encourage better call blocking.

Notice of Proposed Rulemaking

2. The Commission believes that it is in the best interest of achieving the goal of eliminating illegal robocalls to collaborate with industry—government can remove regulatory roadblocks and ensure that industry has the flexibility to use robust tools to address illegal traffic. It is also important for the Commission to protect the reliability of the nation's communications network and to protect consumers from provider-initiated blocking that harms, rather than helps, consumers. The Commission therefore must balance competing policy considerations—some favoring blocking and others disfavoring blocking—to arrive at an effective solution that maximizes consumer protection and network reliability. The Commission therefore seek comment on several proposals that the Commission believes strike the correct balance.

3. Specifically, the Commission proposes that voice service providers may block telephone calls in certain circumstances to protect subscribers from illegal robocalls. First, the Commission proposes to codify the clarification contained in the *2016 Guidance PN* that providers may block calls when the subscriber to a particular telephone number requests that calls originating from that number be blocked. Second, the Commission seeks comment on proposed rules authorizing providers to block calls from three categories of numbers: Invalid numbers, valid numbers that are not allocated to a voice service provider, and valid numbers that are allocated but not assigned to a subscriber.

4. The Commission's legal authority for these rules stems from sections 201 and 202 of the Communications Act (the Act), which prohibit unjust and unreasonable practices and unjust and unreasonable discrimination—and thus have formed the basis for the Commission's historic prohibitions on call blocking. Here, the Commission believes that blocking a call from a spoofed number is not, by definition, an unjust or unreasonable practice or unjustly or unreasonably discriminatory practice, and the Commission invokes authority stemming from sections 201 and 202 of the Act in making that determination. The Telephone Consumer Protection Act of 1991 (TCPA), as codified in section 227(b)(2) of the Act, also states that the Commission "shall prescribe regulations to implement" the TCPA's restrictions on robocalls in subsection 227(b) of the Act. As discussed below, the Commission's proposed rules are intended to facilitate blocking of illegal robocalls by voice service providers, with the ultimate goal of ensuring that consumers receive fewer robocalls that violate section 227(b) of the Act, while also preserving effective call completion obligations. In addition, the Commission is charged with prescribing regulations to implement the Truth in Caller ID Act, which made unlawful the spoofing of Caller IDs "in connection with any telecommunications service or IP-enabled voice service . . . with the intent to defraud, cause harm, or wrongfully obtain anything of value . . ." Given the continuing and ever-evolving schemes by illegitimate callers to harm and defraud consumers using spoofed Caller IDs, these proposals are necessary to allow service providers to help prevent these unlawful acts and protect voice service subscribers. Finally, section 251(e) of the Act gives the Commission authority over the use

and allocation of numbering resources in the United States, including the use of the unassigned numbers at issue in the proposed rules. The Commission seeks comment on the nature and scope of the Commission's authority to adopt rules as proposed herein.

5. As a threshold matter, the Commission seek comment on how to define the term "illegal robocall" for purposes of this proceeding. Based on the Strike Force's recommendation, the Commission tentatively concludes that an "illegal robocall" is one that violates the requirements of the TCPA, the related Commission regulations implementing the Act, or the Telemarketing Sales Rule, as well as any call made for the purpose of defrauding a consumer, as prohibited under a variety of federal and state laws and regulations, including the federal Truth in Caller ID Act. Is this definition sufficient to capture all robocalls that should be subject to provider-initiated blocking? If not, how might the definition be expanded to serve the Commission's goals in this proceeding? For example, would this definition preclude voice service providers from blocking calls that are not lawful for other reasons, such as calls prohibited by an anti-stalking law or a court order, or preclude providers from blocking calls that violate a law but are not autodialed or prerecorded? Conversely, is this definition insufficiently precise so that it could lead to lawful calls being blocked? If so, what types of calls and how should the Commission change this definition?

A. Blocking at the Request of the Subscriber to the Originating Number

6. The 2016 Guidance PN made clear that voice service providers (whether providing such service through Time-Division Multiplexing, Voice over Internet Protocol (VoIP), or Commercial Mobile Radio Service) may block calls from a number if the subscriber to that telephone number requests such blocking in order to prevent its telephone number from being spoofed. The Bureau concluded that, where the subscriber did not consent to the number being spoofed, the call was very likely made with the intent to defraud, and therefore that no reasonable consumer would wish to receive such a call. Such calls are deemed to be presumptively spoofed and likely to violate the Commission's anti-spoofing rules, and have the potential to cause harm both to the called party and to the subscriber who uses the number. The Commission agrees with the Bureau's conclusions and propose to amend the Commission's rules to codify them, so

as to provide increased certainty to providers. The Commission seeks comment on this proposal.

7. The 2016 Guidance PN did not directly address issues related to providers sharing information about such subscriber requests. The Commission seeks comment on whether there are roadblocks to sharing information among providers necessary to effectuate subscriber requests for blocking and what, if any, rule changes or other measures are needed to ensure that such requests can be honored efficiently and effectively. Particularly, the Commission seeks comment on what measures, if any, the Commission should consider to facilitate the sharing of such requests among providers where, for example, the subscriber asks the provider that serves the number at issue to disseminate its request throughout the industry. The Commission notes that subscribers might not be readily able to identify each and every provider and to submit such a request to each provider individually. Although such information sharing at the subscriber's request appears to be consistent with the Commission's Customer Proprietary Network Information (CPNI) rules, the Commission seeks comment on whether there are remaining concerns that have not already been adequately addressed. Would such concerns, if any, be resolved by further clarification about the lawfulness of disclosing information to protect consumers and the network, and to prevent fraud? Are subscribers who request such blocking, absent instructions to the contrary, inherently requesting that that information be shared among providers, and does such sharing occur routinely, or are subscribers making multiple individual requests to multiple providers? Are there any particular concerns regarding the entity through which sharing occurs? For example, are there any specific concerns regarding sharing through an industry information or an entity involved in administering telephone numbers? The Commission notes especially that by seeking comment on these issues, and during the pendency of this proceeding, the Commission does not stall, interrupt, or prevent information sharing that is already occurring lawfully. Instead, the Commission asks whether the Commission can provide a better framework to facilitate and encourage sharing, and if so, how the Commission might do so.

B. Calls Originating From Unassigned Numbers

8. In the Strike Force Report, the Strike Force asked the Commission to further clarify that provider-initiated blocking is permissible where the call purports to originate from a number that the provider knows to be unassigned. As discussed in more detail below, use of an unassigned number is a strong indication that the calling party is spoofing the Caller ID to potentially defraud and harm a voice service subscriber. The Commission can readily identify three categories of unassigned numbers. Those categories are: (1) Numbers that are invalid under the North American Numbering Plan (NANP), including numbers with unassigned area codes; (2) numbers that have not been allocated by the North American Numbering Plan Administrator (NANPA) or the National Number Pool Administrator (PA) to any provider; and (3) numbers that the NANPA or PA has allocated to a provider, but are not currently assigned to a subscriber. The Commission seeks comment on rules to codify that providers may block numbers that fall into each of these three categories. The Commission seeks comment on how and when such blocking should be permitted and on whether there are other categories of numbers that should be considered to be unassigned.

C. Calls Originating From Invalid Numbers

9. The Commission proposes to adopt a rule allowing provider-initiated blocking of calls purportedly originating from numbers that are not valid under the NANP. Examples of such numbers include numbers that use an unassigned area code; that use an N11 code, such as 911 or 411, in place of an area code; that do not contain the requisite number of digits; and that are a single digit repeated, such as 000-000-0000. Can providers, because of their intimate knowledge of the North American Numbering Plan, easily identify numbers that fall into this category? Further, because these numbers are not valid, there is no possibility that a subscriber legitimately could be originating calls from such numbers. Nor do the Commission foresee any reasonable possibility that a caller would spoof such a number for any legitimate, lawful purpose; for example, unlike a business spoofing Caller ID on outgoing calls to show its main call-back number, invalid numbers cannot be called back. The Commission therefore does not see a significant risk to network reliability in allowing

providers to block this category of calls. The Commission seeks comment on this proposal.

10. More generally, the Commission seeks comment on whether, for purposes of this rule, to define invalid numbers more specifically than already described above. Further, the Commission seeks comment on what, if anything, the Commission can do to assist providers in correctly identifying invalid numbers. With regard to smaller providers, are there any particular measures the Commission or the numbering administrators can implement to assist them in more readily identifying or blocking calls originating from invalid numbers? Finally, the Commission seeks comment on any additional issues concerning the blocking of calls purportedly originating from invalid numbers.

D. Calls Originating From Numbers Not Allocated to Any Provider

11. The Commission also proposes to allow provider-initiated blocking of calls from numbers that are valid but have not yet been allocated by NANPA or the PA to any provider. Though these numbers are valid under the North American Numbering Plan, the Commission believes that they are similar to invalid numbers in that no subscriber can actually originate a call from any of them, and the Commission can foresee no legitimate, lawful reason to spoof such a number because they cannot be called back. The Commission seeks comment on this proposal.

12. Unlike the category of calls described above, numbers in this category are not presumptively invalid. Instead, the provider must have knowledge that a certain block of numbers has not been allocated to any provider and therefore that the number being blocked could not have been assigned to a subscriber. The Commission seeks comment on whether providers can readily identify numbers that have yet to be allocated to any provider and, if not, whether the NANPA or PA could assist by providing this information in a timely, effective way. If there are difficulties in identifying unallocated numbers, the Commission asks commenters to provide specific descriptions and/or examples of any of those difficulties, and to offer any proposed solutions to overcome these difficulties. Can providers identify a subset of such number blocks, *e.g.*, those shown as “available” by the PA? If providers can identify these number blocks, is there any delay in that information being updated or other factors that likely would result in calls from allocated

numbers being blocked? If so, the Commission seeks comment on what steps are necessary to mitigate or eliminate the possibility of such calls being blocked. The Commission seeks comment on what further steps the Commission can take to assist providers, especially small providers, in identifying and blocking calls originating from numbers that have not been allocated to any provider and on any other relevant issues.

E. Calls Originating From Numbers That Are Allocated to a Provider, But Not Assigned to a Subscriber

13. The Commission proposes to allow provider-initiated blocking of calls from numbers that have been allocated to a provider but are not assigned to a subscriber at the time of the call. Like the two categories of unassigned numbers discussed above, a subscriber cannot originate a call from such a number, and the Commission foresees no legitimate, lawful purpose for intentionally spoofing a number that is not assigned to a subscriber and thus cannot be called back. The Commission seeks comment on this proposal.

14. Specifically, the Commission seeks comment on the ability of providers to accurately and timely identify numbers that fall within this category. The Commission believes that the provider to which a telephone number is allocated will know whether that telephone number is currently assigned to a subscriber. The Commission seeks comment on whether other providers can also determine, in a timely way, whether a specific telephone number is assigned to a subscriber at the time a specific call is made. Do providers currently share information about which numbers are assigned to a subscriber, and, if so, is such information shared in close to real time? Can the number portability database administered by the Number Portability Administration Center (NPAC) provide such information for a subset of numbers? Are there ways the Commission can facilitate or improve the sharing of information about numbers in this category? Should the Commission mandate the sharing of information about unassigned numbers to facilitate appropriate robocall blocking? If so, what is the most appropriate means to facilitate such information sharing?

15. If there are reasons that information about such numbers cannot be shared in an accurate and timely way, the Commission also seeks comment on whether a rule explicitly authorizing provider-initiated blocking of calls purportedly from numbers that

are allocated to a provider but not assigned to a subscriber should apply only to the provider to which the number is allocated. Are there other factors that support or disfavor explicitly authorizing all providers to block calls purporting to originate from numbers in this category? Are there concerns for small providers, which presumably have a smaller set of allocated numbers than the larger providers? Finally, the Commission seeks comment on any issues not already raised that may arise by allowing providers to block allocated, but unassigned, telephone numbers.

F. Related Issues

16. *Internationally Originated Calls.* The Commission notes that internationally originated calls may require special treatment. The Commission seeks comment on whether an internationally originated call purportedly originated from a NANP number should be subject to these rules, whereas an internationally originated call showing an international number would be beyond the scope of this rule. Are there any other special rules the Commission should consider with respect to internationally originated calls?

17. *Subscriber Consent.* The Commission believes that no reasonable consumer would want to receive these calls. As a result, the Commission proposes not to require providers to obtain an opt-in from subscribers in order to block calls as described above. Obtaining opt-in consent from subscribers would add unnecessary burdens and complexity, and may not be technically feasible for some providers. The Commission seeks comment on this issue.

18. *Call Completion Rates.* The Strike Force specifically requested that the Commission amend its rules to ensure that providers can block illegal calls without violating the call completion rules. Specifically, the Strike Force asked that these blocked calls not be counted for purposes of calculating a providers’ call completion rate. The Commission proposes to exclude calls blocked in accordance with the rules the Commission adopts in this proceeding from calculation of providers’ call completion rates and seek comment on that proposal.

Notice of Inquiry

19. In the Strike Force Report, the Strike Force asked the Commission to clarify that providers are permitted to block “presumptively illegal” calls. Although the Commission agrees that no reasonable consumer would want to

receive calls that are illegal, the Commission's call completion policies demand care in identifying such calls. The Commission believes that the criteria used to identify such calls must be objective, minimally intrusive on the legitimate privacy interests of the calling party, and must indicate with a reasonably high degree of certainty that a particular call is illegal. The Commission therefore seeks information on explicitly authorizing providers to block calls that are reasonably likely to be illegal based upon objective criteria in addition to the categories of unassigned numbers discussed above.

20. The Commission believes that the categories of unassigned numbers discussed above exemplify objective standards for determining whether a specific call is illegal to a reasonably high degree of certainty. The Commission is aware, however, that there could be a variety of other objective standards that could indicate to a reasonably high degree of certainty that a call is illegal. Consequently, the Commission seeks comment on objective standards that would indicate to a reasonably high degree of certainty that a call is illegal and whether to adopt a safe harbor to give providers certainty that they will not be found in violation of the call completion and other Commission rules when they block calls based upon an application of objective standards. The Commission also seeks comment on ways that callers who make legitimate calls can guard against being blocked and to ensure that legitimate callers whose calls are blocked by mistake can prevent further blocking.

A. Objective Standards To Identify Illegal Calls

21. The Commission seeks comment on provider-initiated blocking based on objective criteria. The Commission seeks comment on what methods providers and third-party call blocking service providers employ in order to determine that a certain call is illegal. The Strike Force Report states that "[e]xamples of reasonable efforts include but are not limited to, soliciting and reviewing information from other carriers, performing historical and real time call analytics, making test calls, contacting the subscriber of the spoofed number, inspecting the media for a call (audio play back of the Real Time Protocol stream to understand the context of the call), and checking customer complaint sites." The Commission seeks more specific information regarding these and other methods or standards that can be used

to identify illegal calls to a reasonably high degree of certainty.

22. What other methods can be or are used? In particular, the Commission seeks comment on the extent to which information obtained through traceback efforts is, can, and should be used to identify future calls that are illegal to a reasonably high degree of certainty? The Commission asks commenters to submit information on whether some methods more accurately identify illegal calls in comparison to other methods, and whether some methods can identify unwanted calls but are less accurate in identifying illegal calls. Do certain methods work best in combination? Are some methods acceptable when used in the context of an informed consumer choosing to implement call blocking with knowledge of the risks of false positives, but might be less acceptable when used in the context of provider-initiated blocking? What can the Commission do to help providers minimize the possibility for false positives when blocking calls based on such methods?

23. Does provider size, geographic location, or other factors have an impact on which methods provide the most accurate results or which methods are feasible? What can the Commission do to provide support for smaller providers that wish to adopt these methods? Are some methods more likely to result in providers blocking legitimate calls in a manner that might violate the Act or the Commission's rules or policies related to call completion or that are more likely to contravene the policy goals underlying those rules? Calls that originate domestically may have differences from those which originate internationally, thus requiring consideration of different objective criteria. Are there any differences in how providers do, or should, handle calls originating outside of the United States in comparison to those originating domestically? If so, are there any limitations to a provider's ability to accurately identify the true origination point of a call?

24. The Commission recognizes that standards bodies have made significant progress on Caller ID Authentication Standards. The Commission applauds this progress, and encourages the industry to implement these standards as soon as they are capable of doing so. The Commission seeks comment on whether, once there is wide adoption of the protocols and specifications established by the Internet Engineering Task Force's (IETF) Secure Telephony Identity Revisited (STIR) working group and the Signature-based Handling of Asserted information using toKENs

(SHAKEN) framework established in the joint Alliance for Telecommunications and Industry Solutions (ATIS) and Session Initiation Protocol (SIP) forum Network-to-Network Interconnection (NNI) Task Force, providers should then be permitted to block calls for which the Caller ID has not been authenticated. Should unauthenticated Caller ID alone be sufficient grounds for a provider to block a call, or should it be used only in combination with other methods? To what extent can these standards be implemented on networks using various types of technology? For example, will these standards work on VoIP calls and traditional wireline calls equally well? If not, how does that impact the propriety of blocking calls based on whether the Caller ID has been authenticated in accordance with these standards? Would it be possible to consider the lack of authenticated Caller ID only for those calls to which these industry standards can be applied? Are there special considerations related to implementing these standards on networks operated by small providers or in rural areas? What other factors should the Commission consider with regard to blocking calls based upon whether Caller ID has been authenticated in accordance with these standards?

25. The Commission seeks comment on whether sharing of information among providers can increase the effectiveness of call blocking methodologies and could enable small providers to benefit from the greater resources of larger providers that might be better able to create and implement more sophisticated methods of identifying illegal calls. The Commission seeks comment on these and any other impacts, positive and negative, of such information sharing and on what the Commission can do to encourage and facilitate such sharing of information in a manner most likely to result in accurate and timely identification of illegal calls. Again, the Commission notes that by seeking comment on these issues, the Commission does not stall, interrupt, or prevent information sharing that is already occurring lawfully. The Commission notes that section 222(d)(2) of the Act makes clear that CPNI may be shared "to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of . . . such services." The Commission seek comment on what other clarifications or rules changes, if any, would help to improve industry efforts to combat illegal robocalls and improve traceback efforts.

B. Safe Harbor for the Blocking of Calls Identified Using Objective Standards

26. The Commission also seeks comment on a broader safe harbor to provide certainty to providers that blocking calls in accordance with the rules the Commission adopts in this proceeding will not be deemed a violation of the Commission's rules and the Act, or counted for purposes of evaluating a provider's call completion rates. The Commission seeks comment on the appropriate scope of such a safe harbor.

27. The Commission seeks comment on what blocking practices and objective standards should be covered by any safe harbor. Are there any methods, practices, or objective standards that should expressly be excluded from the safe harbor? Are there methods, practices, or objective standards that warrant some protection, such as a rebuttable presumption that their use does not violate the call completion rules, but do not warrant the full protection of a safe harbor? What are they?

28. The Commission further seeks comment on how to formulate a safe harbor that avoids providing a roadmap enabling makers of illegal robocalls to circumvent call blocking by providers. Are there ways to provide both certainty to providers without providing a level of detail that would enable makers of illegal robocalls to circumvent blocking efforts? Should the Commission distinguish between standards that are general, *e.g.*, regarding the presence or absence of Caller ID signatures, versus standards that involve patterns and statistics? Would it be workable to provide a safe harbor covering specific objective standards or specific objective standards implemented at some high threshold level but only a rebuttable presumption covering other objective standards or objective standards implemented at some low threshold? For example, what if the safe harbor applied when a provider blocks calls originating from a single number when the calls originating from that number per minute exceed a fairly high threshold, while a provider that applies a lower, non-public threshold would qualify only for a rebuttable presumption? Finally, should the safe harbor be the same for both large and small providers, and are there any considerations specific to small providers?

C. Protections for Legitimate Callers

29. Even if providers use objective standards, there might be some situations in which legitimate calls

would be blocked. For example, high-volume callers that properly obtain prior express consent might run afoul of call-per-minute restrictions even though all calls made are legal. This might occur if a call center lawfully spoofs the Caller ID on outgoing calls to utilize the business's toll-free number that consumers can use to call back or that might be familiar to consumers in a way that helps to identify the caller. The Commission seeks to avoid the blocking of such legitimate calls and, instead, seek to ensure that legitimate calls are completed. The Commission thus seeks comment on protections for legitimate callers. Specifically, should the Commission require providers to "white list" legitimate callers who give them advance notice? Should the Commission establish a challenge mechanism for callers who may have been blocked in error?

30. First, the Commission seeks comment on establishing a mechanism, such as a white list, to enable legitimate callers to proactively avoid having their calls blocked. Should the Commission specify the mechanism or mechanisms to be used or administrative details, such as the type of evidence providers might require of such legitimate callers? If so, what should the Commission require? Should the Commission specify a timeframe within which providers must add a legitimate caller to its white list? How should white list information be shared by providers? Is there anything the Commission can do to ensure that white list information is shared in a timely fashion such that legitimate callers need not contact each and every provider separately? Is Commission action needed to guard against white lists being accessed or obtained by makers of illegal robocalls? What is the risk that a caller could circumvent efforts to block illegal robocalls by spoofing numbers on the white list? Is this risk mitigated by the SHAKEN and STIR standards for authenticating Caller ID if, for example, the white list requires that all calls from the white listed telephone number be signed—once those standards have been implemented? Finally, the Commission seeks comment on any other relevant issues.

31. Second, the Commission seeks comment on implementing a process to allow legitimate callers to notify providers when their calls are blocked and to require providers immediately to cease blocking calls when they learn that the calls are legitimate. How rapidly must a provider respond to a request to cease blocking, and should the Commission specify the information that providers must accept as proof that

a caller is legitimate? Should the Commission require specific procedures, or allow providers discretion in how to develop processes, including processes for sharing and safeguarding this information? If provider discretion is allowed, should the Commission require providers to submit their procedures for staff review along with their objective standards? Are there procedures that would reduce any potentially undue burdens on smaller providers? The Commission believes most callers will contact their own provider first when their calls are being blocked. That provider, however, may not be the provider that is actually blocking the calls. The Commission seeks comment on how to facilitate information sharing so that the challenge reaches the provider actually blocking the calls. Finally, the Commission seeks comment on any other relevant issues.

Lastly, the Commission seeks comment on whether providers should designate an officer or other authorized point of contact for legitimate callers seeking to proactively avoid having their calls blocked or to stop blocking of their calls. Would such a requirement represent an undue burden on smaller providers and, if so, what alternative should be available to legitimate callers?

Initial Regulatory Flexibility Analysis

32. As required by the Regulatory Flexibility Act of 1980, as amended, (RFA) the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in document FCC 17–24. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified in the **DATES** section. The Commission will send a copy of document FCC 17–24, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

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

33. Document FCC 17–24 begins a process to facilitate voice service providers' blocking of illegal robocalls, which represent an annoyance—and often worse—for consumers. Document FCC 17–24 proposes rules that would allow providers to—on their customers' behalf—block the illegal robocalls that can bombard their phones at all hours of the day. Providers have been active in identifying such robocalls, and consumer groups and others have asked

the Commission to encourage better call blocking. Document FCC 17–24 suggests it is in the best interest of achieving the goal of eliminating illegal robocalls for government to collaborate with industry to crack the problem of illegal robocalling—government can remove regulatory roadblocks and ensure that industry has the flexibility to use robust tools to address illegal traffic. It is also important for the Commission to protect the reliability of the nation’s communications network and to protect consumers from provider-initiated blocking that harms, rather than helps, consumers. The Commission therefore must balance competing policy considerations—some favoring blocking and others disfavoring blocking—to arrive at an effective solution that maximizes consumer protection and network reliability. Document FCC 17–24 seeks comment on several proposals that the Commission believes strikes the correct balance.

34. Document FCC 17–24 seeks comment on proposed rules to codify that voice service providers may block telephone calls in certain circumstances to protect subscribers from illegal robocalls. First, document FCC 17–24 proposes to codify the clarification contained in the *2016 Guidance PN* that providers may block calls when the subscriber to a particular telephone number requests that calls originating from that number be blocked. Second, the document FCC 17–24 seeks comment on proposed rules authorizing providers to block calls from three categories of numbers: Invalid numbers, valid numbers that are not allocated, and valid numbers that are allocated but not assigned. Third, document FCC 17–24 seeks comment on related issues, such as the treatment of internationally originated calls, subscriber consent to call blocking, and the impact on call completion rate rules. The document FCC 17–24 also includes a Notice of Inquiry that seeks comments on further actions that may be taken in the future, including establishment of objective standards to indicate that a call is likely to be illegal, creation of a safe harbor for providers, and creation of safeguards to minimize blocking of lawful calls.

B. Legal Basis

35. The proposed and anticipated rules are authorized under sections 201, 202, 227, 251(e) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 201, 202, 227, 251(e), 403.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

36. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that will be affected by the proposed rules, if adopted. The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. Under the Small Business Act, a “small business concern” is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA). Nationwide, there are a total of approximately 28.8 million small businesses, according to the SBA.

37. *Wired Telecommunications Carriers*. The U.S. Census Bureau defines this industry as “establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.” The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. Census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

38. *Local Exchange Carriers (LECs)*. Neither the Commission nor the SBA has developed a small business size standard specifically for local exchange services. The closest applicable size standard under SBA rules is for the category Wired Telecommunications

Carriers. The U.S. Census Bureau defines this industry as “establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.” Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of local exchange service are small businesses.

39. *Incumbent Local Exchange Carriers (Incumbent LECs)*. Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The closest applicable size standard under SBA rules is for the category Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as “establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.” Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total,

3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses.

40. *Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers.* Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as “establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.” Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of competitive local exchange service, competitive access providers, Shared-Tenant Service Providers, and other local service providers are small entities.

41. The Commission has included small incumbent LECs in this present RFA analysis. As noted above, a “small business” under the RFA is one that, *inter alia*, meets the pertinent small business size standard (e.g., a telephone communications business having 1,500 or fewer employees), and “is not dominant in its field of operation.” The SBA’s Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not “national” in scope. The Commission has therefore included small incumbent LECs in this RFA analysis, although the Commission

emphasizes that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

42. *Interexchange Carriers.* Neither the Commission nor the SBA has developed a small business size standard specifically for providers of interexchange services. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as “establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.” Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that the majority of IXC are small entities.

43. *Cable System Operators (Telecom Act Standard).* The Communications Act also contains a size standard for small cable system operators, which is “a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000.” There are approximately 52,403,705 cable video subscribers in the United States today. Accordingly, an operator serving fewer than 524,037 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed \$250 million in the aggregate. Based on available data, the Commission finds that all but nine incumbent cable operators are small entities under this size standard. The Commission notes that the Commission neither requests nor collects information on whether cable system operators are

affiliated with entities whose gross annual revenues exceed \$250 million. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed \$250 million, the Commission is unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

44. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. The closest applicable size standard under SBA rules is for Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as “establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.” Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of Other Toll Carriers can be considered small.

45. *Wireless Telecommunications Carriers (except Satellite).* Since 2007, the Census Bureau has placed wireless firms within this new, broad, economic census category. Under the present and prior categories, the SBA has deemed a wireless business to be small if it has 1,500 or fewer employees. For the category of Wireless Telecommunications Carriers (except Satellite), Census data for 2012 show that there were 967 firms that operated

for the entire year. Of this total, 955 firms had fewer than 1,000 employees. Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities. Similarly, according to internally developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) services. Of this total, an estimated 261 have 1,500 or fewer employees. Thus, using available data, the Commission estimates that the majority of wireless firms can be considered small.

46. *Satellite Telecommunications Providers.* The category of Satellite Telecommunications “comprises establishments primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.” This category has a small business size standard of \$32.5 million or less in average annual receipts, under SBA rules. For this category, Census Bureau data for 2012 show that there were a total of 333 firms that operated for the entire year. Of this total, 299 firms had annual receipts of under \$25 million. Consequently, the Commission estimates that the majority of Satellite Telecommunications firms are small entities.

47. *All Other Telecommunications.* All Other Telecommunications comprises, *inter alia*, “establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing Internet services or VoIP services via client-supplied telecommunications connections are also included in this industry.” For this category, Census Bureau data for 2012 show that there were a total of 1,442 firms that operated for the entire year. Of this total, 1,400 had annual receipts below \$25 million per year. Consequently, the Commission estimates that the majority of All Other Telecommunications firms are small entities.

48. *Toll Resellers.* The Commission has not developed a definition for Toll Resellers. The closest NAICS Code Category is Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that 1,341 firms provided resale services during that year. Of that number, 1,341 operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these resellers can be considered small entities. According to Commission data, 881 carriers have reported that they are engaged in the provision of toll resale services. Of this total, an estimated 857 have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of toll resellers are small entities.

49. *Local Resellers.* The SBA has developed a small business size standard for the category of Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. MVNOs are included in this industry. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that 1,341 firms provided resale services during that year. Of that number, all operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these prepaid calling card providers can be considered small entities.

50. *Prepaid Calling Card Providers.* The SBA has developed a small business size standard for the category

of Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. MVNOs are included in this industry. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that 1,341 firms provided resale services during that year. Of that number, all operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these prepaid calling card providers can be considered small entities.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

51. As indicated above, document FCC 17–24 seeks comment on proposed rules to codify that voice service providers may block telephone calls in certain circumstances to protect subscribers from illegal robocalls. Until these requirements are defined in full, it is not possible to predict with certainty whether the costs of compliance will be proportionate between small and large providers. The Commission seeks to minimize the burden associated with reporting, recordkeeping, and other compliance requirements for the proposed rules, such as modifying software, developing procedures, and training staff.

52. Under the proposed rules, providers may need to record requests from subscribers to block certain numbers, as well as identify invalid numbers, valid numbers that are not allocated, and valid numbers that are allocated but not assigned. In addition, they may need to set up communication with other providers to share information about numbers to be blocked. Finally, providers may need to exclude calls that are blocked pursuant to the proposed rules when calculating their call completion rates.

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

53. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of

differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

54. It should be noted that these proposed rules to codify that voice service providers may block telephone calls in certain circumstances to protect subscribers from illegal robocalls are permissive and not mandatory. Small businesses may avoid compliance costs entirely by declining to block robocalls, or may delay their implementation of robocall blocking to allow for more time to come into compliance with the rules. However, the Commission intends to craft rules that encourage all carriers, including small businesses, to block illegal robocalls and therefore seeks comment from small businesses on how to minimize costs associated with implementing the proposed rules. Document FCC 17-24 poses specific requests for comment from small businesses regarding how the proposed rules affect them and what could be done to minimize any disproportionate impact on small businesses.

55. The Commission has proposed rules regarding blocking calls at the request of the subscriber to the originating number and blocking calls originating from unassigned numbers. The Commission has requested feedback from small businesses in the Notice and seek comment on ways to make the proposed rules less costly. The Commission has proposed not to require providers to obtain an opt-in from subscribers in order to block calls as a way of reducing costs to all providers, including small businesses. The Commission seeks comment on how to minimize the economic impact of the Commission's proposals.

56. The Commission has also initiated a Notice of Inquiry in document FCC 17-24 to consider a range of alternatives to expand the proposed rules, including establishment of objective standards to indicate that a call is likely to be illegal, creation of a safe harbor for providers, and creation of safeguards to minimize blocking of lawful calls. These are not yet proposed rules. They show the Commission is proceeding with caution and seeking comment from small businesses and others before developing rules in this complex area. The Commission will assess how to proceed in light of the record in response to the

document FCC 17-24, including any comments from small businesses.

57. The Commission expects to consider the economic impact on small entities, as identified in comments filed in response to the document FCC 17-24 and this IRFA, in reaching its final conclusions and taking action in this proceeding.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

58. None.

List of Subjects in 47 CFR Part 64

Claims, Communications common carriers, Computer technology, Credit, Foreign relations, Individuals with disabilities, Political candidates, Radio, Reporting and recordkeeping requirements, Telecommunications, Telegraph, Telephone.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

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

Authority: 47 U.S.C. 154, 225, 254(k), 403(b)(2)(B), (c), 715, Pub. L. 104-104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 222, 225, 226, 227, 228, 254(k), 616, 620, and the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, unless otherwise noted.

■ 2. Amend § 64.1200 by adding and reserving paragraphs (i) and (j), and adding paragraph (k) to read as follows:

§ 64.1200 Delivery restrictions.

* * * * *

(i) [Reserved]

(j) [Reserved]

(k) Voice service providers may block calls so that they do not reach a called party as follows:

(1) Providers may block calls when the subscriber to which the originating number is assigned has requested that calls originating from that number be blocked. Calls may be blocked based upon the originating number shown in the Caller ID without regard to whether the calls in fact originate from that number.

(2) Providers may block calls originating from the following numbers:

(i) A number that is not a valid North American Numbering Plan number;

(ii) A valid North American Numbering Plan number that is not allocated to a provider by the North American Numbering Plan Administrator or the Pooling Administrator; and

(iii) A valid North American Numbering Plan number that is allocated to a provider by the North American Numbering Plan Administrator or Pooling Administrator, but is not assigned to a subscriber.

(3) For purposes of blocking calls based upon the originating number under this paragraph (k), a provider may rely on Caller ID information to determine the originating number.

■ 3. Amend § 64.2103 by revising paragraph (e) to read as follows:

§ 64.2103 Retention of call attempt records.

* * * * *

(e) The following calls are excluded from these requirements:

(1) IntraLATA toll calls carried entirely over the covered provider's network or handed off by the covered provider directly to the terminating local exchange carrier or directly to the tandem switch that the terminating local exchange carrier's end office subtends (terminating tandem); and

(2) Calls blocked pursuant to § 64.1200(k) of the Commission's rules.

* * * * *

■ 4. Amend § 64.2105 by revising paragraph (e) to read:

§ 64.2105 Reporting requirements.

* * * * *

(e) The following calls are excluded from these requirements:

(1) IntraLATA toll calls carried entirely over the covered provider's network or handed off by the covered provider directly to the terminating local exchange carrier or directly to the tandem switch that the terminating local exchange carrier's end office subtends (terminating tandem); and

(2) calls blocked pursuant to § 64.1200(k) of the Commission's rules.

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DEPARTMENT OF VETERANS AFFAIRS**48 CFR Parts 801, 802, 803, 812, 814, 822, and 852**

RIN 2900-AP50

Revise and Streamline VA Acquisition Regulation To Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014-V001)**AGENCY:** Department of Veterans Affairs.**ACTION:** Proposed rule.

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

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

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

DATES: Comments must be received on or before July 17, 2017 to be considered in the formulation of the final rule.

ADDRESSES: Written comments may be submitted through www.Regulations.gov; by mail or hand-delivery to Director, Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273-9026. Comments should indicate that they are submitted in response to "RIN 2900-AP50—Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition Regulation

Principles (VAAR Case 2014-V001—parts 801, 802, 803, 812, 814, 822, and 852)." Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1068, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461-4902 for an appointment. This is not a toll-free number. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at www.Regulations.gov.

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

SUPPLEMENTARY INFORMATION:**Background**

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

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

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

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

When Federal agencies acquire supplies and services using

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

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

Discussion and Analysis

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

We propose to revise the main parts reflected in the title of the case: VAAR parts 803, 814, and 822, as well as revisions to affected parts as a result of those changes: VAAR parts 801, 802, 812, and 852.

We propose to revise the authority citations under Parts 801, 802, 803, 812, 814, 822, and 852 to include a reference to 41 U.S.C. 1121(c)(3) which is from Title 41, Public Contracts, Positive Law codification that speaks to the authority of an executive agency under another law to prescribe policies, regulations, procedures, and forms for procurement that are subject to the authority conferred in the cited section, as well as other sections of Title 41 as shown therein. Any other proposed changes to

authorities are shown under the individual parts below.

VAAR Part 801—Department of Veterans Affairs Acquisition Regulation System

This proposed rule removes an information collection burden previously included in the VAAR based on an outdated practice in providing bid envelopes. In section 801.106, OMB approval under the Paperwork Reduction Act, we propose to remove and discontinue the Office of Management and Budget (OMB) control number 2900–0593, clause 852.214–70, as well as its prescription at 814.201–6(a), since sealed bids are solicited through the Governmentwide Point of Entry (GPE) and are largely submitted electronically rather than through the U.S. mail, thereby making the optional practice of providing bidders with envelopes and return address label unnecessary.

VAAR Part 802—Definitions of Words and Terms

In section 802.101, Definitions, we propose to add two new definitions to define two key terms used within the revised VAAR part 803, Improper Business Practices and Personal Conflicts of Interests, dealing with debarment and suspensions and that will be applicable when referenced in the future in other VAAR parts: Debarment and Suspension Committee and Suspension and Debarment Official. These are necessary to ensure a clear understanding of the meaning of these terms and who is designated as the Suspension and Debarment Official (SDO).

VAAR Part 803—Improper Business Practices and Personal Conflicts of Interest

We propose to clarify the language regarding the prohibition of contractors from making reference in their commercial advertising regarding VA contracts to avoid implying that the Government approves or endorses products or services. We propose to add a requirement that contracting officers require contractors and subcontractors at any tier to obtain signed non-disclosure statements from covered personnel.

In subpart 803.1, Safeguards, we propose to remove and reserve the entire subpart for the reasons stated in the sections below which fall under the subpart. We propose to remove section 803.101, Standards of conduct, since it contains procedural guidance and a delegation of authority that is internal to the VA and will be in the VAAM.

We propose to remove section 803.101–3, Department regulations, since it contains information on standards of conduct and financial disclosure for VA employees and is internal procedural guidance that is internal to the VA and will be in the VAAM.

We propose to remove section 803.104, Procurement integrity, and section 803.104–7, Violations or possible violations, since they contain procedural guidance and a delegation of authority that is internal to the VA and will be in the VAAM. We propose to remove subsection 803.104–7, Violations or possible violations since it also contains procedural guidance and a delegation of authority that is internal to the VA and will be in the VAAM.

In subpart 803.2, Contractor Gratuities to Government Personnel, we are proposing to update the policy governing improper business practices and personal conflicts of interests to make the agency's policies clear, to provide notice of due process rights and to establish who in the agency determines whether or not a violation of the Gratuities clause has occurred and what procedures are followed when the Suspension and Debarment Official (SDO) makes that decision.

In section 803.204, we propose to remove portions of section 803.204, Treatment of violations, which contain procedural guidance and a delegation of authority that is internal to the VA and will be moved to the VAAM. To ensure contractors are apprised of their rights, we propose to revise section 803.204 to add the responsibility of the Suspension and Debarment Official (SDO) for determining whether or not a violation of the Gratuities clauses has occurred and what action will be taken, as well as a paragraph that states that when the SDO determines that a violation has occurred and that debarment is being considered, the SDO shall follow the requirements at VAAR 809.406–3.

In subpart 803.3, Reports of Suspected Antitrust Violations, we propose to remove section 803.303, Reporting suspected antitrust violations, since it contains guidance to VA employees that is internal to the VA and will be moved to the VAAM.

In subpart 803.4, Contingent Fees, we propose to remove and reserve the entire subpart and to remove the underlying section 803.405, Misrepresentations or violations of the Covenant Against Contingent Fees, since it contains guidance to VA employees that is internal to the VA and will be moved to the VAAM.

In subpart 803.5, Other Improper Business Practices, we propose to

remove section 803.502, Subcontractor kickbacks, since it provides direction to VA employees that is internal to the VA and will be moved to the VAAM.

In section 803.570, Commercial advertising, we propose to revise the language of subsection 803.570–1, Policy, to clarify the intent to prohibit advertising that implies a Government endorsement of the contractor's products or services.

In subpart 803.6, Contracts with Government Employees or Organizations Owned or Controlled by Them, we propose to remove and reserve the entire subpart and to remove the underlying section 803.602, Exceptions, since it delegates authority to authorize an exception to the policy in FAR 3.601. This delegation will be in the VA Acquisition Manual and is internal VAAM procedural guidance.

In subpart 803.7, Voiding and Rescinding Contracts, we propose to remove and reserve the entire subpart and to remove the underlying sections. We propose to remove section 803.703, Authority, since it is a delegation of authority. This delegation will be in the VAAM and is internal VA procedural guidance. We propose to remove section 803.705, Procedures, as it duplicates FAR 3.705. A short paragraph that directs VA Heads of Contracting Activities to follow the procedures of FAR 3.705 was added to the VAAM.

In subpart 803.8, Limitation on the Payment of Funds to Influence Federal Transactions, we propose to remove and reserve the entire subpart and to remove the underlying sections. We propose to remove section 803.804, Policy, and section 803.806, Processing suspected violations. This is internal VA procedural guidance and will be moved to the VAAM.

We propose to add subpart 803.11, Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions. This implements part of FAR clause 52.203–16, Preventing Personal Conflicts of Interest, by requiring the signing of a Non-Disclosure Agreement by certain contractor covered employees performing acquisition functions closely associated with inherently governmental functions in order to prohibit disclosure of non-public information accessed through performance on a Government contract. This also requires each contractor and subcontractor at any tier whose employees perform acquisition functions closely associated with inherently governmental functions to obtain the signed non-disclosure forms from each covered employee.

We propose to remove and reserve subpart 803.70, Contractor Responsibility to Avoid Improper Business Practices, and to remove its underlying section 803.7000, Display of the VA Hotline poster and its prescription at section 803.7001, Contract clause, because it is unnecessary and duplicates FAR coverage. FAR 52.203-14, Display of Hotline Poster(s), as prescribed at FAR 3.1004(b), provides adequate coverage for the VA. Agency internal procedures regarding fill-in information for the clause will be covered in the VAAM.

VAAR Part 812—Acquisition of Commercial Items

In section 812.301, paragraph (b)(13), we propose to change the name of provision 852.214-74 to Marking of Bid Samples to better reflect the requirement of the provision.

VAAR Part 814—Sealed Bidding

In subpart 814.1, Use of Sealed Bidding, we propose to delete the subpart in its entirety, to include its underlying sections. We propose to delete section 814.104, Types of contracts, and section 814.104-70, Fixed-price contracts with escalation, as unnecessary since both simply require compliance with FAR 16.203-1 through 16.203-4 and no additional VAAR text is required.

In subpart 814.2, Solicitation of Bids, we propose to revise section 814.201(a)-(f) by: Removing paragraphs (a)-(b) since they deal with numbering of IFBs and consist of internal agency procedures which is more properly covered in VAAM subpart 804.16; and, by removing paragraphs (c) through (f) altogether under the existing section. The title of the section would remain, but no additional text is added.

We propose to add a new subsection, 814.201-2, Part I—The Schedule, to explain how award will be made on summary bids and bids on groups of items to ensure this is clear to the public. In this new subsection 814.201-2, we propose to add revised paragraphs originating from the old 814.201 to comport with FAR numbering and arrangement under the new subsection VAAR 814.201-2(b) to implement FAR 14.201-2(b).

In subsection 814.201-6, Solicitation provisions, we propose to remove as unnecessary paragraph (a), which addresses bid envelopes, since labeling of bids is a customary and usual commercial practice, and the use of the OF 17, which is optional, is no longer a standard practice. We propose to redesignate paragraph (b) as (a) and to revise item (1) to prescribe new

provision 852.214-71, Restrictions on alternate item(s); item (2) to clarify the conditions for including the provision 852.214-72, Alternate items; and item (3) to prescribe the provision 852.214-73, Alternate packaging and packing, when bids will be allowed based on different packaging and packing. We also proposed to redesignate paragraph (c) as (b) and to add a prescription for the provision 852.214-74, Marking of bid samples.

We propose to add section 814.202, General rules for solicitation of bids and subsection 814.202-4, Bid samples, requiring samples to be from the manufacturer providing supplies or services under the contract. This ensures that the products that are actually proposed and would be delivered under the contract, if awarded, are the products that are submitted for evaluation. Paragraph (g), requires that bid samples be retained for the period of contract performance or until settlement of any claim that the Government may have against the contractor. Retention is intended for inspection purposes under FAR 14.202-4(g)(4).

We propose to delete section 814.203, Methods of soliciting bids, and subsection 814.203-1, Transmittal to prospective bidders, as the practice specified of furnishing a bid envelope or sealed bid label is out of date with existing practices.

We propose to delete section 814.204, Records of Invitations for Bids and Records of Bids, as it contains internal instructions to the VA and will be moved to the VAAM.

We propose to delete section 814.208, Amendment of Invitation for Bids as out of date with existing practices regarding sending amendments.

In subpart 814.3, Submission of Bids, we propose to delete section 814.301, Responsiveness of bids, since there is no authority to refer the question of timeliness to the U.S. Government Accountability Office (GAO) except in the context of a protest.

We propose to delete section 814.302, Bid submission, as duplicative of FAR 14.302(a) and therefore unnecessary.

We propose to revise section 814.304, Submission, modification, and withdrawal of bids, to delete internal procedures, to stipulate a limited time period for a late bidder to submit evidence of timeliness, and to renumber this paragraph (f) accordingly to comport with FAR and VAAR numbering conventions.

In subpart 814.4, Opening of Bids and Award of Contract, we propose to delete the entire subpart because the information is either redundant to the

FAR and is adequately covered there or it is comprised of agency internal procedures that will be incorporated into the VAAM as noted specifically below.

We propose to delete section 814.401, Receipt and safeguarding of bids, because coverage in the VAAR is unnecessary as the FAR adequately covers.

We propose to delete sections 814.402, Opening of bids; 814.403, Recording of bids; 814.404, Rejection of bids; 814.404-1, Cancellation of invitations after opening; 814.404-2, Rejection of individual bids; 814.407, Mistakes in bids; 814.407-3, Other mistakes disclosed before award; and, 814.407-4, Mistakes after award, as these are agency internal procedures that will be incorporated into the VAAM.

We propose to delete section 814.404-70, Questions involving the responsiveness of a bid, as there is no authority to refer questions of bid responsiveness to the GAO other than in the context of a protest, and, the overall responsibility for this determination rests with the contracting officer. Coverage in FAR 14.301, Responsiveness of bids, is adequate and no further VAAR coverage is required.

We propose to delete sections 814.408, Award, and 814.408-70, Award when only one bid is received, because coverage in the VAAR is unnecessary as it is adequately covered by FAR 14.408-1(b).

We propose to delete section 814.408-71, Recommendation for award (construction) as the procedures are no longer in use within the Office of Construction and Facilities Management.

We propose to delete section 814.409, Information to bidders, as unnecessary since the requirement not to disclose is contained in FAR part 3 and need not be duplicated in the VAAR.

VAAR Part 822—Application of Labor Laws to Government Acquisitions

In subpart 822.3, Contract Work Hours and Safety Standards Act, we propose to revise section 822.304, Variations, tolerances, and exemptions, to use plain language to state the conditions that must be met to permit use of the variation to Contract Work Hours and Safety Standards (the statute) (historically known as the Contract Work Hours and Safety Standards Act), granted by the Secretary of Labor regarding the payment of overtime under contracts for nursing home care for Veterans.

We propose to revise section 822.305, Contract clause, to change the title of

the clause at 852.222–70 to Contract Work Hours and Safety Standards—Nursing Home Care for Veterans in order to reflect the way the FAR refers to the historical titles based on the Positive Law codification.

In subpart 822.4, Labor Standards for Contracts Involving Construction, we propose to remove and reserve subpart 822.4, Labor Standards for Contracts Involving Construction, since this subpart contains procedural guidance on the types of labor standards involved in construction contracting, internal agency guidance to the contracting officer, etc., and is more appropriate for inclusion in the VAAM.

We propose to remove the underlying section 822.406, Administration and enforcement and subsection 822.406–11, Contract terminations, which falls under this subpart since it contains procedural guidance and will be moved to the VAAM.

VAAR Part 852—Solicitation Provisions and Contract Clauses

In subpart 852.2, we propose to revise clause 852.203–70, Commercial Advertising, to use plain language, remove gender-specific wording, and to clarify the intent to prohibit advertising that implies a Government endorsement of the contractor's products or services.

We propose to remove clause 852.203–71, Display of Department of Veterans Affairs Hotline Poster, because the VA will instead use FAR clause 52.203–14, Display of Hotline Poster(s), as prescribed at FAR 3.1004. The FAR clause permits insertion of fill-in language to identify an agency's hotline poster and VA will include language in its internal agency procedures detailing the requirement to insert the information regarding its agency specific hotline poster.

We propose to remove provision 852.214–70, Caution to Bidders—Bid Envelopes, because the practices described within the provision are obsolete with the advent of posting on the Government wide point of entry (GPE) via the Federal Business Opportunities (FEDBIZOPPS.gov or FBO.gov) Web page or via a linked interface off of FBO.gov. VA no longer issues Bid Envelopes or the Optional Form (OF) 17, Sealed Bid Label, described in the provision, when electronically posting IFBs, thus making the provision obsolete and unnecessary. Additionally, the clause, which talks to the VA providing a Sealed Bid Label, is unnecessary since labeling a bid is a customary and usual business practice making it unnecessary for VA to provide an optional label.

We propose to revise the individual prescription references for the following clauses based on the restructuring of 814.201–6: 852.214–71, Restrictions on Alternate Item(s); 852.214–72, Alternate Item(s); and 852.214–73, Alternate Packaging and Packing.

We propose to revise the title, text and prescription language of provision 852.214–74 that now reads, Bid Samples, to Marking of Bid Samples to describe better what the provision is about and to distinguish it from a FAR provision that is called “Bid Samples.” We use plain language to describe the principal purpose, which is to ensure that bidder's packages that include bid samples are clearly marked and identified with the words Bid Samples, as well as complete lettering/numbering and description of the related bid item(s), the number of the IFB, and the name of the bidder submitting the bid samples. We are also removing language stating that the preparation and transportation of the bid sample must be prepaid by the bidder as this language is unnecessary because FAR clause 52.214–20, Bid Samples, already contains language covering the bidder's responsibilities in this regard. We also propose to revise the prescription language for this provision at 814.201–6(b) which was renumbered to comport with FAR and VAAR numbering and arrangement.

We propose to revise clause 852.222–70, Contract Work-Hours and Safety Standards Act—Nursing Home Care Contract Supplement, to change the title to Contract Work Hours and Safety Standards—Nursing Home Care for Veterans, to better reflect the substance and coverage of the clause and to align the name of the clause with the revised current reference in lieu of the historical title of the act. This revision will also clarify that the clause has flow-down requirements and applies to subcontractors at any tier when the stated conditions in the VAAR clause are met.

Effect of Rulemaking

Title 48, Federal Acquisition Regulations System, Chapter 8, Department of Veterans Affairs, of the Code of Federal Regulations, as revised by this proposed rulemaking, represents VA's implementation of its legal authority and publication of the Department of Veterans Affairs Acquisition Regulation (VAAR) for the cited applicable parts. Other than future amendments to this rule or governing statutes for the cited applicable parts, or as otherwise authorized by approved deviations or waivers in accordance with FAR subpart 1.4, Deviations from

the FAR, and as implemented by VAAR subpart 801.4, Deviations from the FAR or VAAR, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with the rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking as pertains to the cited applicable VAAR parts.

Executive Orders 12866 and 13563

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

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

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

Paperwork Reduction Act

Although this action contains provisions constituting collections of information at 48 CFR 814.201–6(a) and

852.214–70, under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), no new or proposed revised collections of information are associated with this proposed rule. The information collection requirements for §§ 48 CFR 814.201–6(a) and 852.214–70 are currently approved by the Office of Management and Budget (OMB), have been assigned OMB control number 2900–0593, and are being proposed for removal and discontinuance.

Regulatory Flexibility Act

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

Unfunded Mandates

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

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrissee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on May 1, 2017 for publication.

List of Subjects

48 CFR Part 801

Administrative practice and procedure, Government procurement, Reporting and recordkeeping requirements.

48 CFR Part 802

Government procurement.

48 CFR Part 803

Antitrust, Conflict of interest, Government procurement.

48 CFR Part 812

Government procurement.

48 CFR Part 814

Government procurement.

48 CFR Part 822

Government procurement, Labor.

48 CFR Part 852

Government procurement, Reporting and recordkeeping requirements.

Dated: May 2, 2017.

Janet Coleman,

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

For the reasons set out in the preamble, VA proposes to amend 48 CFR, chapter 8, parts 801, 802, 803, 812, 814, 822, and 852 as follows:

PART 801—DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION SYSTEM

- 1. The authority citation for part 801 is revised to read as follows:

Authority: 38 U.S.C. 501; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); and 48 CFR 1.301–1.304.

801.106 OMB approval under the Paperwork Reduction Act.

- 2. In section 801.106, table columns titled “48 CFR part or section where identified and described” and “Current OMB Control Number,” are amended to remove the references to section 852.214–70 and the corresponding OMB Control Number 2900–0593.

PART 802—DEFINITIONS OF WORDS AND TERMS

- 3. The authority citation for part 802 is revised to read as follows:

Authority: 38 U.S.C. 501; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); and 48 CFR 1.301–1.304.

802.101 Definitions

- 4. Section 802.101 is amended to add the following definition in alphabetical

order after “D&S Committee” to read as follows:

* * * * *

Debarment and Suspension

Committee means a committee authorized by the debarring official to assist the debarring official with debarment and suspension related matters. The Debarment and Suspension Committee is also referred to as the D&S Committee.

* * * * *

- 5. Section 802.101 is amended to add the following definition in alphabetical order after “Suspending Official” to read as follows:

* * * * *

Suspension and debarring official means the Senior Procurement Executive (SPE) or Deputy Senior Procurement Executive (DSPE) if further delegated in writing by the SPE. The Suspension and Debarment Official is also referred to as the SDO.

* * * * *

PART 803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

- 6. The authority citation for part 803 is revised to read as follows:

Authority: 38 U.S.C. 501; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); and 48 CFR 1.301–1.304.

Subpart 803.1 [Removed and Reserved]

- 7. Subpart 803.1 is removed and reserved.

803.204 [Amended]

- 8. Section 803.204 is revised to read as follows:

803.204 Treatment of violations.

(a) The SDO shall determine whether or not a violation of the Gratuities clause, 52.203–3 has occurred and what action will be taken under FAR 3.204(c).

(c) When the SDO determines that a violation has occurred and that debarment is being considered, he or she shall follow procedures at 809.406–3.

Subpart 803.3 [Removed and Reserved]

- 9. Subpart 803.3 is removed and reserved.

Subpart 803.4 [Removed and Reserved]

- 10. Subpart 803.4 is removed and reserved.

803.502 [Removed]

- 11. Section 803.502 is removed.

803.570 [Amended]

■ 12. Section 803.570–1 is revised to read as follows:

803.570–1 Policy.

VA policy prohibits contractors from making references in its commercial advertising to VA contracts in a manner that states or implies the Government approves or endorses the product or service or considers it superior to other products or services. The intent of this policy is to preclude the appearance of bias toward any product or service.

Subpart 803.6 [Removed and Reserved]

■ 13. Subpart 803.6 is removed and reserved.

Subpart 803.7 [Removed and Reserved]

■ 14. Subpart 803.7 is removed and reserved.

Subpart 803.8 [Removed and Reserved]

■ 15. Subpart 803.8 is removed and reserved.

Subpart 803.11 [Added]

■ 16. Subpart 803.11 is added to read as follows:

Subpart 803.11—Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions

803.1103 Procedures.

(a) By use of the contract clause at 52.203–16, Preventing Personal Conflicts of Interest, the contracting officer shall require each contractor whose employees perform acquisition functions closely associated with inherently Governmental functions to obtain from each covered employee a signed non-disclosure agreement to prohibit disclosure of non-public information accessed through performance of a Government contract. See FAR 3.1103(a)(2)(iii).

Subpart 803.70 [Removed and Reserved]

■ 17. Subpart 803.70 is removed and reserved.

PART 812—ACQUISITION OF COMMERCIAL ITEMS

■ 18. The authority citation for part 812 is revised to read as follows:

Authority: 38 U.S.C. 501; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); and 48 CFR 1.301–1.304.

* * * * *

812.301 [Amended]

* * * * *

■ 19. Section 812.301, paragraph (b)(13) is revised to read as follows:

812.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

* * * * *

(b) * * *

(13) 852.214–74, Marking of Bid Samples.

* * * * *

PART 814—SEALED BIDDING

■ 20. The authority citation for part 814 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); and 48 CFR 1.301–1.304.

Subpart 814.1 [Removed and Reserved]

■ 21. Subpart 814.1 is removed and reserved.

814.201 [Removed and reserved]

■ 22. Section 814.201 is removed and reserved.

■ 23. Subsection 814.201–2 is added to read as follows:

814.201–2 Part I—The Schedule.

(b) *Section B, Supplies or services and prices.*

(1) When the contracting officer determines that it will be to the Government’s advantage to make an award on the basis of a summary bid, the IFB shall include the following statement in Part I—The Schedule, Section B:

The award will be made on either the bid price for individual items or the summary bid price summary for all items, whichever results in the lowest price to the Government. Therefore, to assure proper evaluation of all bids, a bidder quoting a summary bid price must also quote a price on each individual item included in the summary bid price.

(2) When a contracting officer determines that it will be to the Government’s advantage to make an award by group or groups of items, the IFB shall include the following statement in Part I—The Schedule, Section B:

Award shall be made on the basis of the bid price for each identified group of items. The individual price of each line item in the group does not have to be the lowest bid received for that item. This may apply when the items in the group or groups are readily available from sources to be solicited; and one of the following applies—

(i) Furniture or fixtures are required for a single project and uniformity of design is desirable.

(ii) The articles required will be assembled and used as a unit.

* * * * *

■ 24. Subsection 814.201–6 is added to read as follows:

814.201–6 Solicitation provisions.

(a) In an invitation for bid for supplies, equipment, or services (other than construction), the contracting officer shall define the extent to which VA will authorize and consider alternate bids.

(1) The contracting officer shall include the provision at 852.214–71, Restrictions on Alternate Items(s), in the invitation when VA will consider an alternate item only where acceptable bids on a desired item are not received or the bids do not satisfy the total requirement. (For construction projects, VA will consider for acceptance an alternate specified only as a part of the basic item.)

(2) The contracting officer shall include the provision at 852.214–72, Alternate Items, in the invitation, when VA will consider an alternate item on an equal basis with the item specified. (For construction projects, VA will consider for acceptance an alternate specified only as a part of the basic item.)

(3) In addition to either of the provisions referenced in paragraphs (b)(1) or (2) of this subsection, the contracting officer shall include the provision at 852.214–73, Alternate Packaging and Packing, in the invitation when bids will be allowed based on different packaging, unit designation, etc.

(b) The contracting officer shall include the provision at 852.214–74, Marking of Bid Samples, in the invitation, along with the provision at FAR 52.214–20, Bid Samples, when the contracting officer determines that samples are necessary to the proper awarding of a contract.

■ 25. Subpart 814.2 is amended to add section 814.202 and subsection 814.202–4, to read as follows:

814.202 General rules for solicitation of bids.

814.202–4 Bid samples.

(a) *Policy.* When bid samples are required, the contracting officer shall include a notice in the contract Schedule that requires bidders to submit samples produced by the manufacturer whose products will be supplied under the contract.

(g) *Handling bid samples.*

(1) Samples from successful bids shall be retained for the period of contract performance.

(2) If the contracting officer anticipates a claim regarding the contract, the contracting officer shall require that the bid samples be retained until the claim is resolved. If there are no outstanding claims regarding the contract, the contracting officer may authorize disposal of the samples at the end of the contract term in accordance with the bidder's instructions.

(3) The contracting officer shall require that samples from unsuccessful bids be retained until award. After award, these samples may be disposed of in accordance with the bidder's instructions.

814.203 [Removed]

■ 26. Section 814.203 is removed.

814.204 [Removed]

■ 27. Section 814.204 is removed.

814.208 [Removed]

■ 28. Section 814.208 is removed.

814.301 [Removed]

■ 29. Section 814.301 is removed.

814.302 [Removed]

■ 30. Section 814.302 is removed.

■ 31. Section 814.304 is amended by removing paragraphs (a) and (b) and adding paragraph (f) to read as follows:

814.304 Submission, modification and withdrawal of bids.

* * * * *

(f) A notification to late bidders shall specify the final date by which VA must receive evidence of timeliness. This date shall be within five calendar days of the date an electronic notice is sent to the bidder, or within ten calendar days of receipt by the bidder of a notice sent by other than electronic means.

* * * * *

Subpart 814.4 [Removed and Reserved]

■ 32. Subpart 814.4 is removed and reserved.

* * * * *

PART 822—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

■ 33. The authority citation for part 822 is revised to read as follows:

Authority: 29 CFR 5.15(d); 38 U.S.C. 501; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); and 48 CFR 1.301–1.304.

* * * * *

PART 822—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Subpart 822.3—Contract Work Hours and Safety Standards Act

Sec.

822.304 Variations, tolerances, and exemptions.

822.305 Contract clause.

822.304 [Amended]

■ 34. Section 822.304 is revised to read as follows:

822.304 Variations, tolerances, and exemptions.

For contracts providing nursing home care for veterans, the Secretary of Labor has allowed a variation to the requirements of Contract Work Hours and Safety Standards (the statute) (40 U.S.C. 3701, *et seq.*) regarding the payment of overtime (see 29 CFR 5.15(d)(2)). The variation provides that overtime may be calculated on a basis other than a 40 hour workweek (as an alternate work period) when—

(a) Due to operational necessity or convenience a work period of 14 consecutive days may be accepted in lieu of the workweek of 7 consecutive days for the purpose of computing overtime compensation, pursuant to an agreement or understanding arrived at between the contractor and the contractors' employees before performance of the work; and

(b) If the contractor's employees receive compensation for employment in excess of 8 hours in any workday and in excess of 80 hours in such 14-day period at a rate not less than 1½ times the regular rate at which the individual is employed, computed in accordance with the requirements of the Fair Labor Standards Act of 1938, as amended.

822.305 [Amended]

■ 35. Section 822.305 is revised to read as follows:

822.305 Contract clause.

The contracting officer shall insert the clause at 852.222–70, Contract Work Hours and Safety Standards—Nursing Home Care for Veterans, in solicitations and contracts for nursing home care for veterans. The contractor shall flow down this clause and insert in in all subcontracts, at any tier.

Subpart 822.4 [Removed and Reserved]

■ 36. Subpart 822.4 is removed and reserved.

* * * * *

PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 37. The authority citation for part 852 is revised to read as follows:

Authority: 38 U.S.C. 501, 8127–8128, and 8151–8153; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); and 48 CFR 1.301–1.304.

* * * * *

Subpart 852.2—Texts of Provisions and Clauses

852.203–70 [Amended]

■ 38. Section 852.203–70 is revised to read as follows:

852.203–70 Commercial Advertising.

As prescribed in 803.570–2, insert the following clause:

Commercial Advertising (Date)

The contractor shall not make reference in its commercial advertising to Department of Veterans Affairs contracts in a manner that states or implies the Department of Veterans Affairs approves or endorses the contractor's products or services or considers the contractor's products or services superior to other products or services.

(End of clause)

852.203–71 [Removed and Reserved]

■ 39. Section 852.203–71 is removed and reserved.

* * * * *

852.214–70 [Removed and Reserved]

■ 40. Section 852.214–70 is removed and reserved.

852.214–71 [Amended]

■ 41. Section 852.214–71 is revised to read as follows:

852.214–71 Restrictions on alternate item(s).

As prescribed in paragraph 814.201–6(a)(1), insert the following provision:

Restrictions on Alternate Item(s) (Date)

Bids on [] * will be considered only if acceptable bids on [] ** are not received or do not satisfy the total requirement.

* Contracting officer will insert an alternate item that is considered acceptable.

** Contracting officer will insert the required item and item number.

(End of provision)

852.214–72 [Amended]

■ 42. Section 852.214–72 is revised to read as follows:

852.214–72 Alternate item(s).

As prescribed in paragraph 814.201–6(a)(2), insert the following provision:

Alternate Item(s) (Date)

Bids on [] * will be given equal consideration along with bids on [] ** and any such bids received may be accepted if to the advantage of the Government. Tie bids will be decided in favor of [] . **

* Contracting officer will insert an alternate item that is considered acceptable.

** Contracting officer will insert the required item and item number.

(End of provision)

852.214-73 [Amended]

■ 43. Section 852.214-73 is revised to read as follows:

852.214-73 Alternate packaging and packing.

As prescribed in paragraph 814-201-6(a)(3), insert the following provision:

Alternate Packaging and Packing (Date)

The bidders offer must clearly indicate the quantity, package size, unit, or other different feature upon which the quote is made. Evaluation of the alternate or multiple alternates will be made on a common denominator such as per ounce, per pound, etc., basis.

(End of provision)

852.214-74 [Amended]

■ 44. Section 852.214-74 is revised to read as follows:

852.214-74 Marking of Bid Samples.

As prescribed in paragraph 814.201-6(b), insert the following provision:

Marking of Bid Samples (Date)

Any bid sample(s) furnished must be in the quantities specified in the solicitation. Cases or packages must be plainly marked 'Bid Sample(s)' with the complete lettering/ numbering and description of the related bid item(s), the number of the Invitation for Bids, and the name of the bidder submitting the bid sample(s).

(End of provision)

* * * * *

852.222-70 [Amended]

■ 45. Section 852.222-70 is revised to read as follows:

852.222-70 Contract Work-Hours and Safety Standards—Nursing Home Care for Veterans.

As prescribed in 822.305, insert the following clause:

Contract Work Hours and Safety Standards—Nursing Home Care for Veterans (Date)

(a) No Contractor and subcontractor under this contract shall prohibit the payment of overtime wages to their employees for work in excess of 40 hours in any workweek, which would otherwise be a violation of

Contract Work Hours and Safety Standards (the statute) (40 U.S.C. 3701, *et seq.*), provided—

(1) The Contractor or subcontractor is primarily engaged in the care of nursing home patients residing on the contractor's or subcontractor's premises;

(2) There is an agreement or understanding between the Contractor or subcontractor and their employees, before performance of work, that a work period of 14 consecutive days is acceptable in lieu of a work period of 7 consecutive days for the purpose of overtime compensation;

(3) Employees receive overtime compensation at a rate no less than 1½ times the employees' regular hourly rate of pay for work in excess of 80 hours in any 14 day period; and

(4) Pay is otherwise computed in accordance with the requirements of *the Fair Labor Standards Act of 1938, as amended.*

(b) *Subcontracts.* The Contractor shall insert the text of this clause, including this paragraph (b), in subcontracts at any tier. The Contractor shall be responsible for compliance by any subcontractor or lower-tier subcontractor with the provisions set forth in paragraphs (a) through (b) of this clause.

(End of clause)

[FR Doc. 2017-09158 Filed 5-16-17; 8:45 am]

BILLING CODE 8320-01-P

Notices

Federal Register

Vol. 82, No. 94

Wednesday, May 17, 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

Submission for OMB Review; Comment Request

May 12, 2017.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13 on or after the date of publication of this notice. Comments are requested regarding: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725 17th Street NW., Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: OIRA_Submission@omb.eop.gov or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602.

Comments regarding these information collections are best assured of having their full effect if received by June 16, 2017. Copies of the submission(s) may be obtained by calling (202) 720-8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Tobacco Reports.

OMB Control Number: 0581-0004.

Summary of Collection: Authority for the mandatory collection of information on form TB-26 "Tobacco Stocks Report" is the Tobacco Statistics Act of 1929 (7 U.S.C. 501-508). The Act provides for the collection and publication of statistics of tobacco by USDA with regard to quantity of leaf tobacco in all forms in the United States and Puerto, owned by or in the possession of dealers, manufacturers, growers' cooperative associations, and others with the exception of the original growers of the tobacco. The information furnished under the provisions of this Act is used only for statistical purposes for which it is supplied.

Need and Use of the Information: The basic purpose of the information collection is to ascertain the total supply of unmanufactured tobacco available to domestic manufacturers and to calculate the amount consumed in manufactured tobacco products. This data is also used for the calculation of production quotas for individual types of tobacco and for price support calculations. Without the information, USDA would not be able to disseminate marketing information as directed and authorized in the Act.

Description of Respondents: Business or other for-profit.

Number of Respondents: 30.

Frequency of Responses: Reporting: Quarterly.

Total Burden Hours: 104.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017-10002 Filed 5-16-17; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS-2017-0019]

Codex Alimentarius Commission: Meeting of the Codex Alimentarius Commission

AGENCY: Office of the Deputy Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Deputy Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), is sponsoring a public meeting on June 26, 2017. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 40th Session of the Codex Alimentarius Commission (CAC) taking place in Geneva, Switzerland, between July 17 and 22, 2017. The Administrator of the Food Safety and Inspection Service and Acting Deputy Under Secretary, Office of Food Safety, recognize the importance of providing interested parties the opportunity to obtain background information on the 40th Session of the CAC and to address items on the agenda.

DATES: The public meeting is scheduled for Monday, June 26, 2017, from 1:00 p.m.-4:00 p.m.

ADDRESSES: The public meeting will take place at the United States Department of Agriculture (USDA), Jamie L. Whitten Building, 1400 Independence Avenue SW., Room 107-A, Washington, DC 20250. Documents related to the 40th Session of the CAC will be accessible via the Internet at the following address: <http://www.codexalimentarius.org/meetings-reports/en/>.

The U.S. Delegate to the 40th Session of the CAC invites U.S. interested parties to submit their comments electronically to the following email address: uscodex@fsis.usda.gov.

Call-In-Number

If you wish to participate in the public meeting for the 40th Session of the CAC by conference call, please use the call-in-number and the participant code listed below:

Call-in-Number: 1-888-844-9904.

The participant code will be posted on the Web page below: <http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius/public-meetings>.

Registration

Attendees may register to attend the public meeting by emailing uscodex@fsis.usda.gov by June 22, 2017. Early registration is encouraged as it will expedite entry into the building. The meeting will be held in a Federal building. Attendees should bring photo identification and plan for adequate time to pass through security screening systems. Attendees who are not able to attend the meeting in person, but wish to participate may do so by phone, as discussed above.

FOR FURTHER INFORMATION CONTACT:

About the 40th session of the CAC: U.S. Codex Office, 1400 Independence Avenue SW., Room 4861, Washington, DC 20250, Telephone: (202) 205-7760, Fax: (202) 720-3157, Email: uscodex@fsis.usda.gov.

About the meeting: Jasmine Curtis, U.S. Codex Office, 1400 Independence Avenue SW., Room 4865, Washington, DC 20250, Telephone: (202) 205-7760, Fax: (202) 720-3157, Email: Jasmine.Curtis@fsis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The CAC was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, the CAC seeks to protect the health of consumers and ensure fair practices in the food trade; promotes coordination of all food standards work undertaken by international governmental and non-governmental organizations; determines priorities and initiates and guides the preparation of draft standards through and with the aid of appropriate organizations; finalizes the standards elaborated and publishes them in a *Codex Alimentarius* (food code) either as regional or worldwide standards, together with international standards already finalized by other bodies, wherever this is practicable; and amends published standards, as appropriate, in the light of new developments.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 40th Session of the CAC will be discussed during the public meeting:

- Reports of the 72nd and 73rd Sessions of the Executive Committee; Coordinating Committees;
- Reports of the FAO/WHO
- Amendments to the Procedural Manual;
- Final adoption of Codex texts;
- Adoption of Codex texts at Step 5;
- Revocation of Codex texts;
- Proposals for New Work;
- Discontinuation of Work;
- Amendments to Codex Standards and Related Texts;
- Regular Review of Codex Work Management (Electronic Working Groups);
- Matters arising from the Reports of the Commission, the Executive Committee, and the Subsidiary Bodies;
- Codex Budgetary and Financial Matters;
- FAO/WHO Scientific Support to Codex: Report on Activities and Future Work;
- FAO/WHO Scientific Support to Codex: Budgetary and Financial Matters;
- Matters Arising from FAO and WHO: Policy and Related Matters;
- Matter Arising from FAO and WHO: Capacity Development Activities;
- Relations between the CAC and other International Organizations;
- Election of the Chairperson, Vice-Chairpersons, and Members of the Executive Committee elected on a Geographical Basis and Appointment of the Coordinators;
- Designation of Countries responsible for Appointing the Chairpersons of Codex Subsidiary Bodies; and
- Other Business.

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat before the Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the June 26, 2017, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 40th Session of the CAC (see **ADDRESSES**). Written comments should state that they relate to activities of the 40th Session of the CAC.

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 May 12, 2017.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2017-09994 Filed 5-16-17; 8:45 am]

BILLING CODE 3410-DM-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Florida Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Florida Advisory Committee will hold a meeting on Tuesday, June 6, 2017, for the purpose of holding an orientation and discussing potential project topics.

DATES: The meeting will be held on Tuesday, June 6, 2017 at 12:00 p.m. EST.

ADDRESSES: The meeting will be by teleconference. Toll-free call-in number: 888-389-5988, conference ID: 3393414.

FOR FURTHER INFORMATION CONTACT: Jeff Hinton, DFO, at jhinton@usccr.gov or 404-562-7006

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888-389-5988, conference ID: 3393414. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-977-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office by July 6, 2017. Written comments may be mailed to the Southern Regional Office, U.S. Commission on Civil Rights, 61 Forsyth Street, Suite 16T126, Atlanta, GA 30303.

They may also be faxed to the Commission at (404) 562-7005, or emailed to Regional Director, Jeffrey Hinton at jhinton@usccr.gov. Persons who desire additional information may contact the Southern Regional Office at (404) 562-7000.

Records generated from this meeting may be inspected and reproduced at the Southern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via www.facadatabase.gov under the Commission on Civil Rights, Florida Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's Web site, <http://www.usccr.gov>, or may contact the Southern Regional Office at the above email or street address.

Agenda

Welcome and Call to Order

Elizabeth Foley, Florida SAC
Chairman

Jeff Hinton, Regional Director

Regional Update—Jeff Hinton

Ethics Training requirement

New Business: Elizabeth Foley, Florida
Chairman

1. Introductions of members:

2. Potential topics for discussion and
consideration

Public Participation

Adjournment

Dated: May 11, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017-09922 Filed 5-16-17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New Mexico Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the New Mexico Advisory Committee to the Commission will convene at 3:00 p.m. (MDT) on Thursday, June 15, 2017, via teleconference. The purpose of the meeting is to discuss the progress made on the report on elder abuse and next steps.

DATES: Thursday, June 15, 2017, at 3:00 p.m. (MDT)

ADDRESSES: To be held via teleconference:

Conference Call Toll-Free Number: 1-877-852-6579, Conference ID: 1301259.

TDD: Dial Federal Relay Service 1-800-977-8339 and give the operator the above conference call number and conference ID.

FOR FURTHER INFORMATION CONTACT:

Malee V. Craft, DFO, mcraft@usccr.gov, 303-866-1040

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussion by dialing the following Conference Call Toll-Free Number: 1-877-877-852-6579; Conference ID: 1301259. Please be advised that before being placed into the conference call, the operator will ask callers to provide their names, their organizational affiliations (if any), and an email address (if available) prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free phone number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service (FRS) at 1-800-977-8339 and provide the FRS operator with the Conference Call Toll-Free Number: 1-877-877-852-6579, Conference ID: 1301259. Members of the public are invited to submit written comments; the comments must be received in the regional office by Monday, April 10, 2017. Written comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 1961 Stout Street, Suite 13-201, Denver, CO 80294, faxed to (303) 866-1050, or emailed to Evelyn Bohor at ebohor@usccr.gov. Persons who desire additional information may contact the Rocky Mountain Regional Office at (303) 866-1040.

Records and documents discussed during the meeting will be available for public viewing as they become available at <https://database.faca.gov/committee/meetings.aspx?cid=264> and clicking on the "Meeting Details" and "Documents" links. Records generated from this meeting may also be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, www.usccr.gov, or to contact the Rocky Mountain Regional Office at the above phone number, email or street address.

Agenda

- Welcome and Roll-Call

Malee V. Craft, Regional Director,
Rocky Mountain Regional Office
(RMRO)

- Discussion of Progress of Report on Elder Abuse
- Sandra Rodriguez, Chair
- Next Steps

Dated: May 11, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017-09916 Filed 5-16-17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Economic Development Administration

Proposed Information Collection; Comment Request; Government Performance and Results Act Data Collection

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Economic Development Administration (EDA or the Agency), Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a proposed extension of an information collection request approved through November 30, 2017, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 17, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue NW., Washington, DC 20230 (or via email 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 Ksenia E. Shadrina, Program Analyst, Performance and National Programs Division, Room 71030, Economic Development Administration, Washington, DC 20230, or via email at kshadrina@eda.gov or telephone at (202) 482-2843.

SUPPLEMENTARY INFORMATION:

I. Abstract

The mission of EDA is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. EDA accomplishes

this mission by helping our partners across the nation, including states, regions, and communities create wealth and minimize poverty by promoting a favorable business environment to attract private capital investment and jobs through world-class capacity building, planning, infrastructure, research grants, and strategic initiatives. Further information on EDA's program and grant opportunities can be found at www.eda.gov.

In order to effectively administer and monitor its economic development assistance programs, and to comply with the requirements of the Government Performance and Results Act of 1993 (GPRA; Pub. L. 103-62), EDA must collect specific data from its grant recipients to report on the Agency's performance in meeting its stated goals and objectives. The purpose of this notice is to seek comments from the public and other Federal agencies on a request for an extension of EDA's currently approved GPRA collection forms which are scheduled to expire on November 30, 2017.

II. Method of Collection

EDA collects performance data through a series of four program specific forms (information on EDA's Public Works, Economic Adjustment Assistance, and Revolving Loan programs are collected via form ED-915; information from Economic Development Districts and Indian Tribes are collected via the ED-916; University Centers are required to report on the ED-917; and, Trade Adjustment Assistance Centers are required to fill out a ED-918) that ask respondents to report on items such as the number of jobs created and retained as well as the private investment generated per EDA investment. Respondents are required to submit the applicable form to the EDA Regional Office for compilation and transmission to EDA headquarters.

As a part of this renewal process, EDA plans to make minor clarifying edits to some of the questions on the ED-916, ED-917, and ED-918 and to the instruction sections of the ED-915, ED-916, and ED-917. None of these minor edits are expected to increase the time burden on the respondent nor do the modifications change the type or amount of collected information.

III. Data

Office of Management and Budget (OMB) Control Number: 0610-0098.

Form Number(s): ED-915, ED-916, ED-917, and ED-918.

Type of Review: Renewal of currently approved forms.

Affected Public: EDA-funded grantees: State, local and tribal governments; community organizations; not-for-profit organizations.

Estimated Number of Respondents: 1,530.

Estimated Time per Response: 7 Hours 0 Minutes.

Estimated Total Annual Burden Hours: 11,131 Hours.

Estimated Total Annual Cost to Public: \$113,220.

IV. Request for Comments

Pursuant to section 3506(c)(2)(A) of the PRA, 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 may be included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017-09988 Filed 5-16-17; 8:45 am]

BILLING CODE 3510-24-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-054]

Certain Aluminum Foil From the People's Republic of China: Postponement of Preliminary Determination of Countervailing Duty Investigation

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

DATES: Effective May 17, 2017.

FOR FURTHER INFORMATION CONTACT: Emily Maloof at (202) 482-5649, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On March 28, 2017, the Department of Commerce (Department) initiated a countervailing duty investigation (CVD) on certain aluminum foil from the People's Republic of China.¹ Currently, the preliminary determination of this investigation is due no later than June 1, 2017.

Postponement of Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the preliminary determination in a CVD investigation within 65 days after the date on which the Department initiated the investigation. However, if the petitioner makes a timely request for a postponement, section 703(c)(1)(A) of the Act allows the Department to postpone making the preliminary determination until no later than 130 days after the date on which the Department initiated the investigation.

On May 4, 2017, the petitioners² submitted a timely request pursuant to section 703(c)(1)(A) of the Act and 19 CFR 351.205(e) to postpone the preliminary determination.³ For the reasons stated above and because there are no compelling reasons to deny the request, the Department, in accordance with section 703(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination to no later than 130 days after the day on which the investigation was initiated. Accordingly, the Department will issue the preliminary determination no later than August 5, 2017. However, because August 5, 2017, falls on a Saturday, the preliminary determination is now due no later than August 7, 2017.⁴ In accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), 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 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

¹ See *Certain Aluminum Foil from the People's Republic of China: Initiation of Countervailing Duty Investigation*, 82 FR 15688 (March 30, 2017).

² The Aluminum Association Trade Enforcement Working Group and its individual members (collectively, the petitioners).

³ See letter from the petitioners entitled "Certain Aluminum Foil from the People's Republic of China—Petitioners' Request to Postpone Preliminary Determination," dated May 4, 2017.

⁴ See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

Dated: May 11, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017-09975 Filed 5-16-17; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Visiting Committee on Advanced Technology (VCAT or Committee), National Institute of Standards and Technology (NIST), will meet in an open session on Tuesday, June 13, 2017 from 8:30 a.m. to 3:30 p.m. Eastern Time and Wednesday, June 14, 2017 from 8:30 a.m. to 11:00 a.m. Eastern Time. The VCAT is composed of not fewer than 9 members appointed by the NIST Director, a majority of whom are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations.

DATES: The VCAT will meet on Tuesday, June 13, 2017 from 8:30 a.m. to 3:30 p.m. Eastern Time and Wednesday, June 14, 2017 from 8:30 a.m. to 11:00 a.m. Eastern Time.

ADDRESSES: The meeting will be held in the Portrait Room, Administration Building, at NIST, 100 Bureau Drive, Gaithersburg, Maryland, 20899. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Serena Martinez, VCAT, NIST, 100 Bureau Drive, Mail Stop 1060, Gaithersburg, Maryland 20899-1060, telephone number 301-975-2661. Mrs. Martinez's email address is serena.martinez@nist.gov.

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 278, as amended, and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

The purpose of this meeting is for the VCAT to review and make recommendations regarding general policy for NIST, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include

an update on major programs at NIST, as well as presentations and discussions on safety and security at NIST. It will also include an update on three preparatory working groups; the Preparatory Work Group on Trade, the Preparatory Work Group on Innovation and Competitiveness through Fundamental Measurement Research and Development, and the Preparatory Work Group on Communications. The agenda will also include discussion on how NIST can prioritize its measurement science research and development efforts to maximize current impact and ensure continued impact in the years to come. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST Web site at <http://www.nist.gov/director/vcat/agenda.cfm>.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda. On Wednesday, June 14, approximately one-half hour in the morning will be reserved for public comments and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. The exact time for public comments will be included in the final agenda that will be posted on the NIST Web site at <http://www.nist.gov/director/vcat/agenda.cfm>. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to VCAT, NIST, 100 Bureau Drive, MS 1060, Gaithersburg, Maryland, 20899, via fax at 301-216-0529 or electronically by email to stephanie.shaw@nist.gov.

All visitors to the NIST site are required to pre-register to be admitted. Please submit your name, time of arrival, email address and phone number to Serena Martinez by 5:00 p.m. Eastern Time, Tuesday, June 6, 2017. Non-U.S. citizens must submit additional information; please contact Mrs. Martinez. Mrs. Martinez's email address is serena.martinez@nist.gov and her phone number is 301-975-2661. For participants attending in person, please note that federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (P.L. 109-13), or by a state that

has an extension for REAL ID compliance. NIST currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. For detailed information please contact Mrs. Martinez at 301-975-2661 or visit: http://nist.gov/public_affairs/visitor/.

Kevin A. Kimball,

Chief of Staff, National Institute of Standards and Technology, U.S. Department of Commerce.

[FR Doc. 2017-09997 Filed 5-16-17; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Conference on Weights and Measures 102nd Annual Meeting

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The 102nd Annual Meeting of the National Conference on Weights and Measures (NCWM) will be held in Pittsburgh, Pennsylvania, from Sunday, July 16, 2017, through Thursday, July 20, 2017. This notice contains information about significant items on the NCWM Committee agendas but does not include all agenda items. As a result, the items are not consecutively numbered.

DATES: The meeting will be held on Sunday, July 15, 2017, through Wednesday, July 19, 2017, from 8:00 a.m. to 5:00 p.m. Eastern Time, and on Thursday, July 20, 2017, from 9:00 a.m. to 12:00 p.m. Eastern Time. The meeting schedule is available at www.ncwm.net.

ADDRESSES: This meeting will be held at the Omni William Penn Hotel, 530 William Penn Place, Pittsburgh, Pennsylvania 15219.

FOR FURTHER INFORMATION, CONTACT: Dr. Douglas Olson, NIST, Office of Weights and Measures, 100 Bureau Drive, Stop 2600, Gaithersburg, MD 20899-2600. You may also contact Dr. Olson at (301) 975-2956 or by email at douglas.olson@nist.gov. The meeting is open to the public, but a paid registration is required. Please see the NCWM Web site (www.ncwm.net) to view the meeting agendas, registration forms, and hotel reservation information.

SUPPLEMENTARY INFORMATION:

Publication of this notice on the NCWM's behalf is undertaken as a public service; NIST does not endorse, approve, or recommend any of the proposals or other information

contained in this notice or in publications produced by the NCWM.

The NCWM is an organization of weights and measures officials of the states, counties, and cities of the United States, and representatives from the private sector and federal agencies. These meetings bring together government officials and representatives of business, industry, trade associations, and consumer organizations on subjects related to the field of weights and measures technology, administration, and enforcement. NIST participates to encourage cooperation between federal agencies and the states in the development of legal metrology requirements. NIST also promotes uniformity in state laws, regulations, and testing procedures used in the regulatory control of commercial weighing and measuring devices, packaged goods, and for other trade and commerce issues.

The NCWM has established multiple committees, task groups, and other working bodies to address legal metrology issues of interest to regulatory officials, industry, consumers, and others. The following are brief descriptions of some of the significant agenda items that will be considered by some of the NCWM Committees at the NCWM Annual Meeting. Comments will be taken on these and other issues during public comment sessions. This meeting also includes work sessions in which the Committees may also accept comments for clarification on issues, and where they will finalize recommendations for possible adoption at this meeting. The Committees may also withdraw or carry over items that need additional development.

These notices are intended to make interested parties aware of these development projects and to make them aware that reports on the status of the project will be given at the Annual Meeting. The notices are also presented to invite the participation of manufacturers, experts, consumers, users, and others who may be interested in these efforts.

The Specifications and Tolerances Committee (S&T Committee) will consider proposed amendments to NIST Handbook 44, "Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices." Those items address weighing and measuring devices used in commercial applications, that is, devices used to buy from or sell to the public or used for determining the quantity of products or services sold among businesses. Issues on the agenda of the NCWM Laws and Regulations Committee (L&R

Committee) relate to proposals to amend NIST Handbook 130, "Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality" and NIST Handbook 133, "Checking the Net Contents of Packaged Goods."

NCWM S&T Committee

The following items are proposals to amend NIST Handbook 44:

Scales

Item 3200-2 S.1.2.2. Verification Scale Interval

Scales Code Paragraph S.1.2.2. Verification Scale Interval currently requires any Class I and II scale and dynamic monorail scale provided with a scale division value (d) that differs from the verification scale interval (e), to comply with the expression: $d < e \leq 10 d$.

The S&T Committee will consider a proposal that adds a new subparagraph beneath the Section heading "S.1.2.2. Verification Scale Interval" which would require the value of the displayed scale division "d" to be equal to the value of the verification scale interval "e" on Class I and II scales used in a direct sale application (*i.e.*, an application in which both parties, for example, buyer and seller, are present when the quantity is determined). The new subparagraph being proposed is nonretroactive with a proposed enforcement date of January 1, 2020, making evident the submitter's intention that it not apply to equipment already in commercial service.

Item 3200-3 S.1.8.5. Recorded Representations, Point-of-Sale Systems and S.1.9.3. Recorded Representations, Random Weight Packages Labels

The S&T Committee will consider a proposal requiring additional sales information be recorded by cash registers interfaced with a weighing element for items that are weighed at a checkout stand. These systems are currently required to record the net weight, unit price, total price, and the product class or, in a system equipped with price look-up capability, the product name or code number. The change proposed adds "tare weight" to the list of sales information already required.

Weigh-In-Motion Systems Used for Vehicle Enforcement Screening

tem 3205-1 A. Application and Sections Throughout the Code To Address Commercial and Law Enforcement Applications

In February 2016, the NCWM formed a new task group (TG) to consider a

proposal to expand the NIST Handbook 44, Weigh-In-Motion (WIM) Systems Used for Vehicle Enforcement Screening—Tentative Code to also apply to legal-for-trade (commercial) and law enforcement applications. The TG is made up of representatives of WIM equipment manufacturers; the U.S. Department of Transportation Federal Highway Administration; truck weight enforcement agencies; state weights and measures agencies; and others. Mr. Alan Walker (State of Florida) serves as Chair of the TG. The Work Group formed by the U.S. Department of Transportation—Federal Highway Administration that developed the existing NIST Handbook 44 Code titled, “Weigh-In-Motion Systems Used for Vehicle Enforcement Screening—Tentative Code,” disbanded shortly following the adoption of that tentative code by the NCWM in 2015.

Members of the TG met face to face for the first time at the NCWM Annual Meeting in July 2016. It was agreed at that meeting to eliminate from the proposal any mention of a law enforcement application and focus solely on WIM systems intended for use in commercial applications. The primary focus of the TG since the July 2016 meeting has been to concentrate on the development of test procedures that can be used to verify the accuracy of a slow-speed WIM system while taking into consideration the different axle and tandem axle configurations of the vehicles that will typically be weighed by the system.

Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices

Item 3302–1 N.3. Test Drafts

The S&T Committee will consider a proposal recognizing the use of calibrated transfer standards (also called “master meters”) in the verification and calibration of Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices. Currently, most official tests of these devices are conducted using volumetric proving methods. The proposal outlined in this item includes requirements for a minimum test draft when using “master meters” in both service-related and official testing.

Mass Flow Meters

Item 3307–2 N.3. Test Drafts

The S&T Committee will consider a proposal recognizing the use of calibrated transfer standards (also called “master meters”) in the verification and calibration of Mass Flow Meters. Currently, most official tests of these devices are conducted using gravimetric

test procedures. The proposal outlined in this item includes requirements for a minimum test draft when using “master meters” in both service-related and official testing.

Taximeters and Transportation Network Measuring Systems

The NCWM will consider proposed changes to existing NIST Handbook 44, Code Section 5.54. Taximeters and the addition of a new tentative code to address “Transportation Network Systems” in the following items.

Taximeters

Item 3504–1 A.2. Exemptions

Item 3504–2 U.S. National Work Group (USNWG) on Taximeters—Taximeter Code Revisions and Global Positioning System (GPS)-Based Systems for Time and Distance Measurement

Transportation Network Systems (New Tentative Code): Item 3600–6 5.XX

Transportation Network Measurement Systems—Tentative Code and Appendix D. Definitions

For several years, the NIST U.S. National Work Group (USNWG) on Taximeters has discussed possible approaches for amending the NIST Handbook 44, Taximeters Code to specifically recognize GPS-based time and distance measuring systems that are used to assess charges for transportation services such as those provided by taxicabs. Appropriate specifications, tolerances, and other technical requirements for these devices must be developed for manufacturers and users of these devices, as well for weights and measures officials. Such requirements help ensure accuracy and transparency for customers and a level playing field for transportation service companies, enabling consumers to make value comparisons between competing services. In 2016, the USNWG on Taximeters submitted a proposal through multiple regional weights and measures associations to establish a separate NIST Handbook 44 code to address “Transportation Network Measurement Systems (TNMS).” Changes to the current NIST Handbook 44, Taximeters Code have also been proposed by the USNWG to recognize taximeters that are now being designed to operate using similar features and functionality as TNMS; these changes have been proposed in a separate item. The S&T Committee will present these proposals for a vote at the upcoming 2017 NCWM Annual Meeting.

NCWM L&R Committee

The following items are proposals to amend NIST Handbook 130 or NIST Handbook 133:

NIST Handbook 130—Section on Uniform Regulation for the Method of Sale of Commodities

Item 2301–6 Section 2.17. Precious Metals

The L&R Committee is recommending adoption of a revision to the uniform method of sale for precious metals that will enhance the ability of consumers to know whether they are getting a fair price for their precious metals. This proposal will allow a consumer to make an informed decision in doing an equitable trade or purchase and make value comparisons. This proposal is not for precious metals traded on the commodity market. If adopted, the proposal will require sellers to prominently display a table indicating grams and ounces, percentage of metal in mixtures, unit price, and if selling by SI a conversion chart to troy ounces.

NIST Handbook 133

Item 2600–4 Section 4.5. Polyethylene Sheeting

The current test procedure in NIST Handbook 133, Section 4. Polyethylene Sheeting has provided a test procedure for only polyethylene sheeting and some bag type products. The L&R Committee is recommending for adoption a proposal to expand the current requirements to also include polyethylene bags (e.g., t-shirt bags, which retail stores put consumer goods in for carry-out) and can liners. If adopted, this proposal would clarify the test procedure and improve the accuracy of length determinations when determining test measurements for bags and liners, including bags with a cut out (t-shirt bags).

Authority: 15 U.S.C. 272(b).

Dated: May 12, 2017.

Kevin Kimball,
Chief of Staff.

[FR Doc. 2017–09990 Filed 5–16–17; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF105

Endangered Species; File No. 21088

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice; application for an enhancement of survival permit.

SUMMARY: NMFS has received an application for an enhancement of survival permit under the Endangered Species Act (ESA) and a request for entry into an associated Safe Harbor Agreement (Agreement) between the applicant and NMFS. The proposed enhancement of survival permit and Agreement are intended to promote the survival and recovery of the Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*), which is listed as threatened under the ESA.

DATES: Comments or requests for a public hearing on the action proposed in the application or related matters must be received no later than 5 p.m. Pacific standard time on June 16, 2017.

ADDRESSES: You may submit comments on this document and requests for a public hearing by any of the following methods. Please identify comments as relating to the "Hart Ranch Proposed Safe Harbor Agreement."

- **Electronic Submissions:** Submit all electronic comments via the Federal Rulemaking Portal. Go to <http://www.regulations.gov/>#!/docketDetail;D=NOAA-NMFS-2017-0041, click the "Comment Now!" icon, complete the required fields, and enter, or attach your comments.

- **Mail, Email, or Fax:** Submit written comments and requests for a public hearing to California Coastal Office, NMFS WCR, 1655 Heindon Road, Arcata, CA 95521. Comments and requests may also be submitted via fax to 707-825-4840 or by email to WCRHartRanchSHA.comments@noaa.gov.

Instructions: Comments sent by any other methods, 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 part of the public record, and will generally be posted for public viewing on <http://www.regulations.gov> without change. All personally 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).

Information NMFS received as a part of the application is available upon request by contacting the NMFS West

Coast Region (WCR) at its California Coastal Office in Arcata, California.

FOR FURTHER INFORMATION CONTACT: Jim Simondet, NOAA Fisheries California Coastal Office, 707-825-5171, email: WCRHartRanchSHA.comments@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

Enhancement of survival permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*), and regulations governing ESA-listed fish and wildlife permits (50 CFR parts 222-227). NMFS issues permits based on findings that such permits: (1) Were applied for in good faith; (2) if granted and exercised would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy set forth in section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Under a Safe Harbor Agreement, participating landowners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting species listed under the ESA (16 U.S.C. 1531 *et seq.*). Safe Harbor Agreements, and the subsequent enhancement of survival permits that are issued pursuant to section 10(a)(1)(A) of the ESA, encourage private and other non-federal property owners to implement conservation efforts for listed species by assuring property owners that they will not be subjected to increased property-use restrictions as a result of their efforts to attract listed species to their property and increase the numbers or distribution of these species already on their property. Application requirements and issuance criteria for enhancement of survival permits through Safe Harbor Agreements are found in 50 CFR 222.308(b), 222.308(c) and the Announcement of Final Safe Harbor Policy published on June 17, 1999 (64 FR 32717). The permit allows any necessary future incidental take of covered species above the mutually agreed-upon baseline conditions for those species in accordance with the terms and conditions of the permit and accompanying Agreement.

Any interested party may submit data, views, arguments, or a request for a hearing with respect to the permit application and proposed Safe Harbor Agreement. Anyone requesting a hearing on a matter pursuant to this notice should set out the specific reasons why a hearing would be appropriate (see **ADDRESSES**). Such

hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Application Received (Permit 21088)

The Hart Ranch (Applicant) is requesting an enhancement of survival permit and approval of an associated proposed Agreement that was developed by NMFS and the Applicant. The enhancement of survival permit will facilitate implementation of the Agreement, which is expected to promote the recovery of the covered species on non-federal property within the Little Shasta River on the Hart Ranch. The Little Shasta River is a tributary to the Shasta River, (a tributary to the Klamath River) in Siskiyou County, California. The proposed duration of the Agreement and the associated enhancement of survival permit is 10 years. The proposed enhancement of survival permit would authorize the incidental taking of SONCC coho salmon that may be associated with covered activities, including beneficial management activities, routine ranch management activities, and the potential future return of the enrolled property to baseline conditions at the end of the Agreement, as defined in the Agreement. The Agreement specifies the beneficial management activities to be carried out on the enrolled property and a schedule for implementing those activities. The Agreement is expected to promote the recovery of SONCC coho salmon within the Hart Ranch.

The Safe Harbors policy encourages landowners to improve habitat for listed species on their property. Under the policy, NMFS determines a habitat baseline condition and any increase in a listed species population above that baseline condition that results from the landowner's voluntary stewardship efforts would not increase their regulatory responsibility or affect future land-use decisions. NMFS reviewed each present baseline and elevated baseline determination. The Agreement also contains a monitoring component that requires the Applicant to ensure compliance with the terms and conditions of the Agreement, and that the baseline levels of habitat for the covered species occurs on the enrolled property. Results of the monitoring efforts will be provided to NMFS by the Applicant in an annual report for the duration of the 10-year permit term.

Upon approval of this Agreement, and consistent with the U.S. Fish and Wildlife Agency and NMFS's joint Safe Harbor Policy (64 FR 32717, June 17, 1999), NMFS will issue an enhancement of survival permit to the Applicant. The

enhancement of survival permit will authorize the Applicant to take SONCC coho salmon incidental to the implementation of the covered activities specified in the Agreement, incidental to other lawful uses of the enrolled property, and to return to present baseline and elevated baseline conditions, if desired, at the end of the Agreement. In addition to meeting other criteria, actions to be performed under the enhancement of survival permit must not jeopardize the existence of federally listed species.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and comments submitted to determine whether the application meets the requirements of section 10(a) of the ESA and 50 CFR part 17 of federal regulations. The final permit decision will not be made until after the end of the 30-day comment period. NMFS will publish a notice announcing its final action in the **Federal Register**.

Dated: May 11, 2017.

Angela Somma,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017-09904 Filed 5-16-17; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2017-ICCD-0022]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; ED-524 Budget Information Non-Construction Programs Form and Instructions

AGENCY: Office of the Secretary (OS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 16, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0022. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery.

Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224-82, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Alfreida Pettiford, 202-245-6110.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: ED-524 Budget Information Non-Construction Programs Form and Instructions.

OMB Control Number: 1894-0008.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 5,400.

Total Estimated Number of Annual Burden Hours: 94,500.

Abstract: The ED-524 form and instructions are included in U.S. Department of Education discretionary grant application packages and are needed in order for applicants to submit

summary-level budget data by budget category, as well as a detailed budget narrative, to request and justify their proposed grant budgets which are part of their grant applications.

Dated: May 11, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-09914 Filed 5-16-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2017-ICCD-0020]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; U.S. Department of Education Grant Performance Report Form (ED 524B)

AGENCY: Office of the Secretary (OS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 16, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0020. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224-82, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Alfreida Pettiford, 202-245-6110.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an

opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: U.S. Department of Education Grant Performance Report Form (ED 524B).

OMB Control Number: 1894-0003.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 5,300.

Total Estimated Number of Annual Burden Hours: 118,400.

Abstract: The ED 524B form and instructions are used in order for grantees to meet Department of Education (ED) deadline dates for submission of performance reports for ED discretionary grant programs. Recipients of multi-year discretionary grants must submit an annual performance report for each year funding has been approved in order to receive a continuation award. The annual performance report should demonstrate whether substantial progress has been made toward meeting the approved goals and objectives of the project. ED program offices may also require recipients of "forward funded" grants that are awarded funds for their entire multi-year project up-front in a single grant award to submit the ED 524B on an annual basis. In addition, ED program offices may also require recipients to use the ED 524B to submit their final performance reports to demonstrate project success, impact and outcomes. In both the annual and final performance reports, grantees are

required to provide data on established performance measures for the grant program (e.g., Government Performance and Results Act measures) and on project performance measures that were included in the grantee's approved grant application. The ED 524B also contains a number of questions related to project financial data such as Federal and non-Federal expenditures and indirect cost information. Performance reporting requirements are found in 34 CFR 74.51, 75.118, 75.253, 75.590 and 80.40 of the Education Department General Administrative Regulations.

Dated: May 11, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-09913 Filed 5-16-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No. ED-2017-ICCD-0065]

Agency Information Collection Activities; Comment Request; NCER-NPSAS Grant Study—Connecting Students with Financial Aid (CSFA) 2017: Testing the Effectiveness of FAFSA Interventions on College Outcomes

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision to a currently approved information collection.

DATES: Interested persons are invited to submit comments on or before July 17, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0065. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education,

400 Maryland Avenue SW., LBJ, Room 224-82, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubzdela, 202-245-7377.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: NCER-NPSAS Grant Study—Connecting Students with Financial Aid (CSFA) 2017: Testing the Effectiveness of FAFSA Interventions on College Outcomes.

OMB Control Number: 1850-0931.

Type of Review: Revision of a currently approved information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 52,300.

Total Estimated Number of Annual Burden Hours: 5,534.

Abstract: In 2010, the National Center for Education Research (NCER) and the National Center for Education Statistics (NCES), both within the U.S. Department of Education's Institute of Education Sciences (IES), began collaborating on an education grant opportunity related to the cross-sectional National Postsecondary Student Aid Study (NPSAS). NPSAS is a large, nationally-representative sample

of postsecondary institutions and students that contains student-level records on student demographics and family background, work experience, expectations, receipt of financial aid, and postsecondary enrollment (see <http://nces.ed.gov/surveys/npsas/about.asp>; (OMB #1850-0666)). Since 1987, NPSAS has been fielded every 3 to 4 years, most recently during the 2015-16 academic year. The goal of the NCER-NPSAS grant opportunity collaboration is to provide researchers with the possibility of developing unique research projects pertaining to college persistence and completion that utilize a subset of the NPSAS sample that is not already set aside for one of the NPSAS-based longitudinal studies (BPS or B&B). Under the NCER-NPSAS grant opportunity, researchers can submit applications to the Postsecondary and Adult Education topic within the Education Research Grants program (CFDA 84.305A), under either the Exploration or Efficacy and Replication research goal. Consistent with these two goals, NCER supports research projects using NPSAS to: (1) Explore relationships between malleable factors (e.g., information on benefits of financial aid and FAFSA renewal) and postsecondary persistence and completion, as well as the mediators and moderators of those relationships; and (2) evaluate the efficacy of interventions aimed at improving persistence and completion of postsecondary education (e.g., financial aid and FAFSA renewal advice delivered via text messaging). Researchers approved for funding through this program can obtain indirect access to a subsample of the national NPSAS sample (after the study's student interviews are completed) in order to conduct unique research projects that adhere to the guidelines set forth in the Request for Applications (RFA) for the Education Research Grants Program, as well as guidelines set forth by NCEES and the NPSAS program. This request is to conduct, in 2017, the "Connecting Students with Financial Aid (CSFA) 2017: Testing the Effectiveness of FAFSA Interventions on College Outcomes" study, funded by the NCER-NPSAS grant and designed to measure the effectiveness of an intervention that will provide financial aid information and reminders to college students who were initially interviewed as part of NPSAS:16 was approved in January 2017 (OMB# 1850-0931 v.1). Cognitive interviews on the survey items were conducted in March 2017 to examine whether college students correctly understand the question wording and

whether their answers get adequately captured in multiple-choice questions of the survey instrument to be administered after the end of the intervention. The results of cognitive testing were used to revise the CSFA survey. This request is for approval of these revisions for the survey that will begin in September 2017.

Dated: May 12, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-09964 Filed 5-16-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2017-ICCD-0023]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; EDGAR Recordkeeping and Reporting Requirements

AGENCY: Office of the Secretary (OS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 16, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0023. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224-82, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Alfreida Pettiford, 202-245-6110.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in

accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: EDGAR Recordkeeping and Reporting Requirements.

OMB Control Number: 1894-0009.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local and Tribal Governments, Not-for-profit Institutions.

Total Estimated Number of Annual Responses: 4,988.

Total Estimated Number of Annual Burden Hours: 22,448.

Abstract: The Education Department General Administrative Regulations (EDGAR) contain several requirements that grantees maintain certain types of records related to their grants and to report or submit certain information to the Department. Part 74 of EDGAR applies to Institutions of Higher Education, nonprofit organizations, and hospitals. Additionally, under 34 CFR 75.261, all types of grantees including State Educational Agencies, Local Educational Agencies, and Federally Recognized Indian Tribal Governments may follow the regulations in 34 CFR 74.25(e)(2) regarding extension of a project period. Section 74.25(e)(2) allows grantees to initiate a one-time extension of their projects' expiration date of up to 12 months without prior approval from the Department of Education. These grantee requirements

are necessary for the effective administration and monitoring of grant projects.

Dated: May 11, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-09915 Filed 5-16-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Electricity Advisory Committee

AGENCY: Office of Electricity Delivery and Energy Reliability, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Electricity Advisory Committee. The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, June 7, 2017, 1:00 p.m.–6:00 p.m. EST, Thursday, June 8, 2017, 8:00 a.m.–3:00 p.m. EST.

ADDRESSES: The meeting will be held at the National Rural Electric Cooperative Association, 4301 Wilson Blvd., Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G-017, 1000 Independence Avenue SW., Washington, DC 20585; Telephone: (202) 586-1060 or email: matthew.rosenbaum@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The Electricity Advisory Committee (EAC) was re-established in July 2010, in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App.2, to provide advice to the U.S. Department of Energy (DOE) in implementing the Energy Policy Act of 2005, executing the Energy Independence and Security Act of 2007, and modernizing the nation's electricity delivery infrastructure. The EAC is composed of individuals of diverse background selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues that pertain to electricity.

Tentative Agenda: The meeting of the EAC is expected to include an update on the programs and initiatives of the DOE's Office of Electricity Delivery and Energy Reliability and the Grid

Modernization Laboratory Consortium. The meeting is also expected to include a presentation from the new Administration, as well as panels or presentations with associated discussions on gas-electric integration, power sector vulnerabilities, advances in energy storage for system reliability and resiliency, new applications for storage and microgrids, and regional resiliency and security with bulk storage. Additionally, the meeting is expected to include a discussion of the plans and activities of the Smart Grid Subcommittee, Power Delivery Subcommittee, Energy Storage Subcommittee, and the Grid Modernization Working Group.

Tentative Agenda: June 7, 2017

- 12:00 p.m.–1:00 p.m. Registration
- 1:00 p.m.–1:15 p.m. Welcome, Introductions, Developments since the March 2017 Meeting
- 1:15 p.m.–1:30 p.m. Update on the DOE Office of Electricity Delivery and Energy Reliability's Programs and Initiatives
- 1:30 p.m.–2:10 p.m. Presentation from New Administration and EAC Discussion
- 2:10 p.m.–2:45 p.m. Update on the Grid Modernization Laboratory Consortium Program and Initiatives
- 2:45 p.m.–3:00 p.m. Break
- 3:00 p.m.–4:30 p.m. Panel Session: Gas-Electric Integration
- 4:30 p.m.–4:45 p.m. Break
- 4:45 p.m.–5:00 p.m. EAC Power Delivery Subcommittee Activities and Plans
- 5:00 p.m.–5:20 p.m. EAC Smart Grid Subcommittee Activities and Plans
- 5:20 p.m.–5:40 p.m. EAC Energy Storage Subcommittee Activities and Plans
- 5:40 p.m.–6:00 p.m. Grid Modernization Working Group Activities and Plans

Tentative Agenda: June 8, 2017

- 8:00 a.m.–8:15 a.m. Welcome: Overview of Energy Storage Session during the EAC June 2017 Meeting
- 8:15 a.m.–8:45 a.m. Session Scope and Objectives: Overview of Energy Storage and Key Trends
- 8:45 a.m.–9:45 a.m. Power Sector Vulnerabilities: Panel and Discussion
- 9:45 a.m.–10:00 a.m. Break
- 10:00 a.m.–11:15 a.m. Advances in Energy Storage for System Reliability: Panel and Discussion
- 11:15 a.m.–11:45 a.m. Break for Lunch (not provided)
- 11:45 a.m.–1:00 p.m. Storage and Microgrids—New Applications: Panel and Discussion
- 1:00 p.m.–1:30 p.m. Regional

Resiliency and Security with Bulk Storage: Presentation and Discussion

- 1:30 p.m.–2:45 p.m. Takeaways and Key Themes: Facilitated Discussion
- 2:45 p.m.–2:55 p.m. Public Comments
- 2:55 p.m.–3:00 p.m. Wrap-up and Adjourn June 2017 Meeting of the EAC

The meeting agenda may change to accommodate EAC business. For EAC agenda updates, see the EAC Web site at: <http://energy.gov/oe/services/electricity-advisory-committee-eac>.

Public Participation: The EAC welcomes the attendance of the public at its meetings. Individuals who wish to offer public comments at the EAC meeting may do so on Thursday, June 8, 2017, but must register at the registration table in advance. Approximately 10 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but is not expected to exceed three minutes. Anyone who is not able to attend the meeting, or for whom the allotted public comments time is insufficient to address pertinent issues with the EAC, is invited to send a written statement to Mr. Matthew Rosenbaum.

You may submit comments, identified by "Electricity Advisory Committee Open Meeting," by any of the following methods:

- *Mail/Hand Delivery/Courier:* Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G-017, 1000 Independence Avenue SW., Washington, DC 20585.
- *Email:* matthew.rosenbaum@hq.doe.gov. Include "Electricity Advisory Committee Open Meeting" in the subject line of the message.
- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and identifier. All comments received will be posted without change to <http://energy.gov/oe/services/electricity-advisory-committee-eac>, including any personal information provided.

- *Docket:* For access to the docket, to read background documents or comments received, go to <http://energy.gov/oe/services/electricity-advisory-committee-eac>.

The following electronic file formats are acceptable: Microsoft Word (.doc), Corel Word Perfect (.wpd), Adobe Acrobat (.pdf), Rich Text Format (.rtf), plain text (.txt), Microsoft Excel (.xls), and Microsoft PowerPoint (.ppt). If you

submit information that you believe to be exempt by law from public disclosure, you must submit one complete copy, as well as one copy from which the information claimed to be exempt by law from public disclosure has been deleted. You must also explain the reasons why you believe the deleted information is exempt from disclosure.

DOE is responsible for the final determination concerning disclosure or nondisclosure of the information and for treating it in accordance with the DOE's Freedom of Information regulations (10 CFR 1004.11).

Note: Delivery of the U.S. Postal Service mail to DOE may be delayed by several weeks due to security screening. DOE, therefore, encourages those wishing to comment to submit comments electronically by email. If comments are submitted by regular mail, the Department requests that they be accompanied by a CD or diskette containing electronic files of the submission.

Minutes: The minutes of the EAC meeting will be posted on the EAC Web page at <http://energy.gov/oe/services/electricity-advisory-committee-eac>. They can also be obtained by contacting Mr. Matthew Rosenbaum at the address above.

Issued in Washington, DC, on May 11, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017-09980 Filed 5-16-17; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, June 7, 2017, 8:30 a.m.–5:00 p.m., Thursday, June 8, 2017, 9:00 a.m.–3:00 p.m.

ADDRESSES: Red Lion Columbia Center, Ballroom V, 1101 North Columbia Center Boulevard, Kennewick, WA 99336.

FOR FURTHER INFORMATION CONTACT: Kristen Holmes, Federal Coordinator, Department of Energy Richland Operations Office, P.O. Box 550, H5-20, Richland, WA 99352; Phone: (509) 376-5803; or Email: kristen.l.holmes@rl.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

- Discussion Topics
 - Tri-Party Agreement Agencies' Updates
 - Hanford Advisory Board Committee Reports
 - Budget Priorities
 - Five-Year Review of Tri-Party Agreement and Changes
 - CERCLA Five-Year Review Update
 - Board Business

Public Participation: The meeting is open to the public. The EM SSAB, Hanford, 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 Kristen Holmes 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 Kristen Holmes 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 Kristen Holmes's office at the address or phone number listed above. Minutes will also be available at the following Web site: <http://www.hanford.gov/page.cfm/hab>.

Issued at Washington, DC, on May 10, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017-09979 Filed 5-16-17; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Biological and Environmental Research Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open teleconference.

SUMMARY: This notice announces a teleconference of the Biological and Environmental Research Advisory Committee (BERAC). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Monday, June 12, 2017; 3:00 p.m. to 5:00 p.m. (EDT).

ADDRESSES: This meeting will be held via webcast using Zoom. Instructions for Zoom can be found on the BERAC meeting Web site at: <https://science.energy.gov/ber/berac/meetings/>.

FOR FURTHER INFORMATION CONTACT: Dr. Tristram West, Designated Federal Officer, BERAC, U.S. Department of Energy, Office of Science, Office of Biological and Environmental Research, SC-23/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585-1290. Phone (301) 903-5155; fax (301) 903-5051 or email: tristram.west@science.doe.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: To provide advice on a continuing basis to the Director, Office of Science of the Department of Energy, on the many complex scientific and technical issues that arise in the development and implementation of the Biological and Environmental Research Program.

Purpose of the Meeting: Teleconference call is open to the public and is being held to discuss progress towards the BERAC charge for developing a long term research visioning report.

Tentative Agenda Topics

- Review and discuss the draft Grand Challenges report based on the charge letter dated March 3, 2016 (https://science.energy.gov/~media/ber/berac/pdf/Reports/BERAC_Strategic_charge_letter.pdf). BERAC will discuss the Executive Summary, draft report, and potentially approve the summary findings.

Public Participation: The teleconference meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding the item on the agenda, you should contact Tristram West at the address or telephone number listed above. You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will

conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 45 days at the BERAC Web site: <http://science.energy.gov/berac/berac/meetings/berac-minutes/>.

Issued in Washington, DC, on May 11, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017-09981 Filed 5-16-17; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11-3376-003; ER11-3377-003; ER11-3378-003.

Applicants: North Hurlburt Wind, LLC, Horseshoe Bend Wind, LLC, South Hurlburt Wind, LLC.

Description: Amendment to December 22, 2016 Triennial Report for Northwest Region of North Hurlburt Wind, LLC, et. al.

Filed Date: 5/11/17.

Accession Number: 20170511-5108.

Comments Due: 5 p.m. ET 6/1/17.

Docket Numbers: ER17-1582-000.

Applicants: Duke Energy Carolinas, LLC.

Description: § 205(d) Rate Filing: DEC-Highlands RS No. 337 Revised PPA to be effective 7/1/2017.

Filed Date: 5/10/17.

Accession Number: 20170510-5105.

Comments Due: 5 p.m. ET 5/31/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For

other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: May 11, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017-09945 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR17-42-000.

Applicants: Columbia Gas of Ohio, Inc.

Description: Tariff filing per 284.123(b),(e)/: COH SOC Rate effective 5-1-2017; Filing Type: 980.

Filed Date: 5/8/17.

Accession Number: 201705085139.

Comments/Protests Due: 5 p.m. ET 5/30/17.

Docket Numbers: RP17-739-000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 05/08/17 Negotiated Rates—Consolidated Edison Energy Inc. (HUB) 2275-89 to be effective 5/10/2017.

Filed Date: 05/08/2017.

Accession Number: 20170508-5084.

Comment Date: 5:00 p.m. Eastern Time on Monday, May 22, 2017.

Docket Numbers: RP17-740-000.

Applicants: ARM Energy Management, Salt Creek Midstream, LLC.

Description: Joint Petition of ARM Energy Management, LLC, et al. for Temporary Waiver of Commission Capacity Release Regulations and Related Tariff Provisions, and Request for Expedited Action.

Filed Date: 05/08/2017.

Accession Number: 20170508-5206.

Comment Date: 5:00 p.m. Eastern Time on Monday, May 15, 2017.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern

time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: May 9, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017-09959 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1494-437]

Grand River Dam Authority; Notice of Availability of Final Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC's) regulations, 18 Code of Federal Regulations (CFR) part 380, the Office of Energy Projects has reviewed an application filed by the Grand River Dam Authority (GRDA) to permanently amend the reservoir elevation rule curve contained in Article 401 of the license for the Pensacola Hydroelectric Project No. 1494. The amendment would allow GRDA to keep water surface elevations in the project's reservoir, Grand Lake O' the Cherokees (Grand Lake), up to two feet higher August 16 through October 31 each year. The project is located on the Neosho (Grand) River in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma.

Staff prepared a Final Environmental Assessment (Final EA) for the application which analyzes the potential environmental effects of approving the requested permanent change to the Article 401 rule curve and concludes that such an approval, with specified environmental protection measures, would not constitute a major federal action that would significantly affect the quality of the human environment. A copy of the Final EA is available for review at the Commission's Public Reference Room or may be viewed on the Commission's Web site at www.ferc.gov using the eLibrary link. Enter the docket number P-1494 in the docket number field to access the

document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at 1-866-208-3676, or for TTY, 202-502-8659.

You may also register online at www.ferc.gov/docs-filing/esubscription.asp to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at 1-866-208-3676, or for TTY, 202-502-8659.

For further information, contact B. Peter Yarrington at (202) 502-6129 or Peter.Yarrington@ferc.gov, or contact Jeremy Jessup at (202) 502-6779 or Jeremy.Jessup@ferc.gov.

Dated: May 11, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-09955 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17-1574-000]

EUI Affiliate LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of EUI Affiliate LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is May 31, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic

service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: May 11, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-09952 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17-114-000.

Applicants: Wisconsin Public Service Corporation.

Description: Application for Approval of Transaction Under Section 203(A)(1)(B) of the Federal Power Act and Request for an Order Within 30 Days of Wisconsin Public Service Corporation.

Filed Date: 5/9/17.

Accession Number: 20170509-5171.

Comments Due: 5 p.m. ET 5/30/17.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG17-106-000.

Applicants: Rock Creek Wind Project, LLC.

Description: Notice Self-Certification of Exempt Wholesale Generator Status of Rock Creek Wind Project, —LLC.

Filed Date: 5/9/17.

Accession Number: 20170509-5149.

Comments Due: 5 p.m. ET 5/30/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17-912-001.

Applicants: Arizona Public Service Company.

Description: Compliance filing: Compliance Filing—Attachment H Tariff with Approved Revised Protocols to be effective 6/1/2017.

Filed Date: 5/10/17.

Accession Number: 20170510-5053.

Comments Due: 5 p.m. ET 5/31/17.

Docket Numbers: ER17-1580-000.

Applicants: Louisiana Generating LLC.

Description: Request of Louisiana Generating LLC to recover costs associated with acting as a Local Balancing Authority under MISO Tariff.

Filed Date: 5/9/17.

Accession Number: 20170509-5169.

Comments Due: 5 p.m. ET 5/30/17.

Docket Numbers: ER17-1581-000.

Applicants: Florida Power & Light Company.

Description: § 205(d) Rate Filing: FPL, JEA, and FPUC-IA for Nassau ? Oneil ? FPUC Stepdown Substations to be effective 5/11/2017.

Filed Date: 5/10/17.

Accession Number: 20170510-5067.

Comments Due: 5 p.m. ET 5/31/17.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC17-1-000.

Applicants: Vale S.A.

Description: Notification of Self-Certification of Foreign Utility Company Status of Vale S.A.

Filed Date: 5/9/17.

Accession Number: 20170509-5148.

Comments Due: 5 p.m. ET 5/30/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For

other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: May 10, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-09939 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD17-1-000]

Commission Information Collection Activities (FERC-725R); Comment Request

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the information collection FERC-725R (Mandatory Reliability Standards: BAL Reliability Standards) which will be submitted to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission previously issued a Notice in the **Federal Register** (82 FR 9565, 2/7/2017)

requesting public comments. The Commission received no comments on the FERC-725R and is making this notation in its submittal to OMB.

DATES: Comments on the collection of information are due by June 16, 2017.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902-0268 should be sent via email to the Office of Information and Regulatory Affairs: oir_submission@omb.gov. Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202-395-0710.

A copy of the comments should also be sent to the Commission, in Docket No. RD17-1-000, by the following methods:

- *eFiling at Commission's Web site:* <http://www.ferc.gov/docs-filing/efiling.asp>.

- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: <http://www.ferc.gov/help/submission-guide.asp>. For user assistance contact FERC Online Support by email at ferconlinesupport@ferc.gov, or by phone at: (866) 208-3676 (toll-free), or (202) 502-8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <http://www.ferc.gov/docs-filing/docs-filing.asp>.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at DataClearance@FERC.gov, by telephone at (202) 502-8663, and by fax at (202) 273-0873.

SUPPLEMENTARY INFORMATION:

Title: FERC-725R, Mandatory Reliability Standards: BAL Reliability Standards.

OMB Control No.: 1902-0268.

Type of Request: Three-year approval of FERC-725R information collection requirement, as modified.

Abstract: On November 10, 2016, the North American Electric Reliability Corporation (NERC) filed a petition for Commission approval of retirement, pursuant to section 215(d)(1) of the Federal Power Act (FPA) and Section 39.5 of the Commission's regulations, of currently-effective Reliability Standard BAL-004-0 (Time Error Correction). NERC explains that since Reliability Standard BAL-004-0 became effective, improvements have been made to mandatory Reliability Standards (such as the development of Reliability Standards BAL-003-1.1 and BAL-001-2 and the Interconnection Reliability Operations and Coordination (IRO) Standards) that help ensure continued adherence to frequency approximating 60 Hertz over long-term averages and make Reliability Standard BAL-004-0 redundant.

Type of Respondents: Public utilities.

*Estimate of Annual Burden*¹: The Commission estimates the reduction (due to the retirement of Reliability Standard BAL-004-0) in the annual public reporting burden for the information collection as follows:

FERC 725R, reductions due to RD17-1-000	Number of respondents ²	Number of responses per respondent	Total number of responses	Average burden hours & cost per response ³	Annual burden hours & total annual cost
	(1)	(2)	(1)×(2)=(3)	(4)	(3)×(4)=(5)
Retirement of current standard BAL-004-0 (currently in FERC-725R).	110 (BA 99; RC 11)	-1	- 110	3 hrs. (\$167) [(Eng.) 2 hrs. (\$129); (R.K.) 1 hr. (\$38)]	- 330 hrs.; - \$18,370 [Eng., - 220 hrs., - \$14,190; R.K. - 110 hrs., - \$4,180]
Total Reduction (Rounded).	- 110	- 330 hours; - \$18,370

The reduction to total annual burden and cost will be 330 hours and \$18,370.

Comments: Comments are invited on: (1) Whether the collection of

information is necessary for the proper performance of the functions of the

¹ Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

² The estimated number of respondents is based on the NERC compliance registry as of December 12, 2016. According to the NERC compliance registry, there are 99 U.S. balancing authorities (BA) and 11 reliability coordinators (RC).

³ The estimates for cost per response are derived using the following formula: Burden Hours per Response \$/hour = Cost per Response. The \$64.29/

hour figure for an engineer (rounded to \$129 for two hours in the above table and the \$37.75/hour figure for a record clerk (rounded to \$38) are based on the average salary plus benefits from the Bureau of Labor Statistics. (https://www.bls.gov/oes/current/naics2_22.htm), May 2015, Section 22, Utilities. In the burden table, engineering is abbreviated as Eng., and record keeping is abbreviated as R.K.

Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: May 10, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-09944 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17-1577-000]

Reuel Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Reuel Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is May 31, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the

eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: May 11, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-09953 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1267-119]

Greenwood County, South Carolina; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

- a. *Type of Application:* Non-project use of project lands and water.
- b. *Project No:* 1267-119.
- c. *Date Filed:* February 15, 2017 and supplemented on April 12, 2017.
- d. *Applicant:* Greenwood County, South Carolina (licensee).
- e. *Name of Project:* Buzzards Roost Hydroelectric Project.
- f. *Location:* Lake Greenwood in Laurens County, South Carolina.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.
- h. *Applicant Contact:* Toby Chappell, County Manager, Greenwood County, South Carolina, 600 Monument Street, Box P-103, Suite 10, Greenwood, South Carolina 29646; phone (864) 942-8596.
- i. *FERC Contact:* Ms. Joy Kurtz at 202-502-6760, or joy.kurtz@ferc.gov.

j. Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, and comments using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P-1267-119.

k. *Description of Request:* The licensee requests Commission approval to grant Laurens County Water and Sewer Commission permission to use project lands and water within the project boundary to construct a raw water intake and raw water line on Lake Greenwood in order to meet demands for public drinking water. Construction activities within the project boundary would include installation of an intake pipe and air burst line, placement of rip rap along the stream bank and intake pipe, and installation of intake screening and supporting structures for the screening. The through-slot velocity at the intake screen will not exceed 0.5 feet per second. The raw water line would leave the project boundary and follow road right of ways to a water treatment plant, which is not yet constructed. Once constructed, the facility would withdrawal up to 18 million gallons per day (mgd) from Lake Greenwood. Of the 18 mgd withdrawn from Lake Greenwood, up to 2.7 mgd would be transferred to the Broad River Basin (*i.e.* an "interbasin transfer"), pending approval from the South Carolina Department of Health and Environmental Control.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling 202-502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online

at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 866-208-3676 or email FERCOnlineSupport@ferc.gov, for TTY, call 202-502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*: Any filing must (1) bear in all capital letters the title "COMMENTS"; "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to the non-project use application. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in

accordance with 18 CFR 4.34(b) and 385.2010.

Dated: May 10, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-09943 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7548-021]

Notch Butte Hydro Company, Inc., Koosh, Inc.; Notice of Transfer of Exemption

1. By letter filed March 15, 2017, Notch Butte Hydro Company, Inc. informed the Commission that the exemption from licensing for the Geo-Bon #2 Hydropower Project No. 7548, originally issued April 13, 1984¹ has been transferred to Koosh, Inc. The project is located on the Little Wood River in Lincoln County, Idaho. The transfer of an exemption does not require Commission approval.

2. Koosh, Inc. is now the exemptee of the Geo-Bon #2 Hydropower Project No. 7548. All correspondence should be forwarded to: Koosh, Inc., PO Box 59, Gooding, ID 83330.

Dated: May 11, 2017.

Kimberly D. Bose
Secretary.

[FR Doc. 2017-09957 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17-436-000]

Colorado Interstate Gas Company, L.L.C.; Notice of Request Under Blanket Authorization

Take notice that on May 03, 2017, Colorado Interstate Gas Company, L.L.C. ("CIG"), P.O. Box 1087, Colorado Springs, Colorado 80944, filed a prior notice application pursuant to sections 157.205, 157.213(b) of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act (NGA), and CIG's blanket certificate issued in Docket No. CP83-21-000. CIG requests authorization to reclassify thirteen injection/withdrawal (I/W) wells to

observation wells at the Latigo Natural Gas Storage Field (Latigo) located in Arapahoe County, Colorado and at the Flank Natural Gas Storage Field (Flank) located in Baca County, Colorado, all as more fully set forth in the request, which is on file with the Commission and open to public inspection. The proposed application is referred to as the CIG's Well Conversion Application. The filing may also be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Specifically CIG proposes to reclassify seven (7) I/W wells at Latigo and six (6) I/W wells at Flank to observation status. CIG states the proposed reclassification of these I/W wells involves no change in the certificated physical parameters of either storage field.

Any questions regarding this application should be directed to Francisco Tarin Director, Regulatory Affairs Department, Colorado Interstate Gas Company, L.L.C., P.O. Box 1087, Colorado Springs, Colorado 80904 or phone (719) 667-7517.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record

¹ Order Granting Exemption from Licensing of a Small Project of 5 MW or Less. *Mr. George Arkoosh*, 27 FERC 62,039 (1984).

for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenter will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: May 10, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-09940 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2743-079]

Kodiak Electric Association, Inc.; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 Code of Federal Regulations part 380, Commission staff has reviewed the Kodiak Electric Association, Inc.'s application for amendment of license for the Terror

Lake Hydroelectric Project (FERC Project No. 2743) and has prepared an environmental assessment (EA). The project is located on the Terror and Kizhuyak Rivers in Kodiak Island Borough, Alaska. The project occupies federal lands administered by the U.S. Coast Guard, Bureau of Land Management, and the U.S. Fish and Wildlife Service within the Kodiak National Wildlife Refuge.

The EA contains Commission staff's analysis of the potential environmental effects of the proposed construction of two diversion dams within the Upper Hidden Basin Creek drainage, a 1.7-mile-long tunnel and canal system diverting water to Terror Lake, and a 4-mile-long spur road, and concludes that authorizing the amendment, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is available for review at the Commission in the Public Reference Room, or it may be viewed on the Commission's Web site at <http://www.ferc.gov> using the e-Library link. Enter the docket number (P-2743) in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or call toll-free at 1-866-208-3676 or (202) 502-8659 (for TTY).

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

All comments must be filed within 30 days of the date of this notice and should reference Project No. 2743. The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, please send a paper copy to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

For further information, contact Dr. Jennifer Ambler by telephone at 202-502-8586 or by email at jennifer.ambler@ferc.gov.

Dated: May 11, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-09956 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17-439-000]

Equitrans, L.P.; Notice of Request Under Blanket Authorization

Take notice that on May 8, 2017, Equitrans, L.P. (Equitrans), located at 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222, filed a prior notice request pursuant to sections 157.205 and 157.216(b) of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act (NGA), seeking authorization to plug and abandon an injection—withdrawal well due to safety concerns in Equitrans' Hunters Cave Storage Field in Greene County, Pennsylvania. There will be no elimination or decrease in service to customers as a result of the proposed abandonment of facilities. Also, there will be no impact on the Hunters Cave Storage Field's certificated parameters, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Any questions regarding this application should be directed to Paul W. Diehl, Counsel, Midstream, at Equitrans, L.P., 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222, at (412) 395-5540; or email at PDiehl@eqt.com.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is

filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (www.ferc.gov) under the e-Filing link. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: May 10, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017-09941 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17-73-000]

New Jersey Boroughs of Milltown, Park Ridge, and South River v. Public Service Electric and Gas Company; Notice of Complaint

Take notice that on May 9, 2017, pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e (2017) and Rules 206 and 212 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission's (Commission), 18 CFR 385.206 and 385.212 (2017) the New Jersey Boroughs of Milltown, Park Ridge, and South River (Complainants) filed a complaint against Public Service Electric and Gas Company (Respondent) asserting that the base return on equity used in calculating transmission Formula Rates under the PJM Interconnection, L.L.C. Open Access Transmission Tariff is unjust and unreasonable, as more fully explained in the complaint.

Complainants certifies that copies of the complaint were served on Respondent via electronic mail through its counsel.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 p.m. Eastern Time on May 30, 2017.

Dated: May 10, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017-09942 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17-1578-000]

Keni Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Keni Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is May 31, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor

must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: May 11, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-09954 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 539-014]

Lock 7 Hydro Partners, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent To File License Application and Request To Use the Traditional Licensing Process.

b. *Project No.:* 539-014.

c. *Date Filed:* March 27, 2017.

d. *Submitted By:* Lock 7 Hydro Partners, LLC.

e. *Name of Project:* Mother Ann Lee Hydroelectric Project.

f. *Location:* At the Kentucky River Authority's Lock and Dam No. 7 on the Kentucky River, in Mercer and Jessamine Counties, Kentucky. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* David Brown Kinloch, Lock 7 Hydro Partners, LLC, 414 South Wenzel St., Louisville,

KY 40204; (502) 589-0975; kyhydropower@gmail.com.

i. *FERC Contact:* Rachel McNamara at (202) 502-8340; or email at rachel.mcnamara@ferc.gov.

j. Lock 7 Hydro Partners, LLC filed its request to use the Traditional Licensing Process on March 27, 2017. Lock 7 Hydro Partners, LLC provided public notice of its request on March 30, 2017. In a letter dated May 11, 2017, the Director of the Division of Hydropower Licensing approved Lock 7 Hydro Partners, LLC's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Kentucky State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Lock 7 Hydro Partners, LLC as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. Lock 7 Hydro Partners, LLC filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 539. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications

must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by April 30, 2020.

p. Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: May 11, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-09937 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17-434-000]

Northern Natural Gas Company; Notice of Request Under Blanket Authorization

Take notice that on April 28, 2017, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124-1000, filed in the above Docket, a prior notice request pursuant to sections 157.205, 157.208, and 157.216 of the Commission's regulations under the Natural Gas Act (NGA) and Northern's blanket certificate issued in Docket No. CP82-401-000, for authorization to construct, own, and operate a total of 13.8 miles of 20-inch-diameter pipeline loop in two non-contiguous segments and appurtenant facilities in Boone and Polk Counties, Iowa, and abandon two short segments of pipeline in Polk County, Iowa (Des Moines B-line Loop Project), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may also be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208-3676, or TTY, contact (202) 502-8659.

Any questions concerning this prior notice request should be directed to Michael T Loeffler, Senior Director, Certificates and External Affairs for Northern, 1111 South 103rd Street, Omaha, Nebraska 68124, or phone (402) 398-7103, or by email at mike.loeffler@nngco.com.

Specifically, Northern states that the proposed project is a proactive measure to uphold pipeline integrity on Des Moines A-line. Northern states that it needs to reduce operating pressure on that line from 490 psig to 380 psig. To replace lost capacity associated with the lowered operating pressure, Northern proposes to install (1) approximately 11.2 miles of 20-inch-diameter pipeline loop starting at Northern's existing Ogden compressor station, and (2) approximately 2.6 miles of 20-inch-diameter pipeline loop starting at Northern's existing Royal Estates reducing station. Northern also proposes to remove (3) 20 feet of 8-inch-diameter station piping and (4) 5 feet of the 16-inch-diameter Des Moines B-line, both at the Royal Estates reducing station. Northern further states that with the exception of a segment of pipeline that will be installed adjacent to the road right of way, the pipeline loops will be placed adjacent to the existing Des Moines B-line. To maintain Northern's contractual obligations, the operating pressure on Des Moines A-line will be reduced once the Des Moines B-line Loop Project is placed in-service. The estimated cost of the project is \$32.5 million.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed

therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (www.ferc.gov) under the e-Filing link.

Dated: May 11, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017-09951 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Technical Conference

	Docket Nos.
Developments in Natural Gas Index Liquidity and Transparency.	AD17-12-000
Price Discovery in Natural Gas and Electric Markets.	PL03-3-000
Natural Gas Price Formation	AD03-7-000

Take notice that on June 29, 2017, the staff of the Federal Energy Regulatory Commission (Commission) will hold a technical conference on Developments in Natural Gas Index Liquidity and Transparency from 9:00 a.m. to 4:30 p.m. (EDT), in the Commission Meeting Room at 888 First Street NE., Washington, DC 20426. A detailed agenda will be issued and published on the Calendar of Events on the Commission's Web site¹ prior to the conference. Commission members may participate in the conference.

The purpose of this technical conference is to understand the state of liquidity in the physical natural gas markets, to explore current trends in physical natural gas trading and price reporting and how the use of natural gas indices have evolved over time, to obtain industry's views on the current level of confidence in natural gas indices and price formation, and finally, to consider whether there is a need to improve natural gas market liquidity and price reporting and, if so, how. Staff plans to discuss these issues with buyers and sellers of physical natural

gas, natural gas pipelines, ISO/RTOs or public utilities that use natural gas indices in their tariffs, market monitors, index developers, energy exchanges, academics and market experts. Staff recognizes that a number of factors influence market liquidity, and encourages the participation of interested parties to speak about price discovery, liquidity evaluation, and market activity measurement in the physical natural gas markets, among other things influencing the natural gas markets.

All attendees are encouraged to preregister at <https://www.ferc.gov/whats-new/registration/06-29-17-form.asp>. There is no fee to register or attend.

The technical conference will be transcribed. Transcripts will be available from Ace Reporting Company and may be purchased online at www.acefederal.com, or by phone at (202) 347-3700. In addition, there will be a free webcast of the conference. The webcast will allow persons to listen, but not participate, and will be accessible at www.ferc.gov Calendar of Events. The Capitol Connection provides technical support for the webcast and offers the option of listening to the technical conference via phone-bridge for a fee. If you have any questions, visit www.CapitolConnection.org or call (703) 993-3100.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to accessibility@ferc.gov or call toll free 1-866-208-3372 (voice) or 202-208-1659 (TTY), or send a FAX to 202-208-2106 with the required accommodations.

For more information about the technical conference, please contact: Sarah McKinley (Logistics), Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502-8368, Sarah.Mckinley@ferc.gov Eric Primosch (Technical), Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502-6483, Eric.Primosch@ferc.gov Omar Bustami (Legal), Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502-6214, Omar.Bustami@ferc.gov

Dated: May 10, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017-09938 Filed 5-16-17; 8:45 am]

BILLING CODE 6717-01-P

¹ www.ferc.gov.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14810–001]

Chugach Electric Association, Inc.; Notice of Surrender of Preliminary Permit

Take notice that Chugach Electric Association, Inc., permittee for the proposed Snow River Hydroelectric Project, has requested that its preliminary permit be terminated. The permit was issued on March 22, 2017, and would have expired on February 29, 2020.¹ The project would have been located on the Snow River, near Seward in the Kenai Peninsula Borough, Alaska.

The preliminary permit for Project No. 14810 will remain in effect until the close of business, June 10, 2017. But, if the Commission is closed on this day, then the permit remains in effect until the close of business on the next day in which the Commission is open.² New applications for this site may not be submitted until after the permit surrender is effective.

Dated: May 11, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017–09958 Filed 5–16–17; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewals; Comment Request (3064–0092; –0149 & –0182)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 renewal of existing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the FDIC is soliciting comment on renewal of the information collections described below.

DATES: Comments must be submitted on or before July 17, 2017.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- <http://www.FDIC.gov/regulations/laws/federal/notices.html>.
- *Email:* comments@fdic.gov. Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767). Counsel, MB 3007, Federal

Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Manny Cabeza at the FDIC address noted above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collections of information:

1. *Title:* Community Reinvestment Act.

OMB Number: 3064–0092.

Form Number: None.

Affected Public: Insured state nonmember banks and state savings associations.

Burden Estimate:

Source and type of burden	Description	Estimated number of respondents	Average estimated time per response	Total estimated annual burden (hours)
345.25(b) Reporting	<i>Request for designation as a wholesale or limited purpose bank</i> —Banks requesting this designation shall file a request in writing with the FDIC at least 3 months prior to the proposed effective date of the designation.	1	4	4
345.27 Reporting	<i>Strategic plan</i> —Applies to banks electing to submit strategic plans to the FDIC for approval.	7	400	2,800
345.42(b)(1) Reporting	<i>Small business/small farm loan data</i> —Large banks shall and Small banks may report annually in machine readable form the aggregate number and amount of certain loans.	* 393	8	3,144
345.42(b)(2) Reporting	<i>Community development loan data</i> —Large banks shall and Small banks may report annually, in machine readable form, the aggregate number and aggregate amount of community development loans originated or purchased.	* 393	13	5,109
345.42(b)(3) Reporting	<i>Home mortgage loans</i> —Large banks, if subject to reporting under part 203 (Home Mortgage Disclosure (HMDA)), shall, and Small banks may report the location of each home mortgage loan application, origination, or purchase outside the MSA in which the bank has a home/branch office.	* 393	253	99,429
345.42(d) Reporting	<i>Data on affiliate lending</i> —Banks that elect to have the FDIC consider loans by an affiliate, for purposes of the lending or community development test or an approved strategic plan, shall collect, maintain and report the data that the bank would have collected, maintained, and reported pursuant to § 345.42(a), (b), and (c) had the loans been originated or purchased by the bank. For home mortgage loans, the bank shall also be prepared to identify the home mortgage loans reported under HMDA.	200	38	7,600
345.42(e) Reporting	<i>Data on lending by a consortium or a third party</i> —Banks that elect to have the FDIC consider community development loans by a consortium or a third party, for purposes of the lending or community development tests or an approved strategic plan, shall report for those loans the data that the bank would have reported under § 345.42(b)(2) had the loans been originated or purchased by the bank.	75	17	1,275

¹ 158 FERC 62,225 (2017).

² 18 CFR 385.2007(a)(2) (2016).

Source and type of burden	Description	Estimated number of respondents	Average estimated time per response	Total estimated annual burden (hours)
345.42(g) Reporting	<i>Assessment area data</i> —Large banks shall and Small banks may collect and report to the FDIC a list for each assessment area showing the geographies within the area.	* 393	2	786
Total Reporting				120,147
345.42(a) Recordkeeping	<i>Small business/small farm loan register</i> —Large banks shall and Small banks may collect and maintain certain data in machine-readable form.	* 393	219	86,067
345.42(c) Recordkeeping	<i>Optional consumer loan data</i> —All banks may collect and maintain in machine readable form certain data for consumer loans originated or purchased by a bank for consideration under the lending test.	75	326	24,450
345.42(c)(2) Recordkeeping	<i>Other loan data</i> —All banks optionally may provide other information concerning their lending performance, including additional loan distribution data.	100	25	2,500
Total Recordkeeping				113,017
345.41(a) 345.43(a); (a)(1); (a)(2); (a)(3); (a)(4); (a)(5); (a)(6); (a)(7); (b)(1); (b)(2); (b)(3); (b)(4); (b)(5); (c); (d) Disclosure.	<i>Content and availability of public file</i> —All banks shall maintain a public file that contains certain required information.	3,971	10	39,710
Total Disclosure				39,710
Total Estimated Annual Burden				272,874

*The number of Large Banks reporting decreased from 253 to 243. However, 150 Small Banks are voluntarily collecting and reporting data, and the number of respondents has been adjusted to reflect this.

General Description of Collection: The Community Reinvestment Act regulation requires the FDIC to assess the record of banks and thrifts in helping meet the credit needs of their entire communities, including low- and moderate-income neighborhoods, consistent with safe and sound operations; and to take this record into account in evaluating applications for mergers, branches, and certain other corporate activities.

There is no change in the method or substance of the collection. The overall increase in burden hours is a result of an increase in the number of Small Banks electing to voluntarily respond in certain categories. The increase is also, in small part, due to an adjustment in the agency’s estimate of the time required to submit strategic plan applications from 275 hours per respondent to 400 hours per respondent.

2. *Title:* Affiliate Marketing Consumer Opt-Out Notices.

OMB Number: 3064–0149.

Form Number: None.

Affected Public: Insured state nonmember banks, state savings associations that have affiliates and consumers that have a relationship with the foregoing.

Burden Estimate:

Type of burden	Estimated number of respondents	Estimated time per response (hours)	Frequency of response	Total estimated annual burden (hours)
Implementation	1 ¹	18	1	18
Ongoing	2 ² 990	2	1	1,980
Consumer Opt-Out	3 ³ 857,939	* 5	1	71,495
Total Estimated Annual Burden				73,493

¹ All respondents have now gone through implementation of their programs. Accordingly, the number of respondents facing implementation burden has been reduced from 990 to 1 as a placeholder for any institution that elects to start sharing consumer information with its affiliates in the future.

² The number of respondents facing ongoing burden remains unchanged at 990.

³ The FDIC estimates that 944 out of the 990 banks impacted by this information collection are community banks having an average of 12,098 consumers and the remaining 46 are non-community (larger) banks having an average of 124,745 consumers. The FDIC estimates that 5% of the 17,158,782 estimated consumers at these 990 institutions (857,939 consumers) elect to Opt-Out of affiliate marketing information sharing.

* Minutes.

General Description of Collection: Section 214 of the FACT Act requires financial institutions that wish to share information about consumers with their affiliates, to inform such consumers that they have the opportunity to opt out of such marketing solicitations. The disclosure notices and consumer responses thereto comprise the elements of this collection of information.

There is no change in the method or substance of this information collection. There has been a net increase in the estimated total annual burden primarily because of an upward adjustment in the agency’s estimate of the number of consumers at FDIC-supervised institutions that elect to opt-out of affiliate marketing information sharing. The increase in burden due to the adjustment in the estimated number of

consumers affected was offset by the fact that banks have completed the implementation phase of the information collection; the estimated ongoing time per response for affected institutions decreasing from 18 hours at implementation to 2 hours ongoing.

3. *Title:* Retail Foreign Exchange Transactions.

OMB Number: 3064–0182.

Form Number: None.

Affected Public: Insured state nonmember banks and state savings associations.

Burden Estimate:

Type of burden	Number of respondents	Estimated time per response	Frequency of response	Total estimated annual burden (hours)
Reporting	1	16	On Occasion	16
Recordkeeping	1	166	On Occasion	166
Disclosure	1	1,332	On Occasion	1,332
Total Estimated Annual Burden				1,514

General Description of Collection:
This information collection implements section 742(c)(2) of the Dodd-Frank Act (7 U.S.C. 2(c)(2)(E) and FDIC regulations governing retail foreign exchange transactions as set forth at 12 CFR part 349, subpart B. The regulation allows banking organizations under FDIC supervision to engage in off-exchange transactions in foreign currency with retail customers provided they comply with various reporting, recordkeeping and third-party disclosure requirements specified in the rule. If an institution elects to conduct such transactions, compliance with the information collection is mandatory.

*Reporting Requirements—*Part 349, subpart B requires that, prior to initiating a retail foreign exchange business; a banking institution must provide the FDIC with a notice certifying that the institution has written policies and procedures, and risk measurement and management systems and controls in place to ensure that retail foreign exchange transactions are conducted in a safe and sound manner. The institution must also provide information about it intends to manage customer due diligence, new product approvals and haircuts applied to noncash margin.

*Recordkeeping Requirements—*Part 349 subpart B requires that institutions engaging in retail foreign exchange transactions keep full, complete and systematic records of account, financial ledger, transaction, memorandum orders and post execution allocations of bunched orders. In addition, institutions are required to maintain records regarding their ratio of profitable accounts, possible violations of law, records of noncash margin and monthly statements and confirmations issued.

*Disclosure Requirements—*The regulation requires that, before opening an account that will engage in retail foreign exchange transactions, a banking institution must obtain from each retail foreign exchange customer an acknowledgement of receipt and understanding of a written disclosure

specified in the rule and of disclosures about the banking institution's fees and other charges and of its profitable accounts ratio. The institution must also provide monthly statements to each retail foreign exchange customer and must send confirmation statements following every transaction. The customer dispute resolution provisions of the regulation require certain endorsements, acknowledgements and signature language as well as the timely provision of a list of persons qualified to handle a customer's request for arbitration.

There is no change in the method or substance of the collection. At present no FDIC-supervised institution is engaging in activities that would make them subject to the information collection requirements. FDIC originally estimated that 3 institutions would be impacted by the rule. The agency is reducing the estimated number of respondents to one (1) as a placeholder in case an institution elects to engage in covered activities in the future. There has been no change in the frequency of response or in the estimated number of hours required to respond. Because of the reduction in the estimated number of respondents from three (3) to one (1), the estimated annual burden has decreased.

Request for Comment

Comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, 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 collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 12th day of May 2017.

Federal Deposit Insurance Corporation.

Ralph E. Frable,

Assistant Executive Secretary.

[FR Doc. 2017-09992 Filed 5-16-17; 8:45 am]

BILLING CODE 6714-01-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 (www.fmc.gov) or by contacting the Office of Agreements at (202)-523-5793 or tradeanalysis@fmc.gov.

Agreement No.: 012395-002.
Title: MSC/ACL Trans-Atlantic Space Charter Agreement.

Parties: Atlantic Container Line A.B. and MSC Mediterranean Shipping Company S.A.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1200 Nineteenth St. NW.; Washington, DC 200036.

Synopsis: The amendment revises Article 5.1 to clarify that the space to be provided to ACL will be on MSC's SAWC-USA-NWC service. The amendment also reinserts language that was inadvertently deleted by Amendment No. 1 and deletes language that was inadvertently added by Amendment No. 1. It also restates the Agreement.

Agreement No.: 012483.
Title: HLAG/CMA CGM U.S.-Mediterranean Slot Charter Agreement.

Parties: Hapag-Lloyd AG and CMA CGM S.A.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1200 Nineteenth St. NW.; Washington, DC 200036.

Synopsis: The Agreement authorizes HLAG to sell space to CMA CGM on its MGX service in the trade between ports on the U.S. Gulf Coast on the one hand, and ports on the Gulf Coast of Mexico and in Italy, Spain and Jamaica on the other hand.

Agreement No.: 012484.

Title: Port of New York & New Jersey/OCEMA Discussion Agreement.

Parties: Port Authority of New York and New Jersey and the Ocean Carrier Equipment Management Association, Inc., FMC Agreement No. 011284 (OCEMA).

Filing Party: Sam Ruda; Port Authority of NY & NJ; 4 World Trade Center; 150 Greenwich Street—17th Floor; New York, NY 10007.

Synopsis: The Agreement authorizes the Port of New York and New Jersey and OCEMA to collect and exchange information, discuss, and reach agreement upon matters relating to the Cargo Facility Charge levied by the Port Authority of New York and New Jersey.

By Order of the Federal Maritime Commission.

Dated: May 12, 2017.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017-09987 Filed 5-16-17; 8:45 am]

BILLING CODE 6731-AA-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2007-D-0369]

Product-Specific Guidances; Draft and Revised Draft Guidances for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of additional draft and revised draft product-specific guidances. The guidances provide product-specific recommendations on, among other things, the design of bioequivalence (BE) studies to support abbreviated new drug applications (ANDAs). In the **Federal Register** of June 11, 2010, FDA announced the availability of a guidance for industry entitled “Bioequivalence Recommendations for Specific Products” that explained the process that would be used to make product-specific guidances available to the public on FDA’s Web site. The guidances identified in this notice were

developed using the process described in that guidance.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment(s) on these draft guidances before it begins work on the final version of such guidances, submit either electronic or written comments on the draft guidance by July 17, 2017.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2007-D-0369 for “Product-Specific Guidances; Draft and Revised Draft Guidances for Industry.” Received comments will be placed in the docket

and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of the draft guidances to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance documents.

FOR FURTHER INFORMATION CONTACT: Xiaoqiu Tang, Center for Drug

Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4730, Silver Spring, MD 20993-0002, 301-796-5850.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 11, 2010 (75 FR 33311), FDA announced the availability of a guidance for industry entitled "Bioequivalence Recommendations for Specific Products" that explained the process that would be used to make product-specific guidances available to the public on FDA's Web site at <https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm>.

As described in that guidance, FDA adopted this process as a means to develop and disseminate product-specific guidances and provide a meaningful opportunity for the public to consider and comment on those guidances. Under that process, draft guidances are posted on FDA's Web site and announced periodically in the **Federal Register**. The public is encouraged to submit comments on those recommendations within 60 days of their announcement in the **Federal Register**. FDA considers any comments received and either publishes final guidances or publishes revised draft guidances for comment. Guidances were last announced in the **Federal Register** on December 23, 2016 (81 FR 94394). This notice announces draft product-specific guidances, either new or revised, that are posted on FDA's Web site.

II. Drug Products for Which New Draft Product-Specific Guidances are Available

FDA is announcing the availability of a new draft product-specific guidances for industry for drug products containing the following active ingredients:

TABLE 1—NEW DRAFT PRODUCT-SPECIFIC GUIDANCES FOR DRUG PRODUCTS

Acetylcysteine
Amphetamine
Aprepitant
Azelastine hydrochloride
Bisacodyl; polyethylene glycol 3350; potassium chloride; sodium bicarbonate; sodium chloride
Carbidopa; levodopa
Chlordiazepoxide hydrochloride; Clidinium bromide
Clonazepam
Edoxaban tosylate
Gentamicin sulfate

TABLE 1—NEW DRAFT PRODUCT-SPECIFIC GUIDANCES FOR DRUG PRODUCTS—Continued

Hydrocortisone
Hydrocortisone butyrate
Linagliptin; Metformin hydrochloride
Lorcaserin hydrochloride
Methylnaltrexone bromide
Nitroglycerin
Nystatin; Triamcinolone acetonide (multiple reference listed drugs)
Oxymetazoline hydrochloride; Tetracaine hydrochloride
Sofosbuvir; Velpatasvir
Venetoclax

III. Drug Products for Which Revised Draft Product-Specific Guidances are Available

FDA is announcing the availability of revised draft product-specific guidances for industry for drug products containing the following active ingredients:

TABLE 2—REVISED DRAFT PRODUCT-SPECIFIC GUIDANCES FOR DRUG PRODUCTS

Acamprosate calcium
Apixaban
Bexarotene
Calcium acetate (multiple reference listed drugs)
Deferiprone
Dolutegravir sodium
Emtricitabine; Tenofovir disoproxil fumarate
Fingolimod
Lanthanum carbonate
Nevirapine
Phenytoin (multiple reference listed drugs)
Propafenone hydrochloride
Trospium chloride (multiple reference listed drugs)

For a complete history of previously published **Federal Register** notices related to product-specific guidances, go to <https://www.regulations.gov> and enter Docket No. FDA-2007-D-0369.

These draft guidances are being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). These draft guidances, when finalized, will represent the current thinking of FDA on, among other things, the product-specific design of BE studies to support ANDAs. They do not establish any rights for any person and are not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

IV. Electronic Access

Persons with access to the Internet may obtain the draft guidances at either <https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/>

www.regulations.gov.

Dated: May 11, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017-09961 Filed 5-16-17; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2017-N-2364]

Determination That CALCIJEX (Calcitriol) Injectable, 1 Microgram/Milliliter and 2 Micrograms/Milliliter, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that the drug product listed in this document was not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to this drug product, and it will allow FDA to continue to approve ANDAs that refer to the product as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT: Stacy Kane, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6236, Silver Spring, MD 20993-0002, 301-796-8363.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products approved under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the "listed drug," which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.

355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the “Approved Drug Products With Therapeutic Equivalence Evaluations,” which is generally known as the “Orange Book.” Under FDA regulations, a drug is removed from the list if the Agency withdraws or suspends approval of the drug’s NDA or ANDA for reasons of safety or effectiveness, or if FDA determines that the listed drug

was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).
Under § 314.161(a) (21 CFR 314.161(a)), the Agency must determine whether a listed drug was withdrawn from sale for reasons of safety or effectiveness: (1) Before an ANDA that refers to that listed drug may be approved, (2) whenever a listed drug is voluntarily withdrawn from sale and ANDAs that refer to the listed drug have been approved, and (3) when a person

petitions for such a determination under 21 CFR 10.25(a) and 10.30. Section 314.161(d) provides that if FDA determines that a listed drug was withdrawn from sale for safety or effectiveness reasons, the Agency will initiate proceedings that could result in the withdrawal of approval of the ANDAs that refer to the listed drug.
 FDA has become aware that the drug product listed in the table in this document is no longer being marketed.

Application No.	Drug name	Active ingredient	Strength(s)	Dosage form/route	Applicant
NDA 018874	CALCIJEX ...	Calcitriol	1 microgram (mcg)/milliliter (mL); 2 mcg/mL	Injectable; Injection	AbbVie, Inc.

FDA has reviewed its records and, under § 314.161, has determined that the drug product listed in this document was not withdrawn from sale for reasons of safety or effectiveness.¹ Accordingly, the Agency will continue to list the drug product listed in this document in the “Discontinued Drug Product List” section of the Orange Book. The “Discontinued Drug Product List” identifies, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness.

Approved ANDAs that refer to the NDA listed in this document are unaffected by the discontinued marketing of the products subject to that NDA. Additional ANDAs that refer to this product may also be approved by the Agency if they comply with relevant legal and regulatory requirements. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

This is not a significant regulatory action subject to Executive Order 12866 and does not impose any additional burden on regulated entities.

Dated: May 11, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017-09960 Filed 5-16-17; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Full Committee Meeting.

Dates and Times: Wednesday, June 21, 2017: 9:00 a.m.–5:30 p.m.

Thursday, June 22, 2017: 8:30 a.m.–3:15 p.m.

Place: U.S. Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue SW., Room 705A, Washington, DC 20201, (202) 690-7100.

Status: Open.

Purpose: At the June 21–22, 2017 meeting, the Committee will hear presentations, hold discussions on several health data policy topics, and receive updates from HHS, the Office of the National Coordinator for Health IT, the CDC National Center for Health Statistics, the National Library of Medicine, and Centers for Medicare and Medicaid Services. On the first day, the Committee will focus on two items anticipated for action: A recommendation letter that addresses the Health Plan Identifier in follow up to the May 3, 2017 HPID Hearing, and follow up on the NCVHS June 2016 Hearing on claims-based databases for policy development and evaluation. The Committee will review status reports on various NCVHS products; an upcoming hearing on the next generation of vital statistics; and the Predictability Roadmap under development by the Standards Subcommittee. Significant time will be devoted to discussion and formulation of two new complex long-

term project topics—an environmental scan of terminology & vocabulary development, maintenance and dissemination processes on the first day; on the second day, building on past work, exploration of a range of challenges beyond HIPAA and the range of policy options that may be available to the Department related to privacy, security and access measures to protect individually identifiable health information in an environment of electronic networking and multiple uses of data. In addition, the Committee will continue to focus on planning efforts and follow-up items on actions from the previous day.

The times and topics are subject to change. Please refer to the posted agenda for any updates.

Contact Person for More Information: Substantive program information may be obtained from Rebecca Hines, MHS, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Hyattsville, Maryland 20782, telephone (301) 458-4715. Summaries of meetings and a roster of Committee members are available on the home page of the NCVHS Web site: <http://www.ncvhs.hhs.gov/>, where further information including an agenda and instructions to access the audio broadcast of the meetings will also be posted. Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on (770) 488-3210 as soon as possible.

Dated: May 9, 2017.

Laina Bush,

Deputy Assistant Secretary for Planning and Evaluation, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 2017-09982 Filed 5-16-17; 8:45 am]

BILLING CODE 4151-05-P

¹ We have also determined that the previous CALCIJEX formulation originally approved on September 25, 1986, and superseded by the currently approved formulation was not withdrawn for reasons of safety or effectiveness.

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 a meeting of the Board of Scientific Counselors for Clinical Sciences and Epidemiology, National Cancer Institute.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors for Clinical Sciences and Epidemiology, National Cancer Institute.

Date: July 11, 2017.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, 31 Center Drive, Building 31, C-Wing, 6th Floor, Conference Room 6, Bethesda, MD 20892.

Contact Person: Brian E. Wojcik, Ph.D., Senior Review Administrator, Institute Review Office, Office of the Director, National Cancer Institute, National Institutes of Health, 9609 Medical Center Drive, Room 3W414, Bethesda, MD 20892, 240-276-5664, wojcikb@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: May 11, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-09912 Filed 5-16-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Center for Advancing Translational Sciences; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis; Panel Contract Review.

Date: June 15, 2017.

Time: 2:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Room 1073, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: M. Lourdes Ponce, Scientific Review Officer, Office of Scientific Review, National Center For Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1073, Bethesda, MD 20892, 301-435-0810, lourdes.ponce@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: May 11, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-09910 Filed 5-16-17; 8:45 am]

BILLING CODE 4140-01-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 and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Research Centers for Cancer Systems Biology Consortium (CSBC Research Centers).

Date: June 22-23, 2017.

Time: 8:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Delia Tang, MD, Scientific Review Officer, Resources and Training 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.

Name of Committee: National Cancer Institute Special Emphasis Panel; Research Centers for Cancer Systems Biology Consortium (CSBC Research Centers).

Date: June 22-23, 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: Adriana Stoica, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W234, Bethesda, MD 20892-9750, 240-276-6368, stoicaa2@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Clinical and Translational R21 & Omnibus R03: SEP-3.

Date: June 26-27, 2017.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Saejeong J Kim, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W640, Bethesda, MD 20892-9750, 240-276-7684, saejeong.kim@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI U01 Small Cell Lung Cancer Consortium.

Date: July 11, 2017.

Time: 12:30 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W238, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Byeong-Chel Lee, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W238, Bethesda, MD 20892-9750, 240-276-7755, byeong-chel.lee@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: May 11, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-09911 Filed 5-16-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651-0090]

Agency Information Collection Activities: Commercial Invoice

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection 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. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than June 16, 2017 to be assured of consideration).

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-5806.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (82 FR 10495) on February 13, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Commercial Invoice.

OMB Number: 1651-0090.

Form Number: None.

Current Actions: This submission is being made to extend the expiration

date with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: The collection of the commercial invoice is necessary for conducting adequate examination of merchandise and determination of the duties due on imported merchandise as required by 19 CFR 141.81, 141.82, 141.83, 141.84, 141.85, 141.86, 141.87, 141.88, 141.89, 141.90, 141.91, 141.92 and by 19 U.S.C. 1481 and 1484. A commercial invoice is presented to CBP by the importer for each shipment of merchandise at the time the entry summary is filed, subject to the conditions set forth in the CBP regulations. The information is used to ascertain the proper tariff classification and valuation of imported merchandise, as required by the Tariff Act of 1930. To facilitate trade, CBP did not develop a specific form for this information collection. Importers are allowed to use their existing invoices to comply with these regulations.

Estimated Number of Respondents: 38,500.

Estimated Number of Annual Responses per Respondent: 1208.

Estimated Number of Total Annual Responses: 46,500,000.

Estimated time per Response: 1 minute.

Estimated Total Annual Burden Hours: 744,000.

Dated: May 12, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017-09963 Filed 5-16-17; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS-2017-0016]

Committee Name: Homeland Security Academic Advisory Council

AGENCY: Department of Homeland Security.

ACTION: Committee Management; Notice of Federal Advisory Committee meeting.

SUMMARY: The Homeland Security Academic Advisory Council will meet on June 5, 2017 in Washington, DC to review and discuss draft recommendations for the Department of Homeland Security. The meeting will be open to the public.

DATES: The Homeland Security Academic Advisory Council will meet on Monday, June 5, 2017, from 10:00

a.m. to 3:15 p.m. Please note that the meeting may close early if the Council has completed its business.

ADDRESSES: The meeting will be held at the Woodrow Wilson International Center (Wilson Center) for Scholars, 1300 Pennsylvania Ave NW., 6th Floor, Moynihan Board Room, Washington, DC 20004. All visitors to the Wilson Center must bring a Government-issued photo ID.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, send an email to AcademicEngagement@hq.dhs.gov or contact Lindsay Burton at 202-447-4686 as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Council prior to the adoption of the recommendations as listed in the **SUPPLEMENTARY INFORMATION** section below. Comments must be submitted in writing no later than Monday, May 29, 2017, must include DHS-2017-0016 as the identification number, and may be submitted using *one* of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **Email:** AcademicEngagement@hq.dhs.gov. Include the docket number in the subject line of the message.
- **Fax:** 202-282-1044. Include "ATTN: Office of Academic Engagement" on the cover page of the document.
- **Mail:** Academic Engagement; Office of Academic Engagement/Mailstop 0385; Department of Homeland Security; 245 Murray Lane SW.; Washington, DC 20528-0440.

Instructions: All submissions received must include the words "Department of Homeland Security" and the docket number DHS-2017-0016 for this action. Comments received will be posted without alteration at <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket, to read background documents or comments received by the Homeland Security Academic Advisory Council, go to <http://www.regulations.gov> and search for "Homeland Security Academic Advisory Council" then select the notice dated May 17, 2017.

One thirty-minute public comment period will be held during the meeting on June 5, 2017 after the conclusion of the presentation of draft recommendations, but before the Council deliberates. Speakers will be requested to limit their comments to

three minutes. Contact the Office of Academic Engagement as indicated below to register as a speaker.

FOR FURTHER INFORMATION CONTACT: Lindsay Burton, Office of Academic Engagement/Mailstop 0385; Department of Homeland Security; 245 Murray Lane SW.; Washington, DC 20528-0440, email: AcademicEngagement@hq.dhs.gov, tel: 202-447-4686 and fax: 202-282-1044.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the *Federal Advisory Committee Act*, 5 U.S.C. appendix. The Homeland Security Academic Advisory Council provides advice and recommendations to the Secretary and senior leadership on matters relating to academic research and faculty exchange; campus resilience; countering violent extremism; cybersecurity; homeland security academic programs; international students; and student and recent graduate recruitment.

Agenda: The Council's Academic Subcommittee on Countering Violent Extremism will provide a report and may present draft recommendations for action in response to the taskings issued by the Department. DHS senior leadership will provide an update on the Department's priorities as well as its recent initiatives with the academic community. The meeting materials will be posted to the Council Web site at: <http://www.dhs.gov/homeland-security-academic-advisory-council-hsaac> on or before Friday, June 1, 2017.

Responsible DHS Official: Trent Frazier, AcademicEngagement@hq.dhs.gov, 202-447-4686.

Dated: May 10, 2017.

Trent Frazier,

Executive Director for Academic Engagement.

[FR Doc. 2017-09962 Filed 5-16-17; 8:45 am]

BILLING CODE 9110-9B-P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS-2017-0011]

Agency Information Collection Activities: Proposed Collection; Comment Request; Department of Homeland Security National Protection and Programs Directorate Visitor Request Form

AGENCY: Office of Compliance and Security, National Protection and Programs Directorate, DHS.

ACTION: 60-Day notice and request for comments; New Collection, 1670—NEW.

SUMMARY: The Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD), Office of Compliance and Security, 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.

DATES: Comments are encouraged and will be accepted until July 17, 2017. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: You may submit comments, identified by docket number DHS-2017-0011, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Please follow the instructions for submitting comments.
- **Email:** nppd-prac@HQ.DHS.GOV. Please include docket number DHS-2017-0011 in the subject line of the message.

- **Mail:** Written comments and questions about this Information Collection Request should be forwarded to DHS/NPPD/OCISO, ATTN: 1670—NEW, 245 Murray Lane SW., Mail Stop 0380, Arlington, VA 20598-0640.

Instructions: All submissions received must include the words "Department of Homeland Security" and the docket number for this action. Comments received will be posted without alteration at <http://www.regulations.gov>, including any personal information provided.

Comments submitted in response to this notice may be made available to the public through relevant Web sites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

SUPPLEMENTARY INFORMATION: Public Law 107-296, The Homeland Security Act of 2002, Title II, recognizes DHS's role in integrating relevant critical infrastructure and cybersecurity information, analyses, and vulnerability assessments (whether such information, analyses, or assessments are provided or produced by the Department or others) in order to identify priorities for

protective and support measures by the Department, other agencies of the Federal Government, State and local government agencies and authorities, the private sector, and other entities while maintaining positive control of sensitive information regarding the national infrastructure. In support of this mission the NPPD Office of Compliance and Security must maintain a robust visitor screening capability.

The NPPD Office of Compliance and Security will collect, using an electronic form, information about each potential visitor to NPPD facilities and the nature of each visit. The Office of Compliance and Security will use collected information to make a risk-based decision to allow visitor access to NPPD facilities.

This is a new information collection. The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis: Agency: Office of Compliance and Security, NPPD, DHS.

Title: Agency Information Collection Activities: NPPD Visitor Request Form.

OMB Number: 1670—NEW.

Frequency: Annually.

Affected Public: Private and Public Sector.

Number of Respondents: 20,000.

Estimated Time per Respondent: 10 minutes.

Total Burden Hours: 3,333 hours.

Dated: May 3, 2017.

Ryan Comber,

Acting Chief Information Officer.

[FR Doc. 2017-09989 Filed 5-16-17; 8:45 am]

BILLING CODE 9110-9P-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-540-541 (Fourth Review)]

Certain Welded Stainless Steel Pipe From Korea and Taiwan; Determinations

On the basis of the record¹ developed in the subject five-year reviews, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that revocation of the antidumping duty orders on welded ASTM A-312 stainless steel pipe from Korea and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted these reviews on November 1, 2016 (81 FR 75845) and determined on February 6, 2017 that it would conduct expedited reviews (82 FR 12237, March 1, 2017).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on May 12, 2017. The views of the Commission are contained in USITC Publication 4687 (May 2017), entitled *Certain Welded Stainless Steel Pipe from Korea and Taiwan: Investigation Nos. 731-TA-540-541 (Fourth Review)*.

By order of the Commission.

Issued: May 12, 2017.

Katherine M. Hiner,
Supervisory Attorney.

[FR Doc. 2017-09996 Filed 5-16-17; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[USITC SE-17-022]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: May 24, 2017 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205-2000.

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Agendas for future meetings:* none
2. Minutes
3. Ratification List
4. Vote in Inv. No. 731-TA-1333 (Final) (Finished Carbon Steel Flanges from Spain). The Commission is currently scheduled to complete and file its determination and views of the Commission by June 7, 2017.

5. *Outstanding action jackets:* none
In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: May 15, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017-10082 Filed 5-15-17; 4:15 pm]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[USITC SE-17-023]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: May 25, 2017 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205-2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: 1. *Agendas for future meetings:* None.

2. Minutes.

3. Ratification List.

4. Vote in Inv. Nos. 701-TA-575 and 731-TA-1360-1361 (Preliminary) (Tool Chests and Cabinets from China and Vietnam). The Commission is currently scheduled to complete and file its determinations on May 26, 2017; views of the Commission are currently scheduled to be complete and filed on June 5, 2017.

5. *Outstanding action jackets:* None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: May 15, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017-10083 Filed 5-15-17; 4:15 pm]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE**Notice of Lodging of Proposed Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act**

On May 11, 2017, a proposed Settlement Agreement was lodged with the Circuit Court of Cook County, Illinois, in the case entitled *In the Matter of the Rehabilitation of Centaur Insurance Company*, No. 87 CH 8615.

The Centaur Insurance Company ("Centaur") is in rehabilitation under the jurisdiction of the Circuit Court of Cook County, Illinois County Department, Chancery Division. In that proceeding, the United States has asserted claims totaling \$10 million on behalf of the Environmental Protection Agency under an insurance policy issued by Centaur to LCP Chemicals, Inc. ("LCP") in 1982 (the "Policy"). The Policy is an Excess Umbrella Liability policy with a liability limit of \$10 million in excess of \$11 of underlying liability. The claims under the Policy are based on LCP's liability to EPA under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601, *et seq.*, at three Superfund sites: The LCP Chemicals Site in Brunswick, Georgia ("Brunswick Site"), the Hanlin-Allied-Olin Superfund Site in Moundsville, West Virginia ("Moundsville Site"), and the LCP Chemicals, Inc. Superfund Site in Linden, New Jersey ("Linden Site"). The Office of the Deputy Receiver, Illinois Department of Insurance ("Rehabilitator"), has been appointed as the rehabilitator of Centaur under the Illinois statutes governing insurance receiverships.

The Settlement Agreement will require the Rehabilitator to pay EPA \$8,750,000, to be allocated as follows: \$2,916,667 for the Brunswick Site, \$2,916,667 for the Moundsville Site, and \$2,916,666 for the Linden Site. In exchange for this payment, the United States, on behalf of EPA, promises not to file a civil action against the Rehabilitator or Centaur for all liabilities under the Policy arising under CERCLA for the Brunswick Site, the Moundsville Site, the Linden Site, or any other site. The Settlement Agreement preserves the United States' right to file (a) any claim based on any other insurance policy issued by Centaur, (b) any claim by EPA under the Policy based on statutes other than CERCLA, and (c) any claims of federal agencies other than EPA under the Policy.

The publication of this notice opens a period for public comment on the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *In the Matter of the Rehabilitation of Centaur Insurance Company*, No. 87 CH 8615 (Ill. Circuit Ct. Cook County), D.J. Ref. No. 90-11-3-10462. 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:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ-ENRD, P.O. Box 7611, Washington, D.C. 20044-7611.

During the public comment period, the Settlement 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 Settlement 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 \$1.50 (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. 2017-09984 Filed 5-16-17; 8:45 am]

BILLING CODE 4410-15-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**National Endowment for the Arts****Arts Advisory Panel Meetings**

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 11 meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference.

DATES: All meetings are Eastern time and ending times are approximate:

Musical Theater (review of applications): This meeting will be closed.

Date and time: June 22, 2017; 2:00 p.m. to 4:00 p.m.

Local Arts Agencies (review of applications): This meeting will be closed.

Date and time: June 27, 2017; 3:00 p.m. to 5:00 p.m.

Music (review of applications): This meeting will be closed.

Date and time: June 27, 2017; 12:00 p.m. to 2:00 p.m.

Music (review of applications): This meeting will be closed.

Date and time: June 27, 2017; 3:00 p.m. to 5:00 p.m.

Visual Arts (review of applications): This meeting will be closed.

Date and time: June 27, 2017; 11:30 a.m. to 1:30 p.m.

Visual Arts (review of applications): This meeting will be closed.

Date and time: June 27, 2017; 2:30 p.m. to 4:30 p.m.

Music (review of applications): This meeting will be closed.

Date and time: June 28, 2017; 1:00 p.m. to 3:00 p.m.

Visual Arts (review of applications): This meeting will be closed.

Date and time: June 28, 2017; 11:30 a.m. to 1:30 p.m.

Visual Arts (review of applications): This meeting will be closed.

Date and time: June 28, 2017; 2:30 p.m. to 4:30 p.m.

Theater (review of applications): This meeting will be closed.

Date and time: July 6, 2017; 1:00 p.m. to 3:00 p.m.

Theater (review of applications): This meeting will be closed.

Date and time: July 6, 2017; 4:00 p.m. to 6:00 p.m.

ADDRESSES: National Endowment for the Arts, Constitution Center, 400 7th St. SW., Washington, DC, 20506.

FOR FURTHER INFORMATION CONTACT:

Further information with reference to these meetings can be obtained from Ms. Sherry P. Hale, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; hales@arts.gov, or call 202/682-5696.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of July 5, 2016, these sessions will be closed to the public pursuant to

subsection (c)(6) of section 552b of title 5, United States Code.

Dated: May 12, 2017.

Sherry P. Hale,

Staff Assistant, National Endowment for the Arts.

[FR Doc. 2017-09971 Filed 5-16-17; 8:45 am]

BILLING CODE 7537-01-P

NUCLEAR REGULATORY COMMISSION

[EA-16-167; Docket Nos. 11006088 and NRC-2017-0114; License No. XMAT427]

In the Matter of Airgas Specialty Gases, Inc.; Order Approving Direct and Indirect Transfers of Control of License

AGENCY: Nuclear Regulatory Commission.

ACTION: Order; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an Order approving a request, submitted by Shipping International, Inc. (SII), working under a power of attorney signed by Airgas USA, LLC, seeking the NRC's consent to the direct and indirect transfers of control of Export License XMAT427. In addition, SII requested approval of a conforming license amendment to reflect the new name of the holder of the license from Airgas Specialty Gases, Inc., to Airgas USA, LLC.

DATES: The Order was issued on April 26, 2017.

ADDRESSES: Please refer to NRC-2017-0114 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2017-0114. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: Carol.Gallagher@nrc.gov. For questions about the Order contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System:* You may obtain publicly-available documents online in the Agencywide Documents Access and Management System (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 a document is referenced in this document.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT:

Andrea R. Jones, Office of International Programs, telephone: 301-287-9072, email: Andrea.Jones2@nrc.gov; U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated: May 8, 2017.

For the Nuclear Regulatory Commission.

David L. Skeen,

Acting Director, Office of Internal Programs.

United States of America

U.S. Nuclear Regulatory Commission

In the Matter of Airgas Specialty Gases, Inc.; EA-16-167; Docket No. 11006088; License No. XMAT427

Order Approving Direct and Indirect Transfers of Control of Export License I.

As of April 1, 2016, Airgas Specialty Gases, Inc. ("ASG"), a Texas corporation and holder of one U.S. Nuclear Regulatory Commission (NRC) export license (XMAT427), was merged into Airgas USA, LLC, a Delaware limited liability company, with Airgas USA, LLC, being the surviving entity and ASG not existing as a separate legal entity after the merger. Prior to this restructuring, both ASG and Airgas USA, LLC, were subsidiaries of Airgas, Inc. On May 23, 2016, Airgas, Inc. was acquired by L'Air Liquide, S.A. ("Air Liquide"), a public company in France. American Air Liquide Holdings, Inc. and Air Liquide International S.A., which were subsidiaries of Air Liquide before the May 23, 2016, acquisition, continued to exist. Following the May 23, 2016, acquisition, Airgas USA, LLC, remained a wholly-owned subsidiary of Airgas, Inc., but Airgas, Inc. became a wholly-owned subsidiary of American Air Liquide Holdings, Inc. American Air Liquide Holdings, Inc. is owned by American Air Liquide, Inc. (97.33033% ownership) and Carba Holdings, AG (2.66967% ownership), both of which are owned by Air Liquide International

S.A. Air Liquide International S.A. is a direct subsidiary of Air Liquide (the ultimate parent company).

II.

On December 5, 2016, after a review of records associated with ASG's indirect and direct transfers of control and records associated with the export of nuclear material to China on May 9, 2016, the NRC issued a Notice of Violation (NOV) to ASG (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16245A279). The NRC determined that three violations of NRC requirements occurred. The violations involved: (1) The direct transfer of control of XMAT427 without Commission approval as required by Title 10 of the *Code of Federal Regulations* (10 CFR), Section 110.50(d), and Section 184 of the Atomic Energy Act (AEA) of 1954, as amended (42 U.S.C. 2234); (2) the indirect transfer of control of XMAT427 without written Commission consent as required by Section 184 of the AEA; and (3) the export of nuclear material without obtaining a specific license as required by 10 CFR 110.5. Specifically, 10 CFR 110.50(d) states that a "specific license may be transferred, disposed of or assigned to another person only with the approval of the Commission by license amendment." Section 184 of the AEA states, in part, that no NRC license shall be transferred, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of this Act, and shall give its consent in writing. And 10 CFR 110.5 states, in part, that no person may export any nuclear material listed in 10 CFR 110.9 unless authorized by a general or specific license issued under 10 CFR part 110. Because ASG did not receive Commission approval, the NRC did not have the opportunity to review the planned transfers of control to ensure that the transferee possessed the appropriate authority over the license being directly or indirectly acquired and controlled. The violations associated with the indirect and direct transfers of control of XMAT427, without Commission approval, were categorized collectively, in accordance with the NRC Enforcement Policy, as a Severity Level IV problem because of the low radiological or programmatic significance associated with the particular circumstances of the case. Because the activities conducted under XMAT427 do not involve the actual storage of licensed material, the NRC

determined that little or no radiological or programmatic safety significance resulted from these violations.

III.

On January 3, 2017, Shipping International, Inc. (SII), working under a power of attorney signed by Airgas USA, LLC, responded to the NOV, and included (1) the reason for the violation; (2) the corrective actions taken; and (3) the date when full compliance will be achieved (ADAMS Accession No. ML17006A026). The corrective actions included:

1. No exports under XMAT427, until written approval has been received from the Commission.

2. Submission of a new application requesting approval for the transfers of control and an amendment to reflect the new name of the licensee, from ASG to Airgas USA, LLC.

On January 26, 2017, the NRC responded to SII's January 3, 2017, response to the NOV and concluded that the completed and proposed actions met the requirements of 10 CFR 2.201 (ADAMS Accession No. ML17019A026).

IV.

By letter dated January 31, 2017, (ADAMS Accession Nos. ML17034A058 and ML17034A075), as supplemented by information provided via electronic communication, draft application, and the attachment dated January 4, 2017 (ADAMS Accession No. ML17059D006); electronic communication and the attachment dated December 12, 2016 (ADAMS Accession No. ML17059D011); electronic communication and the attachments dated November 30, 2016 (ADAMS Accession Nos. ML17111A620, ML17033A277, and ML17033A281); electronic communication, draft application, and the attachment dated September 6, 2016 (ADAMS Accession No. ML17059D013); electronic communication and the attachment dated August 26, 2016 (ADAMS Accession No. ML17059D012); and electronic communication and draft application dated July 29, 2016 (ADAMS Accession No. ML17081A278), SII requested approval of the indirect and direct transfers of control of XMAT427. In addition, SII requested approval of a conforming amendment to reflect the new name of the licensee, from ASG to Airgas USA, LLC. SII's request for the NRC's consent to the transfers of control was submitted pursuant to Section 184 of the AEA and 10 CFR 110.50(d).

The letter from SII requesting NRC approval of the transfers and an amendment to export license XMAT427 was made publicly available on the

NRC's public Web site on February 3, 2017. No requests for a hearing or comments were received.

As previously stated, pursuant to Section 184 of the AEA, no license granted under 10 CFR part 110 shall be transferred, assigned, or in any manner disposed of, directly or indirectly, through transfer of control of any license to any person unless the Commission, after securing full information, finds that the transfer is in accordance with the provisions of the AEA, and gives its consent in writing. Pursuant to 10 CFR 110.50(d), a specific license may be transferred, disposed of, or assigned to another person only with the approval of the Commission by license amendment. Pursuant to 10 CFR 110.51(a)(1), an application requesting amendment of a specific license shall be filed on NRC Form 7, "Application for NRC Export or Import License, Amendment, Renewal, or Consent Request(s)," in accordance with 10 CFR 110.31 and 110.32, and must specify the grounds for the requested amendment.

The Commission will approve an application for direct and indirect transfers of control of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfers are otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto. SII, acting on behalf of Airgas USA, LLC, has represented that with respect to XMAT427, (1) there will be no change in personnel, facilities, equipment, or procedures; (2) all records will be kept in the same facilities; and (3) the transferee will abide by all constraints, conditions, and requirements of the licensed program and will abide by the regulations in 10 CFR 110.53. After review of the information in SII's request dated January 31, 2017, and relying on SII's statements and representations contained in its electronic communications and supplemental information, the NRC staff has determined that the proposed transferee is qualified to hold the license and that the direct and indirect transfers of control are consistent with the applicable provisions of the AEA, regulations, and orders issued by the Commission. The NRC staff has further determined that the request for the proposed conforming license amendment complies with the standards and requirements of the AEA, and the NRC's regulations set forth in 10 CFR part 110. The transfers of control of the license and issuance of the conforming license amendment will not be inimical to the common defense and

security, or to the health and safety of the public, and all applicable requirements have been satisfied.

V.

Accordingly, pursuant to Section 184 of the AEA and 10 CFR 110.50(d), *it is hereby ordered* that SII's application regarding the transfers of control of the license, as described herein, be approved.

It is further ordered that the conforming license amendment regarding the license transfer shall be issued.

This Order is effective upon issuance.

For further details with respect to this Order, see the application dated January 31, 2017 (which can be found using ADAMS Accession Numbers ML17034A058 and ML17034A075) and SII's supplemental communications dated January 4, 2017, December 12, 2016, November 30, 2016, September 6, 2016, August 26, 2016, and July 29, 2016. These documents are available for public inspection at the Commission Public Document Room (PDR), located at One White Flint North, Room O1-F21, 11555 Rockville Pike (first floor), Rockville, MD 20852, and available online in the ADAMS Public Documents collection 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@nrc.gov.

Dated at Rockville, Maryland, this 26th day of April 2017.

For the Nuclear Regulatory Commission.

Nader L. Mamish,

Director, Office of International Programs.

[FR Doc. 2017-09985 Filed 5-16-17; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2017-0115]

Fiscal Year 2016 Report to Congress on Abnormal Occurrences

AGENCY: Nuclear Regulatory Commission.

ACTION: NUREG; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing NUREG-0090, Volume 39, "Report to Congress on Abnormal Occurrences: Fiscal Year 2016." The report describes those events that the NRC or an Agreement State identified as abnormal occurrences (AOs) during fiscal year (FY) 2016,

based on the criteria defined in the report. The report describes eight events at Agreement State-licensed facilities and three events at an NRC-licensed facilities.

DATES: NUREG-0090, Volume 39, is available May 17, 2017.

ADDRESSES: Please refer to Docket ID NRC-2017-0115 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2017-0115. 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.

- *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: Vered Shaffer, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 1-630-829-9862, email: Vered.Shaffer@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Discussion

Section 208 of the Energy Reorganization Act of 1974, as amended (Public Law 93-438), defines an "abnormal occurrence" as an unscheduled incident or event that the NRC determines to be significant from the standpoint of public health or safety. The AO report (ADAMS Accession No. ML17125A084) describes those events that the NRC identified as AOs during FY 2016, based on the criteria defined in Appendix A of the report.

The report describes eight events at Agreement State-licensed facilities and three events at an NRC-licensed facilities. One Agreement State licensee event involved radiation exposure to an embryo/fetus, and one involved radiography operations. One event reported by an NRC licensee occurred at a fuel cycle facility. The remaining two reported NRC-licensed events and the six reported Agreement State licensee events occurred at medical facilities and are "medical events" as defined in part 35 of title 10 of the *Code of Federal Regulations*.

Agreement States are the 37 States that currently have entered into formal agreements with the NRC pursuant to Section 274 of the Atomic Energy Act of 1954, as amended (AEA) (Pub. L. 83-703), to regulate certain quantities of AEA-licensed material at facilities located within their borders.

The Federal Reports Elimination and Sunset Act of 1995 (Pub. L. 104-68) requires that the NRC report AOs to Congress annually. The full report, NUREG-0090, Volume 39, "Report to Congress on Abnormal Occurrences: Fiscal Year 2016," is also available electronically on the NRC's Web site at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/>.

Dated at Rockville, Maryland, this 11th day of May, 2017.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2017-09921 Filed 5-16-17; 8:45 am]

BILLING CODE 7590-01-P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Federal Employees Health Benefits (FEHB) Open Season Express Interactive Voice Response (IVR) System and Open Season Web Site

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an extension without change of a currently approved information collection (ICR), Federal Employees Health Benefits (FEHB) Open Season Express Interactive Voice Response (IVR) System and the Open Season Web site, Open Season Online.

DATES: Comments are encouraged and will be accepted until July 17, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Retirement Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Alberta Butler, Room 2347-E, or sent via electronic mail to Alberta.Butler@opm.gov.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316-L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to Cyrus.Benson@opm.gov or faxed to (202) 606-0910.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104-106), OPM is soliciting comments for this collection (OMB No. 3206-0201). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Federal Employees Health Benefits (FEHB) Open Season Express Interactive Voice Response (IVR) System, and the Open Season Web site, Open Season Online, are used by retirees and survivors. They collect information for changing FEHB enrollments, collecting dependent and other insurance information for self and family enrollments, requesting plan brochures, requesting a change of address, requesting cancellation or suspension of FEHB benefits, asking to make payment to the Office of Personnel Management when the FEHB payment is greater than the monthly annuity amount, or for requesting FEHB plan accreditation and

Customer Satisfaction Survey information.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Federal Employees Health Benefits (FEHB) Open Season Express Interactive Voice Response (IVR) System and Open Season Online.

OMB Number: 3206–0201.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 350,100.

Estimated Time per Respondent: 10 minutes.

Total Burden Hours: 58,350.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–09976 Filed 5–16–17; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Revision of an Existing Information Collection, USAJOBS®

AGENCY: U.S. Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR) USAJOBS.

DATES: Comments are encouraged and will be accepted until June 16, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the U.S. Office of Personnel Management, Chief Information Officer, Employee Services IT PMO, USAJOBS, 1900 E. Street NW., Washington, DC 20415, Attention: John Still or send them via electronic mail to john.still@opm.gov.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the U.S. Office of Personnel Management, Chief Information Officer, Employee Services IT PMO, USAJOBS, 1900 E. Street NW., Washington, DC 20415, Attention: John Still, or by sending a request via electronic mail to john.still@opm.gov.

SUPPLEMENTARY INFORMATION: USAJOBS is the Federal Government's centralized

source for most Federal jobs and employment information, including both positions that are required by law to be posted at that location and positions that can be posted there at an agency's discretion. The Applicant Profile and Resume Builder are two components of the USAJOBS application system. USAJOBS reflects the minimal critical elements collected across the Federal Government to begin an application for Federal jobs under the authority of sections 1104, 1302, 3301, 3304, 3320, 3361, 3393, and 3394 of title 5, United States Code. As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0219) was previously published in the **Federal Register** on January 24, 2017 at 82 FR 8228 allowing for a 60-day public comment period. No comments were received for this information collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Office of Personnel Management.

Title: USAJOBS.

OMB Number: 3206–0219.

Frequency: Annually.

Affected Public: Individuals.

Number of Respondents: 4,196,336.

Estimated Time per Respondent: 43 Minutes.

Total Burden Hours: 3,007,374.

U.S. Office of Personnel Management.

Kathleen McGettigan,

Acting Director.

[FR Doc. 2017–09977 Filed 5–16–17; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2017–186]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 19, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction.
- II. Docketed Proceeding(s).

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s)*: CP2017-186; *Filing Title*: Notice of United States Postal Service of Filing a Functionally Equivalent Global Reseller Expedited Package 2 Negotiated Service Agreement; *Filing Acceptance Date*: May 11, 2017; *Filing Authority*: 39 CFR 3015.5; *Public Representative*: Kenneth R. Moeller; *Comments Due*: May 19, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,
Secretary.

[FR Doc. 2017-09966 Filed 5-16-17; 8:45 am]

BILLING CODE 7710-FW-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80664; File No. SR-BatsBZX-2017-07]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the VanEck Vectors AMT-Free National Municipal Index ETF of VanEck Vectors ETF Trust Under BZX Rule 14.11(c)(4)

May 11, 2017.

I. Introduction

On January 27, 2017, Bats BZX Exchange, Inc. ("Exchange" or "BZX") filed with the Securities and Exchange

Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares ("Shares") of the VanEck Vectors AMT-Free National Municipal Index ETF ("Fund") under BZX Rule 14.11(c)(4). The proposed rule change was published for comment in the **Federal Register** on February 14, 2017.³ On March 10, 2017, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposed rule change as originally filed.⁴ On March 30, 2017, pursuant to Section 19(b)(2) of the Act,⁵ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁶ The Commission has received no comment letters on the proposed rule change. This order institutes proceedings under Section 19(b)(2)(B) of the Act⁷ to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

II. Exchange's Description of the Proposed Rule Change, as Modified by Amendment No. 1

The Exchange proposes to list and trade Shares of the Fund under BZX Rule 14.11(c)(4), which governs the listing and trading of index fund shares based on fixed income securities indexes. The Shares will be offered by the VanEck Vectors ETF Trust ("Trust").⁸ Van Eck Associates

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 79989 (February 8, 2017), 82 FR 10615.

⁴ In Amendment No. 1, the Exchange: (1) Clarified its description of the two benchmark indexes that the Index (as defined below) tracks; (2) clarified its description of the Fund's investments; (3) made additional representations regarding the applicability of Exchange rules and other requirements; (4) clarified its description of the calculation of the net asset value of the Fund; (5) stated the cutoff time for orders to create Creation Units; (6) represented that FINRA, on behalf of the Exchange, may obtain certain information for surveillance; and (7) made technical changes. Amendment No. 1 to the proposed rule change is available at: <https://www.sec.gov/comments/sr-batsbzx-2017-07/batsbzx201707-1667531-148997.pdf>.

⁵ 15 U.S.C. 78s(b)(2).

⁶ See Securities Exchange Act Release No. 80350, 82 FR 16647 (April 5, 2017). The Commission designated May 15, 2017 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁷ 15 U.S.C. 78s(b)(2)(B).

⁸ The Exchange states that the Trust is registered with the Commission as an open-end investment company. See Registration Statement on Form N-

Corporation will be the investment adviser ("Adviser") to the Fund. The Adviser will serve as the administrator for the Fund. The Bank of New York Mellon will serve as the custodian and transfer agent for the Fund. Van Eck Securities Corporation will be the distributor of the Shares. Bloomberg Finance L.P. and its affiliates will be the index provider.

The Exchange has made the following representations and statements in describing the Fund and its investment strategy, including the Fund's portfolio holdings and investment restrictions.⁹

A. Exchange's Description of the Fund's Principal Investments

According to the Exchange, the Fund will seek to replicate as closely as possible, before fees and expenses, the price and yield performance of the Bloomberg Barclays AMT-Free National Municipal Index ("Index").¹⁰ The Index tracks the municipal bond market by tracking two total return, market-size-weighted benchmark indexes with target weights as follows:

- A 75% weight in the Muni Investment-Grade Rated/\$75 Million Deal Size Index in order to gain exposure to investment grade municipal bonds (*i.e.*, rated Baa3/BBB – or higher). To be included in the Muni Investment-Grade Rated/\$75 Million Deal Size Index, a bond must be rated Baa3/BBB – or higher by at least two of the following rating agencies if all three agencies rate the bond: Moody's Investors Service ("Moody's"), Standard & Poor's Ratings Services ("S&P") and Fitch Ratings, Inc. ("Fitch"). If only two of the three agencies rate the bond, the lower rating is used to determine index eligibility. If only one of the three agencies rates the bond, the rating must be Baa3/BBB – or higher. Bonds in the Muni Investment-Grade Rated/\$75 Million Deal Size Index must have an outstanding par value of at least \$7 million and be

1A for the Trust, dated October 31, 2016 (File Nos. 333-123257 and 811-10325) ("Registration Statement"). The Exchange further states that the Commission has issued an order granting certain exemptive relief to the Trust under the Investment Company Act of 1940 ("1940 Act"). See Investment Company Act Release No. 28021 (October 24, 2007) (File No. 812-13426).

⁹ The Commission notes that additional information regarding the Fund, the Index (as defined below), the Trust, and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings, disclosure policies, calculation of net asset value, distributions, and taxes, among other things, can be found in Amendment No. 1 and the Registration Statement, as applicable. See *supra* notes 4 and 8, respectively.

¹⁰ The Exchange states that, unless otherwise noted, all statistics related to the Index presented in the proposal were accurate as of November 30, 2016.

issued as part of a transaction of at least \$75 million.

- A 25% weight in the Muni High Yield/\$20 Million Deal Size Index in order to gain exposure to non-investment grade municipal bonds (*i.e.*, unrated or rated Ba1/BB+ or lower). To be included in the Muni High Yield/\$20 Million Deal Size Index, a bond must be unrated or rated Ba1/BB+ or lower by at least two of the following rating agencies if all three agencies rate the bond: Moody's, S&P, and Fitch. If only two of the three agencies rate the bond, the lower rating is used to determine index eligibility. If only one of the three agencies rates the bond, the rating must be Ba1/BB+ or lower. Bonds in the Muni High Yield/\$20 Million Deal Size Index must have an outstanding par value of at least \$3 million and be issued as part of a transaction of at least \$20 million.

All bonds included in the Index must have a fixed rate, a dated date (*i.e.*, the date when interest begins to accrue) after December 31, 1990, and a nominal maturity of 1 to 30 years. Bonds subject to the alternative minimum tax, taxable municipal bonds, bonds with floating rates, derivatives and municipal bonds of issuers from the territories of the United States (*e.g.*, Puerto Rico) are excluded from the Index. The composition of the Index is rebalanced monthly. Interest and principal payments earned by the component securities are held in the Index without a reinvestment return until month end when they are removed from the Index. Qualifying securities issued, but not necessarily settled, on or before the month end rebalancing date qualify for inclusion in the Index in the following month.

According to the Exchange, the Fund normally invests at least 80% of its total assets in securities that comprise the Fund's benchmark index. The Index is comprised of publicly traded municipal bonds that cover the U.S. dollar-denominated investment grade and high yield tax-exempt bond market. The Fund's 80% investment policy is non-fundamental and may be changed without shareholder approval upon 60 days' prior written notice to shareholders.¹¹ The Fund also has

¹¹ The Exchange states that the Fund's policy to invest 80% of its total assets in securities that comprise the Fund's benchmark index ("80% Investment Policy") is non-fundamental and may be changed without shareholder approval upon 60 days' prior written notice to shareholders. The Exchange notes that, notwithstanding the foregoing, all statements and representations made in the filing regarding (a) the description of the portfolio, (b) limitations on portfolio holdings or reference assets (including, for example, the Fund's 80% Investment Policy), or (c) the applicability of Exchange rules and surveillance procedures shall

adopted a fundamental investment policy to invest at least 80% of its assets in municipal securities.¹² When issued transactions ("WIs") representing securities eligible for inclusion in the Index may be used by the Fund in seeking performance that corresponds to the Index and in such cases would count towards the Fund's 80% Investment Policy.

B. Exchange's Description of the Fund's Other Investments

While the Fund normally will invest at least 80% of its total assets in securities that compose the Index, as described above, the Fund may invest its remaining assets in the other financial instruments described below.

The Fund may invest its remaining assets in the following instruments: Municipal bonds not included in the Index; money market instruments, including repurchase agreements or other funds which invest exclusively in money market instruments; convertible securities; structured notes; certain derivative instruments described below; and, to the extent permitted by the 1940 Act, affiliated and unaffiliated funds, such as open-end or closed-end management investment companies, including other exchange-traded funds ("ETFs").¹³ WIs not included in the Index may also be used by the Fund in managing cash flows. The Fund may use exchange-traded futures contracts and exchange-traded options thereon, together with positions in cash and money market instruments, to simulate full investment in the Index. The Fund may use cleared or non-cleared index,

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 Fund to comply with the continued listing requirements (or any changes made with respect to the Fund's 80% Investment Policy), and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12.

¹² The Fund's policy to invest 80% of its assets in municipal securities is a fundamental investment policy that cannot be changed without the approval of the holders of a majority of the Fund's outstanding voting securities.

¹³ For purposes of this filing, ETFs include Index Fund Shares (as described in Rule 14.11(c)); Portfolio Depositary Receipts (as described in Rule 14.11(b)); and Managed Fund Shares (as described in Rule 14.11(i)). All ETFs will be listed and traded in the U.S. on registered exchanges. The Fund may invest in the securities of ETFs registered under the 1940 Act consistent with the requirements of Section 12(d)(1) of the 1940 Act, or any rule, regulation or order of the Commission or interpretation thereof. While the Fund may invest in inverse ETFs, the Fund will not invest in leveraged or inverse leveraged (*e.g.*, 2X, -2X, 3X or -3X) ETFs.

interest rate or credit default swap agreements. The Fund may invest in exchange-traded warrants. The Fund may invest in participation notes.

C. Exchange's Description of the Index

The Exchange is submitting this proposed rule change because the Index for the Fund does not meet all of the generic listing requirements of BZX Rule 14.11(c)(4) applicable to index fund shares based on fixed income securities indexes. The Exchange states that the Index meets all such requirements except for those set forth in BZX Rule 14.11(c)(4)(B)(i)(b).¹⁴ BZX Rule 14.11(c)(4)(B)(i)(b) provides that components that in the aggregate account for at least 75% of the weight of the index or portfolio each shall have a minimum original principal amount outstanding of \$100 million or more. As of November 30, 2016, 25.04% of the weight of the Index components have a minimum original principal amount outstanding of \$100 million or more.

According to the Exchange, as of November 30, 2016, there were 50,615 issues in the Index, and 86.49% of the weight of the Index components was comprised of individual maturities that were part of an entire municipal bond offering with a minimum original principal amount outstanding \$100 million or more for all maturities of the offering. In addition, the total dollar amount outstanding of issues in the Index was approximately \$1.5 trillion and the average dollar amount outstanding of issues in the Index was approximately \$30.4 million. Further, the most heavily weighted component represented 1.57% of the weight of the Index and the five most heavily weighted components represented 3.93% of the weight of the Index. Finally, 63.8% of the Index weight consisted of issues with a rating of AA/Aa2 or higher.

III. Proceedings To Determine Whether To Approve or Disapprove SR-BatsBZX-2017-07, as Modified by Amendment No. 1, and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act¹⁵ to determine whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved. Institution

¹⁴ The Exchange states that, except for BZX Rule 14.11(c)(4)(B)(i)(b), the Index currently satisfies and will continue to satisfy all of the generic listing standards under BZX Rule 14.11(c)(4). The Exchange also states that the continued listing standards under BZX Rule 14.11(c) applicable to index fund shares shall apply to the Shares.

¹⁵ 15 U.S.C. 78s(b)(2)(B).

of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change, as modified by Amendment No. 1.

Pursuant to Section 19(b)(2)(B) of the Act,¹⁶ the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposal's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be "designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade," and "to protect investors and the public interest."¹⁷ As noted above, the Exchange is submitting this proposed rule change because the Index for the Fund does not meet the requirements set forth in BZX Rule 14.11(c)(4)(B)(i)(b). In the proposal, the Exchange described certain characteristics of the Index as of November 30, 2016,¹⁸ and stated its belief that the Index is sufficiently broad-based to deter potential manipulation and that the Index securities are sufficiently liquid to deter potential manipulation. However, the Commission notes that the Exchange did not provide, for the continued listing of the Shares, parameters around the extent to which the Index may change from those characteristics. The Commission seeks commenters' views on whether the Exchange's statements and representations support a determination that the listing and trading of the Shares would be consistent with Section 6(b)(5) of the Act, which, among other things, requires that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues

identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b-4, any request for an opportunity to make an oral presentation.¹⁹

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by June 7, 2017. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by June 21, 2017. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in Amendment No. 1,²⁰ in addition to any other comments they may wish to submit about the proposed rule change.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-BatsBZX-2017-07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-BatsBZX-2017-07. 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

¹⁹ Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94-29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

²⁰ See *supra* note 4.

amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BatsBZX-2017-07 and should be submitted on or before June 7, 2017. Rebuttal comments should be submitted by June 21, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²¹

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-09932 Filed 5-16-17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80661; File No. SR-BOX-2017-14]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Qualified Contingent Cross Orders

May 11, 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 May 9, 2017, BOX Options Exchange LLC (the "Exchange") 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 self-regulatory organization. The Commission is publishing this notice to solicit

²¹ 17 CFR 200.30-3(a)(57).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁶ *Id.*

¹⁷ 15 U.S.C. 78f(b)(5).

¹⁸ See *supra* Section II.C.

comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt Qualified Contingent Cross Orders. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at <http://boxexchange.com>.

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 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is filing this proposal to adopt Qualified Contingent Cross Orders ("QCC Orders"), as described below.

Background

The purpose of this filing is to adopt rules related to QCC Orders. The proposed rule change is based on the rules of other options exchanges, including an International Securities Exchange ("ISE") proposal that was previously approved by the Securities and Exchange Commission ("Commission").³

The Exchange is currently a party to the Options Order Protection and Locked/Crossed Market Plan ("Linkage Plan"), and has implemented Exchange rules in conjunction with that plan, which are set forth in Rule 15000 of the Exchange's Rules (the "Linkage Rules"). Similar to Regulation NMS under the Act, the Linkage Plan requires, among other things, that the Exchange establish, maintain and enforce written

policies and procedures that are reasonably designed to prevent "Trade-Throughs."⁴ A Trade-Through is a transaction in an options series at a price that is inferior to the best price available in the market.⁵ The Linkage Plan replaced the Plan for the Purpose of Creating and Operating an Intermarket Option Linkage ("Old Linkage Plan"). The Old Linkage Plan provided a limited Trade-Through exemption for "Block Trades," defined to be trades of 500 or more contracts with a premium value of at least \$150,000.⁶ However, as with Regulation NMS, the Linkage Plan does not provide a Block Trade exemption. Since its original adoption by the ISE in 2011, QCC has been offered by multiple options exchanges as a limited substitute for the Block Trade exemption.⁷

Proposal Regarding Qualified Contingent Cross Orders

The purpose of the proposed change is to provide market participants with the ability to submit to the Exchange Qualified Contingent Cross Orders, an order type offered by multiple other options exchanges.⁸ The proposed operation of Qualified Contingent Cross Orders on the Exchange is substantially similar in all material respects to the operation of such orders on such other exchanges.

The Exchange proposes to adopt Rule paragraph (c)(6) to Rule 7110 to govern the operation of Qualified Contingent Cross Orders. As proposed, a Qualified Contingent Cross Order would be an originating order to buy or sell at least 1,000 standard option contracts, or 10,000 mini-option contracts, that is identified as being part of a qualified contingent trade (as that term is proposed to be defined in IM-7110-2), coupled with a contra-side order or orders totaling an equal number of contracts. As proposed under IM-7110-2, a "qualified contingent trade" is a transaction consisting of two or more component orders, executed as agent or principal, where: (1) At least one component is an NMS stock, as defined in Rule 600 of Regulation NMS under the Act; (2) all components are effected with a product or price contingency that either has been agreed to by all the

respective counterparties or arranged for by a broker-dealer as principal or agent; (3) the execution of one component is contingent upon the execution of all other components at or near the same time; (4) the specific relationship between the component orders (*e.g.*, the spread between the prices of the component orders) is determined by the time the contingent order is placed; (5) the component orders bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or cancelled; and (6) the transaction is fully hedged (without regard to any prior existing position) as a result of other components of the contingent trade.

Additionally, as proposed, Qualified Contingent Cross Orders would be allowed to execute automatically on entry without exposure provided the execution: (i) Is not at the same price as a Public Customer⁹ Order on the BOX Book;¹⁰ and (ii) is at or between the NBBO.¹¹ As such, the Exchange also proposes to specify that a Qualified Contingent Cross Order will be rejected if there is an ongoing auction (including PIP, COPIP, Facilitation, and Solicitation auctions) or an exposed order on the option series when the Qualified Contingent Cross Order is received by the Exchange. The proposed Rule would also specify that Qualified Contingent Cross Orders will be cancelled if they cannot be executed. Also, pursuant to the proposed rule, Qualified Contingent Cross Orders may only be entered in the standard increments applicable to the options class under Rule 7050.

The Exchange will track and monitor QCC Orders to determine which is the originating side of the order and which is the contra-side(s) of the order to ensure that Participants are complying with the minimum 1,000 contract size limitation (or 10,000 mini-option contract minimum) on the originating side of the QCC Order. The Exchange will check to see if Participants are aggregating multiple orders to meet the 1,000 contract minimum on the originating side (or 10,000 mini-option contract minimum) of the trade in violation of the requirements of the rule.

⁴ See Section 5(a) of the Linkage Plan

⁵ See Section 2(21) of the Linkage Plan

⁶ See Old Linkage Plan Sections 2(3) and 8(c)(i)(C).

⁷ See ISE Rule 715(j), Supplementary Material .01 to ISE Rule 715 and ISE Rule 721(b); *see also* CBOE Rule 6.53(u); NASDAQ PHLX Rule 1080(o); NYSE Arca Rule 6.62(bb), Commentary .02 to NYSE Arca Rule 6.62 and NYSE Arca Rule 6.90.

⁸ *See supra*, note 7.

⁹ The term "Public Customer" means a person that is not a broker or dealer in securities. *See* Rule 100(a)(51).

¹⁰ The term "BOX Book" means the electronic book of orders on each single option series maintained by the BOX Trading Host. *See* Rule 100(a)(10).

¹¹ The NBBO means the national best bid or offer. *See* Rule 100(a)(33).

³ *See* Securities Exchange Act Release Nos. 63955 (February 24, 2011), 76 FR 11533 (March 2, 2011) (SR-ISE-2010-73) ("ISE Approval"); 79942 (February 2, 2017), 82 FR 9804 (February 8, 2017) (Notice of Filing and Immediate Effectiveness of SR-EDGX-2017-11).

The rule requires that the originating side of the trade consist of one party who is submitting a QCC Order for at least 1,000 contracts (or 10,000 mini-option contracts). The Exchange represents that it will enforce compliance with this portion of the rule by checking to see if a Participant breaks up the originating side of the order in a post trade allocation to different clearing firms, allocating less than 1,000 contracts (or 10,000 mini-option contracts) to a party or multiple parties. For example, a Participant enters a QCC Order into the system for 1,500 contracts and receives an execution. Subsequent to the execution, the Participant allocates the originating side of the order to two different clearing firms on a post trade allocation basis, thereby allocating 500 contracts to one clearing firm and 1,000 contracts to another clearing firm. This type of transaction would not meet the requirements of a QCC Order under the current and proposed rule.

With regard to order entry, a Participant will have to mark the originating side as the first order in the system and the contra-side(s) as the second. The Exchange will monitor order entries to ensure that Participants are properly entering QCC Orders into the system.

The Exchange anticipates implementing the proposed change during the second quarter of 2017. The Exchange will provide notice of the exact implementation date, via Circular, prior to implementing the proposed change.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Securities Exchange Act of 1934 (the "Act"),¹² in general, and Section 6(b)(5) of the Act,¹³ 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. Specifically, the proposed change is designed to offer market participants greater flexibility by allowing such market participant to submit QCC Orders to BOX in the same way they are permitted to send QCC Orders to other options exchanges,

thereby promoting just and equitable principles of trade, fostering cooperation and coordination with persons engaged in facilitating transactions in securities, removing impediments to, and perfecting the mechanism of, a free and open market and a national market system.

The proposed rules are consistent with the protection of investors in that they are designed to prevent Trade-Throughs. In addition, the proposed rule change would promote a free and open market by permitting the Exchange to compete with other options exchanges for these types of orders. In this regard, competition would result in benefits to the investing public, whereas a lack of competition would serve to limit the choices that participants have for execution of their options business. As noted above, the proposed operation of Qualified Contingent Cross Orders on the Exchange is substantially similar in all material respects to the operation of such orders on such other exchanges.¹⁴ As such, permitting the Exchange to operate on an even playing field relative to other exchanges removes impediments to and perfects the mechanism for a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change to adopt QCC Orders will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposed functionality is open to all market participants. Further, the proposed rule will allow the Exchange to compete with other options exchanges that currently offer QCC Orders, thus alleviating the burden on competition that would arise if such exchanges were permitted to continue offering such functionality and the Exchange was not. For these reasons, the Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, and believes the proposed change will enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

(a) This proposed rule change is filed pursuant to paragraph (A) of section 19(b)(3) of the Exchange Act¹⁵ and Rule 19b-4(f)(6) thereunder.¹⁶

(b) This proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.

The Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, prior to the date of filing the proposed rule change as required by Rule 19b-4(f)(6).

The Exchange believes that the proposed rule change does not significantly affect the protection of investors or the public interest and does not impose any significant burden on competition. The Exchange's proposal to accept QCC Orders is not a novel concept but rather, is based on the acceptance of such orders on multiple other options exchanges.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-BOX-2017-14 on the subject line.

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ See supra, note 7.

¹⁵ 15 U.S.C. 78s(b)(3)(A).

¹⁶ 17 CFR 240.19b-4(f)(6).

Paper Comments

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

All submissions should refer to File Number SR-BOX-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, on official business days between the hours of 10:00 a.m. and 3:00 p.m., located at 100 F Street NE., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BOX-2017-14 and should be submitted on or before June 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-09931 Filed 5-16-17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80653; File No. SR-BatsEDGA-2017-12]

Self-Regulatory Organizations; Bats EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees

May 11, 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 May 5, 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 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 Act³ 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 Members⁵ 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 to: (i) Lower the rate for fee code RT; and (ii) add the RMPT/RMPL Tier 2.

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).

Fee Code RT

The Exchange proposes to decrease the fee for orders yielding fee code RT, which is appended to orders routed using the ROUT⁶ routing strategy, from \$0.00260 to \$0.00250 per share for securities priced at or above \$1.00 per share. The Exchange does not propose to amend the rate for orders yielding fee code RT in securities priced below \$1.00 per share.

RMPT/RMPL Tier 2

The Exchange offers one tier under footnote 4, the RMPT/RMPL Tier under which a Member receives a discounted fee of \$0.0008 per share for orders yielding fee codes PT⁷ or PX⁸ where that Member adds or removes an ADV⁹ greater than or equal to 2,000,000 shares using the RMPT or RMPL¹⁰ routing strategy. The Exchange now proposes to add a new tier under footnote 4 to be known as Tier 2 under which a Member would receive a discounted fee of \$0.0006 per share for orders yielding fee codes PT or PX where that Member adds or removes an ADV greater than or equal to 4,000,000 shares using the RMPT or RMPL routing strategy.¹¹

⁶ ROUT is a routing strategy that checks the System for available shares and then are sent to destinations on the System routing table. See Exchange Rule 11.11(g)(3)(B). 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).

⁷ Fee code PT is appended to orders that remove liquidity from the Exchange using RMPT or RMPL routing strategy and is assessed a fee of \$0.0010 per share on securities priced over \$1.00, and there is no fee on securities priced below \$1.00. See the Exchange's fee schedule available at http://www.bats.com/us/equities/membership/fee_schedule/edga/.

⁸ Fee code PX is append to orders that are routed using the RMPL routing strategy to a destination not covered by Fee Code PL, or are routed using the RMPT routing strategy, and is assessed a fee of \$0.0012 per share on securities priced over \$1.00, and a fee of 30% of the total dollar value on securities priced below \$1.00. *Id.*

⁹ 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. *Id.*

¹⁰ 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. See Exchange Rule 11.11(g)(13).

¹¹ As a result of the fee schedule layout change in adding a second tier, the description of which fee codes are appended with footnote 3 will be moved above the table similar to the layout of the table in footnote 4.

¹⁷ 17 CFR 200.30-3(a)(12).

Implementation Date

The Exchange proposes to implement the above changes to its fee schedule immediately.¹²

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.

Fee Code RT

The Exchange believes that its proposal to decrease the fee for orders that yield fee code RT represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities in that it continues to be designed to cover the costs of routing incurred by the Exchange. The Exchange believes the decreased fee will attract additional liquidity to the Exchange as orders routed using the ROUT routing strategy first check the Exchange for available shares before routing and any unexecuted returned shares are posted to the Exchange. While the affected Members' orders will be charged a lower fee due to the proposal, the revenue received by the Exchange will continue to be used to fund the Exchange generally, including the cost of maintaining and improving the technology used to handle and route orders from the Exchange as well as programs that the Exchange believes help to attract additional liquidity and thus improve the depth of liquidity available on the Exchange. Furthermore, the Exchange notes that routing through the Exchange is voluntary. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

RMPT/RMPL Tier 2

The Exchange believe that the addition of the RMPL/RMPT Tier 2 is also reasonable and equitable because it is similar to the RMPL/RMPT Tier 1 and its inclusion of the RMPL and RMPT routing strategies results in the equal treatment of those orders under the Exchange's tiered pricing structure. The proposed new RMPT/RMPL Tier 2

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.

In addition, volume-based rebates such as that proposed herein have been widely adopted by exchanges and are equitable because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to: (i) the value to an exchange's market quality; (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns; and (iii) the introduction of higher volumes of orders into the price and volume discovery processes. The Exchange believes that the proposed tier is a reasonable, fair and equitable, and not an unfairly discriminatory allocation of fees and rebates, because it will provide Members with an additional incentive to reach certain thresholds on the Exchange.

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. 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.

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 Act¹⁵ and paragraph (f) of Rule 19b-4 thereunder.¹⁶ 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-2017-12 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-2017-12. 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

¹² The Exchange initially submitted the proposed fee change on May 1, 2017. (SR-BatsEDGA-2017-09). On May 5, 2017, the Exchange withdrew SR-BatsEDGA-2017-09 and submitted this filing.

¹³ 15 U.S.C. 78f.

¹⁴ 15 U.S.C. 78f(b)(4).

¹⁵ 15 U.S.C. 78s(b)(3)(A).

¹⁶ 17 CFR 240.19b-4(f).

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-2017-12, and should be submitted on or before June 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-09923 Filed 5-16-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80665; File No. SR-NYSEArca-2017-51]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending NYSE Arca Equities Schedule of Fees and Charges for Exchange Services

May 11, 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 May 1, 2017, NYSE Arca, Inc. (the “Exchange” or “NYSE Arca”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services (“Fee Schedule”) to adopt a new pricing tier, Tape C Tier 3. The Exchange proposes to implement the fee changes effective May 1, 2017. 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule, as described below, and implement the fee changes on May 1, 2017.

The Exchange proposes to introduce a new pricing tier level—Tape C Tier 3—for securities with a per share price of \$1.00 or above.

As proposed, a new Tape C Tier 3 credit of \$0.0002 per share⁴ for orders that provide liquidity in Tape C Securities would be applicable to ETP Holders and Market Makers, that, on a daily basis, measured monthly, (1) directly execute providing volume in Tape C Securities during the billing month (“Tape C Adding ADV”) that is equal to at least 0.40% of US Tape C CADV⁵ over the ETP Holder’s or Market Maker’s fourth quarter 2016 Tape C Adding ADV taken as a percentage of Tape C CADV (“Tape C Baseline % CADV”), and (2) execute providing volume in Tape B Securities during the billing month that is equal to at least 3.5% of Tape B CADV. For example, if an ETP Holder’s Tape C Baseline % CADV was 0.500%, the ETP Holder would need a Tape C Adding ADV of at least 0.900% and a Tape B Adding ADV of at least 3.5% of Tape B CADV in order to qualify for the proposed Tape

C Tier 3 credit of \$0.0002 per share (*i.e.*, 0.500% Tape C Baseline % CADV plus 0.400% of the US Tape C CADV for the billing month).⁶ The credit provided under the proposed Tape C Tier 3 would be in addition to the ETP Holder’s Tiered or Basic Rate credit(s).

Under the proposed new Tape C Tier 3, ETP Holders and Market Makers would also be charged a fee of \$0.0029 per share for orders that take liquidity from the Book in Tape C Securities. For all other fees and credits, Tiered or Basic Rates apply based on a firm’s qualifying levels.

For ETP Holders that qualify for the proposed new Tape C Tier 3, Tiered or Basic Rates would apply to all other fees and credits, based on the firm’s qualifying levels, and if an ETP Holder qualifies for more than one tier in the Fee Schedule, the Exchange would apply the most favorable rate available under such tiers. The proposed Tape C Tier 3 provides an incremental credit, similar to current Tape C Tier 1 and Tape C Tier 2 pricing tiers, and therefore, the Exchange proposes to adopt rule text within each of the Tape C tiers to note that ETP Holders and Market Makers can only qualify for one of the Tape C incremental credits. ETP Holders and Market Makers that qualify, for example, for the proposed Tape C Tier 3 credit cannot also qualify for either the Tape C Tier 1 incremental credit or the Tape C Tier 2 incremental credit. Using the above example, if an ETP Holder’s Tape C Baseline % CADV was 0.500%, and the ETP Holder had a Tape C Adding ADV of at least 0.900% and a Tape B Adding ADV of at least 3.5% of Tape B CADV, the ETP Holder would meet the requirements of Tape C Tier 1, Tape C Tier 2 and the proposed Tape C Tier 3. As proposed, however, the ETP Holder would only receive the \$0.0002 incremental credit for adding liquidity and the \$0.0029 for taking liquidity associated with the proposed Tape C Tier 3 pricing tier; the ETP Holder would not be entitled to the Tape C Tier 1 and Tape C Tier 2 pricing tiers.

Additionally, the Exchange recently adopted a Tape C Tier 2 pricing tier that references the applicability of a \$0.0002 per share credit to ETP Holders and Market Makers that qualify for that

⁴ Under the Basic Rate, ETP Holders receive a credit of \$0.0020 per share for Tape C orders that provide liquidity to the Book.

⁵ The Exchange proposes to use the same definition of US CADV for purposes of the proposed Tape C Tier 3. Specifically, US CADV means United States Consolidated Average Daily Volume for transactions reported to the Consolidated Tape, excluding odd lots through January 31, 2014 (except for purposes of Lead Market Maker pricing), and excludes volume on days when the market closes early and on the date of the annual reconstitution of the Russell Investments Indexes. Transactions that are not reported to the Consolidated Tape are not included in US CADV. See Fee Schedule, Footnote 3.

⁶ The Exchange recognizes that a firm that becomes an ETP Holder or Market Maker after the Baseline Month would have a Tape C Baseline ADV of zero. In this regard, a new ETP Holder or Market Maker would need to have a Tape C Adding ADV during the billing month of no less than 0.400% of US Tape C CADV, in addition to the Tape B Adding ADV of at least 3.5% of Tape B CADV, for the \$0.0002 per share credit to apply.

¹⁷ 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.

pricing tier.⁷ The \$0.0002 per share incremental credit is in addition to a [sic] ETP Holder's or Market Maker's Tiered or Basic Rate credit(s) except that the combined credit is not to exceed \$0.0033 per share. The reference to the \$0.0033 per share cap is currently found in the Tape C Tier 1 pricing tier. The Exchange proposes to relocate the cap language from the Tape C Tier 1 pricing tier to the Tape C Tier 2 pricing tier which the Exchange believes is a more appropriate place for it on the Fee Schedule. The proposed relocation of the rule text will not result in any change to the manner in which the credit is applied.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁸ in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,⁹ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes the proposed Tape C Tier 3 is reasonable and equitably allocated because it would apply to ETP Holders and Market Makers that provide liquidity in Tape C Securities to the Exchange and is designed to incentivize these market participants to increase the orders sent directly to the Exchange and therefore provide liquidity that supports the quality of price discovery and promotes market transparency. The Exchange believes the new Tape C Tier 3 is equitable because the proposed new tier would be available to all similarly situated ETP Holders and Market Makers on an equal basis and the proposed new tier provides a credit that is reasonably related to the value of an exchange's market quality associated with higher volumes. The Exchange further believes that the proposed Tape C Tier 3 is reasonable, equitable and not unfairly discriminatory because the Exchange has previously implemented pricing tiers that target a particular

segment of securities, such as Tape A and Tape B Securities. The Exchange also believes that the requirement to execute providing volume in Tape B Securities during the billing month that is equal to at least 3.5% of Tape B CADV for the proposed Tape C Tier 3 is reasonable as it would provide incentives for adding liquidity in Tape B Securities and strengthen market quality in Tape B Securities. The Exchange further believes that the requirement to execute providing volume in Tape B Securities for the proposed Tape C Tier 3 is equitable and not unfairly discriminatory because it would apply uniformly to all similarly situated ETP Holders and Market Makers.

The Exchange believes that it is reasonable, equitable and not unfairly discriminatory to permit ETP Holders and Market Makers to qualify for just one Tape C pricing tiers [sic]. As noted above, if an ETP Holder qualifies for more than one tier in the Fee Schedule, the Exchange would apply the most favorable rate available under such tiers. This method of billing is reasonable because it results in the application of the most beneficial fees and credits for which an ETP [sic] qualifies when an ETP Holder qualifies for more than one pricing tier.

The Exchange believes that the proposed rule change regarding Tape C credits would create an added incentive for ETP Holders and Market Makers to execute additional orders on the Exchange. The Exchange believes that the proposed change is equitable and not unfairly discriminatory because providing incentives for orders in exchange-listed securities that are executed on a registered national securities exchange (rather than relying on certain available off-exchange execution methods) would contribute to investors' confidence in the fairness of their transactions and would benefit all investors by deepening the Exchange's liquidity pool, supporting the quality of price discovery, promoting market transparency and improving investor protection.

The Exchange believes that relocating rule text related to the \$0.0033 per share cap from the Tape C Tier 1 pricing tier to the Tape C Tier 2 pricing tier removes impediments to and perfects the mechanism of a free and open market by providing clarity and adding transparency to the Exchange's rules. The Exchange also believes that relocating the rule text would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased

transparency. The Exchange believes the proposed amendment to the Fee Schedule is both reasonable and equitable because ETP Holders and Market Makers would benefit from clear guidance in the rule text describing the manner in which the Exchange's fees and credits would be assessed.

Volume-based rebates and fees such as the ones currently in place on the Exchange, and as proposed herein, have been widely adopted in the cash equities markets and are equitable because they are open to all ETP Holders and Market Makers on an equal basis and provide additional benefits or discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and introduction of higher volumes of orders into the price and volume discovery processes. The Exchange believes that the proposed introduction of Tape C Tier 3 will provide such enhancements in market quality on the Exchange's equity market by incentivizing increased participation.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,¹⁰ the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the addition of new Tape C credits would encourage the submission of additional liquidity to a public exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for ETP Holders and Market Makers. The Exchange believes that this could promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with

⁷ See Securities Exchange Act Release No. 80285 (March 21, 2017), 82 FR 15249 (March 27, 2017) (SR-NYSEArca-2017-27).

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(4) and (5).

¹⁰ 15 U.S.C. 78f(b)(8).

alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed changes will impair the ability of ETP Holders or competing order execution venues to maintain their competitive standing in the financial markets.

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)¹¹ of the Act and subparagraph (f)(2) of Rule 19b-4¹² 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)¹³ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSEArca-2017-51 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-NYSEArca-2017-51. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEArca-2017-51, and should be submitted on or before June 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-09933 Filed 5-16-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32634; File No. 812-14467]

Aspiriant Trust, et al.

May 11, 2017.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice.

Notice of an application for an order under section 12(d)(1)(f) of the Investment Company Act of 1940 (the "Act") for an exemption from sections 12(d)(1)(A), (B), and (C) of the Act; under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (2) of the Act; and under section 6(c) of the Act for an exemption from rule 12d1-2(a) under the Act. The requested order would: (a) Permit certain registered open-end investment companies to acquire shares of certain registered open-end investment companies, registered closed-end investment companies, business development companies, as defined in section 2(a)(48) of the Act, and unit investment trusts (collectively, "Underlying Funds") that are within and outside the same group of investment companies as the acquiring investment companies, in excess of the limits in section 12(d)(1) of the Act; and (b) permit certain registered open-end management investment companies relying on rule 12d1-2 under the Act to invest in certain financial instruments.

Applicants: Aspiriant Trust, a Delaware statutory trust that is registered under the Act as an open-end management investment company with multiple series; Aspiriant, LLC, a Delaware limited liability company that is registered as an investment adviser under the Investment Advisers Act of 1940; and UMB Distribution Services, LLC, a Wisconsin limited liability company that is registered as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the Financial Industry Regulatory Authority.

Filing Dates: The application was filed on May 20, 2015, and amended on September 3, 2015, March 16, 2016, September 26, 2016, September 27, 2016, and March 13, 2017.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f)(2).

¹³ 15 U.S.C. 78s(b)(2)(B).

¹⁴ 17 CFR 200.30-3(a)(12).

by 5:30 p.m. on June 5, 2017 and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: Benjamin D. Schmidt, Aspiriant, LLC, 1111 East Kilbourn Avenue, Suite 1700, Milwaukee, WI 53202.

FOR FURTHER INFORMATION CONTACT: Kieran G. Brown, Senior Counsel, at (202) 551–6773, or David Marcinkus, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm>, or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order to permit (a) each Fund¹ (each a "Fund of Funds") to acquire shares of Underlying Funds² in excess of the limits in sections 12(d)(1)(A) and (C) of the Act and (b) each Underlying Fund, any principal underwriter for the

¹ Applicants request that the order apply to each existing and future series of Aspiriant Trust and to each existing and future registered open-end investment company or series thereof that is advised by Aspiriant, LLC or its successor or by any entity controlling, controlled by or under common control with Aspiriant, LLC or its successor and is part of the same "group of investment companies" as Aspiriant Trust (each, a "Fund"). Applicants further request that the order also apply to any future principal underwriter and distributor for a Fund. For purposes of the requested order, "successor" is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization. For purposes of the request for relief, the term "group of investment companies" means any two or more registered investment companies, including closed-end investment companies, and business development companies, that hold themselves out to investors as related companies for purposes of investment and investor services.

² Certain of the Underlying Funds have obtained exemptions from the Commission necessary to permit their shares to be listed and traded on a national securities exchange at negotiated prices and, accordingly, to operate as an exchange-traded fund ("ETF").

Underlying Fund, and any broker or dealer registered under the Securities Exchange Act of 1934 to sell shares of the Underlying Fund to a Fund of Funds, in excess of the limits in section 12(d)(1)(B) of the Act.³ Applicants also request an order of exemption under sections 6(c) and 17(b) of the Act from the prohibition on certain affiliated transactions in section 17(a) of the Act to the extent necessary to permit the Underlying Funds to sell their shares to, and redeem their shares from, the Funds of Funds.⁴ Applicants state that such transactions will be consistent with the policies of each Fund of Funds and each Underlying Fund and with the general purposes of the Act and will be based on the net asset values of the Underlying Funds.

2. Applicants further request an exemption under section 6(c) from rule 12d1–2 under the Act to permit any Fund that relies on section 12(d)(1)(G) of the Act ("Section 12(d)(1)(G) Fund") and that otherwise complies with rule 12d1–2 under the Act, to also invest, to the extent consistent with its investment objective, policies, strategies and limitations, in financial instruments that may not be securities within the meaning of section 2(a)(36) of the Act ("Other Investments").

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Such terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over an Underlying Fund that is not in the same "group of investment companies" as the Fund of Funds through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A), (B), and (C) of

³ Applicants are not requesting relief for a Fund of Funds to invest in business development companies and registered closed-end investment companies that are not listed on a national securities exchange.

⁴ Applicants note that a Fund of Funds generally would purchase and sell shares of an Underlying Fund that operates as an ETF, closed-end fund, or business development company through secondary market transactions rather than through principal transactions with the Underlying Fund. Applicants nevertheless request relief from sections 17(a)(1) and (2) to permit each Fund of Funds that is an affiliated person, or an affiliated person of an affiliated person, as defined in section 2(a)(3) of the Act, of an ETF, closed-end fund, or business development company to purchase or redeem shares from the ETF or to acquire shares from the closed-end fund or business development company in connection with an underwritten initial or follow-on offering made by such closed-end fund or business development company as described in the application.

the Act. Applicants assert that permitting a Section 12(d)(1)(G) Fund to invest in Other Investments as described in the application would not raise any of the concerns that section 12(d)(1) of the Act was intended to address.

3. Section 12(d)(1)(f) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017–09934 Filed 5–16–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80660; File No. SR–Phlx–2017–33]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 3317 To Modify the Date of Appendix B Web Site Data Publication

May 11, 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 28, 2017, NASDAQ PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the date of Appendix B Web site data publication pursuant to the Regulation NMS Plan to Implement a Tick Size Pilot Program ("Plan").

The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaqphlx.cchwallstreet.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 aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule 3317(b) (Compliance with Data Collection Requirements)³ implements the data collection and Web site publication requirements of the Plan.⁴ Commentary .08 to Rule 3317 provides, among other things, that the requirement that the Exchange provide information to the SEC within 30 days following month end pursuant to Appendix B and C of the Plan shall commence at the beginning of the Pilot

Period.⁵ Commentary .08 to Rule 3317 also provides that, with respect to data for the Pre-Pilot and Pilot Period, the requirement that the Exchange or DEA make Appendix B data publicly available on the Exchange's or DEA's Web site shall commence on April 28, 2017.⁶

The Exchange is now proposing to amend Commentary .08 to Rule 3317 to delay the date by which Pre-Pilot and Pilot Appendix B data is to be made publicly available on the Exchange's Web site from April 28, 2017 to August 31, 2017.⁷

In the SRO Tick Size Plan Proposal, the Participants stated that the public data will be made available for free "on a disaggregated basis by trading center" on the Web sites of the Participants and the Designated Examining Authorities.⁸ However, market participants have expressed confidentiality concerns regarding this approach for over-the-counter ("OTC") data.⁹ Thus, Phlx is filing the instant proposed rule change to provide additional time to assess a means of addressing the confidentiality concerns raised in connection with the publication of Appendix B data related to OTC activity in furtherance of the

⁵ Unless otherwise defined herein, capitalized terms have the meaning ascribed to them in Rule 3317.

⁶ On November 30, 2016, the SEC granted exemptive relief to the Participants to, among other things, delay the publication of Web site data pursuant to Appendices B and C to the Plan until February 28, 2017, and to delay the ongoing Web site publication by ninety days such that data would be published within 120 calendar days following the end of the month. See Letter from David S. Shillman, Associate Director, Division of Trading and Markets, Commission, to Marcia E. Asquith, Senior Vice President and Corporate Secretary, FINRA, dated November 30, 2016; see also Securities Exchange Act Release No. 79545 (December 14, 2016), 81 FR 92916 (December 20, 2016) (SR-Phlx-2016-118). The SEC subsequently extended this exemptive relief to April 28, 2017. See Letter from David S. Shillman, Associate Director, Division of Trading and Markets, Commission, to Robert L.D. Colby, Executive Vice President and Chief Legal Officer, FINRA, dated February 28, 2017.

⁷ Commentary .08 to Rule 3317 initially required that the Exchange make Pre-Pilot and Pilot Appendix B data publicly available by February 28, 2017. Phlx filed a proposed rule change to extend this date to April 28, 2017. See Securities Exchange Act Release No. 80226 (March 13, 2017), 82 FR 14238 (March 17, 2017) (SR-Phlx-2017-22).

⁸ See Securities Exchange Act Release No. 73511 (November 3, 2014), 79 FR 66423 (November 7, 2014) (Notice of Filing of Proposed National Market System Plan to Implement a Tick Size Pilot Program on a One-Year Pilot Basis, File No. 4-657) ("Tick Size Plan Proposal").

⁹ See letters from Adam C. Cooper, Senior Managing Director and Chief Legal Officer, Citadel Securities, to Brent J. Fields, Secretary, Commission, dated December 21, 2016 ("Citadel letter"); and William Hebert, Managing Director, Financial Information Forum, to Robert W. Errett, Deputy Secretary, Commission, dated December 21, 2016 ("FIF letter").

objectives of the Plan.¹⁰ Pursuant to this amendment, Appendix B data publication will be delayed until August 31, 2017. The Participants anticipate filing additional proposed rule changes to address Appendix B data publication.

Phlx has filed the proposed rule change for immediate effectiveness. The operative date of the proposed rule change will be the date of filing.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹¹ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹² in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. Phlx also believes that the proposal is consistent with Section 6(b)(8) of the Act,¹³ which requires that Exchange rules not impose any burden on competition that is not necessary or appropriate.

The Plan is designed to allow the Commission, market participants, and the public to study and assess the impact of increment conventions on the liquidity and trading of the common stock of small-capitalization companies. Phlx believes that this proposal is consistent with the Act because it is in furtherance of the objectives of Section VII(A) of the Plan in that it is designed to provide the Exchange with additional time to assess a means of addressing the confidentiality concerns raised in connection with the publication of Appendix B data, to comply with the Plan's requirements that the data made publicly available will not identify the trading center that generated the data.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change implements the provisions of the Plan, and all Participants are filing similar proposals to extend the publication date of Appendix B data.

¹⁰ In connection with its filing to implement a similar change in its rules, the Financial Industry Regulatory Authority, Inc. is also submitting an exemptive request to the SEC on behalf of all Plan Participants requesting relief from the relevant requirements of the Plan.

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(5).

¹³ 15 U.S.C. 78f(b)(8).

³ See Rule 3317(b). See also Securities Exchange Act Release No. 77458 (March 28, 2016), 81 FR 18919 (April 1, 2016) (SR-Phlx-2016-39).

⁴ The Participants filed the Plan to comply with an order issued by the Commission on June 24, 2014. See Letter from Brendon J. Weiss, Vice President, Intercontinental Exchange, Inc., to Secretary, Commission, dated August 25, 2014 ("SRO Tick Size Plan Proposal"). See Securities Exchange Act Release No. 72460 (June 24, 2014), 79 FR 36840 (June 30, 2014); see also Securities Exchange Act Release No. 74892 (May 6, 2015), 80 FR 27513 (May 13, 2015).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁴ and Rule 19b-4(f)(6) thereunder.¹⁵

A proposed rule change filed under Rule 19(b)-4(f)(6) normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has filed the proposed rule change for immediate effectiveness and has requested that the Commission waive the requirement that the proposed rule change not become operative for 30 days after the date of the filing so that it may become operative on the date of filing.

The Exchange notes that the proposed rule change is intended to mitigate confidentiality concerns raised in connection with Section VII(A) of the Plan, which provides that the data made publicly available will not identify the Trading Center that generated the data. The Exchange states that the additional time would allow consideration of a methodology to mitigate concerns related to the publication of Appendix B data.¹⁶

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will synchronize the timing for publication of Appendix B data for all Participants, which should enhance the consistency and usefulness of the

data.¹⁷ Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative on the date of filing.¹⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-Phlx-2017-33 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-Phlx-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>).

¹⁷ The Commission recently granted exemptive relief to the Participants to delay the publication of their Appendix B data until August 31, 2017. See Letter from David S. Shillman, Associate Director, Division of Trading and Markets, Commission, to Jennifer Piorko Mitchell, Vice President and Deputy Corporate Secretary, FINRA, dated April 28, 2017. The Commission notes that other Participants have submitted proposed rule changes to delay the publication of Appendix B data until August 31, 2017. See e.g., SR-BatsBYX-2017-10; SR-BatsBZX-2017-31; SR-BatsEDGA-2017-10; SR-BatsEDGX-2017-19; SR-BX-2017-022; SR-CHX-2017-07; SR-FINRA-2017-010; SR-IEX-2017-12; SR-NASDAQ-2017-044; SR-NYSE-2017-19; SR-NYSEArca-2017-49; SR-NYSEMKT-2017-24.

¹⁸ For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

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-Phlx-2017-33 and should be submitted on or before June 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Eduardo A. Aleman,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80655; File No. SR-NASDAQ-2017-044]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 4770 To Modify the Date of Appendix B Web Site Data Publication

May 11, 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 28, 2017, The NASDAQ Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to

¹⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁴ 15 U.S.C. 78s(b)(3)(A).

¹⁵ 17 CFR 240.19b-4(f)(6).

¹⁶ The Commission recently approved a FINRA proposal to implement an aggregated, anonymous grouped masking methodology for the publication of Appendix B data related to OTC trading activity. See Securities Exchange Release No. 80551, (April 28, 2017), 82 FR 20948 (May 4, 2017). See also Letter from David S. Shillman, Associate Director, Division of Trading and Markets, Commission, to Marcia E. Asquith, Executive Vice President FINRA, dated April 28, 2017.

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 4770 to modify the date of Appendix B Web site data publication pursuant to the Regulation NMS Plan to Implement a Tick Size Pilot Program ("Plan").

The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaq.cchwallstreet.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 aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule 4770(b) (Compliance with Data Collection Requirements)³ implements the data collection and Web site publication requirements of the Plan.⁴ Commentary .08 to Rule 4770 provides, among other things, that the requirement that the Exchange provide information to the SEC within 30 days following month end pursuant to Appendix B and C of the Plan shall commence at the beginning of the Pilot Period.⁵ Commentary .08 to Rule 4770 also provides that, with respect to data

³ See Rule 4770(b). See also Securities Exchange Act Release No. 77456 (March 28, 2016), 81 FR 18925 (April 1, 2016) (SR-NASDAQ-2016-043).

⁴ The Participants filed the Plan to comply with an order issued by the Commission on June 24, 2014. See Letter from Brendon J. Weiss, Vice President, Intercontinental Exchange, Inc., to Secretary, Commission, dated August 25, 2014 ("SRO Tick Size Plan Proposal"). See Securities Exchange Act Release No. 72460 (June 24, 2014), 79 FR 36840 (June 30, 2014); see also Securities Exchange Act Release No. 74892 (May 6, 2015), 80 FR 27513 (May 13, 2015).

⁵ Unless otherwise defined herein, capitalized terms have the meaning ascribed to them in Rule 4770.

for the Pre-Pilot and Pilot Period, the requirement that the Exchange or DEA make Appendix B data publicly available on the Exchange's or DEA's Web site shall commence on April 28, 2017.⁶

Nasdaq is now proposing to amend Commentary .08 to Rule 4770 to delay the date by which Pre-Pilot and Pilot Appendix B data is to be made publicly available on Nasdaq's Web site from April 28, 2017 to August 31, 2017.⁷

In the SRO Tick Size Plan Proposal, the Participants stated that the public data will be made available for free "on a disaggregated basis by trading center" on the Web sites of the Participants and the Designated Examining Authorities.⁸ However, market participants have expressed confidentiality concerns regarding this approach for over-the-counter ("OTC") data.⁹ Thus, Nasdaq is filing the instant proposed rule change to provide additional time to assess a means of addressing the confidentiality concerns raised in connection with the publication of Appendix B data related to OTC activity in furtherance of the objectives of the Plan.¹⁰ Pursuant to this

⁶ On November 30, 2016, the SEC granted exemptive relief to the Participants to, among other things, delay the publication of Web site data pursuant to Appendices B and C to the Plan until February 28, 2017, and to delay the ongoing Web site publication by ninety days such that data would be published within 120 calendar days following the end of the month. See Letter from David S. Shillman, Associate Director, Division of Trading and Markets, Commission, to Marcia E. Asquith, Senior Vice President and Corporate Secretary, FINRA, dated November 30, 2016; see also Securities Exchange Act Release No. 79546 (December 14, 2016), 81 FR 92932 (December 20, 2016) (SR-NASDAQ-2016-165). The SEC subsequently extended this exemptive relief to April 28, 2017. See Letter from David S. Shillman, Associate Director, Division of Trading and Markets, Commission, to Robert L.D. Colby, Executive Vice President and Chief Legal Officer, FINRA, dated February 28, 2017.

⁷ Commentary .08 to Rule 4770 initially required that Nasdaq make Pre-Pilot and Pilot Appendix B data publicly available by February 28, 2017. Nasdaq filed a proposed rule change to extend this date to April 28, 2017. See Securities Exchange Act Release No. 80229 (March 13, 2017), 82 FR 14272 (March 17, 2017) (SR-NASDAQ-2017-024).

⁸ See Securities Exchange Act Release No. 73511 (November 3, 2014), 79 FR 66423 (November 7, 2014) (Notice of Filing of Proposed National Market System Plan to Implement a Tick Size Pilot Program on a One-Year Pilot Basis, File No. 4-657) ("Tick Size Plan Proposal").

⁹ See letters from Adam C. Cooper, Senior Managing Director and Chief Legal Officer, Citadel Securities, to Brent J. Fields, Secretary, Commission, dated December 21, 2016 ("Citadel letter"); and William Hebert, Managing Director, Financial Information Forum, to Robert W. Errett, Deputy Secretary, Commission, dated December 21, 2016 ("FIF letter").

¹⁰ In connection with its filing to implement a similar change in its rules, the Financial Industry Regulatory Authority, Inc. is also submitting an exemptive request to the SEC on behalf of all Plan Participants requesting relief from the relevant requirements of the Plan.

amendment, Appendix B data publication will be delayed until August 31, 2017. The Participants anticipate filing additional proposed rule changes to address Appendix B data publication.

Nasdaq has filed the proposed rule change for immediate effectiveness. The operative date of the proposed rule change will be the date of filing.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹¹ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹² in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. Nasdaq also believes that the proposal is consistent with Section 6(b)(8) of the Act,¹³ which requires that Exchange rules not impose any burden on competition that is not necessary or appropriate.

The Plan is designed to allow the Commission, market participants, and the public to study and assess the impact of increment conventions on the liquidity and trading of the common stock of small-capitalization companies. Nasdaq believes that this proposal is consistent with the Act because it is in furtherance of the objectives of Section VII(A) of the Plan in that it is designed to provide Nasdaq with additional time to assess a means of addressing the confidentiality concerns raised in connection with the publication of Appendix B data, to comply with the Plan's requirements that the data made publicly available will not identify the trading center that generated the data.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change implements the provisions of the Plan, and all Participants are filing similar proposals to extend the publication date of Appendix B data.

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(5).

¹³ 15 U.S.C. 78f(b)(8).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁴ and Rule 19b-4(f)(6) thereunder.¹⁵

A proposed rule change filed under Rule 19(b)-4(f)(6) normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has filed the proposed rule change for immediate effectiveness and has requested that the Commission waive the requirement that the proposed rule change not become operative for 30 days after the date of the filing so that it may become operative on the date of filing.

The Exchange notes that the proposed rule change is intended to mitigate confidentiality concerns raised in connection with Section VII(A) of the Plan, which provides that the data made publicly available will not identify the Trading Center that generated the data. The Exchange states that the additional time would allow consideration of a methodology to mitigate concerns related to the publication of Appendix B data.¹⁶

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will synchronize the timing for publication of Appendix B data for all Participants, which should enhance the consistency and usefulness of the

data.¹⁷ Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative on the date of filing.¹⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NASDAQ-2017-044 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-NASDAQ-2017-044. 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>).

¹⁷ The Commission recently granted exemptive relief to the Participants to delay the publication of their Appendix B data until August 31, 2017. See Letter from David S. Shillman, Associate Director, Division of Trading and Markets, Commission, to Jennifer Piorko Mitchell, Vice President and Deputy Corporate Secretary, FINRA, dated April 28, 2017. The Commission notes that other Participants have submitted proposed rule changes to delay the publication of Appendix B data until August 31, 2017. See e.g., SR-BatsBYX-2017-10; SR-BatsBZX-2017-31; SR-BatsEDGA-2017-10; SR-BatsEDGX-2017-19; SR-BX-2017-022; SR-CHX-2017-07; SR-FINRA-2017-010; SR-IEX-2017-12; SR-Phlx-2017-33; SR-NYSE-2017-19; SR-NYSEArca-2017-49; SR-NYSEMKT-2017-24.

¹⁸ For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

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-NASDAQ-2017-044 and should be submitted on or before June 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-09925 Filed 5-16-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80654; File No. SR-CBOE-2017-036]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Quoting Bandwidth Allowance

May 11, 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 April 28, 2017, Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to

¹⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁴ 15 U.S.C. 78s(b)(3)(A).

¹⁵ 17 CFR 240.19b-4(f)(6).

¹⁶ The Commission recently approved a FINRA proposal to implement an aggregated, anonymous grouped masking methodology for the publication of Appendix B data related to OTC trading activity. See Securities Exchange Release No. 80551, (April 28, 2017), 82 FR 20948 (May 4, 2017). See also Letter from David S. Shillman, Associate Director, Division of Trading and Markets, Commission, to Marcia E. Asquith, Executive Vice President FINRA, dated April 28, 2017.

Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule with respect to quoting bandwidth allowance. The text of the proposed rule change is available on the Exchange's Web site (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule. The Fees Schedule currently sets forth the quoting bandwidth allowance for a Market-Maker Trading Permit for the Regular Trading Hours ("RTH") session ("RTH MM Trading Permit") and a Market-Maker Trading Permit for the Extended Hours Trading ("ETH") session ("ETH MM Trading Permit"). The bandwidth allowance is referenced as a maximum number of quotes over the course of the trading session. Currently, the quoting bandwidth allowance for a RTH MM Trading Permit is equivalent to a maximum of 40,500,000 quotes over the course of the trading sessions and the quoting bandwidth allowance for an ETH MM Trading Permit is equivalent to a maximum of 37,500,000 quotes over the course of the trading session. Additionally, to the extent a Market-Maker is able to submit electronic quotes in a Hybrid 3.0 class (such as an

LMM that streams quotes in the class or a Market-Maker or LMM that streams quotes in a series of a Hybrid 3.0 class that trades on the Hybrid Trading System), the Market-Maker receives the quoting bandwidth allowance to quote in, and only in, that class.

The Exchange proposes to increase the quoting bandwidth for RTH and ETH MM Trading Permits that are used for an appointment in S&P 500 Index options ("SPX") (including SPXW) (*i.e.*, Hybrid 3.0 class). The Exchange notes that it recently proposed to move P.M.-settled S&P 500 Index options expiring on the third-Friday of the month ("third-Friday"), currently listed in a separate class and trading under the symbol "SPXPM", to the SPX class which includes the weekly SPXW. In connection with the move, the Exchange is changing the trading symbol for these options from "SPXPM" to "SPXW." The Exchange notes that as a result of the move of SPXPM to SPXW, Market-Makers with an appointment in SPX will have an obligation to quote more series (*i.e.*, series that were formerly SPXPM, will now become SPXW). As such, the Exchange intends to increase quoting bandwidth allowance for all Market-Maker Trading Permits used for appointments in SPX/SPXW in order to ensure adequate bandwidth capacity to meet their quoting obligations and ensure a smooth transition of SPXPM into the SPX/SPXW class. The Exchange therefore seeks to make a corresponding amendment to the Fees Schedule. Specifically, the Exchange proposes to provide that the maximum number of quotes over the course of the RTH trading session for Market-Maker Trading Permits used for SPX/SPXW appointments is 81,000,000 and the maximum number of quotes over the course of the ETH trading session for Trading Permits used for an appointment in SPX/SPXW is 75,000,000. The Fees Schedule will also reflect that the quoting allowance for RTH MM Trading Permits used for an appointment in any options classes other than SPX/SPXW will remain at 40,500,000 and the allowance for ETH MM Trading Permits that do not have an appointment in SPX/SPXW will remain at 37,500,000. The Exchange notes that the increase of the respective quoting bandwidth allowances for RTH and ETH applies to all RTH and ETH Market-Maker Trading Permits used for SPX/SPXW appointments.

Lastly, the Exchange notes that it is not increasing the quoting bandwidth allowance for the Quoting and Order Entry Bandwidth Packets, as the Exchange does not believe it is necessary. Accordingly, the Exchange

proposes to clarify in the Fees Schedule that the quoting allowance provided with a Quoting and Order Entry Bandwidth Packet is the same as the quoting allowance that is provided with Market-Maker Trading Permits not used for an appointment in SPX/SPXW.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁵ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁶ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that amending the Fees Schedule to accurately reflect the increase in quoting bandwidth allowance, alleviates confusion, thereby removing impediments to and perfecting the mechanism of a free open market and a national market system, and, in general, protecting investors and the public interest. The Exchange also notes that increasing quoting bandwidth for MM Trading Permits with an SPX/SPXW appointment helps ensure that Market-Makers have an adequate capacity and ability to continue to make active markets, which also removes impediments to and perfects the mechanism of a free open market and a national market system, and, in general, protects investors and the public interest. Lastly, the Exchange believes it's equitable and not unfairly discriminatory to increase quoting bandwidth for Trading Permits with SPX/SPXW appointments as the number of series that need to be quoted in SPXW has increased due to the

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

⁷ *Id.*

migration of the trading symbol SPXPM to SPXW.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE 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 does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change applies to all Market-Makers with Market-Maker Trading Permits used for a SPX/SPXW appointment and is merely updating the Fees Schedule to accurately reflect an increase in quoting bandwidth. Also, while quoting bandwidth was increased only for Trading Permits with SPX/SPXW appointments, Market-Makers with these appointments now have an increased number of series they need to quote due to the migration of the SPXPM symbol to SPXW. The Exchange believes that the proposed rule change will not cause an unnecessary burden on intermarket competition because it only applies to trading on CBOE. To the extent that the proposed changes make CBOE a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become CBOE market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act⁸ and subparagraph (f)(6) Rule 19b-4 thereunder.⁹

⁸ 15 U.S.C. 78s(b)(3)(A).

⁹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time

A proposed rule change filed under Rule 19b-4(f)(6)¹⁰ normally does not become operative for 30 days after the date of filing. However, Rule 19b-4(f)(6)(iii)¹¹ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay to allow it to immediately update the Market-Maker Trading Permit bandwidth allowance for Trading Permits with an SPX/SPXW appointment. As discussed above, as a result of the recent move of the SPXPM class into SPXW, Market-Makers with an appointment in SPX now have an obligation to quote more series. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the increased quoting bandwidth should help Market Makers with an SPX/SPXW appointment accommodate the increased number of series that they now need to quote and should help to accommodate, without undue delay, the maintenance of active quoted markets in SPX/SPXW, which should benefit of investors. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.¹²

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

as designated by the Commission. The Exchange has satisfied this requirement.

¹⁰ 17 CFR 240.19b-4(f)(6).

¹¹ 17 CFR 240.19b-4(f)(6)(iii).

¹² For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-CBOE-2017-036 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-CBOE-2017-036. 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-CBOE-2017-036 and should be submitted on or before June 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-09924 Filed 5-16-17; 8:45 am]

BILLING CODE 8011-01-P

¹³ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80658; File No. SR–BatsEDGX–2017–21]

Self-Regulatory Organizations; Bats EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Fees for Use on the Exchange's Equity Options Platform

May 11, 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 May 8, 2017, Bats EDGX Exchange, Inc. (the "Exchange" or "EDGX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The 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 Act³ 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 the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members⁵ and non-members of the Exchange pursuant to EDGX 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule for its equity options platform ("EDGX Options") to: (i) Modify fees for Qualified Contingent Cross Orders ("QCC"),⁶ including the adoption of a new naming convention for certain rebates, "QCC Initiator Rebates"; (ii) update the descriptions for fee codes PM and NM; (iii) add new fee codes PT and NT; and (iv) eliminate Tiers 4 and 6 under footnote 1.

QCC Order Pricing

The Exchange proposes to amend QCC fees and rebates to reflect the value of the execution opportunities provided by the QCC functionality. Thus, the Exchange proposes to modify the fees and rebates corresponding to the fee codes that were originally adopted in connection with QCC, as described below.

Fee Code QA. Currently, fee code QA is appended to Customer⁷ QCC Agency Orders⁸, and provides a standard rebate of \$0.05 per contract. The Exchange proposes to alter the pricing for QCC Agency Orders yielding fee code QA to instead provide such executions free of charge. However, as proposed, the Exchange would continue to provide a rebate of \$0.05 per contract to QCC Agency orders in which at least one side of the transaction is a Non-Customer⁹ order. This proposed rebate of \$0.05 per contract for such executions will be described in footnote 7 more specifically and there will be no other charge or rebate for executing orders appended with QA. Thus, the Exchange proposes to append footnote 7 to fee code QA in addition to the existing footnote appended to fee code QA,

footnote 5. Current footnote 5 and proposed footnote 7 are described in additional detail below.

Fee Code QC. Currently, fee code QC is appended to Customer QCC Contra Orders, and provides a standard rebate of \$0.05 per contract. The Exchange proposes to alter the pricing for QCC Agency Orders yielding fee code QC to instead provide such executions free of charge. The Exchange proposes to remove footnote 5 from QC, as there is no longer the potential to earn a rebate in connection with routing a Customer QCC Contra Order to the Exchange and thus the footnote is inapplicable. Footnote 5 is described in additional detail below.

Fee Code QM. Currently, fee code QM is appended to Non-Customer QCC Agency Orders, and assessed a fee of \$0.19 per contract. The Exchange proposes to lower the fee charged for Non-Customer QCC Agency Orders to \$0.08 per contract. In addition, as noted above, the Exchange proposes to provide a rebate of \$0.05 per contract to QCC Agency orders in which at least one side of the transaction is a Non-Customer order. This proposed rebate of \$0.05 per contract for such executions will be described in footnote 7. Accordingly, the Exchange proposes to append footnotes 5 and 7 to fee code QM, as there will now be the potential to receive a rebate in connection with QCC Agency Orders.

Fee Code QN. Currently, fee code QN is appended to Non-Customer QCC Contra Orders, and assessed a fee of \$0.19 per contract. The Exchange proposes to lower the fee charged for Non-Customer QCC Contra Orders to \$0.08 per contract.

As noted above, The Exchange proposes to modify the rebates provided to QCC orders, to only apply to QCC Agency Orders in which one side of the transaction includes a Non-Customer order. The Exchange proposes that the rebate applicable to QCC orders be defined as the "QCC Initiator Rebate" and its scope be refined to only apply to QCC Agency orders in which at least one side of the transaction is a Non-Customer order.

The Exchange proposes to adopt new footnote 7 to describe the rebate paid by the Exchange to a Member that submits a QCC Agency Order to the Exchange when at least one side of the transaction is of Non-Customer capacity and to define this rebate as the QCC Initiator Rebate. As proposed, and consistent with other pricing on the Exchange, the Exchange would provide the QCC Initiator Rebate to all Members submitting QCC Agency Orders to the Exchange, including a Member who

⁶ See Securities Exchange Act Release No. 79942 (February 1, 2017), 82 FR 9804 (February 8, 2017) (SR–BatsEDGX–2017–11) ("QCC Filing").

⁷ "Customer" applies to any transaction identified by a Member for clearing in the Customer range at the OCC, excluding any transaction for a Broker Dealer or a "Professional" as defined in Exchange Rule 16.1. See the Exchange's fee schedule available at http://www.bats.com/us/options/membership/fee_schedule/edgx/.

⁸ "QCC Agency" is a Qualified Contingent Cross Order represented as agent by a Member on behalf of another party and submitted for execution pursuant to Rule 21.1. *Id.*

⁹ "Non-Customer" applies to any transaction that is not a Customer order. *Id.*

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).

routed an order to the Exchange with a Designated Give Up, as discussed below.

In connection with the proposed change and the adoption of footnote 7, footnote 5 would be appended to fee code QM¹⁰ and removed from fee code QC. Currently, footnote 5 of the fee schedule specifies that when order is submitted with a Designated Give Up, as defined in Rule 21.12(b)(1), the applicable rebates for such orders when executed on the Exchange (yielding fee code BC,¹¹ NC,¹² PC,¹³ QA and QC) are provided to the Member who routed the order to the Exchange. Pursuant to Rule 21.12, which specifies the process to submit an order with a Designated Give Up, a Member acting as an options routing firm on behalf of one or more other Exchange Members (a "Routing Firm") is able to route orders to the Exchange and to immediately give up the party (a party other than the Routing Firm itself or the Routing Firm's own clearing firm) who will accept and clear any resulting transaction. Because the Routing Firm is responsible for the decision to route the order to the Exchange, the Exchange currently provides such Member with the rebate when orders that yield fee code BC, NC, PC, QA and QC are executed. As amended, the Exchange would provide rebates to a Routing Firm when orders that yield fee code BC, NC, PC, QA and QM are executed.

Fee Codes PM and NM

Currently fee codes PM and NM apply to orders in Market Maker¹⁴ Penny Pilot¹⁵ and Non-Penny Pilot contracts, respectively. To further specify which orders add and remove liquidity, the Exchange proposes to modify the definitions for PM and NM. As proposed, fee code PM would be appended to Market Maker Penny Pilot

orders which add liquidity. Fee code NM would be appended to Market Maker Non-Penny Pilot orders which add liquidity. The Exchange does not propose to alter the standard fee of \$0.19 per contract assessed on orders appended with fee codes PM and NM. Fee Codes PT and NT

Exchange proposes to amend its fee schedule to add fee codes PT and NT, which would apply to orders which remove liquidity in Market Maker Penny Pilot and Non-Penny Pilot orders, respectively. Similar to the current fee codes PM and NM, orders appended with fee codes PT and NT would be assessed a fee of \$0.19 per contract.

Eliminate Customer Volume Tiers 4 and 6

Footnote 1 of the fee schedule sets forth six tiers, each providing enhanced rebates ranging from \$0.10 to \$0.25 per contract to a Member's order that yields fee code PC or NC upon satisfying monthly volume criteria. The Exchange proposes to eliminate Tiers 4 and 6 as they did not result in incentivizing additional order flow as designed. In connection with the change the Exchange proposes to update the standard rates table to reflect the removal of the \$0.25 rebate applicable to Tiers 4 and 6.

Implementation Date

The Exchange proposes to implement this amendment to its fee schedule on May 1, 2017.¹⁶

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.¹⁷ Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,¹⁸ in that it provides for the equitable allocation of reasonable dues, fees and other charges among Members and other persons using any facility or system which the Exchange operates or controls.

QCC Pricing

The Exchange believes that its proposed fees and rebates related to QCC Orders are reasonable and fair and

equitable as the fees will allow the Exchange to continue to offer QCC Order functionality, which is functionality offered on other options exchanges, with pricing that is comparable to that offered by other options exchanges. The Exchange further believes that this pricing structure is non-discriminatory, as it applies equally to all Members. In addition, the Exchange believes this proposal is reasonable because, while orders for other market participants (Non-Customers) will be assessed a fee, the Exchange is reducing this fee; further, orders for Customers will receive free executions and Members submitting QCC Agency Orders will receive a rebate where one side of the transaction is a Non-Customer order. The Exchange believes the proposed QCC Initiator Rebate is equitable and not unfairly discriminatory as the Exchange and other options exchanges have generally established pricing structures that are intended to encourage additional QCC order flow.

Fee Codes Addition and Modification

The Exchange believes that its proposals to add fee codes PT and NT related specifically to orders which remove liquidity and modify the definition of PM and NM related specifically to orders which add liquidity are fair and equitable and reasonable because the proposed fees for orders appended with fee codes PT, NT, PM and NM are identical and consistent with pricing previously offered by the Exchange as well as competitors of the Exchange and do not represent a significant departure from the Exchange's general pricing structure. Instead, the changes and additions will simply allow the Exchange to further differentiate between different types of executions for purposes of transparency to Members as well as potential future pricing changes. Also, the proposed changes to fee codes are not unfairly discriminatory because they will apply equally to all Members.

Eliminating Customer Volume Tiers 4 and 6

Lastly, the Exchange believes that eliminating the Customer Volume Tiers 4 and 6 under footnote 1 is reasonable, fair, and equitable because the these tiers were not providing the desired result of incentivizing Members to increase their participation in Customer orders on the Exchange. As such, the Exchange also believes that the proposed elimination of these tiers would be non-discriminatory in that they currently apply equally to all Members and, upon elimination, would

¹⁰ Fee code QM is appended to QCC Non-Customer orders represented as agent by a Member on behalf of another party for execution pursuant to Rule 21.1. *Id.*

¹¹ Fee code BC is appended Customer orders represented as agent by a Member on behalf of another party and submitted to BAM for potential price improvement pursuant to Rule 21.19, and provided a standard rebate of \$0.14 per order. *Id.*

¹² Fee code NC is appended to Customer orders which add liquidity in Non-Penny Pilot securities and is provided a standard rebate of \$0.05 per order. *Id.*

¹³ Fee code PC is appended to Customer orders which add liquidity in Penny Pilot securities and is provided a standard rebate of \$0.05 per order. *Id.*

¹⁴ "Market Maker" applies to any transaction identified by a Member for clearing in the Market Maker range at the OCC, where such Member is registered with the Exchange as a Market Maker as defined in Rule 16.1(a)(37). *Id.*

¹⁵ "Penny Pilot Securities" are those issues quoted pursuant to Exchange Rule 21.5, Interpretation and Policy .01. *Id.*

¹⁶ The Exchange initially submitted the proposed fee change on May 1, 2017. (SR-BatsEDGX-2017-18). On May 8, 2017, the Exchange withdrew SR-BatsEDGX-2017-18 and submitted this filing.

¹⁷ 15 U.S.C. 78f.

¹⁸ 15 U.S.C. 78f(b)(4).

no longer be available to any Members. Further, their elimination will allow the Exchange to explore other pricing mechanisms in which it may enhance market quality for all Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed change to fees related to QCC Orders will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposed functionality is open to all market participants. The proposals to provide a rebate for certain QCC Agency Orders through the QCC Initiator Rebate and to reduce fees for QCC Contra Orders are competitive proposals intended to incentivize the entry of additional orders into QCC. Further, the pricing is designed to be competitive with pricing on other options exchanges and QCC functionality is a competitive offering by the Exchange. Further, the Exchange does not believe that the changes to eliminate pricing incentives that have been ineffective, to modify fee code descriptions or add fee codes will impose any burden on competition. For these reasons, the Exchange does not believe that the proposed fee schedule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, and believes the proposed change will enhance competition.

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 Act¹⁹ 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 Number SR-BatsEDGX-2017-21 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-BatsEDGX-2017-21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should

submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BatsEDGX-2017-21, and should be submitted on or before June 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²¹

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-09928 Filed 5-16-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80666; File No. SR-LCH SA-2017-005]

Self-Regulatory Organizations; LCH SA; Notice of Proposed Rule Change, as modified by Amendment No. 1 Thereto, To Add Rules Related to the Clearing of CDX.NA.HY CDS

May 11, 2017

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder² notice is hereby given that on April 28, 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. On May 5, 2017, LCH SA filed Amendment No. 1 to the proposal.³ 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 (i) CDS Margin Framework and (ii) CDS Clear Default Fund Methodology to incorporate terms and make conforming changes to provide for credit default swaps ("CDS") on the CDX.NA.HY index to be cleared by LCH SA.

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,

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ LCH SA filed Amendment No. 1 to replace the initial filing in its entirety for the purpose of clarifying various changes to its CDS Margin Framework.

¹⁹ 15 U.S.C. 78s(b)(3)(A).

²⁰ 17 CFR 240.19b-4(f).

²¹ 17 CFR 200.30-3(a)(12).

and C below, of the most significant aspects of these statements.

A. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to modify LCH SA's CDS Margin Framework and CDS Clear Default Fund Methodology to allow LCH SA to clear additional CDS contracts on the CDX.NA.HY index consisting of North America high-yield reference entities. Specifically, LCH SA proposes to amend Sections 3, 4, 5, 6, 8, 10, and 11 of its CDS Margin Framework and Section 2 and 3 of the CDS Clear Default Fund Methodology. Each of these changes is described in further detail below.

With respect to the CDS Margin Framework, the heading in Section 3 and the fourth column in the table in Section 3.1.1 will be amended to clarify that the summary of the margin framework also applies to CDX HY contracts.

Section 4.1 of the CDS Margin Framework, setting forth the short charge component of LCH SA's margin methodology, will be amended to describe the purpose of the short charge component within LCH SA's margin methodology and to adjust the calculation to account for CDX.NA.HY index contracts. The purpose of the short charge component is to address the probability of a credit event occurring during the period from the default of a Clearing Member to liquidation of the defaulting Clearing Member's portfolio, *i.e.*, the so-called "jump to default" risk. Under the proposed rule change, the short charge component of the margin methodology will take into account the risk of clearing CDS contracts on high yield indices. Currently, with respect to a Clearing Member's portfolio, the short charge in the margin methodology considers the greater of (x) a "Global Short Charge," derived from the Clearing Member's largest, or "top," net short exposure (in respect of any CDS contracts) and its top net short exposure amongst the three "riskiest" reference entities (in respect of any entity type) that are most probable to default in its portfolio and (y) the top two net short exposures in respect of CDS contracts on senior financial entities. Because high yield entities are riskier than senior financial entities by nature and historically defaults of high yield entities appeared more clustered than investment grade or European entities, LCH SA proposes to introduce a "High

Yield Short Charge" to replace the top two net short exposures in respect of CDS on senior financial entities in the short charge calculation. Based upon historical data and the maximum number of defaults that have been observed in respect of reference entities in all CDS Clear eligible contracts within a 5 business day period, LCH SA believes that the "High Yield Short Charge" should consider not only a Clearing member's top net short exposure in respect of the high yield CDS contracts in its portfolio but also the top two net short exposures among the three "riskiest" high yield reference entities to reflect the possibility of defaults of multiple, or clustered, high yield entities. As a result, the new short charge under the proposed rule change will be the greater of (x) the "Global Short Charge," as described above and (y) a "High Yield Short Charge," derived from a member's top net short exposure (in respect of high yield CDS) and its top two net short exposures amongst the three "riskiest" reference entities (in the high yield category) in its portfolio.

Conforming changes will be made throughout Section 4.1.1, which describes the "net short exposure" calculation, to accommodate CDX.NA.HY contracts and to clarify that to obtain margin in Euros all USD denominated variables are converted to Euros utilizing the current USD/Euro foreign exchange rate and calibrated haircut based upon historical data. Similarly, conforming changes will be made in Section 4.1.2 of the CDS Margin Framework, which describes the "top exposure" component of the short charge and Section 4.1.3 of the CDS Margin Framework, which describes the process by which LCH SA identifies the "riskiest" entities in determining the short charge, to incorporate terms for CDX.NA.HY index contracts and to clarify the calculation as it applies to high yield indices. Clarification changes will be made in Section 4.1.4 of the CDS Margin Framework to summarize the calculation for the short charge amount.

Section 4.3 of the CDS Margin Framework will be deleted in its entirety because the substance of that section will be contained in Section 4.1, as described above.

In addition, LCH SA also proposes to amend Section 5.1 of the CDS Margin Framework, which sets forth the wrong way risk ("WWR") component of LCH SA's methodology. Currently, LCH SA considers the correlation between the default of a Clearing Member and the default(s) of one or more other financial institutions as part of its WWR management. Specifically, the current approach leverages on the Short Charge

framework by calculating the top two net short exposures of financial entities in a Clearing Member's portfolio following the algorithm described above for the Short Charge margin. LCH SA then compares these top two net short exposures of financial entities to the short charge margin and imposes the greater of those two as the adjusted jump-to-default charge, to address the WWR arising from the correlation between a Clearing Member default and the default(s) of one or more financial entities in the Clearing Member's portfolio. The proposed rule change does not substantively change this approach but amends Section 5.1 of the CDS Margin Framework to clarify that, when the top two net short exposures in respect of financial entities exceeds the short charge margin, as described above, LCH SA will impose a charge equal to such excess to address the jump-to-default WWR.

Other conforming changes in the CDS Margin Framework will be made in Sections 5, 6, 8, 10, and 11 to clarify that those sections also apply to high yield indices.

With respect to the CDS Clear Default Fund Methodology, Section 2.3 will be amended to facilitate clearing of CDS contracts on the CDX High Yield index and to modify the existing stressed short charge component of the CDS Clear Default Fund Methodology. Currently, the stressed short charge covers the greater of (x) the top net short exposure plus the top two net short exposures amongst the three entities most likely to default in the Clearing Member's portfolio and (y) the top two net short exposures which are senior financial entities plus the top net short exposures amongst the three senior financial entities most likely to default in the Clearing Member's portfolio. The proposed rule change will take the default of high yield entities into account and add a third prong to the stressed short charge calculation, which will take the greater of (x) and (y), each as described above, and (z) the top two net short exposure which are high yield entities plus the top two net short exposures amongst the three high yield entities most likely to default in the Clearing Member's portfolio.

Finally, Section 3.8 of the CDS Clear Default Fund Methodology, which describes the correlation between index families and series, will be updated to reflect additional data.

2. Statutory Basis

LCH SA believes that the proposed rule change and the clearing of CDX.NA.HY contracts is consistent with the requirements of Section 17A of the

Act⁴ and the regulations thereunder, including the standards under Rule 17Ad-22.⁵ Section 17(A)(b)(3)(F) of the Act⁶ requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and derivative 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. As noted above, the proposed rule change is designed to provide for the clearing of CDX.NA.HY contracts. CDX.NA.HY contracts are similar to the contracts currently cleared by LCH SA and will be cleared in the same manner as other index contracts, consistent with LCH SA's existing operational arrangements. Clearing of the additional contracts will allow market participants to manage additional risk and ensure the safeguarding of margin and assets pursuant to LCH SA's rules. Therefore, LCH SA believes that the clearing of CDX.NA.HY and the related changes described herein are consistent with the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions, in accordance with 17(A)(b)(3)(F) of the Act.⁷

In addition, the proposed amendments to LCH SA's CDS Margin Framework and CDSClear Default Fund Methodology also satisfy the relevant requirements of Rule 17Ad-22, including Rule 17Ad-22(b)(2), (b)(3), (e)(4) and (e)(6).⁸ Rule 17Ad-22(b)(2) requires a clearing agency to use margin requirements to limit its credit exposures to participants under normal market conditions and use risk-based models and parameters to set margin requirements.⁹ Rule 17Ad-22(e)(4)(i) requires a covered clearing agency to maintain sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence,¹⁰ and Rule 17Ad-22(e)(6)(i) 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, at a minimum, considers and produces margin levels commensurate with the risks and particular attributes of each relevant

product, portfolio, and market.¹¹ The proposed rule change to LCH SA's CDS Margin Framework will take into account the risk particular to clearing CDS on high yield entities as part of LCH SA's jump-to-default risk management and wrong way risk management and produce margin levels commensurate with the risks and attributes of CDS on high yield entities and maintain margin sufficient to cover its credit exposure to its participants fully in normal market conditions, consistent with requirements of Rule 17Ad-22(b)(2), (e)(4)(i) and (e)(6)(i).¹² Moreover, Rule 17Ad-22(b)(3) requires a clearing agency acting as a central counterparty for security-based swaps to establish policies and procedures reasonably designed to maintain sufficient financial resources to withstand, at a minimum, a default by the two participant families to which it has the largest exposures in extreme but plausible market conditions (the "cover two standard").¹³ Similarly, Rule 17Ad-22(e)(4)(ii) requires a covered clearing agency that provides central counterparty services for security-based swaps to maintain financial resources additional to margin to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, meeting the cover two standard.¹⁴ LCH SA believes that its CDSClear Default Fund Methodology, with the modifications described herein, will provide a stress short charge appropriately incorporating the risk of clearing CDS on high yield entities, which, together with its margin methodology, will ensure that LCH SA maintains sufficient financial resources to meet the cover two standard, in accordance with Rule 17Ad-22(b)(3) and (e)(4)(ii).¹⁵ LCH SA also believes that the clearing of CDX.NA.HY contracts is consistent with Rule 17Ad-22(d)(4) and (e)(17),¹⁶ in that clearing the additional contracts will be substantially the same from an operational perspective as clearing existing contracts and LCH SA believes that its existing systems are adequately scalable to facilitate the clearing of additional contracts

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.¹⁷ LCH SA does not believe that its clearing of CDX.NA.HY contracts will adversely affect the trading market for those contracts or CDS generally. By allowing LCH SA to clear CDX.NA.HY contracts, market participants will have additional choices on where to clear CDX.NA.HY contracts, which, in turn, will promote competition and further the development of CDX.NA.HY contracts for risk management. Further, LCH SA will apply its existing fair and open access criteria to the clearing of CDX.NA.HY contracts. Accordingly LCH SA 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.

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

¹⁷ 15 U.S.C. 78q-1(b)(3)(I).

⁴ 15 U.S.C. 78q-1.

⁵ 17 CFR 240.17Ad-22.

⁶ 15 U.S.C. 78q-1(b)(3)(F).

⁷ 15 U.S.C. 78q-1(b)(3)(F).

⁸ 17 CFR 240.17Ad-22.

⁹ 17 CFR 240.17Ad-22(b)(22).

¹⁰ 17 CFR 240.17Ad-22(e)(4)(i).

¹¹ 17 CFR 240.17Ad-22(e)(6)(i).

¹² 17 CFR 240.17Ad-22(b)(2), (e)(4)(i) and (e)(6)(i).

¹³ 17 CFR 240.17Ad-22(b)(3).

¹⁴ 17 CFR 240.17Ad-22(e)(4)(ii).

¹⁵ 17 CFR 240.17Ad-22(b)(3) and (e)(4)(ii).

¹⁶ 17 CFR 240.17Ad-22(d)(4) and (e)(17).

• Send an email to rule-comments@sec.gov. Please include File Number SR-LCH SA-2017-005 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-2017-005. 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 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-2017-005 and should be submitted on or before June 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Brent J. Fields,

Secretary.

[FR Doc. 2017-09935 Filed 5-16-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80657; File No. SR-NYSEArca-2017-09]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, Regarding Investments of the Janus Short Duration Income ETF Listed Under NYSE Arca Equities Rule 8.600

May 11, 2017.

I. Introduction

On January 30, 2017, NYSE Arca, Inc. ("Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change regarding investments of the Janus Short Duration Income ETF ("Fund"), which is currently listed and traded on the Exchange under NYSE Arca Equities Rule 8.600. The proposed rule change was published for comment in the **Federal Register** on February 17, 2017.³ On March 13, 2017, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change as originally filed. On March 30, 2017, the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁴ On April 10, 2017, the Exchange filed Amendment No. 2 to the proposed rule change, which replaced and superseded the proposed rule change as modified by Amendment No. 1.⁵ The Commission

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 80028 (February 13, 2017), 82 FR 11089.

⁴ See Securities Exchange Act Release No. 80346, 82 FR 16643 (April 5, 2017).

⁵ In Amendment No. 2, the Exchange: (1) Proposes to revise the limit on the Fund's investments in over-the-counter ("OTC") derivatives that are used for hedging purposes, from unlimited in the original proposal to up to 50% of the Fund's assets (calculated as the aggregate gross notional value); (2) clarifies how certain Fund holdings will be valued for purposes of the net asset value ("NAV") and Portfolio Indicative Value ("PIV") calculations; (3) supplements the description of the quantitative information available on the Fund's Web site; (4) supplements the description of the surveillance procedures for the shares of the Fund ("Shares"); and (5) makes other conforming, clarifying, and technical changes. Amendment No. 2 is available at: <https://www.sec.gov/comments/sr-nysearca-2017-09/nysearca201709.htm>.

received no comments on the proposed rule change. The Commission is publishing this notice to solicit comments on Amendment No. 2 from interested persons, and is approving the proposed rule change, as modified by Amendment No. 2, on an accelerated basis.

II. The Exchange's Description of the Proposed Rule Change, as Modified by Amendment No. 2⁶

The Shares of the Fund are currently listed and traded on the Exchange under Commentary .01 to NYSE Arca Equities Rule 8.600, which provides generic listing standards for Managed Fund Shares.⁷ The Shares are offered by Janus Detroit Street Trust ("Trust"), which is registered with the Commission as an open-end management investment company.⁸ Janus Capital Management LLC ("Adviser") is the Fund's investment adviser.⁹ ALPS Distributors, Inc. is the principal underwriter and distributor of the Fund's Shares. State Street Bank and Trust Company serves as the custodian, administrator, and transfer agent for the Fund.

Principal and Other Investments

According to the Exchange, the Fund seeks to provide a steady income stream

⁶ The Commission notes that additional information regarding the Trust (as defined below), the Fund, its investments, and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, calculation of NAV, distributions, and taxes, among other things, can be found in Amendment No. 2 and the Registration Statement (as defined below), as applicable. See Amendment No. 2, *supra* note 5, and Registration Statement, *infra* note 8.

⁷ Shares of the Fund commenced trading on the Exchange on November 17, 2016 pursuant to Commentary .01 to NYSE Arca Equities Rule 8.600.

⁸ The Trust is registered under the Investment Company Act of 1940 ("1940 Act"). On November 16, 2016, the Trust filed with the Commission its registration statement on Form N-1A under the Securities Act of 1933 and under the 1940 Act relating to the Fund (File Nos. 333-207814 and 811-23112) ("Registration Statement"). In addition, the Exchange states that the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. See Investment Company Act Release No. 31540 (March 30, 2015) (File No. 812-13819).

⁹ The Adviser is not registered as a broker-dealer but the Adviser is affiliated with a broker-dealer and has implemented and will maintain a "fire wall" with respect to such broker-dealer regarding access to information concerning the composition of and/or changes to the Fund's portfolio. In the event (a) the Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or broker-dealer affiliate regarding access to information concerning the composition of and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

¹⁸ 17 CFR 200.30-3(a)(12).

with capital preservation across various market cycles. The Fund seeks to outperform the London Interbank Offered Rate 3-month rate by 2–3% through various market cycles with low volatility. The Fund pursues its investment objective by investing, under normal market conditions,¹⁰ at least 80% of its net assets in a portfolio of financial instruments described below.

According to the Exchange, the Fund may invest in Fixed Income Instruments,¹¹ which may be represented by derivatives. The Fund may invest in exchange-traded closed-end funds (“CEFs”) that invest substantially all of their assets in Fixed Income Instruments. The Fund may invest in futures and options on futures on interest rates, foreign currencies, and Eurodollars. The Fund may enter into forward contracts to purchase and sell Fixed Income Instruments and foreign currencies. The Fund may invest in options on foreign currencies either on exchanges or in the OTC market. The Fund may invest in options on U.S. and foreign government securities that may be traded on foreign exchanges and OTC in foreign countries. The Fund may write exchange-traded or OTC covered and uncovered put and call options and buy exchange-traded or OTC put and call options on securities that are traded on U.S. and foreign securities exchanges. The Fund may write straddles (combinations of put and call options on the same underlying security). The Fund may purchase and

¹⁰ The term “normal market conditions” is defined in NYSE Arca Equities Rule 8.600(c)(5).

¹¹ According to the Exchange, Fixed Income Instruments are the following: U.S. and non-U.S. corporate debt securities; preferred stock of foreign issuers, foreign bank obligations, and U.S. dollar or foreign currency-denominated obligations of foreign governments or supranational entities or their subdivisions, agencies, and instrumentalities; agency and non-agency asset-backed securities; principal exchange rate linked securities; zero coupon, step coupon, and pay-in-kind securities; U.S. Government securities, including inflation-indexed bonds issued by the U.S. Government, Treasury bills, notes and bonds, Treasury Inflation-Protected Securities, and obligations issued or guaranteed by U.S. Government agencies and instrumentalities that are backed by the full faith and credit of the U.S. Government; inflation-indexed bonds not issued by the U.S. Government, including municipal inflation-indexed bonds, inflation-indexed bonds issued by foreign governments, and corporate inflation-indexed bonds; debt securities issued by states or local governments and their agencies, authorities, and other government-sponsored enterprises; custodial receipts; Build America Bonds; variable and floating rate obligations; Brady Bonds; bank obligations; fixed income privately-placed securities and fixed income unregistered securities; exchange-traded or OTC bank capital securities; subordinated or junior debt; credit-linked trust certificates, traded custody receipts, and participation interests; structured notes and indexed securities; and money market instruments.

write exchange-listed and OTC put and call options on securities indices. The Fund may purchase or write covered and uncovered put and call options on interest rate swaps. The Fund may enter into swap agreements or utilize swap-related products, which are the following: Total return swaps based on Fixed Income Instruments or an index thereon; interest rate swaps; and credit default swaps (“CDS”) and index credit default swaps based on Fixed Income Instruments. The Fund may invest in swaps on U.S. and foreign currencies. The Fund may enter into single-name CDS agreements.

While the Fund, under normal market conditions, invests at least 80% of its net assets in the securities and financial instruments described above, the Fund may invest its remaining assets in foreign currency transactions on a spot (cash) basis.

Investment Restrictions

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment) deemed illiquid by the Adviser, consistent with Commission guidance.¹² The Fund monitors its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund’s net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The Fund is diversified within the meaning of the 1940 Act.

The Fund intends to qualify annually and elect to be treated as a regulated investment company under Subchapter M of the Internal Revenue Code.¹³

The Fund will not concentrate its investments in a particular industry, as that term is used in the 1940 Act, and as interpreted, modified, or otherwise

¹² Under the guidelines established by the Trust’s Board of Trustees (“Board”), the Adviser will consider the following factors: (1) The frequency of trades and quoted prices for the security; (2) the number of dealers willing to purchase or sell the security and the number of other potential purchasers; (3) the willingness of dealers to undertake to make a market in the security; and (4) the nature of the security and the nature of the marketplace trades, including the time needed to dispose of the security, the method of soliciting offers, and the mechanics of the transfer.

¹³ 26 U.S.C. 851.

permitted by a regulatory authority having jurisdiction from time to time.

Application of Generic Listing Requirements

As noted above, the Shares are currently listed and traded on the Exchange under Commentary .01 to NYSE Arca Equities Rule 8.600, which provides generic listing standards for Managed Fund Shares. Commentary .01(e) to NYSE Arca Equities Rule 8.600 currently requires that, on both an initial and ongoing basis, no more than 20% of the Fund’s assets may be invested in OTC derivatives (calculated as the aggregate gross notional value of the OTC derivatives). The Exchange now proposes that up to 50% of the Fund’s assets (calculated as the aggregate gross notional value) may be invested in OTC derivatives that are used to reduce currency, interest rate, or credit risk arising from the Fund’s investments, including forwards, OTC options, and OTC swaps. The Fund’s investments in OTC derivatives other than OTC derivatives used to hedge the Fund’s portfolio against currency, interest rate, or credit risk will be limited to 20% of the assets in the Fund’s portfolio, calculated as the aggregate gross notional value of such OTC derivatives.

According to the Exchange, other than Commentary .01(e), the Fund’s portfolio will meet all other requirements of NYSE Arca Equities Rule 8.600.

III. Discussion and Commission’s Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.¹⁴ In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with Section 6(b)(5) of the Act,¹⁵ which requires, among other things, that the Exchange’s rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

As noted above, the Exchange proposes that up to 50% of the Fund’s assets (calculated as the aggregate gross

¹⁴ In approving this proposed rule change, the Commission notes that it has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁵ 15 U.S.C. 78f(b)(5).

notional value) may be invested in OTC derivatives that are used to reduce currency, interest rate, or credit risk arising from the Fund's investments, including forwards, OTC options, and OTC swaps.¹⁶ The Exchange states that the Adviser believes that it is important to provide the Fund with additional flexibility to manage risk associated with its investments. The Exchange states that OTC derivatives can be tailored to hedge the specific risk arising from the Fund's investments and may be a more efficient hedging vehicle than listed derivatives. The Exchange also states that if the Fund were limited to investing up to 20% of assets in OTC derivatives, the Fund might have to "over hedge" or "under hedge" if round lot sizes in listed derivatives were not available. As proposed, on a daily basis, the Fund will disclose on its Web site the information regarding the Disclosed Portfolio required under NYSE Arca Equities Rule 8.600(c)(2) to the extent applicable.¹⁷ The Web site information will be publicly available at no charge.

The Commission also finds that the proposal is consistent with Section

¹⁶ According to the Exchange, the Fund will seek, where possible, to use counterparties, as applicable, whose financial status is such that the risk of default is reduced; however, the risk of losses resulting from default is still possible. The Adviser will monitor the financial standing of counterparties on an ongoing basis. This monitoring may include information provided by credit agencies, as well as the Adviser's credit analysts and other team members who evaluate approved counterparties using various methods of analysis, including but not limited to earnings updates, the counterparty's reputation, the Adviser's past experience with the broker-dealer, market levels for the counterparty's debt and equity, the counterparty's liquidity and its share of market participation. Moreover, the Exchange states that investments in derivative instruments are made in accordance with the 1940 Act and consistent with the Fund's investment objective and policies. To limit the potential risk associated with such transactions, the Fund segregates or "earmarks" assets determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain offsetting positions) to cover its obligations under derivative instruments. These procedures have been adopted consistent with Section 18 of the 1940 Act and related Commission guidance. In addition, the Fund has included appropriate risk disclosure in its offering documents, including leveraging risk.

¹⁷ NYSE Arca Equities Rule 8.600(c)(2) requires that the Web site for each series of Managed Fund Shares disclose the following information regarding the Disclosed Portfolio, to the extent applicable: (A) Ticker symbol; (B) CUSIP or other identifier; (C) description of the holding; (D) with respect to holdings in derivatives, the identity of the security, commodity, index or other asset upon which the derivative is based; (E) the strike price for any options; (F) the quantity of each security or other asset held as measured by (i) par value, (ii) notional value, (iii) number of shares, (iv) number of contracts, and (v) number of units; (G) maturity date; (H) coupon rate; (I) effective date; (J) market value; and (K) percentage weighting of the holding in the portfolio.

11A(a)(1)(C)(iii) of the Act,¹⁸ which sets forth Congress's finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities. Quotation and last-sale information for the Shares will be available via the Consolidated Tape Association ("CTA") high-speed line. The PIV, as defined in NYSE Arca Equities Rule 8.600(c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Intra-day and closing price information regarding CEFs will be available from the exchange on which such securities are traded. Intra-day and closing price information regarding exchange-traded options (including options on futures) and futures will be available from the exchange on which such instruments are traded. Intra-day and closing price information regarding Fixed Income Instruments will be available from major market data vendors. Price information relating to forwards, currencies, OTC options and swaps will be available from major market data vendors. Intra-day price information for exchange-traded derivative instruments will be available from the applicable exchange and from major market data vendors. Exchange-traded options quotation and last sale information for options cleared via the Options Clearing Corporation is available via the Options Price Reporting Authority. In addition, the Fund's Web site includes a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information.

The Commission also believes that the proposal is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Exchange has obtained a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all

¹⁸ 15 U.S.C. 78k-1(a)(1)(C)(iii).

market participants at the same time. Trading in Shares of the Fund will be halted if the circuit-breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.¹⁹ Moreover, trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

The Exchange states that it has a general policy prohibiting the distribution of material, non-public information by its employees. The Exchange states that the Adviser is not registered as a broker-dealer but the Adviser is affiliated with a broker-dealer and has implemented and will maintain a "fire wall" with respect to such broker-dealer regarding access to information concerning the composition of and/or changes to the Fund's portfolio. Further, the Commission notes that the Reporting Authority that provides the Disclosed Portfolio must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material, non-public information regarding the actual components of the portfolio.²⁰

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange represents that:

(1) Other than Commentary .01(e), the Fund's portfolio will meet all other requirements of NYSE Arca Equities Rule 8.600.

(2) Up to 50% of the Fund's assets (calculated as the aggregate gross notional value) may be invested in OTC derivatives that are used to reduce currency, interest rate, or credit risk arising from the Fund's investments, including forwards, OTC options, and OTC swaps. The Fund's investments in OTC derivatives other than OTC derivatives used to hedge the Fund's portfolio against currency, interest rate, or credit risk will be limited to 20% of the assets in the Fund's portfolio, calculated as the aggregate gross notional value of such OTC derivatives.

(3) The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at

¹⁹ These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments constituting the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

²⁰ See NYSE Arca Equities Rule 8.600(d)(2)(B)(ii).

the time of investment) deemed illiquid by the Adviser, consistent with Commission guidance.

(4) 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, and 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 applicable federal securities laws.

(5) The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, certain CEFs, certain exchange-traded bank capital securities, certain exchange-traded options, and certain futures with other markets and other entities that are members of the Intermarket Surveillance Group (“ISG”), and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in such securities and financial instruments from such markets and other entities. In addition, the Exchange may obtain information regarding trading in such securities and financial instruments from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Exchange is able to access from FINRA, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA’s Trade Reporting and Compliance Engine. FINRA also can access data obtained from the Municipal Securities Rulemaking Board relating to certain municipal bond trading activity for surveillance purposes in connection with trading in the Shares.

(6) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(7) For initial and continued listing, the Fund must be in compliance with Rule 10A–3 under the Act.²¹

The Exchange represents that all statements and representations made in the filing regarding (1) the description of the portfolio; (2) limitations on portfolio holdings or reference assets; or (3) the applicability of Exchange listing rules specified in the rule filing constitute continued listing requirements for listing the Shares on the Exchange. In addition, the issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund to

comply with the continued listing requirements and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor²² for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Equities Rule 5.5(m).

This approval order is based on all of the Exchange’s statements and representations, including those set forth above and in Amendment No. 2.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with Section 6(b)(5) of the Act²³ and Section 11A(a)(1)(C)(iii) of the Act²⁴ and the rules and regulations thereunder applicable to a national securities exchange.

IV. Solicitation of Comments on Amendment No. 2

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 2 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–2017–09 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–NYSEArca–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–NYSEArca–2017–09 and should be submitted on or before June 7, 2017.

V. Accelerated Approval of Proposed Rule Change as Modified by Amendments No. 2

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 2, prior to the thirtieth day after the date of publication of Amendment No. 2 in the **Federal Register**. As noted above, Amendment No. 2 revises the proposed rule change by changing the proposed limit on the Fund’s investments in OTC derivatives that are used for hedging purposes, from an unlimited amount to up to 50% of the Fund’s assets. Amendment No. 2 also provides clarifications and additional information to the proposed rule change. The changes and additional information in Amendment No. 2 helped the Commission to evaluate, among other things, whether the listing and trading of the Shares would be consistent with the protection of investors and the public interest. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,²⁵ to approve the proposed rule change, as modified by Amendment No. 2, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,²⁶ that the

²² The Commission notes that certain proposals for the listing and trading of exchange-traded products include a representation that the exchange will “surveil” for compliance with the continued listing requirements. *See, e.g.*, Securities Exchange Act Release No. 77499 (April 1, 2016), 81 FR 20428, 20432 (April 7, 2016) (SR–BATS–2016–04). In the context of this representation, it is the Commission’s view that “monitor” and “surveil” both mean ongoing oversight of compliance with the continued listing requirements. Therefore, the Commission does not view “monitor” as a more or less stringent obligation than “surveil” with respect to the continued listing requirements.

²³ 15 U.S.C. 78f(b)(5).

²⁴ 15 U.S.C. 78k–1(a)(1)(C)(iii).

²⁵ 15 U.S.C. 78s(b)(2).

²⁶ 15 U.S.C. 78s(b)(2).

²¹ *See* 17 CFR 240.10A–3.

proposed rule change (SR-NYSEArca-2017-09), as modified by Amendment No. 2, be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁷

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-09927 Filed 5-16-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80656; File No. SR-BX-2017-022]

Self-Regulatory Organizations; NASDAQ BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 4770 To Modify the Date of Appendix B Web Site Data Publication

May 11, 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 28, 2017, NASDAQ BX, Inc. (“BX” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 4770 to modify the date of Appendix B Web site data publication pursuant to the Regulation NMS Plan to Implement a Tick Size Pilot Program (“Plan”).

The text of the proposed rule change is available on the Exchange’s Web site at <http://nasdaqbx.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed

any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule 4770(b) (Compliance with Data Collection Requirements)³ implements the data collection and Web site publication requirements of the Plan.⁴ Commentary .08 to Rule 4770 provides, among other things, that the requirement that the Exchange provide information to the SEC within 30 days following month end pursuant to Appendix B and C of the Plan shall commence at the beginning of the Pilot Period.⁵ Commentary .08 to Rule 4770 also provides that, with respect to data for the Pre-Pilot and Pilot Period, the requirement that the Exchange or DEA make Appendix B data publicly available on the Exchange’s or DEA’s Web site shall commence on April 28, 2017.⁶

BX is now proposing to amend Commentary .08 to Rule 4770 to delay the date by which Pre-Pilot and Pilot Appendix B data is to be made publicly

³ See Rule 4770(b). See also Securities Exchange Act Release No. 77457 (March 28, 2016), 81 FR 18913 (April 1, 2016) (SR-BX-2016-019).

⁴ The Participants filed the Plan to comply with an order issued by the Commission on June 24, 2014. See Letter from Brendon J. Weiss, Vice President, Intercontinental Exchange, Inc., to Secretary, Commission, dated August 25, 2014 (“SRO Tick Size Plan Proposal”). See Securities Exchange Act Release No. 72460 (June 24, 2014), 79 FR 36840 (June 30, 2014); see also Securities Exchange Act Release No. 74892 (May 6, 2015), 80 FR 27513 (May 13, 2015).

⁵ Unless otherwise defined herein, capitalized terms have the meaning ascribed to them in Rule 4770.

⁶ On November 30, 2016, the SEC granted exemptive relief to the Participants to, among other things, delay the publication of Web site data pursuant to Appendices B and C to the Plan until February 28, 2017, and to delay the ongoing Web site publication by ninety days such that data would be published within 120 calendar days following the end of the month. See Letter from David S. Shillman, Associate Director, Division of Trading and Markets, Commission, to Marcia E. Asquith, Senior Vice President and Corporate Secretary, FINRA, dated November 30, 2016; see also Securities Exchange Act Release No. 79549 (December 14, 2016), 81 FR 92886 (December 20, 2016) (SR-BX-2017-067). The SEC subsequently extended this exemptive relief to April 28, 2017. See Letter from David S. Shillman, Associate Director, Division of Trading and Markets, Commission, to Robert L.D. Colby, Executive Vice President and Chief Legal Officer, FINRA, dated February 28, 2017.

available on the Exchange’s Web site from April 28, 2017 to August 31, 2017.⁷

In the SRO Tick Size Plan Proposal, the Participants stated that the public data will be made available for free “on a disaggregated basis by trading center” on the Web sites of the Participants and the Designated Examining Authorities.⁸ However, market participants have expressed confidentiality concerns regarding this approach for over-the-counter (“OTC”) data.⁹ Thus, BX is filing the instant proposed rule change to provide additional time to assess a means of addressing the confidentiality concerns raised in connection with the publication of Appendix B data related to OTC activity in furtherance of the objectives of the Plan.¹⁰ Pursuant to this amendment, Appendix B data publication will be delayed until August 31, 2017. The Participants anticipate filing additional proposed rule changes to address Appendix B data publication.

BX has filed the proposed rule change for immediate effectiveness. The operative date of the proposed rule change will be the date of filing.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹¹ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹² in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. BX also believes that the proposal is consistent with Section

⁷ Commentary .08 to Rule 4770 initially required that the Exchange make Pre-Pilot and Pilot Appendix B data publicly available by February 28, 2017. BX filed a proposed rule change to extend this date to April 28, 2017. See Securities Exchange Act Release No. 80228 (March 13, 2017), 82 FR 14256 (March 17, 2017) (SR-BX-2017-016).

⁸ See Securities Exchange Act Release No. 73511 (November 3, 2014), 79 FR 66423 (November 7, 2014) (Notice of Filing of Proposed National Market System Plan to Implement a Tick Size Pilot Program on a One-Year Pilot Basis, File No. 4-657) (“Tick Size Plan Proposal”).

⁹ See letters from Adam C. Cooper, Senior Managing Director and Chief Legal Officer, Citadel Securities, to Brent J. Fields, Secretary, Commission, dated December 21, 2016 (“Citadel letter”); and William Hebert, Managing Director, Financial Information Forum, to Robert W. Errett, Deputy Secretary, Commission, dated December 21, 2016 (“FIF letter”).

¹⁰ In connection with its filing to implement a similar change in its rules, the Financial Industry Regulatory Authority, Inc. is also submitting an exemptive request to the SEC on behalf of all Plan Participants requesting relief from the relevant requirements of the Plan.

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(5).

²⁶ 15 U.S.C. 78s(b)(2).

²⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

6(b)(8) of the Act,¹³ which requires that Exchange rules not impose any burden on competition that is not necessary or appropriate.

The Plan is designed to allow the Commission, market participants, and the public to study and assess the impact of increment conventions on the liquidity and trading of the common stock of small-capitalization companies. BX believes that this proposal is consistent with the Act because it is in furtherance of the objectives of Section VII(A) of the Plan in that it is designed to provide BX with additional time to assess a means of addressing the confidentiality concerns raised in connection with the publication of Appendix B data, to comply with the Plan's requirements that the data made publicly available will not identify the trading center that generated the data.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change implements the provisions of the Plan, and all Participants are filing similar proposals to extend the publication date of Appendix B data.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁴ and Rule 19b-4(f)(6) thereunder.¹⁵

A proposed rule change filed under Rule 19(b)-4(f)(6) normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The

Exchange has filed the proposed rule change for immediate effectiveness and has requested that the Commission waive the requirement that the proposed rule change not become operative for 30 days after the date of the filing so that it may become operative on the date of filing.

The Exchange notes that the proposed rule change is intended to mitigate confidentiality concerns raised in connection with Section VII(A) of the Plan, which provides that the data made publicly available will not identify the Trading Center that generated the data. The Exchange states that the additional time would allow consideration of a methodology to mitigate concerns related to the publication of Appendix B data.¹⁶

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will synchronize the timing for publication of Appendix B data for all Participants, which should enhance the consistency and usefulness of the data.¹⁷ Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative on the date of filing.¹⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the

Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-BX-2017-022 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-BX-2017-022. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BX-2017-022 and should be submitted on or before June 7, 2017.

¹⁶ The Commission recently approved a FINRA proposal to implement an aggregated, anonymous grouped masking methodology for the publication of Appendix B data related to OTC trading activity. See Securities Exchange Release No. 80551. (April 28, 2017), 82 FR 20948 (May 4, 2017). See also Letter from David S. Shillman, Associate Director, Division of Trading and Markets, Commission, to Marcia E. Asquith, Executive Vice President FINRA, dated April 28, 2017.

¹⁷ The Commission recently granted exemptive relief to the Participants to delay the publication of their Appendix B data until August 31, 2017. See Letter from David S. Shillman, Associate Director, Division of Trading and Markets, Commission, to Jennifer Piorko Mitchell, Vice President and Deputy Corporate Secretary, FINRA, dated April 28, 2017. The Commission notes that other Participants have submitted proposed rule changes to delay the publication of Appendix B data until August 31, 2017. See e.g., SR-BatsBYX-2017-10; SR-BatsBZX-2017-31; SR-BatsEDGA-2017-10; SR-BatsEDGX-2017-19; SR-CHX-2017-07; SR-FINRA-2017-010; SR-IEX-2017-12; SR-NASDAQ-2017-044; SR-Phlx-2017-33; SR-NYSE-2017-19; SR-NYSEArca-2017-49; SR-NYSEMKT-2017-24.

¹⁸ For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹³ 15 U.S.C. 78f(b)(8).

¹⁴ 15 U.S.C. 78s(b)(3)(A).

¹⁵ 17 CFR 240.19b-4(f)(6).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-09926 Filed 5-16-17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80659; File No. SR-PEARL-2017-21]

Self-Regulatory Organizations; MIAx PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 519C

May 11, 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 May 5, 2017, MIAx PEARL, LLC (“MIAx PEARL” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 519C.

The text of the proposed rule change is available on the Exchange’s Web site at <http://www.miaxoptions.com/rule-filings/pearl> at MIAx PEARL’s principal office, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 519C, Mass Cancellation of Trading Interest, to adopt new section (c) entitled “Detection of Loss of Communication,” to codify the use of current functionality in the Exchange’s System ³ which is designed to assist Members ⁴ in the event of a loss of communication with either their assigned MIAx Express Orders Interface (“MEO Interface” or “MEO”) ⁵ port or Financial Information eXchange Interface (“FIX Interface” or “FIX”) ⁶ port due to a loss of connectivity. This functionality is designed to protect Members from inadvertent exposure to excessive risk. The Exchange also proposes to adopt new Interpretations and Policies .01 and .02 as discussed below. Additionally, the Exchange proposes to make minor non substantive changes to Rule 100, Definitions, as described below. The Exchange notes that this filing is substantially similar in all material respects to a recent filing by the Exchange’s affiliate, Miami International Securities Exchange, LLC (“MIAx Options”).⁷

MIAx PEARL Members may connect to the System using the MEO Interface and/or the FIX Interface. These two connection protocols are not mutually exclusive and Members, specifically Market Makers (“MMs”) ⁸ on the Exchange, primarily use the MEO Interface for providing liquidity to the Exchange via their Market Making activities, while Electronic Exchange

³ The term “System” means the automated trading system used by the Exchange for the trading of securities. See Exchange Rule 100.

⁴ The term “Member” means an individual or organization that is registered with the Exchange pursuant to Chapter II of MIAx PEARL Rules for the purpose of trading on the Exchange as an “Electronic Exchange Member” or “Market Maker.” Members are deemed “members” under the Exchange Act. See Exchange Rule 100.

⁵ As proposed, the term “MEO Interface” means a binary order interface used for submitting certain order types (as set forth in MIAx PEARL Rule 516) to the MIAx PEARL System. See proposed Exchange Rule 100.

⁶ As proposed, the term “FIX Interface” means the Financial Information Exchange interface used for submitting certain order types (as set forth in MIAx PEARL Rule 516) to the MIAx PEARL System. See proposed Exchange Rule 100.

⁷ See Securities Exchange Act Release No. 80151 (March 3, 2017), 82 FR 13146 (March 9, 2017) (SR-MIAx-2017-08).

⁸ The term “Market Maker” or “MM” means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of MIAx PEARL Rules. See Exchange Rule 100.

Members (“EEMs”) ⁹ primarily use the FIX Interface for submitting orders.¹⁰

These Interface ports provide the mechanism by which Members maintain a connection to the Exchange and through which a Member communicates its quotes and/or orders to the System. Market Makers may submit quotes ¹¹ to the Exchange from one or more MEO ports. Similarly, Members may submit orders to the Exchange from one or more FIX ports. When the System detects a loss of communication with a Member, the System has the capability to remove the Member’s quotes and/or orders, if so elected and configured by the Member. The Exchange notes that this functionality is mandatory for Members using MEO and optional for Members using FIX, as discussed in more detail below.

MEO Connections

Members connect to their assigned MEO port using the MIAx Session Management Protocol (“SesM”). The SesM protocol uses Heartbeat ¹² packets to detect link failures between the Member and the Exchange. The SesM protocol requires that the Exchange must send a Heartbeat packet anytime more than one (1) second has passed since the Exchange last sent any data. Further, the SesM protocol requires that the Member must send a Heartbeat packet anytime more than one (1) second has passed since the Member last sent any data. If a certain number of consecutive Heartbeats are missed,¹³ or if the Member fails to send data or Heartbeats within “xx” period of time (“Heartbeat Interval”), the System will automatically close the connection and listen for the Member to establish a new connection. The default Heartbeat

⁹ The term “Electronic Exchange Member” or “EEM” means the holder of a Trading Permit who is a Member representing as agent Public Customer Orders or Non-Customer Orders on the Exchange and those non-Market Maker Members conducting proprietary trading. Electronic Exchange Members are deemed “members” under the Exchange Act. See Exchange Rule 100.

¹⁰ The term “order” means a firm commitment to buy or sell option contracts. See Exchange Rule 100.

¹¹ The term “quote” or “quotation” means a bid or offer entered by a Market Maker as a firm order that updates the Market Maker’s previous bid or offer, if any. When the term order is used in these Rules and a bid or offer is entered by the Market Maker in the option series to which such Market Maker is registered, such order shall, as applicable, constitute a quote or quotation for purposes of these Rules. See Exchange Rule 100.

¹² A Heartbeat message is a communication which acts as a virtual pulse between the Exchange System and the Member’s system. The Heartbeat message sent by the Member and received by the Exchange allows the Exchange to continually monitor its connection with the Member.

¹³ The Exchange notes that the current setting is three (3) Heartbeats.

¹⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

Interval setting is determined by the Exchange and configured directly into the System.¹⁴ Any change to these settings will be communicated to Members accordingly.

The Exchange offers Members three different types of MEO port connections. A Full Service Port Bulk (“FSP_B”) which supports all message types and binary bulk order entry, a Full Service Port Single (“FSP_S”) which supports all MEO input message types and binary order entry on a single order by order basis (no bulk orders), and a Limited Service Port (“LSP”), which supports all MEO input message types, but does not support bulk order entry and only supports IOC/ISO order types. The Exchange limits Members to two (2) Full Service Ports and allows up to eight (8) Limited Service Ports per MIAX PEARL matching engine.¹⁵ All Ports can have “Cancel on Disconnect” enabled. By default, Cancel on Disconnect functionality will be triggered upon establishing a loss of communication to the Member’s last MEO Full Service Port connection to a matching engine. When Cancel on Disconnect is triggered, the System will close the session and remove the Member’s quotes and orders from the Exchange, for the impacted matching engine only.

Members have the ability to group MEO ports together by port and/or Market Participant ID (“MPID”) for the purpose of establishing groups of connections to tailor Cancel on Disconnect functionality to the Member’s business needs.

Examples for illustration purposes are provided below.

Example 1: Default Behavior.

Group 1: MEO Full Service Ports: MEO Port 1 & MEO Port 2.

Scenario 1: MEO Port 1 disconnects, (MEO Port 2 connected) no quotes removed.

Scenario 2: MEO Port 2 disconnects, (MEO Port 1 connected) no quotes removed.

Scenario 3: MEO Port 1 disconnects, MEO Port 2 disconnects, Cancel on Disconnect triggered.

Scenario 4: MEO Port 2 disconnects, MEO Port 1 disconnects, Cancel on Disconnect triggered.

Example 2: A Member requiring a configuration which separates their orders, Mass-Cancel or Notifications to a separate port.

Group 1: MEO Full Service Ports: MEO Port 1 & MEO Port 2.

¹⁴ The Exchange notes that the current setting is three (3) seconds.

¹⁵ A “matching engine” is a part of the MIAX PEARL electronic system that processes options quotes and trades on a symbol-by-symbol basis.

Group 2: MEO Limited Service Port: MEO Port 3.

Group 1 is configured for Cancel on Disconnect; Group 2 is not.

Assuming that the Firm is connected on all ports:

Scenario 1: MEO Port 1 disconnects, no quotes removed.

Scenario 2: MEO Port 1 and Port 2 disconnect, Cancel on Disconnect triggered, quotes removed.

Scenario 3: MEO Port 3 disconnects, no quotes removed.

Scenario 4: MEO Port 1 and Port 3 disconnect, no quotes removed.

Example 3: A Member requiring a configuration to divide the ports to separate computers or traders.

Group 1: MEO Full Service Port: MEO Port 1; MEO Limited Service Port: MEO Port 2

Group 2: MEO Full Service Port: MEO Port 3; MEO Limited Service Port: MEO Port 4

Group 1 MPIDs: MPID_1, MPID_2, MPID_3

Group 2 MPIDs: MPID_3, MPID_4, MPID_5

Both groups are configured for Cancel on Disconnect, and MPID_3 is in both groups.

Assuming the Member is connected on all ports:

Scenario 1: MEO Port 1 disconnects, no quotes removed.

Scenario 2: MEO Port 1 and Port 2 disconnect, Cancel on Disconnect triggered for MPID_1, MPID_2, and MPID_3.

Scenario 3: MEO Port 3 disconnects, no quotes removed.

Scenario 4: MEO Port 1 and MEO Port 3 disconnect, Cancel on Disconnect triggered for all MPIDs.

FIX Connections

Members connect to their assigned FIX port using the MIAX PEARL FIX Orders Interface (“FOI”) which is a flexible interface that uses the FIX protocol for both application and session level messages. As per the FIX protocol, a connection is established by the Member submitting a logon message to the Exchange. This logon message establishes the Heartbeat interval that will be used by the session. This value must be greater than zero seconds and the same value must be used by both the Member and the Exchange.

Within the logon message a Member can enable “Auto Cancel on Disconnect” for all orders sent through a session by setting a flag in the logon message. This would result in all eligible orders¹⁶ submitted through the

¹⁶ Good “Til Cancelled (“GTC”) orders are not eligible for Auto Cancel on Disconnect. A GTC

FIX connection to be canceled upon a loss of communication. Alternatively, a Member can identify individual orders on a per order basis that are to be considered for Auto Cancel on Disconnect treatment.

Upon missing a single Heartbeat, FOI will send a *Test Request* message¹⁷ to the Member to check the status of the connection. Upon missing a certain number of Heartbeats,¹⁸ FOI will send a logout message and terminate the connection. When FOI detects a disconnection for any reason it will trigger the Auto Cancel on Disconnect process, whereby, if enabled, FOI will cancel all eligible orders. If Auto Cancel on Disconnect is not enabled for the session or for any orders, FOI will simply disconnect the FIX session and not cancel any orders. Once disconnected, a FIX user would have to commence a new session to add, modify, or cancel its orders. After a disconnect FOI will not accept connections from the Member for a pre-configured period of time.¹⁹ This allows the Exchange to cancel orders without the Member being able to reconnect and attempt to interact with an order in the process of being canceled. Any change to this setting will be communicated to Members accordingly.

The Auto Cancel on Disconnect functionality is designed to react to external connection loss scenarios only. Therefore, it does not cancel orders in the event of a MIAX PEARL system failure. The execution reports resulting from cancels or trades during the period a Member is disconnected can be received upon a subsequent reconnection by the Member on the same trading day.

The Exchange also proposes to adopt new Interpretations and Policies .01 to enumerate order types that are not eligible for removal by the Auto Cancel on Disconnect functionality. Proposed Interpretation and Policies .01 will state that Good “Til Cancelled (“GTC”)”²⁰ orders are not eligible for automatic cancellation.

Order is an order to buy or sell which remains in effect until it is either executed, cancelled or the underlying option expires. See Exchange Rule 516(i).

¹⁷ The test request message is a FIX Protocol message that forces a heartbeat from the opposing application. The test request message checks sequence numbers or verifies communication line status. The opposite application responds to the Test Request with a Heartbeat containing the Test Request ID. Financial Information Exchange Protocol (FIX), Version 4.2 with errata. May 1, 2001.

¹⁸ The Exchange notes that the current setting is two (2) Heartbeats.

¹⁹ The Exchange notes that the current setting is five (5) seconds.

²⁰ See Exchange Rule 516.

The Exchange also proposes to adopt new Interpretations and Policies .02 to define (i) what a “Heartbeat” message is and how it used by the Exchange, and (ii) the requirements for establishing a “Loss of Communication” on the Exchange.

Additionally, the Exchange proposes amending the definition of “MEO Interface” and “FIX Interface,” in Rule 100, to clarify the function and capability of each interface.

The functionality discussed above is designed to mitigate potential risks associated with a loss of communication to the Exchange. In today’s market, Market Makers’ quotes are rapidly changing and can have a lifespan of only milliseconds. Therefore, if a Member is disconnected for any period of time, and its quotes remained in the System, it is very possible that the quotes would be stale by the time the Member was able to reestablish connectivity. Consequently, any resulting execution of such quotes is more likely to be erroneous or unintended. Conversely, the Exchange notes that orders tend to be static in nature and often rest on the Book. Certain orders, such as GTC orders are intended to rest on the Book for an extended period of time. As such, there is a lower risk of erroneous or unintended executions resulting from orders that remained in the System after a Member experienced a loss of communication.

The Exchange believes that while information relating to connectivity and loss of communication is already available to Members via technical specifications, codifying this information in the rule text will provide additional transparency and further reduce the potential for confusion.

2. Statutory Basis

MIAX PEARL believes that its proposed rule change is consistent with Section 6(b) of the Act²¹ in general, and furthers the objectives of Section 6(b)(5) of the Act²² 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in

general, to protect investors and the public interest.

The proposed rule will remove impediments to and perfect the mechanism of a free and open market and a national market system and protect investors and the public interest by providing Market Makers with a mechanism by which quotes may be removed in the event of a loss of connectivity with the System. Market Makers provide liquidity to the market place and have obligations unlike other Members.²³

This risk protection feature is important because it will enable Market Makers to avoid risks associated with inadvertent executions in the event of a loss of communication with the Exchange. The proposed rule change is not unfairly discriminatory among Members, as it is available equally to all Members utilizing MEO. The obligation of Market Makers on the Exchange to provide continuous two-sided quotes in their assigned series on a daily basis²⁴ is not diminished by the removal of such quotes triggered by the disconnect. The Exchange will not be prohibited from taking disciplinary action against a Market Maker for failing to meet its continuous quoting obligation each trading day as a result of disconnections.

The disconnect feature of FIX connections is mandatory, however Members have the option to enable the cancellation of all orders for an entire session or select orders for cancellation on an order-by-order basis, which would result in the cancellation of orders submitted over a FIX port when such port disconnects. It is appropriate to offer two different removal features to all Members utilizing FIX, as these Members may desire that their orders remain on the order book despite a technical disconnection, so as not to miss any opportunities for execution of such orders while the FIX session is disconnected. Offering to cancel all orders, specifically selected orders, or no orders, upon disconnect allows the Member to customize the functionality to align to its business needs. Offering this type of order cancellation functionality to Members is consistent with the Act because it enables Members to avoid risks associated with inadvertent executions in the event of a loss of communication with the Exchange. The order cancellation functionality is designed to mitigate the risk of missed and/or unintended executions associated with a loss in communication with the Exchange. The

proposed rule change is not unfairly discriminatory among Members, as it is available equally to all Members utilizing FIX.

The disconnect feature is mandatory under the FIX protocol. The Exchange will disconnect Members from the Exchange and not cancel orders if the Auto Cancel on Disconnect functionality is not enabled. This feature is consistent with the Act because it provides FIX users the ability to disconnect from the Exchange and assess the current market conditions to make a determination concerning their risk exposure. The Exchange notes that in the event Auto Cancel on Disconnect functionality is not enabled and such orders need to be cancelled after a disconnection occurs, an Exchange participant can contact Exchange staff to have its orders cancelled from the System.²⁵ The Exchange believes requiring a disconnect when a loss of communication is detected to be a rational course of action for the Exchange to alert the Member of the technical connectivity issue.

The Exchange believes that the proposed rule change will assist with the maintenance of a fair and orderly market by codifying risk protections for orders and quotes. The Exchange’s proposal is consistent with the Act because it adds another risk protection tool for Members that may mitigate the risk of potential erroneous or unintended executions associated with a loss in communication which protects investors and the public interest. Further, the Exchange believes clarifying the definition of each interface type provides clarity and transparency in the Exchange’s Rules. The Exchange believes codifying existing functionality by rule will remove impediments to and perfect the mechanisms of a free and open market by adding precision and ease of reference to the Exchange’s Rules, thus promoting transparency and clarity for 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 that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed rule change will not impose any burden on intra-market competition because every Member of the Exchange has the opportunity to benefit from the functionality described in the proposed rule.

²¹ 15 U.S.C. 78f(b).

²² 15 U.S.C. 78f(b)(5).

²³ See Exchange Rule 604.

²⁴ See Exchange Rule 604(a)(1).

²⁵ See Exchange Rule 519C.

The Exchange provides two separate and distinct mechanisms for communicating with the Exchange, MEO and FIX. MEO Ports support the submission of quotes to the Exchange and are used primarily by Market Makers who have heightened quoting obligations because of their role. Members are provided the ability to configure their MEO Ports to leverage the functionality provided by the Exchange to remove quotes and orders to align to their risk tolerance. Because of the volume of series that a Market Maker is obligated to quote, the Exchange believes that removing all quotes for an affected matching engine on behalf of a Market Maker who has lost its last MEO connection to that engine to be in the best interest of both the Market Maker, to mitigate risk; and the Exchange, to ensure a fair and orderly market.

FIX users may set a timeframe for disconnection that is appropriate for their risk tolerance. Offering functionality to cancel all, some, or none, of the orders in the System upon establishing a loss of communication does not create an undue burden on intra-market competition as Members do not equally bear the same risks of potential erroneous or unintended executions. Further, FIX users have greater control over their orders and may designate a number of different Time in Force instructions which can be used to determine the duration an order rests on the Book, from Immediate-or-Cancel, which is executed in whole or part upon receipt, with any unexecuted portion being cancelled; to a Good 'Til Cancelled order, which may rest on the Book until it is executed, cancelled by the user, or until the underlying option expires.

The Exchange does not believe the proposed rule change will impose any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that other option exchanges offer similar functionality.²⁶ For all the reasons stated, 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.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act²⁷ and Rule 19b-4(f)(6)²⁸ thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-PEARL-2017-21 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-PEARL-2017-21. This file number should be included on the

²⁷ 15 U.S.C. 78s(b)(3)(A).

²⁸ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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-PEARL-2017-21 and should be submitted on or before June 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁹

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-09929 Filed 5-16-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32635; File No. 812-14698]

RiverNorth DoubleLine Strategic Opportunity Fund, Inc. and RiverNorth Capital Management LLC

May 12, 2017.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from section 19(b) of the Act and rule 19b-1 under the Act to permit a registered closed-end investment company to make periodic distributions of long-term capital gains more frequently than

²⁹ 17 CFR 200.30-3(a)(12).

²⁶ See BOX Rule 8140; CBOE Rule 6.23C; NASDAQ BX Chapter VI, Section 6; NASDAQ PHLX Rule 1019; and MIAX Options Rule 519C.

permitted by section 19(b) or rule 19b-1.

Applicants: The RiverNorth DoubleLine Strategic Opportunity Fund, Inc. (the "Fund"), a newly-organized, diversified closed-end investment company registered under the Act and organized as a corporation under the laws of Maryland, and RiverNorth Capital Management LLC (the "Adviser") (together with the Fund, the "Applicants"), registered under the Investment Advisers Act of 1940, organized as a limited liability company under the laws of Delaware, and serving as investment adviser to the Fund.¹

Filing Dates: The application was filed on September 1, 2016, and amended on April 12, 2017.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 6, 2017, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: The Commission: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. Applicants: Morrison C. Warren, Esq., RiverNorth DoubleLine Strategic Opportunity Fund, Inc., Chapman and Cutler LLP, 111 West Monroe Street, Chicago, Illinois 60603, and Marc Collins, Esq., RiverNorth Capital Management LLC, 325 North LaSalle Street, Suite 645, Chicago, Illinois 60654.

¹ Applicants request that the order also apply to each other registered closed-end investment company advised or to be advised in the future by the Adviser or by an entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with the Adviser (including any successor in interest) (each such entity, including the Adviser, also the "Adviser") that in the future seeks to rely on the order (such investment companies, together with the Fund, are collectively the "Funds" and, individually, a "Fund"). A successor in interest is limited to entities that result from a reorganization into another jurisdiction or a change in the type of business organization.

FOR FURTHER INFORMATION CONTACT: Stephan N. Packs, Senior Counsel at (202) 551-6853, or David J. Marcinkus, Branch Chief, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm>, or by calling (202) 551-8090.

Summary of the Application

1. Section 19(b) of the Act generally makes it unlawful for any registered investment company ("fund") to make long-term capital gains distributions more than once every twelve months. Rule 19b-1 under the Act limits to one the number of capital gain dividends, as defined in section 852(b)(3)(C) of the Internal Revenue Code of 1986 ("Code," and such dividends, "distributions"), that a fund may make with respect to any one taxable year, plus a supplemental distribution made pursuant to section 855 of the Code not exceeding 10% of the total amount distributed for the year, plus one additional capital gain dividend made in whole or in part to avoid the excise tax under section 4982 of the Code.

2. Applicants believe that investors in certain closed-end funds may prefer an investment vehicle that provides regular current income through a fixed distribution policy ("Distribution Policy"). Applicants propose that the Fund be permitted to adopt a Distribution Policy, pursuant to which the Fund would distribute periodically to its stockholders a fixed monthly percentage of the market price of the Fund's common stock at a particular point in time or a fixed monthly percentage of net asset value ("NAV") at a particular time or a fixed monthly amount per share of common stock, any of which may be adjusted from time to time.

3. Applicants request an order under section 6(c) of the Act granting an exemption from section 19(b) of the Act and rule 19b-1 to permit a Fund to distribute periodic capital gain dividends (as defined in section 852(b)(3)(C) of the Code) as frequently as twelve times in any one taxable year in respect of its common stock and as often as specified by, or determined in accordance with the terms of, any preferred stock issued by the Fund. Section 6(c) of the Act provides, in relevant part, that the Commission may exempt any person or transaction from

any provision of the Act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

4. Applicants state that any order granting the requested relief will be subject to the terms and conditions stated in the application, which generally are designed to address the concerns underlying section 19(b) and rule 19b-1, including concerns about proper disclosures and shareholders' understanding of the source(s) of a Fund's distributions and concerns about improper sales practices. Among other things, such terms and conditions require that (1) the board of directors or trustees of the Fund (the "Board") review such information as is reasonably necessary to make an informed determination of whether to adopt the proposed Distribution Policy and that the Board periodically review the amount of the distributions in light of the investment experience of the Fund, and (2) that the Fund's shareholders receive appropriate disclosures concerning the distributions.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-09983 Filed 5-16-17; 8:45 am]

BILLING CODE 8011-01-P

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold its regular business meeting on June 16, 2017, in Entriiken, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The meeting will be held on Friday, June 16, 2017, at 9 a.m.

ADDRESSES: The meeting will be held at the Lake Raystown Resort, River Birch Ballroom, 3101 Chipmunk Crossing, Entriiken, PA 16638.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, 717-238-0423, ext. 1312.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) informational presentation of interest to the Juniata Subbasin area; (2) election of officers for FY 2018; (3) the proposed Water Resources Program for fiscal years 2018 and 2019; (4) amendment of the *Comprehensive Plan for the Water Resources of the Susquehanna River Basin*; (5) the proposed FY2018 Regulatory Program Fee Schedule; (6) adoption of a preliminary FY 2019 budget; (7) treasury management services agreement with First National Bank; (8) ratification/approval of contracts/grants; (9) rulemaking action to amend Commission regulations to clarify application requirements and standards for review of projects, amend the rules dealing with the mitigation of consumptive uses, add a subpart to provide for registration of grandfathered projects, and revise requirements dealing with hearings and enforcement actions; (10) report on delegated settlements; (11) EOG Resources Inc. request for waiver of application required by 18 CFR 806.3 and 806.4; (12) Middletown Borough request for waiver of application required by 18 CFR 806.6(a)(5) and (b); and (13) Regulatory Program projects and requests for extension of emergency certificates, including for Susquehanna Nuclear, LLC.

Projects, the fee schedule, the request of waiver by EOG Resources Inc., and amendments to the Comprehensive Plan listed for Commission action are those that were the subject of a public hearing conducted by the Commission on May 11, 2017, and identified in the notice for such hearing, which was published in 82 FR 17497, April 11, 2017. The rulemaking was published in 81 FR 64814, September 21, 2016, and subject to four public hearings on November 3, 2016; November 9, 2016; November 10, 2016; and December 8, 2016, and a public comment period that closed on January 30, 2017.

The public is invited to attend the Commission's business meeting. Comments on the Regulatory Program projects, the fee schedule, the request for waiver by EOG Resources Inc., and amendments to the Comprehensive Plan were subject to a deadline of May 22, 2017. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110-1788, or submitted electronically through <http://www.srb.com/publicparticipation.htm>. Such comments are due to the Commission

on or before June 9, 2017. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub. L. 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: May 11, 2017.

Stephanie L. Richardson,
Secretary to the Commission.

[FR Doc. 2017-09918 Filed 5-16-17; 8:45 am]

BILLING CODE 7040-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program, Melbourne International Airport, Melbourne, FL

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the Noise Compatibility Program submitted by the Melbourne Airport Authority (MAA) under the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act." These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On December 12, 2016, the FAA determined that the noise exposure maps submitted by the MAA under Part 150 were in compliance with applicable requirements. On April 25, 2017, the FAA approved the Melbourne International Airport (MLB) noise compatibility program. All of the recommendations of the program were approved. No program elements relating to new or revised flight procedures for noise abatement were proposed by the airport operator.

DATES: The effective date of the FAA's approval of the MLB Noise Compatibility Program is April 25, 2017.

FOR FURTHER INFORMATION CONTACT: Allan Nagy, Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822, phone number: (407) 812-6331. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the Noise Compatibility Program for MLB, effective April 25, 2017.

Under Section 47504 of the Act, an airport operator who has previously submitted a Noise Exposure Map may submit to the FAA a Noise

Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Title 14 Code of Federal Regulations (CFR) part 150 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport operator with respect to which measure should be recommended for action. The FAA's approval or disapproval of 14 CFR part 150 program recommendations is measured according to the standards expressed in 14 CFR part 150 and the Act, and is limited to the following determinations:

a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of 14 CFR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport Noise Compatibility Program are delineated in 14 CFR part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require environmental review of the proposed action. Approval does not constitute a

commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Orlando, FL.

The MAA submitted to the FAA on September 9, 2016, the Noise Exposure Maps, descriptions, and other documentation produced during the noise compatibility planning Study conducted from October 2012 through September 9, 2016. The MLB Noise Exposure Maps were determined by FAA to be in compliance with applicable requirements on December 1, 2016. Notice of this determination was published in the **Federal Register** on December 12, 2016.

The MLB Study contains a proposed Noise Compatibility Program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the years 2016 to 2021. It was requested that FAA evaluate and approve this material as a Noise Compatibility Program as described in Section 47504 of the Act. The FAA began its review of the Program on December 1, 2016, and was required by a provisions of the Act to approve or disapprove the program within 180-days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained seven (7) proposed actions for noise mitigation on the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and 14 CFR part 150 have been satisfied. The overall program, therefore, was approved by the FAA effective April 25, 2017.

Outright approval was granted for the five (5) specific program elements that require FAA Action. No FAA Action is required for the remaining two (2) program elements which may be implemented by the MAA outside of the Part 150 Process. The FAA Approved elements consist of: Element AM-1, Noise Compatibility Program Management: This element recommends the MAA Airport Manager manage the implementation of the Noise Compatibility Program (NCP Section 12.1.1); Element AM-2, Community Involvement: This element recommends that the MAA continues accepting noise complaints via phone and email and that the MAA creates a Web page on noise abatement that can be accessed

from the main Airport Web page (NCP Section 12.1.2); Element AM-3, Airport Noise Abatement Signage: This element recommends that the MAA purchases and installs noise abatement reminder signs at the ends of each runway to raise pilot awareness of noise sensitive land uses in proximity to the airport (NCP Section 12.1.3); Element AM-4, Develop a Jeppesen-style Insert on Noise Abatement Programs at MLB: This element recommends that the MAA voluntarily work with MLB ATCT, flight schools, and the FAA to publish Jeppesen-style pilot handouts notifying pilots of the noise abatement measures in place at MLB for better pilot awareness and compliance with the NCP's recommended noise abatement measures (NCP Section 12.1.4); Element AM-5, Noise Program Update: This element recommends that MAA staff should continue to routinely examine operating characteristics of MAA to determine if significant changes have occurred that would require an update to the most recent FAA approved Noise Exposure Maps (NCP Section 12.1.5).

These determinations are set forth in detail in a Record of Approval (ROA) signed by the FAA on April 25, 2017. The ROA, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative office of the Melbourne Airport Authority. The ROA will also be available on-line at: http://www.faa.gov/airports_airtraffic/airports/environmental/airport_noise/part_150/states/.

Issued in Orlando, FL, on May 8, 2017.

Rebecca R. Henry,

Acting Manager, Orlando Airports District Office.

[FR Doc. 2017-09902 Filed 5-16-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice for LaGuardia Airport, New York City, New York

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the Port Authority of New York and New Jersey for LaGuardia Airport under the Aviation Safety and Noise Abatement Act are in compliance with applicable requirements.

DATES: The effective date of the FAA's determination on the noise exposure maps is May 5, 2017.

FOR FURTHER INFORMATION CONTACT: Eastern Region Airports Division (AEA-600), Andrew Brooks, Environmental Program Manager, Federal Aviation Administration, AEA-600, 1 Aviation Plaza, Jamaica, New York 11434, Telephone: (718) 553-3330.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for LaGuardia Airport are in compliance with applicable requirements of 14 CFR part 150, effective January 13, 2004. Under 49 U.S.C. Section 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations during a forecast period that is at least five (5) years in the future, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and accompanying documentation submitted by the Port Authority of New York and New Jersey. The documentation that constitutes the "Noise Exposure Maps" (NEM) as defined in Section 150.7 of part 150 includes a 2016 Base Year NEM, Figure 5-1, and a 2021 Future Year NEM, Figure 5-2, located in Chapter 5 of the NEM Report. Details of the NEM contours are provided by Runway end in Figures 5-3 through 5-6 of Chapter 5. The figures contained within Chapter 5 are scaled to fit within the report context; however, the official, to scale, 2016 Base Year NEM and 2021 Future Year NEM are both located in Appendix M of the official NEM Report submittal. The Noise Exposure Maps contain current and forecast information

including the depiction of the airport and its boundaries, the runway configurations, land uses such as single and two-family residential; multi-family residential; mixed residential and commercial; commercial and office; industrial and manufacturing; transportation, parking and utilities; unclassified; vacant land; open space, cemeteries, and outdoor recreation; places of worship; schools; historic structures; and day care/assisted living facilities and those areas within the Day Night Average Sound Level (DNL) 65, 70 and 75 noise contours. Estimates for the area within these contours for the 2016 Base Year and 2021 Future Year are shown in Table 5-1 and Table 5-4 in Chapter 5 of the NEM Report respectively. Estimates of the residential population within the 2016 Base Year and 2021 Future Year noise contours are also shown in Table 5-1 and Table 5-4 in Chapter 5 of the NEM Report respectively. Figure 4-12, in Chapter 4, displays the location of noise monitoring sites. Flight tracks are found in Figures 4-2 through 4-5 of Chapter 4 and detailed in Appendices E and M. The type and frequency of aircraft operations (including nighttime operations) are found in Chapter 4, Tables 4-1 and 4-2.

As discussed in Chapter 6 of the NEM Report, the Port Authority of New York and New Jersey provided the general public the opportunity to review and comment on the NEMs. This public comment period opened on September 22, 2016 and closed on October 24, 2016. A public workshop for the Draft NEMs was held on September 29, 2016. All comments received during the public comment period and throughout the development of the NEMs, as well as responses to these comments, are contained in Appendix L of the NEM Report.

Following the closure of the public review period, on March 1, 2017, Delta Air Lines announced that the airline would cease McDonnell Douglas 88 aircraft operations at LGA, effective March 2, 2017, using Airbus 320, Boeing 737, and McDonnell Douglas 90 aircraft instead. The Port Authority of New York and New Jersey reviewed the potential effect of this change to the Future Year 2021 fleet mix on the Future Year 2021 NEM, as detailed in the Cover Letter of the NEM submittal package. The Port Authority of New York and New Jersey determined that the change in fleet mix will not result in substantial, new noncompatible use nor would it significantly reduce noise over existing noncompatible uses contained within the 2021 DNL 65 contour area. However, due to anticipated changes to the limits

of the Future Year 2021 DNL 65 contour, the Port Authority of New York and New Jersey has committed to reflect any changes to the Future Year 2021 NEM associated with the change to Delta's fleet mix in the forthcoming Noise Compatibility Plan submittal as well as inform the public regarding this change via the project Web site at http://panynjpart150.com/LGA_homepage.asp. The FAA concurs with this approach.

The FAA has determined that these noise exposure maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on May 5, 2017.

FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under Section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 47503 of the Act. The FAA has relied on the certification by the airport operator, under Section 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

Copies of the full noise exposure map documentation and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration,
Eastern Region, Airports Division,
AEA-600, 1 Aviation Plaza, Jamaica,
New York 11434

Federal Aviation Administration, New
York Airports District Office, 1
Aviation Plaza, Jamaica, New York
11434

The Port Authority of New York and
New Jersey, Aviation Department, 4
World Trade Center, 150 Greenwich
Street, 18th Floor, New York, New
York 10007

Issued in Jamaica, NY, on May 9, 2017.

Steven M. Urlass,

Director, Airports Division, Eastern Region.

[FR Doc. 2017-09903 Filed 5-16-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Program Management Committee Meeting

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

ACTION: RTCA PMC RTCA Program
Management Committee Meeting.

SUMMARY: The FAA is issuing this notice
to advise the public of a meeting of
RTCA Program Management Committee
Meeting.

DATES: The meeting will be held May
31, 2017 8:30 a.m.-12:30 p.m.

ADDRESSES: The meeting will be held at:
RTCA Headquarters, 1150 18th Street
NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT:
Karan Hofmann at khofmann@rtca.org
or 202-330-0680, or The RTCA
Secretariat, 1150 18th Street NW., Suite
910, Washington, DC 20036, or by
telephone at (202) 833-9339, fax at (202)
833-9434, or Web site at <http://www.rtca.org>.

SUPPLEMENTARY INFORMATION: Pursuant
to section 10(a)(2) of the Federal
Advisory Committee Act (Pub. L. 92-
463, 5 U.S.C., App.), notice is hereby
given for a meeting of the RTCA
Program Management Committee
Meeting. The agenda will include the
following:

**Wednesday, May 31, 2017 8:30 a.m.-
12:30 p.m.**

1. Welcome and Introductions
2. Review/Approve
 - A. Meeting Summary December 15,
2016
 - B. Administrative Special Committee
TOR Revisions
3. Publication Consideration/Approval

- A. Final Draft, Revision to DO-262B—Minimum Operational Performance Standards for Avionics Support Next Generation Satellite Systems (NGSS), prepared by SC-222
- B. Final Draft, Revision to DO-343—Minimum Aviation System Performance Standard for AMS(R)S Data and Voice Communications Supporting Required Communications Performance (RCP) and Required Surveillance Performance (RSP), prepared by SC-222
- C. Final Draft, New Document—Detect and Avoid Minimum Operational Performance Standards Phase I (DAA MOPS), prepared by SC-228
- D. Final Draft, New Document—Minimum Operational Performance Standards (MOPS) for Air-to-Air Radar Detect and Avoid (DAA) Systems Phase 1, prepared by SC-228
- E. Final Draft, Interim Report—Recommendations on the Feasibility to Standardize In-Flight Radar Long Range Ice Crystals Weather Awareness Function, prepared by SC-230
- F. Final Draft, New Document—Minimum Operational Performance Standards (MOPS) for TAWS, prepared by SC-231
4. Integration and Coordination Committee (ICC)
- A. Suggested Changes to MOPS/MASPS Drafting Guides—Update
5. Past Action Item Review
- A. Set up of PMC “Lite” for May—Status
- B. Support for SC-214 TOR revision—Status
- C. Redistribution/Relook at EUROCAE WG-106 TOR—Status
- D. Cross Cutting Committee Activity—Update
- a. Test Run of Possible Process
- b. Evaluation of EFB as joint activity with EUROACE WG-106
- E. Implementation Procedure for new MOPS/MASPS/SPR Drafting Guides—Update
- F. PMC Membership Review—Update
- G. Recommendation for SC-230 Report Publication—Status
- H. Availability of documents as reference for selected EUROCAE WGs—Status
6. Discussion
- A. SC-214—Standards for Air Traffic Data Communications Services—Discussion—Revised TOR
- B. SC-222—AMS(R)S Systems—Discussion—Revised TOR
- C. SC-230—Airborne Weather Detection Systems—Discussion—Revised TOR

7. Other Business
8. Schedule for Committee Deliverables and Next Meeting Date
9. New Action Item Summary

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on May 11, 2017.

Mohannad Dawoud,
Management & Program Analyst, Partnership Contracts Branch, ANG-A17, NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2017-09917 Filed 5-16-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA-2017-0011]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of a new information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on March 28, 2017. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by June 16, 2017.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and

(4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA-2017-0011.

FOR FURTHER INFORMATION CONTACT: Mr. David Bartz, (512) 536-5906, Office of Program Administration, Federal Highway Administration, Department of Transportation, 300 East 8th Street, Suite 826, Austin, Texas 78701. Office hours are from 7:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Preparation and Execution of the Project Agreement and Modifications.

OMB Control Number: 2125-0529.

Background: Formal agreements between State Transportation Departments and the FHWA are required for Federal-aid highway projects. These agreements, referred to as “project agreements” are written contracts between the State and the Federal government that define the extent of work to be undertaken and commitments made concerning a highway project. Section 1305 of the Transportation Equity Act for the 21st Century (TEA-21, Pub. L. 105-178) amended 23 U.S.C. 106(a) and combined authorization of work and execution of the project agreement for a Federal-aid project into a single action. States continue to have the flexibility to use whatever format is suitable to provide the statutory information required, and burden estimates for this information collection are not changed.

Respondents: There are 56 respondents, including 50 State Transportation Departments, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Territories of Guam, the Virgin Islands and American Samoa.

Frequency: On an on-going basis as project agreements are written.

Estimated Average Annual Burden per Response: There is an average of 400 annual agreements per respondent. Each agreement requires 1 hour to complete.

Estimated Total Annual Burden Hours: 22,400 hours.

Electronic Access: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the dockets.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: May 11, 2017.

Michael Howell,

Information Collection Officer.

[FR Doc. 2017-09901 Filed 5-16-17; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA-2017-0012]

Agency Information Collection

Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by July 17, 2017

ADDRESSES: You may submit comments identified by DOT Docket ID Number FHWA-2017-0012 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>.

Follow the online instructions for submitting comments.

Fax: 1-202-493-2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Esther Strawder, 202-366-6836, Office of Safety, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from: 8:30a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Roadway Safety Data Capability Assessment.

Background: Federal Highway Administration (FHWA) is initiating a large-scale effort to expand its relationships with the States to develop a better understanding of their data capabilities and conditions of data collection. The effort, known as the Roadway Safety Data Capabilities Assessment, will be conducted in 50 States, the District of Columbia and Puerto Rico. The two major objectives are to (1) create a mechanism by which a national and State-specific gap analyses could be conducted to identify opportunities to improve capabilities and (2) provide tools and assistance to assist States in overcoming those gaps. The results will provide a detailed understanding (for FHWA and the States themselves) of the needs for complete, accurate roadway, crash, and traffic volume data for use in safety analysis. The assessment will yield both a quantitative understanding of each State's capability (using a capability maturity model) and State-specific action plans in the key areas of:

- Roadway inventory data collection and technical standards
- Data analysis tools and uses
- Data management and governance
- Data integration and expandability
- Performance management

The results will also be useful for States and FHWA in their efforts to develop programs and make improvements in roadway safety management.

Respondents: 50 State DOT participants the District of Columbia and Puerto Rico.

Frequency: Once every 5 years.

Estimated Average Burden per Response: Approximately 36 hours per participant over a year.

Estimated Total Annual Burden Hours: Approximately 1,728 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: May 11, 2017.

Michael Howell,

Information Collection Officer.

[FR Doc. 2017-09900 Filed 5-16-17; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA-2017-0010]

Agency Information Collection

Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of a new information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on March 28, 2017. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by June 16, 2017.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA-2017-0010.

FOR FURTHER INFORMATION CONTACT: Karen Scurry, 609-637-4207, Office of Safety, Federal Highway Administration, Department of Transportation, 840 Bear Tavern Road, Suite 202, West Trenton, NJ, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Highway Safety Improvement Program.

Background: The Fixing America's Surface Transportation (FAST) Act

(Pub. L. 114–94) continues the Highway Safety Improvement Program (HSIP) as a core federal-aid program with the purpose to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal lands. The HSIP requires a data-driven, strategic approach to improving highway safety on all public roads that focuses on performance.

The existing provisions of Title 23 U.S.C. Sections 130, Railway-Highway Crossings Program, as well as implementing regulations in 23 CFR 924, remain in effect. Included in these combined provisions are requirements for State DOTs to annually produce and submit to FHWA by August 31 reports related to the implementation and effectiveness of their HSIPs, that are to include information on: (a) Progress being made to implement HSIP projects and the effectiveness of these projects in reducing traffic fatalities and serious injuries [Sections 148(h)]; and (b) progress being made to implement the Railway-Highway Crossings Program and the effectiveness of the projects in that program [Sections 130(g) and 148(h)], which will be used by FHWA to produce and submit biennial reports to Congress. To be able to produce these reports, State DOTs must have safety data and analysis systems capable of identifying and determining the relative severity of hazardous highway locations on all public roads, based on both crash experience and crash potential, as well as determining the effectiveness of highway safety improvement projects. FHWA provides an online reporting tool to support the annual HSIP reporting process. Additional information is available on the Office of Safety Web site at <http://safety.fhwa.dot.gov/hsip/resources/onrpttool/>. Reporting into the online reporting tool meets all report requirements and USDOT Web site compatibility requirements. The information contained in the annual HSIP reports provides FHWA with a means for monitoring the effectiveness of these programs and may be used by Congress for determining the future HSIP program structure and funding levels.

Respondents: 51 State Transportation Departments, including the District of Columbia.

Frequency: Annually.

Estimated Average Burden per Response: 250 hours.

Estimated Total Annual Burden Hours: 12,750 hours (51 states at an average of 250 hours each).

Electronic Access: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

www.regulations.gov. Follow the online instructions for accessing the dockets.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: May 11, 2017.

Michael Howell,

Information Collection Officer.

[FR Doc. 2017–09899 Filed 5–16–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2017–0009]

Proposed Third Renewed Memorandum of Understanding (MOU) Assigning Certain Federal Environmental Responsibilities to the State of Utah, Including National Environmental Policy Act (NEPA) Authority for Certain Categorical Exclusions (CEs)

AGENCY: Federal Highway Administration (FHWA), Department of Transportation.

ACTION: Notice of proposed MOU, request for comments.

SUMMARY: The FHWA and the State of Utah, acting by and through its Department of Transportation (State), propose a renewal of the State's participation in the State Assumption of Responsibility for Categorical Exclusions. This program allows FHWA to assign to States its authority and responsibility for determining whether certain designated activities within the geographic boundaries of the State, as specified in the proposed Memorandum of Understanding (MOU), are categorically excluded from preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act. An amended MOU would renew the State's participation in the program. The MOU will be amended by incorporating the following change: FHWA may terminate the State's participation in this program if FHWA provides the State a notification of noncompliance, and a period of not less than 120 days to take corrective action as FHWA determines necessary, and if the state fails to take satisfactory corrective action as determined by FHWA (Section 1307 of the Fixing America's Surface Transportation [FAST] Act [Pub. L. 114–94]).

DATES: Comments must be received on or before June 16, 2017.

ADDRESSES: You may submit comments, identified by DOT Document

Management System (DMS) Docket Number [FHWA–2017–0009], by any of the methods described below. Electronic or facsimile comments are preferred because Federal offices experience intermittent mail delays from security screening.

Web site: <http://www.regulations.gov/>. Follow the instructions for submitting comments on the DOT electronic docket site. Facsimile (Fax): 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590.

Hand Delivery: 1200 New Jersey Ave. SE., Washington, DC 20590 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

For access to the docket to view a complete copy of the proposed MOU, or to read background documents or comments received, go to <http://www.regulations.gov/> at any time or to 1200 New Jersey Ave. SE., Washington, DC 20590, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except for Federal holidays.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. Edward Woolford, Environmental Program Manager, Federal Highway Administration, 2520 West 4700 South, Suite 9A, Salt Lake City, UT 84129; by email at Edward.woolford@dot.gov or by telephone at 801–955–3524. The FHWA Utah Division Office's normal business hours are 7 a.m. to 4:30 p.m. (Mountain), Monday-Friday, except for Federal Holidays. For State: Mr. Brandon Weston, Environmental Services Director, Utah Department of Transportation, 4501 South 4700 West, Salt Lake City, UT 84129; by email at Brandonweston@Utah.gov or by telephone at 801–965–4603. The Utah Department of Transportation's normal business hours are 8 a.m. to 5 p.m. (Mountain), Monday-Friday, except for State and Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access: Internet users may reach the Office of the Federal Register's home page at: <http://www.archives.gov/> and the Government Printing Office's database: <http://www.fdsys.gov/>. An electronic version of the proposed MOU may be downloaded by accessing the DOT DMS docket, as described above, at <http://www.regulations.gov/>.

Background: Section 326 of Title 23 U.S. Code, creates a program that allows the Secretary of the DOT (Secretary), to assign, and a State to assume, responsibility for determining whether certain highway projects are included within classes of action that are categorically excluded (CE) from

requirements for environmental assessments or environmental impact statements pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA). In addition, this program allows the assignment of other environmental review requirements applicable to these actions. The FHWA is authorized to act on behalf of the Secretary with respect to these matters. Through an amended MOU, FHWA would renew Utah's participation in this program for a third time. The original MOU became effective on July 1, 2008, for an initial term of three (3) years and the first renewal followed on June 30, 2011 and the second renewal followed on June 30, 2014. The proposed third MOU revision is set to supersede the second renewed MOU prior to its expiration date on June 30, 2017. Stipulation I(B) of the MOU describes the types of actions for which the State would assume project-level responsibility for determining whether the criteria for a CE are met. Statewide decision-making responsibility would be assigned for all activities within the categories listed in 23 CFR 771.117(c) and those listed as examples in 23 CFR 771.117(d). In addition to the NEPA CE determination responsibilities, the MOU would assign to the State the responsibility for conducting Federal environmental review, consultation, and other related activities for projects that are subject to the MOU with respect to the following Federal laws and Executive Orders:

1. Clean Air Act (CAA), 42 U.S.C. 7401–7671q (determinations of project-level conformity if required for the project).
2. Noise Control Act of 1972, 42 U.S.C. 4901–4918.
3. Compliance with the noise regulations in 23 CFR 772.
4. Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1531–1544, and Section 1536.
5. Fish and Wildlife Coordination Act, 16 U.S.C. 661–667d.
6. Migratory Bird Treaty Act, 16 U.S.C. 703–712.
7. Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. 306101 *et seq.*
8. Archeological and Historic Preservation Act of 1966, as amended, 54 U.S.C. 3201.
9. Archeological and Historic Preservation Act, 16 U.S.C. 469–469c.
10. American Indian Religious Freedom Act, 42 U.S.C. 1996.
11. Native American Grave Protection and Repatriation Act, 25 U.S.C. 3001–3013; 18 U.S.C. 1170.
12. Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201–4209.

13. Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319).

14. Coastal Barrier Resources Act, 16 U.S.C. 3501–3510.

15. Coastal Zone Management Act, 16 U.S.C. 1451–1465.

16. Safe Drinking Water Act (SDWA), 42 U.S.C. 300f–300j–6.

17. Rivers and Harbors Act of 1899, 33 U.S.C. 403.

18. Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287.

19. Emergency Wetlands Resources Act, 16 U.S.C. 3921–3931.

20. TEA–21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133 (b)(11).

21. FHWA wetland and natural habitat mitigation regulations at 23 CFR part 777.

22. Flood Disaster Protection Act, 42 U.S.C. 4001–4128.

23. Section 4(f), 23 U.S.C. 138 and 49 U.S.C., 303.

24. Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601–4604 (known as section 6(f)).

25. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675.

26. Superfund Amendments and Reauthorization Act of 1986 (SARA).

27. Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992k.

28. Planning and Environmental Linkages, 23 U.S.C. 168, with the exception of those FHWA responsibilities associated with 23 U.S.C. 134 and 135.

29. Programmatic Mitigation Plans, 23 U.S.C. 169 with the exception of those FHWA responsibilities associated with 23 U.S.C. 134 and 135.

30. Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Indian Sacred Sites; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 13112, Invasive Species).

The MOU allows the State to act in the place of the FHWA in carrying out the functions described above, except with respect to government-to-government consultations with federally recognized Indian tribes. The FHWA will retain responsibility for conducting formal government-to-government consultation with federally recognized Indian tribes, which is required under some of the above-listed laws and executive orders. The State also may assist the FHWA with formal consultations, with consent of a tribe, but the FHWA remains responsible for the consultation. This assignment

includes transfer to the State of Utah the obligation to fulfill the assigned environmental responsibilities on any proposed projects meeting the criteria in Stipulation I(B) of the MOU that were determined to be CEs prior to the effective date of the proposed MOU but that have not been completed as of the effective date of the MOU. This is the proposed third renewal of the State's participation in the program and incorporate changes in the termination process from the FAST Act. FHWA may terminate the State's participation in this program if FHWA provides the State a notification of noncompliance, and a period of not less than 120 days to take corrective action as FHWA determines necessary, and if the state fails to take satisfactory corrective action as determined by FHWA. In previous versions of the MOU the period for the State to take corrective action was 30 days.

The FHWA will consider the comments submitted on the proposed MOU when making its decision on whether to execute this renewal MOU. The FHWA will make the final, executed MOU publicly available. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 326; 42 U.S.C. 4331, 4332; 23 CFR 771.117; 40 CFR 1507.3, 1508.4.

Issued on: May 8, 2017.

Ivan Marrero,

Division Administrator, Salt Lake City, Utah.

[FR Doc. 2017–09968 Filed 5–16–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions of Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327, and the United States National Park Service, Death Valley National Park (NPS).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans and NPS, that are final. The actions relate to a proposed highway project, State Route

(SR) 190 in Death Valley National Park near Towne Pass, along 0.6 mile of SR 190 in County of Inyo, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before October 16, 2017. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Angela Calloway, Office Chief, District 9 Environmental; Caltrans District 9; 500 S. Main St., Bishop, CA 93514; 8 a.m.–5 p.m.; (760) 872–2424; Angie.calloway@dot.ca.gov.

For NPS: Jonathan Penman-Brotzman, Compliance Program Manager, Office of Environmental Compliance; National Park Service, Death Valley National Park; P.O. Box 579, Death Valley, CA 92328; Tuesday–Friday 8 a.m.–5 p.m.; (760) 786–3227; jonathan_brotzman@nps.gov.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans and NPS have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The project proposes to realign approximately 0.6 mile of SR 190 to the east of the current alignment near Towne Pass in Death Valley National Park. A new highway easement will be acquired from Death Valley National Park. The current six curves will be reduced to three. The realignment will improve both vertical and horizontal curves to meet a minimum design speed of 55 miles per hour and increase stopping sight distance to 600 feet. Paved shoulders will be constructed throughout the project area and side slopes will be flattened or stabilized to create a catchment adjacent to the roadway, thus reducing the potential for rockfall. Federal Project Number 00PE014. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (EA) for the project, approved on May 3, 2017, in the Caltrans' Finding of No Significant

Impact (FONSI) issued on May 3, 2017 and in other documents in the FHWA project records. The EA, FONSI, and other project records are available by contacting Caltrans at the address provided above. The Caltrans EA and FONSI can also be viewed and downloaded from the internet at <http://www.dot.ca.gov/d9/environmental/index.html>.

The NPS concurred that the proposed project would result in a *de minimis* impact to Death Valley National Park as a publicly owned park of national, state, or local significance pursuant to the requirements of Section 4(f) of the Department of Transportation Act (49 U.S.C. 303, 23 CFR 774). The NPS also participated as a cooperating agency and anticipates adopting the EA/FONSI to provide additional project licenses, permits, and/or approvals.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Council on Environmental Quality regulations (40 CFR 1500 *et seq.*; 23 CFR 771)
2. National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4351 *et seq.*)
3. Moving Ahead for Progress in the 21st Century Act (MAP–21, Pub. L. 112–141)
4. Clean Air Act of 1963, as amended (42 U.S.C. 7401 *et seq.*)
5. Noise Control Act of 1979 (42 U.S.C. 4901 *et seq.*)
6. FHWA Noise Standards, Policies, and Procedures (23 CFR 772)
7. Department of Transportation Act of 1966, Section 4(f) (49 U.S.C. 303)
8. Clean Water Act of 1977 and 1987 (33 U.S.C. 1344)
9. Endangered Species Act of 1973 (16 U.S.C. 1531–1543)
10. Migratory Bird Treaty Act (16 U.S.C. 703–712)
11. National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108 *et seq.*)
12. Executive Order 11990, Protection of Wetlands
13. Executive Order 11988, Floodplain Management
14. Executive Order 13112, Invasive Species
15. Executive Order 12898, Federal Actions to Address Environmental Justice and Low-Income Populations
16. Title VI of Civil Rights Act 1964 (42 U.S.C. 2000d *et seq.*), as amended

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372

regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Tashia Clemons,

Director, Program Development, Federal Highway Administration, Sacramento, California.

[FR Doc. 2017–09969 Filed 5–16–17; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Sunshine Act Meetings; Unified Carrier Registration Plan Board of Directors

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of Unified Carrier Registration Plan Board of Directors meeting.

TIME AND DATE: The meeting will be held on May 25, 2017, from 12:00 Noon to 3:00 p.m. Eastern Daylight Time.

PLACE: This meeting will be open to the public via conference call. Any interested person may call 1–877–422–1931, passcode 2855443940, to listen and participate in this meeting.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the Board) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement and to that end, may consider matters properly before the Board.

FOR FURTHER INFORMATION CONTACT: Mr. Avelino Gutierrez, Chair, Unified Carrier Registration Board of Directors at (505) 827–4565.

Issued on: May 11, 2017.

Robert W. Miller,

Director, Policy, Strategic Planning & Regulation, Federal Motor Carrier Safety, Administration.

[FR Doc. 2017–10050 Filed 5–15–17; 4:15 pm]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to the Foreign Narcotics Kingpin Designation Act

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 names of persons whose property and interests in property are blocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act).

DATES: OFAC's actions described in this notice were effective on May 5, 2017.

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Licensing, tel.: 202-622-2480, Assistant Director for Regulatory Affairs, tel.: 202-622-4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202-622-2410 (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic Availability

The list of Specially Designated Nationals and Blocked Persons (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's Web site at <http://www.treasury.gov/ofac>.

Notice of OFAC Actions

On May 5, 2017, OFAC's Acting Director determined that the property and interests in property of the following persons are blocked pursuant to section 805(b) of the Kingpin Act and placed them on the SDN List.

Individuals

1. PADROS DEGREGORI, Gino Dusan (a.k.a. PADROS DEGREGORI, Gino Dussan; a.k.a. "FLACO"), Lima, Peru; DOB 20 Oct 1977; alt. DOB 15 Oct 1977; POB Piura, Peru; citizen Peru; Gender Male; Passport 3096570 (Peru) issued 04 Jan 2005 expires 04 Jan 2010; alt. Passport 2395877 (Peru); RUC # 10068051059 (Peru); National ID No. 06805105-9 (Peru) (individual) [SDNTK] (Linked To: R INVER CORP S.A.C.; Linked To: G & M AUTOS S.A.C.; Linked To: SBK IMPORT S.A.C.). Designated pursuant to section 805(b)(4) of the Kingpin Act, 21 U.S.C. 1904(b)(4), for playing a significant role in international narcotics trafficking.

2. ZEGARRA MARTINEZ, Guillermo Jean Pierre, Pasaje Ismael Pozo 159, Torres De San Borja, Lima, Peru; DOB 06 Jan 1984; POB Lima, Peru; Gender Male; Passport 4085740 (Peru) issued 12 Dec 2012 expires 17 Dec 2017; Driver's License No. Q-412185038 (Peru); RUC # 10421850386 (Peru); National ID No. 42185038-6 (Peru) (individual) [SDNTK]. Designated pursuant to sections 805(b)(2) and/or (3) of the

Kingpin Act, 21 U.S.C. 1904(b)(2) and/or (3), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of Gino Dusan PADROS DEGREGORI, and/or directed by, or acting for or on behalf of, Gino Dusan PADROS DEGREGORI.

Entities

1. G & M AUTOS S.A.C. (a.k.a. G AND M AUTOS S.A.C.), Copacabana 162, La Molina, Lima 12, Peru; RUC # 20513664339 (Peru) [SDNTK].

Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by Gino Dusan PADROS DEGREGORI.

2. R INVER CORP S.A.C., Avenida Los Precursores Numero 288 Dpto. 203 Urb. Maranga (Piso 2), San Miguel, Lima, Peru; RUC # 20562939068 (Peru) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by Gino Dusan PADROS DEGREGORI.

3. SBK IMPORT S.A.C., Calle Brigida Silva de Ochoa Numero 370, San Miguel, Lima, Peru; Avenida Los Precursores Numero 288, Urb. Maranga, San Miguel, Lima, Peru; RUC # 20520935461 (Peru) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by Gino Dusan PADROS DEGREGORI.

Dated: May 5, 2017.

Andrea M. Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2017-09972 Filed 5-16-17; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to the Foreign Narcotics Kingpin Designation Act or Executive Order 12978

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of persons whose property and interests in property have been unblocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act), Executive Order 12978 of October 21, 1995, "Blocking Assets and Prohibiting Transactions With Significant Narcotics Traffickers". Additionally, OFAC is

publishing an update to the identifying information of a person currently included in the list of Specially Designated Nationals and Blocked Persons (SDN List).

DATES: OFAC's actions described in this notice were effective on May 9, 2017.

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Licensing, tel.: 202-622-2480, Assistant Director for Regulatory Affairs, tel.: 202-622-4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202-622-2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The list of Specially Designated Nationals and Blocked Persons (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's Web site at <http://www.treasury.gov/ofac>.

Notice of OFAC Actions

On May 9, 2017, OFAC removed from the SDN List the persons listed below, whose property and interests in property were blocked pursuant to section 805(b) of the Kingpin Act or Executive Order 12978.

Individuals

1. BASTO DELGADO, Irma Mery, c/o C.I. OKCOFFEE COLOMBIA S.A., Bogota, Colombia; c/o C.I. OKCOFFEE INTERNATIONAL S.A., Bogota, Colombia; c/o CUBICAFE S.A., Bogota, Colombia; c/o C.I. DISTRIBUIDORA DE SERVICIOS COMBUSTIBLES Y MINERIA S.A., Bogota, Colombia; c/o FUNDACION PARA EL BIENESTAR Y EL PORVENIR, Medellin, Colombia; c/o HOTELES Y BIENES S.A., Bogota, Colombia; c/o UNION DE CONSTRUCTORES CONUSA S.A., Bogota, Colombia; c/o R D I S.A., Bogota, Colombia; DOB 05 Apr 1967; Cedula No. 20904590 (Colombia) (individual) [SDNTK].

2. CIFUENTES VILLA, Dolly de Jesus, c/o C.I. GLOBAL INVESTMENTS S.A., Medellin, Colombia; c/o CIFUENTES URIBE Y COMPANIA S.C.S., Medellin, Colombia; c/o ECOVIVERO EL MATORRAL E.U., Medellin, Colombia; c/o ROBLE DE MINAS S.A., Medellin, Colombia; Calle 36AA Sur No. 26A-35, Medellin, Colombia; DOB 14 Jun 1964; Cedula No. 43020313 (Colombia) (individual) [SDNTK].

3. EL BEZRI, Ahmad (a.k.a. EL BIZRI, Ahmad); DOB 09 Feb 1989; POB Saida, Lebanon; citizen Lebanon; Passport RL2452947 (Lebanon) (individual) [SDNTK] (Linked To: ABOU MERHI COTONOU; Linked To: ABOU MERHI NIGERIA).

4. GONZALEZ JARAMILLO, Juan Fernando, c/o BIO FORESTAL S.A.,

Medellin, Colombia; c/o ECOVIVERO EL MATORRAL E.U., Medellin, Colombia; Calle 36AA Sur No. 26A-35, Medellin, Colombia; Carrera 48 No. 15 Sur-45, Medellin, Colombia; DOB 05 Nov 1966; POB Medellin, Colombia; Cedula No. 15348215 (Colombia) (individual) [SDNTK].

5. MERHI, Atef Merhi Abou (a.k.a. ABOU-MERHI, Atef Merhi; a.k.a. MERHI, Atef Abou; a.k.a. MERHI, Atif Merhi Abou); DOB 06 Aug 1989; POB Saida, Lebanon; citizen Germany; Passport C1TRT3WNJ (Germany) (individual) [SDNTK] (Linked To: ABOU-MERHI LINES SAL; Linked To: ABOU MERHI CHARITY INSTITUTION; Linked To: ORIENT QUEEN HOMES).

6. MERHI, Hana Merhi Abou (a.k.a. MERHI, Hana Abou); DOB 31 Mar 1987; POB Germany; citizen Germany; Passport 332501999 (Germany) (individual) [SDNTK] (Linked To: ABOU-MERHI CRUISES SAL; Linked To: ABOU-MERHI LINES SAL; Linked To: ABOU MERHI CHARITY INSTITUTION; Linked To: ORIENT QUEEN HOMES).

7. MERHI, Merhi Ali Abou (a.k.a. ABOU MERHI, Merhi; a.k.a. MERHI, Merhi Abou); DOB 05 Jul 1964; POB Hilalie, Lebanon; citizen Lebanon; Passport RL0575682 (Lebanon) (individual) [SDNTK] (Linked To: ABOU MERHI GROUP; Linked To: ABOU-MERHI LINES SAL; Linked To: ABOU-MERHI CRUISES SAL; Linked To: QUEEN STATIONS; Linked To: ORIENT QUEEN HOMES; Linked To: ABOU MERHI COTONOU; Linked To: ABOU MERHI NIGERIA; Linked To: ABOU MERHI HAMBURG; Linked To: LEBANON CENTER; Linked To: ABOU MERHI CHARITY INSTITUTION).

8. NASR, Wajdi Youssef; DOB 25 Sep 1974; POB Lebanon; citizen Lebanon; Passport 2243913 (Lebanon) (individual) [SDNTK] (Linked To: ABOU MERHI HAMBURG).

9. NASREDDINE, Houeda Ahmad (a.k.a. ABOU MERHI, Houeida; a.k.a. ABOU MERHI, Huweid; a.k.a. ABOU MERHI, Huweida; a.k.a. NASREDDINE, Houeida Ahmad); DOB 14 Aug 1965; POB Kfarhatta, Lebanon; citizen Lebanon; Passport RL0022792 (Lebanon) (individual) [SDNTK] (Linked To: ABOU-MERHI CRUISES SAL; Linked To: ABOU-MERHI LINES SAL; Linked To: ABOU MERHI CHARITY INSTITUTION; Linked To: ORIENT QUEEN HOMES).

10. STJEPANOVIC, Savo; DOB 11 Apr 1976; POB Ljubljana, Slovenia; nationality Slovenia; Passport P00787190 (Slovenia); Registration ID 1104976500095 (Slovenia) (individual) [SDNTK] (Linked To: SIS D.O.O.; Linked To: NORTHSTAR TRADING CORPORATION).

11. URIBE CIFUENTES, Ana Maria, Calle 7 Sur No. 23-91 Apto. 804, Medellin, Colombia; c/o CIFUENTES URIBE Y CIA. S.C.S., Medellin, Colombia; c/o ECOVIVERO EL MATORRAL E.U., Medellin, Colombia; DOB 01 Feb 1980; POB Medellin, Colombia; Cedula No. 43162647 (Colombia) (individual) [SDNTK].

Entities

1. ABOU MERHI CHARITY INSTITUTION, Merhi Abou Merhi Street, Hilaliye, Saida,

Lebanon; Abou Merhi Street, Hilaliyah Area, Saida 175016, Lebanon [SDNTK] (Linked To: MERHI, Merhi Ali Abou; Linked To: ABOU MERHI GROUP).

2. ABOU MERHI COTONOU, Commune De Semepkodzi Quartier Djefia 01B7885, Cotonou, Benin [SDNTK] (Linked To: MERHI, Merhi Ali Abou; Linked To: ABOU MERHI GROUP).

3. ABOU MERHI GROUP, Weygand Street, Atrium Building, Central District, Beirut, Lebanon [SDNTK] (Linked To: MERHI, Merhi Ali Abou).

4. ABOU MERHI HAMBURG (a.k.a. ABOU MERHI LINIENAGENTUR GMBH), Borstelmannsweg 145 D, Hamburg 20537, Germany; Hermann-Blohm-Strasse 3, Hamburg 20457, Germany [SDNTK] (Linked To: MERHI, Merhi Ali Abou; Linked To: ABOU MERHI GROUP).

5. ABOU MERHI NIGERIA (a.k.a. ABOU MERHI NIGERIA LIMITED), Grimaldi Port Complex Tin Can Island Port, Lagos, Nigeria [SDNTK] (Linked To: MERHI, Merhi Ali Abou; Linked To: ABOU MERHI GROUP).

6. ABOU-MERHI CRUISES SAL, The Atrium Building, Property Number 1455/26, Weygand Street, Beirut Central District Area, Nejme Sector, Beirut, Lebanon [SDNTK] (Linked To: MERHI, Merhi Ali Abou; Linked To: ABOU MERHI GROUP).

7. ABOU-MERHI LINES SAL (a.k.a. ABOU MERHI LINES; a.k.a. ABOU MERHI LINES SAL; a.k.a. ABOU MERHI LINES SAL OFF-SHORE), Atrium Building, Mosque Al-Omari Street, Nejme Area, Marfaa Sector, Beirut, Lebanon; Atrium Building, Weygand Street, Central District, Nejme Sector, Beirut, Lebanon [SDNTK] (Linked To: MERHI, Merhi Ali Abou; Linked To: ABOU MERHI GROUP).

8. CIFUENTES URIBE Y CIA. S.C.S., Calle 16C No. 42-70, Medellin, Colombia; NIT # 811036756-7 (Colombia) [SDNTK].

9. ECOVIVERO EL MATORRAL E.U., Calle 36AA Sur No. 26A-35, Envigado, Antioquia, Colombia; Carrera 48 No. 15 Sur-45, Medellin, Colombia; NIT # 811027555-5 (Colombia) [SDNTK].

10. LEBANON CENTER, 176 Wasfi Tall Street, The Gardens, Amman, Jordan [SDNTK] (Linked To: MERHI, Merhi Ali Abou; Linked To: ABOU MERHI GROUP).

11. MATAMBRE DE LO MEJOR, Carrera 75 No. 24C-25, Bogota, Colombia; Matricula Mercantil No 1664511 (Colombia) [SDNTK].

12. ORIENT QUEEN HOMES (a.k.a. ABOU MERHI HOSPITALITY SAL), John Kennedy Street 56526, Beirut, Lebanon [SDNTK] (Linked To: MERHI, Merhi Ali Abou; Linked To: ABOU MERHI GROUP).

13. QUEEN STATIONS, Merhi Abou-Merhi Street, Saida, Lebanon [SDNTK] (Linked To: ABOU MERHI GROUP).

14. SIS D.O.O., 19 Spruha, Trzin 1236, Slovenia; Registration ID 5919070 (Slovenia); Tax ID No. SI91729181 (Slovenia) [SDNTK].

Vessels

1. CITY OF ANTWERP (3FRY8) Panama flag; Vessel Registration Identification IMO 8709133; MMSI 356459000 (vessel) [SDNTK] (Linked To: MERHI, Merhi Ali Abou; Linked To: ABOU-MERHI LINES SAL).

2. CITY OF LUTECE (9HRJ6) Malta flag; Vessel Registration Identification IMO

8017970; MMSI 248781000 (vessel) [SDNTK] (Linked To: MERHI, Merhi Ali Abou; Linked To: ABOU-MERHI LINES SAL).

3. CITY OF MISURATA (3EMY5) Panama flag; Vessel Registration Identification IMO 7920857; MMSI 354134000 (vessel) [SDNTK] (Linked To: MERHI, Merhi Ali Abou; Linked To: ABOU-MERHI LINES SAL).

4. ORIENT QUEEN II (3FDJ9) Panama flag; Vessel Registration Identification IMO 8701193; MMSI 373703000 (vessel) [SDNTK] (Linked To: MERHI, Merhi Ali Abou; Linked To: ABOU-MERHI LINES SAL).

Additionally, on May 9, 2017, OFAC updated the SDN List for the person listed below, whose property and interests in property continue to be blocked pursuant to the Kingpin Act.

1. AYALA BARRERA, Rubi Yiceth, c/o HERJEZ LTDA., Bogota, Colombia; c/o MATAMBRE DE LO MEJOR, Bogota, Colombia; DOB 13 Feb 1982; Cedula No. 52784570 (Colombia) (individual) [SDNTK].

-to-
AYALA BARRERA, Rubi Yiceth; DOB 13 Feb 1982; Cedula No. 52784570 (Colombia) (individual) [SDNTK] (Linked To: HERJEZ LTDA.).

Dated: May 9, 2017.

Gregory T. Gatjanis,

Associate Director, Office of Global Targeting, Office of Foreign Assets Control.

[FR Doc. 2017-09793 Filed 5-16-17; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0458]

Agency Information Collection Activity Under OMB Review: Certification of School Attendance or Termination

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 June 16, 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. 2900–0458” 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. 2900–0458” in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.
Title: Certification of School Attendance or Termination (VA Form 21–8960 & 21–8960–1)

OMB Control Number: 2900–0458.

Type of Review: Revision of a currently approved collection.

Abstract: VA Forms 21–8960 & 21–8960–1 are used to gather the necessary information to determine continued benefit entitlement to or for a child between the ages of 18 and 23 who is attending school.

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 19 on January 31, 2017, page 8891.

Affected Public: Individuals or Households.

Estimated Annual Burden: 11,667.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 70,000.

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. 2017–09947 Filed 5–16–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0576]

Agency Information Collection Activity Under OMB Review: Certification of Affirmation of Enrollment Agreement Correspondence Course

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 June 16, 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. 2900–0576” 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. 2900–0576” in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–3521; 38 U.S.C. 3686(b).

Title: Certification of Affirmation of Enrollment Agreement Correspondence Course (VA Form 22–1999c).

OMB Control Number: 2900–0576.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 22–1999c is used to pay education benefits for correspondence training. This information allows VA to determine if the claimant has been informed of the 5 day reflection period required by law. VA can pay education benefits, the claimant must affirm in writing the enrollment agreement for the correspondence course after the expiration of 5 full days after the date that he or she signed the correspondence contract. Accordingly, VA Form 22–1999c, Certificate of Affirmation of Enrollment Agreement of Correspondence Course was developed to assist with this statutory requirement. The claimant either affirms the agreement or destroys this form. The claimant then notifies the correspondence school of this decision. If the agreement is affirmed, the claimant enters a date no later than the

seventh day after the date the agreement was signed, signs the form, and then the claimant sends the completed form to the correspondence school. The correspondence school’s Certifying Official attaches an enrollment certification to VA Form 22–1999c and sends both forms to VA for processing.

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: Institutions of Higher Learning.

Estimated Annual Burden: 22 hours.

Estimated Average Burden per Respondent: 3 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 445.

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. 2017–09948 Filed 5–16–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0805]

Agency Information Collection Activity Under OMB Review: Wrist 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 June 16, 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 oir_submission@omb.eop.gov. Please refer to “OMB Control No. 2900–0805” 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. 2900–0805” in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Wrist Conditions Disability Benefits Questionnaire (VA Form 21–0960M–16).

OMB Control Number: 2900–0805.

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–16, Wrist Conditions Disability Benefits Questionnaire, will gather information related to the claimant’s diagnosis of a wrist 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 42, on March 6, 2017, pages 12703 and 12704.

Affected Public: Individuals or Households.

Estimated Annual Burden: 20,000.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 40,000.

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. 2017–09950 Filed 5–16–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0222]

Agency Information Collection Activity Under Review: Proposed Information Collection, Claim for Standard Government Headstone or Marker and Claim for Government Medallion for Placement in a Private Cemetery

AGENCY: National Cemetery Administration (NCA), Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with 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 and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 16, 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 oir_submission@omb.eop.gov. Please refer to “OMB Control No. 2900–0222” in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), (202)461–5870 or email Cynthia.harvey-pryor@va.gov. Please refer to “OMB Control No. 2900–0222” in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Public Law 104–13; U.S.C. 3501–21.

Title: VA Form 40–1330, Claim for Standard Government Headstone or Marker, and VA Form 40–1330M, Claim for Government Medallion for Placement in a Private Cemetery.

OMB Control Number: 2900–0222.

Type of Review: Reinstatement of a previously approved collection.

Abstract: The National Cemetery Administration (NCA) updated its current VA Form 40–1330 and VA Form 40–1330M. The original VA Form 40–1330 and 40–1330M is a request for a Government-furnished headstone or marker, or medallion, respectively. The

updates to the form include the following:

- Change to the Applicant Definition, who can apply for a Government headstone, marker or medallion;
- Information about the Presidential Memorial Certificate (PMC) program and the option to receive a PMC in addition to the headstone, marker or medallion;
- Changes in eligibility for a medallion, consistent with section 301 of Public Law 114–315;
- Addition of language that clarifies that “mandatory” and “optional” inscription items are provided in English, and that “additional” inscription items may be provided in English or non-English text that consists of the Latin Alphabet or numbers;
- Addition of information on VA Form 40–1330 and VA Form 40–1330M related to whether the Veteran was previously determined by VA to be eligible for burial, and related to whether the request is initial or for a replacement headstone or marker;
- Addition of “Iraq” and “Afghanistan” as indicators of “War Service,” consistent with Public Law 114–315;
- Addition of Age at the Time of Death on VA Form 40–1330 and VA Form 40–1330M; and
- Addition of demographic information for statistical reporting purposes only on VA Form 40–1330 and VA Form 40–1330M.

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 FRN 17740 on April 12, 2017.

Affected Public: Individuals or Households.

Estimated Annual Burden: 88,643 Burden Hours.

Estimated Average Burden per Respondent: 15 Minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 166,135.

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. 2017–09946 Filed 5–16–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0657]

Agency Information Collection Activity Under OMB Review: Conflicting Interests Certification for Proprietary 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, 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 June 16, 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 oir_submission@omb.eop.gov.

Please refer to “OMB Control No. 2900–0657” 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. 2900–0657” in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 3683.

Title: Conflicting Interests Certification for Proprietary Schools, VA Form 22–1919.

OMB Control Number: 2900–0657.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 22–1919 is used to allow schools to submit information necessary to determine if a student’s programs of training are approved for the payment of VA educational assistance. This specified information is submitted either to VA or to the State approving agency (SAA) having jurisdiction over that school. Section 3683 of title 38, U.S.C., and sections of title 38 of the Code of Regulations (CFR) establish conflict of interest restrictions related to proprietary schools. VA Form 22–1919 is the instrument VA has implemented to address these restrictions. The form is only used to collect information on two issues:

- Collects the name and title of affected VA and SAA employees known

by the President (or Chief Administrative Official) of the school, as well as a description of these employees’ association with that school.

- Collects information for each certifying official, owner, or officer who receives VA educational assistance based on an enrollment in that proprietary school: the name and title of these employees; VA file numbers; and dates of enrollment at the proprietary school

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 63 on Tuesday, April 4, 2017, page 16475.

Affected Public: Institutions of Higher Learning.

Estimated Annual Burden: 34.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Occasionally.

Estimated Number of Respondents: 202.

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. 2017–09949 Filed 5–16–17; 8:45 am]

BILLING CODE 8320–01–P



FEDERAL REGISTER

Vol. 82

Wednesday,

No. 94

May 17, 2017

Part II

The President

Proclamation 9608—Military Spouse Day, 2017

Proclamation 9609—Mother's Day, 2017

Proclamation 9610—National Defense Transportation Day and National Transportation Week, 2017

Presidential Documents

Title 3—

Proclamation 9608 of May 12, 2017

The President

Military Spouse Day, 2017

By the President of the United States of America**A Proclamation**

On Military Spouse Day, we honor military spouses for their invaluable contributions to the defense of this great Nation. In 1984, President Ronald Reagan first recognized this day with a proclamation, honoring the exemplary service and immeasurable sacrifices of our Nation's military spouses. This long overdue tribute gives thanks to those who, since the formation of our Republic, have served our country with selfless support. Military spouses have been, and continue to be, a steady, strong presence on the home front and in the hearts of our military men and women.

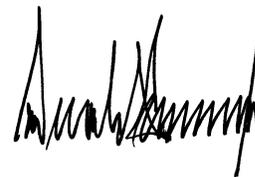
Most military spouses hold no rank and wear no uniform, yet humbly serve our Nation with distinction. They endure deployments for weeks, months, and years at a time, sometimes with little warning, and they must brace themselves for the uncertainty that comes with goodbye. When duty calls, they shoulder the full day-to-day responsibilities of managing a household and often of parenting—many times with little or no support. They face frequent relocations, which interrupt their careers and educational pursuits and require them to leave churches, homes, and friends. Most difficult of all, military spouses live with constant worry about the daily risks our military forces take for our country. Military spouses navigate these and other challenges with uncommon grace and inspiring strength.

My Administration will focus on supporting and increasing opportunities for military spouses. I urge American businesses to create opportunities for hiring, training, and promoting military spouses, and to identify ways to keep them employed following relocations. These women and men have skills and experiences valued by employers and coworkers alike. They give so much of themselves to our country, and they deserve our enduring respect and appreciation in return. I have pledged to our Armed Forces to have their backs, and that means providing for our military spouses as well.

On this Military Spouse Day, we recognize the exceptional women and men who have shared their loved ones with our country. We honor them for their service, praise them for their sacrifices, and offer them our gratitude and prayers on behalf of a grateful Nation.

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 May 12, 2017, as Military Spouse Day. I call upon the people of the United States to honor military spouses with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of May, 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.



Presidential Documents

Proclamation 9609 of May 12, 2017

Mother's Day, 2017

By the President of the United States of America

A Proclamation

Mother's Day is a special celebration in America. It is an occasion to thank our mothers for the life and love they have given us and to emphasize our affection for them, affection they deserve every day of the year. But it is also an opportunity to honor mothers across our Nation and celebrate motherhood as a pillar of our country's stability and success.

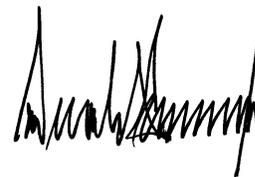
Our deep appreciation for the strength and spirit of mothers and their resolve to do what is right for their children and families cannot be overstated. They are often the first to lend a hand during hard times and the first to celebrate our proudest victories. The boundless energy of our mothers inspires us to be people of action, people who strive relentlessly toward our goals. Above all, they teach us the power and joy of unconditional love.

Today and every day, we honor the incredible women whose influence on the world is beyond measure. They brighten America's future by shaping the character of each new generation. They lead us through our deepest lessons about perseverance and hard work, preparing us for life's responsibilities. Whether by birth, adoption, or foster care, our Nation's mothers give selflessly of themselves for the well-being of the lives and futures of others. We humbly thank them for this greatest gift.

In recognition of the contributions of mothers to American families and to our Nation, the Congress, by joint resolution approved May 8, 1914 (38 Stat. 770), has designated the second Sunday in May each year as Mother's Day and requested the President to call for its appropriate observance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 14, 2017, as Mother's Day. I encourage all Americans to express their love and respect for their mothers or beloved mother figures, whether with us in person or in spirit, and to reflect on the importance of motherhood to the prosperity of our families, communities, and Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of May, 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.



Presidential Documents

Proclamation 9610 of May 12, 2017

National Defense Transportation Day and National Transportation Week, 2017

By the President of the United States of America

A Proclamation

During National Defense Transportation Day and National Transportation Week, we celebrate our Nation's land, air, and sea infrastructure systems. These critical systems connect Americans to one another, provide vital national security capabilities, and serve as a cornerstone of our economy. We also recognize the transportation professionals who are dedicated to keeping our Nation's transportation networks secure, efficient, and reliable.

Quality infrastructure provides Americans with the freedom they need and deserve to move themselves and their families, and the vast array of products they want to buy and sell. But in too many cases, our roads, waterways, bridges, airports, and mass transit systems have fallen into disrepair. That is why my Administration is committed to rebuilding a world-class transportation infrastructure that works for all Americans.

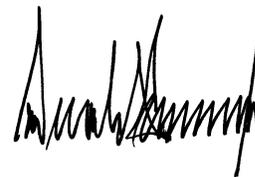
Revitalizing our infrastructure is all the more important because American transportation enhancements have played and will continue to play a critical role in our national defense. During World War II, our ability to refuel ships at sea was, in the words of Admiral Chester Nimitz, the "Navy's secret weapon." Today, our military logistics system is essential to the defense of our homeland and our ability to project power around the world.

To remain effective, the transportation industry must constantly innovate. That is why, in addition to rebuilding our current infrastructure, my Administration is removing regulatory hurdles that have, for too long, impeded necessary infrastructure improvements. This will allow creative companies to transform how we use our roads, waterways, rails, and the skies, making them both safer for travelers and more effective for our national security.

To recognize the men and women who work in the transportation industry and who contribute to our Nation's well-being and defense, the Congress, by joint resolution approved May 16, 1957, as amended (36 U.S.C. 120), has designated the third Friday in May of each year as "National Defense Transportation Day," and, by joint resolution approved May 14, 1962, as amended (36 U.S.C. 133), has declared that the week during which that Friday falls be designated as "National Transportation Week."

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim Friday, May 19, 2017, as National Defense Transportation Day and May 14 through May 20, 2017, as National Transportation Week. I encourage all Americans to celebrate these observances with appropriate ceremonies and activities to learn more about how our transportation system contributes to the security of our citizens and the prosperity of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of May, 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.

A handwritten signature in black ink, appearing to be Donald Trump, located in the upper right quadrant of the page.

[FR Doc. 2017-10175
Filed 5-16-17; 11:15 am]
Billing code 3295-F7-P

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Federal Register

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Wednesday, May 17, 2017

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