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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 GOVERNMENT ETHICS

5 CFR Parts 2634 and 2635

RINs 3209–AA00 and 3209–AA04

Technical Updating Amendments to Executive Branch Financial Disclosure and Standards of Ethical Conduct Regulations

AGENCY: Office of Government Ethics.

ACTION: Final rule; technical amendments.

SUMMARY: The U.S. Office of Government Ethics (OGE) is updating its executive branch regulation on financial disclosure to reflect the retroactive statutory increase of the reporting thresholds for gifts and travel reimbursements. OGE is also raising the widely attended gatherings nonsponsor gifts exception dollar ceiling tied to this threshold under the executive branchwide standards of ethical conduct regulation, but this change is not retroactive.

DATES: *Effective date:* This final rule is effective May 18, 2017.

Applicability date: The amendments to 5 CFR 2634.304 and 2634.907 are applicable as of January 1, 2017.

FOR FURTHER INFORMATION CONTACT: Patrick J. Lightfoot, Assistant Counsel, General Counsel and Legal Policy Division, Office of Government Ethics, Telephone: 202–482–9300; TTY: 800–877–8339; FAX: 202–482–9237.

SUPPLEMENTARY INFORMATION:

I. Background

The U.S. Office of Government Ethics (OGE) is amending pertinent sections of its executive branchwide ethics regulations on financial disclosure and standards of ethical conduct, as codified at 5 CFR parts 2634 and 2635, in order to update certain reporting and other thresholds.

Increased Gifts and Travel Reimbursements Reporting Thresholds

First, OGE is revising its executive branch financial disclosure regulation at 5 CFR part 2634 applicable as of January 1, 2017, to reflect the increased reporting thresholds for gifts, reimbursements and travel expenses for both the public and confidential executive branch financial disclosure systems. These increases conform to the statutorily mandated public disclosure reporting thresholds under section 102(a)(2)(A) & (B) of the Ethics in Government Act as amended, 5 U.S.C. app. section 102(a)(2)(A) and (B), (Ethics Act) and are extended to confidential disclosure reporting by OGE's regulation. Under the Ethics Act, the gifts and reimbursements reporting thresholds are tied to the dollar amount for the ''minimal value'' threshold for foreign gifts as the General Services Administration (GSA) periodically redefines it.

In a January 12, 2017, Federal Management Regulation Bulletin, GSA raised the ''minimal value'' under the Foreign Gifts and Decorations Act, 5 U.S.C. 7342, to $390 for the three-year period 2017–2019 (from the prior level of $375). See Gen. Servs. Admin., FMR B–41, Foreign Gift and Decoration Minimal Value (2017) (revising retroactively to January 1, 2017, the foreign gifts minimal value definition as codified at 41 CFR 102–42.10).

Accordingly, applicable as of that same date, OGE is increasing the thresholds for reporting of gifts and travel reimbursements from any one source in 5 CFR 2634.304 and 2634.907(g) (and as illustrated in the examples following those sections, including appropriate adjustments to gift values therein) of its executive branch financial disclosure regulation to ''more than $390'' for the aggregation threshold for reporting and ''$156 or less'' for the de minimis exception for gifts and reimbursements that do not have to be counted towards the aggregate threshold. As noted, these regulatory increases implement the underlying statutory increases effective January 1, 2017.

OGE will continue to adjust the gifts and travel reimbursements reporting threshold in its part 2634 regulation in the future as needed in light of GSA's redefinition of ''minimal value'' every three years for foreign gifts purposes. See OGE's prior three-year adjustment of those regulatory reporting thresholds, as published at 79 FR 28605–28606 (May 19, 2014) (for 2014–2016, the aggregate reporting level was more than $375, with a $150 or less de minimis exception).

Increased Dollar Ceiling for the Exception for Nonsponsor Gifts of Free Attendance at Widely Attended Gatherings

In addition, OGE is increasing, from $375 to $390, the exception ceiling for nonsponsor gifts of free attendance at widely attended gatherings under the executive branch standards of ethical conduct regulation, as codified at 5 CFR 2635.204(g)(3) (and as illustrated in the examples following paragraph (g)). This separate regulatory change is effective upon publication in the **Federal Register**, on May 18, 2017. As OGE noted in the preambles to the proposed and final rules on such nonsponsor gifts, that ceiling is tied to the financial disclosure gifts reporting threshold. See 60 FR 31415–31418 (June 15, 1995) and 61 FR 42965–42970 (August 20, 1996). The nonsponsor gift ceiling was last raised in the May 2014 OGE rulemaking noted in the preceding paragraph. Thus, OGE is again increasing the nonsponsor gift ceiling to match the further increase in the gifts/travel reimbursements reporting thresholds. The other requirements for acceptance of such nonsponsor gifts, including an agency interest determination and expected attendance by more than 100 persons, remain unchanged.

II. Matters of Regulatory Procedure

Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b), as Director of the Office of Government Ethics, I find that good cause exists for waiving the general notice of proposed rulemaking and public comment procedures as to these technical amendments. The notice and comment procedures are being waived because these amendments concern matters of agency organization, procedure and practice. It is also in the public interest that the accurate and up-to-date information be contained in the affected sections of OGE's regulations as soon as possible. The increase in the reporting thresholds for gifts and reimbursements is based on a statutory formula and lessens the reporting burden. Therefore,

that regulatory revision is retroactively applicable as of January 1, 2017, when the change became effective under the Ethics Act.

Regulatory Flexibility Act

As the Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this final rule would not have a significant economic impact on a substantial number of small entities because it primarily affects current Federal executive branch employees.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation does not contain information collection requirements that require approval of the Office of Management and Budget.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 5, subchapter II), this final rule would not significantly or uniquely affect small governments and will not result in increased expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (as adjusted for inflation) in any one year.

Congressional Review Act

The Office of Government Ethics has determined that this amendatory rulemaking is a nonmajor rule under the Congressional Review Act (5 U.S.C. chapter 8) and will submit a report thereon to the U.S. Senate, House of Representatives and Government Accountability Office in accordance with that law at the same time this rulemaking document is sent to the Office of the Federal Register for publication in the **Federal Register**.

Executive Order 13563 and Executive Order 12866

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select the regulatory approaches that maximize net benefits (including economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. In promulgating this rulemaking, OGE has adhered to the regulatory philosophy and the applicable principles of regulation set forth in Executive Orders 12866 and 13563. The rule has not been reviewed by the Office of Management and Budget because it is not a significant regulatory action for the purposes of Executive Order 12866.

Executive Order 12988

As Director of the Office of Government Ethics, I have reviewed this rule in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

List of Subjects

5 CFR Part 2634

Certificates of divestiture, Conflict of interests, Government employees, Penalties, Reporting and recordkeeping requirements, Trusts and trustees.

5 CFR Part 2635

Conflict of interests, Executive branch standards of ethical conduct, Government employees.

Approved: May 12, 2017.

Walter M. Shaub, Jr.,

Director, U.S. Office of Government Ethics.

For the reasons set forth in the preamble, the U.S. Office of Government Ethics is amending 5 CFR parts 2634 and 2635 as follows:

PART 2634—EXECUTIVE BRANCH FINANCIAL DISCLOSURE, QUALIFIED TRUSTS, AND CERTIFICATES OF DIVESTITURE

■ 1. The authority citation for part 2634 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); 26 U.S.C. 1043; Pub. L. 101–410, 104 Stat. 890, 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990), as amended by Sec. 31001, Pub. L. 104–134, 110 Stat. 1321 (Debt Collection Improvement Act of 1996) and Sec. 701, Pub. L. 114–74 (Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

§ 2634.304 [Amended]

■ 2. Amend § 2634.304 as follows:

■ a. Remove the dollar amount ''$375'' in paragraphs (a) and (b) and in examples 1, 3, and 4 following paragraph (d) and add in its place in each instance the dollar amount ''$390'';

■ b. Remove the dollar amount ''$150'' in paragraph (d) and in examples 1 and 2 following paragraph (d) and add in its place in each instance the dollar amount ''$156''; and

■ c. Remove the dollar amount ''$190'' in example 3 following paragraph (d) and add in its place the dollar amount ''$200''.

§ 2634.907 [Amended]

■ 3. Amend § 2634.907 as follows:

■ a. Remove the dollar amount of ''$375'' in paragraphs (g)(1) and (2) and in the example to paragraph (g) and add in its place in each instance the dollar amount ''$390''; and

■ b. Remove the dollar amount ''$150'' in paragraph (g)(3) and in the example to paragraph (g) and add in its place in each instance the dollar amount ''$156''.

PART 2635—STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH

■ 4. The authority citation for part 2635 continues to read as follows:

Authority: 5 U.S.C. 7301, 7351, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

§ 2635.204 [Amended]

■ 5. Amend § 2635.204 by removing the dollar amount ''$375'' in paragraph (g)(3)(iv) and in examples 1 and 4 following paragraph (g)(6) and add in its place in each instance the dollar amount ''$390''.

[FR Doc. 2017–10012 Filed 5–17–17; 8:45 am]

BILLING CODE 6345–03–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31133; Amdt. No. 3746]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable

airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective May 18, 2017. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 18, 2017.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops—M30, 1200 New Jersey Avenue SE., West Bldg., Ground Floor, Washington, DC 20590–0001;
2. The FAA Air Traffic Organization Service Area in which the affected airport is located;
3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,
4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary.

This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on April 21, 2017.

John S. Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, (14 CFR part 97), is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
25–May–17	MS	Jackson	Hawkins Field	7/0195	4/14/17	RNAV (GPS) RWY 34, Amdt 2.
25–May–17	FL	Lake Wales	Lake Wales Muni	7/0679	4/7/17	RNAV (GPS) RWY 24, Orig.
25–May–17	FL	Lake Wales	Lake Wales Muni	7/0680	4/7/17	RNAV (GPS) RWY 6, Orig-A.
25–May–17	FL	Titusville	Nasa Shuttle Landing Facility.	7/0684	4/7/17	RNAV (GPS) RWY 15, Amdt 1.
25–May–17	NY	Brockport	Ledgedale Airpark	7/0696	4/7/17	RNAV (GPS) RWY 28, Amdt 1A.
25–May–17	GA	Eastman	Heart Of Georgia Rgnl	7/0700	4/7/17	RNAV (GPS) RWY 20, Amdt 2.
25–May–17	TN	Lawrenceburg	Lawrenceburg-Lawrence County.	7/0850	4/5/17	RNAV (GPS) RWY 17, Orig-A.
25–May–17	MD	Westminster	Clearview Airpark	7/0956	4/7/17	RNAV (GPS) RWY 14, Amdt 1.
25–May–17	MS	Magee	Magee Muni	7/1002	4/6/17	RNAV (GPS) RWY 18, Orig.
25–May–17	MS	Magee	Magee Muni	7/1005	4/6/17	RNAV (GPS) RWY 36, Orig.
25–May–17	ME	Dexter	Dexter Rgnl	7/1487	4/6/17	RNAV (GPS) RWY 16, Orig.
25–May–17	ME	Dexter	Dexter Rgnl	7/1488	4/6/17	RNAV (GPS) RWY 34, Orig.
25–May–17	ME	Sanford	Sanford Seacoast Rgnl	7/1491	4/6/17	VOR RWY 25, Amdt 14A.
25–May–17	MS	Laurel	Hesler-Noble Field	7/3916	4/7/17	RNAV (GPS) RWY 31, Amdt 1.
25–May–17	MS	Laurel	Hesler-Noble Field	7/3917	4/7/17	RNAV (GPS) RWY 13, Amdt 1.
25–May–17	MS	Laurel	Hesler-Noble Field	7/3918	4/7/17	NDB RWY 13, Amdt 8.
25–May–17	MS	Corinth	Roscoe Turner	7/5237	4/7/17	RNAV (GPS) RWY 36, Amdt 1A.
25–May–17	TN	Memphis	General Dewitt Spain	7/5263	4/5/17	RNAV (GPS) RWY 17, Orig.
25–May–17	SC	Laurens	Laurens County	7/5839	4/5/17	RNAV (GPS) RWY 8, Orig.
25–May–17	SC	Laurens	Laurens County	7/5840	4/5/17	RNAV (GPS) RWY 26, Orig.
25–May–17	MS	Winona	Winona-Montgomery County.	7/6657	4/6/17	RNAV (GPS) RWY 21, Amdt 1.
25–May–17	MS	Winona	Winona-Montgomery County.	7/6658	4/6/17	RNAV (GPS) RWY 3, Amdt 1.
25–May–17	SC	Pelion	Lexington County At Pelion.	7/6664	4/11/17	RNAV (GPS) RWY 18, Orig.
25–May–17	SC	Pelion	Lexington County At Pelion.	7/6665	4/11/17	RNAV (GPS) RWY 36, Orig.
25–May–17	NY	Fulton	Oswego County	7/6841	4/6/17	RNAV (GPS) RWY 15, Orig-A.
25–May–17	TN	Nashville	Nashville Intl	7/7379	4/5/17	RNAV (RNP) Z RWY 2R, Amdt 2.
25–May–17	SC	Mount Pleasant	Mt Pleasant Rgnl-Faison Field.	7/7386	4/6/17	RNAV (GPS) RWY 35, Orig-C.
25–May–17	SC	Mount Pleasant	Mt Pleasant Rgnl-Faison Field.	7/7387	4/6/17	RNAV (GPS) RWY 17, Orig-C.
25–May–17	MS	Olive Branch	Olive Branch	7/7391	4/5/17	RNAV (GPS) RWY 18, Amdt 3.
25–May–17	MS	Olive Branch	Olive Branch	7/7392	4/5/17	ILS OR LOC RWY 18, Amdt 3.
25–May–17	MS	Olive Branch	Olive Branch	7/7393	4/5/17	RNAV (GPS) RWY 36, Amdt 1.
25–May–17	MS	Olive Branch	Olive Branch	7/7394	4/5/17	LOC/DME RWY 36, Amdt 1.
25–May–17	SC	Spartanburg	Spartanburg Downtown Memorial.	7/7467	4/5/17	ILS OR LOC RWY 5, Amdt 1A.
25–May–17	SC	Spartanburg	Spartanburg Downtown Memorial.	7/7468	4/5/17	RNAV (GPS) RWY 5, Orig.
25–May–17	SC	Spartanburg	Spartanburg Downtown Memorial.	7/7469	4/5/17	RNAV (GPS) RWY 23, Orig.
25–May–17	MS	Jackson	Jackson-Medgar Wiley Evers Intl.	7/7651	4/5/17	RNAV (GPS) RWY 34L, Amdt 3.
25–May–17	MS	Jackson	Jackson-Medgar Wiley Evers Intl.	7/7652	4/5/17	ILS OR LOC RWY 34L, Amdt 6A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
25–May–17	MS	Jackson	Jackson-Medgar Wiley Evers Intl.	7/7653	4/5/17	RNAV (GPS) RWY 16R, Amdt 2.
25–May–17	MS	Jackson	Jackson-Medgar Wiley Evers Intl.	7/7654	4/5/17	ILS OR LOC RWY 16L, ILS RWY 16L (SA CAT I), ILS RWY 16L (CAT II and III), Amdt 8.
25–May–17	MS	Jackson	Jackson-Medgar Wiley Evers Intl.	7/7655	4/5/17	RNAV (GPS) RWY 16L, Amdt 2.
25–May–17	GA	Greensboro	Greene County Rgnl	7/7688	4/5/17	LOC RWY 25, Amdt 3C.
25–May–17	PA	Erie	Erie Intl/Tom Ridge Field	7/7693	4/5/17	RNAV (GPS) RWY 6, Amdt 1.
25–May–17	MA	Bedford	Laurence G Hanscom Fld	7/7794	4/5/17	ILS OR LOC RWY 11, Amdt 26.
25–May–17	MA	Bedford	Laurence G Hanscom Fld	7/7795	4/5/17	RNAV (GPS) Z RWY 11, Amdt 1.
25–May–17	MA	Bedford	Laurence G Hanscom Fld	7/7796	4/5/17	RNAV (RNP) Y RWY 11, Orig.
25–May–17	MA	Bedford	Laurence G Hanscom Fld	7/7797	4/5/17	ILS OR LOC RWY 29, Amdt 7.
25–May–17	MA	Bedford	Laurence G Hanscom Fld	7/7798	4/5/17	RNAV (GPS) Z RWY 29, Amdt 1.
25–May–17	MA	Bedford	Laurence G Hanscom Fld	7/7799	4/5/17	RNAV (RNP) Y RWY 29, Orig.
25–May–17	MA	Bedford	Laurence G Hanscom Fld	7/7800	4/5/17	RNAV (GPS) RWY 23, Orig-A.
25–May–17	MA	Bedford	Laurence G Hanscom Fld	7/7801	4/5/17	VOR RWY 23, Amdt 9A.
25–May–17	TN	Lawrenceburg	Lawrenceburg-Lawrence County.	7/8616	4/5/17	RNAV (GPS) RWY 35, Orig-A.

[FR Doc. 2017–09907 Filed 5–17–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31132; Amdt. No. 3745]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective May 18, 2017. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 18, 2017.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops—M30, 1200 New Jersey Avenue SE., West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part § 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on April 21, 2017.

John S. Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 25 May 2017

Fort Wayne, IN, Smith Field, RNAV (GPS) RWY 31, Amdt 1A
Fort Wayne, IN, Smith Field, VOR RWY 13, Amdt 11
Huntington, IN, Huntington Muni, Takeoff Minimums and Obstacle DP, Amdt 2
Cedar City, UT, Cedar City Rgnl, ILS OR LOC RWY 20, Amdt 4A
Cedar City, UT, Cedar City Rgnl, RNAV (GPS) RWY 20, Amdt 1A

Effective 22 June 2017

Fairbanks, AK, Fairbanks Intl, RNAV (RNP) Z RWY 2L, Amdt 1
Fairbanks, AK, Fairbanks Intl, RNAV (RNP) Z RWY 20R, Amdt 1
Healy, AK, Healy River, HEALY ONE, Graphic DP
Healy, AK, Healy River, RNAV (GPS) RWY 15, Orig
Healy, AK, Healy River, RNAV (GPS)-A, Orig
Healy, AK, Healy River, Takeoff Minimums and Obstacle DP, Orig
Marysville, CA, Yuba County, ILS OR LOC RWY 14, Amdt 6
Macon, GA, Macon Downtown, LOC RWY 10, Amdt 8A
Macon, GA, Macon Downtown, RNAV (GPS) RWY 10, Amdt 2A
Macon, GA, Macon Downtown, RNAV (GPS) RWY 28, Amdt 2A
Morris, IL, Morris Muni—James R Washburn Field, RNAV (GPS) RWY 18, Amdt 1
Morris, IL, Morris Muni—James R Washburn Field, RNAV (GPS) RWY 36, Amdt 2
Morris, IL, Morris Muni—James R Washburn Field, Takeoff Minimums and Obstacle DP, Amdt 1
Friendly, MD, Potomac Airfield, RNAV (GPS) RWY 6, Orig-A
Norridgewock, ME, Central Maine Arpt of Norridgewock, RNAV (GPS) RWY 15, Amdt 1
Princeton, ME, Princeton Muni, RNAV (GPS) RWY 15, Amdt 1A
Charlevoix, MI, Charlevoix Muni, NDB RWY 9, Amdt 10, CANCELED
Charlevoix, MI, Charlevoix Muni, NDB RWY 27, Amdt 11, CANCELED
Minneapolis, MN, Minneapolis-St Paul Intl/Wold-Chamberlain, RNAV (GPS) Z RWY 30R, Amdt 4
Lakota, ND, Lakota Muni, RNAV (GPS) RWY 33, Orig
Lakota, ND, Lakota Muni, Takeoff Minimums and Obstacle DP, Orig
Raton, NM, Raton Muni/Crews Field, RNAV (GPS) RWY 2, Orig-B
Raton, NM, Raton Muni/Crews Field, RNAV (GPS) RWY 25, Orig-B
Las Vegas, NV, Henderson Executive, Takeoff Minimums and Obstacle DP, Amdt 1
Waynesburg, PA, Greene County, RNAV (GPS) RWY 9, Orig-A
Waynesburg, PA, Greene County, RNAV (GPS) RWY 27, Orig-A
Williamsport, PA, Williamsport Rgnl, RNAV (GPS) RWY 9, Amdt 1
Williamsport, PA, Williamsport Rgnl, RNAV (GPS) RWY 12, Amdt 1
Bay City, TX, Bay City Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1
Manti, UT, Manti-Ephraim, RNAV (GPS) RWY 3, Orig

Manti, UT, Manti-Ephraim, Takeoff Minimums and Obstacle DP, Orig
Manti, UT, Manti-Ephraim, WUXOT ONE, Graphic DP
Manti, UT, Manti-Ephraim, YMONT ONE, Graphic DP
Marion/Wytheville, VA, Mountain Empire, LOC RWY 26, Amdt 3
Marion/Wytheville, VA, Mountain Empire, RNAV (GPS) RWY 26, Amdt 1
Wenatchee, WA, Pangborn Memorial, WENATCHEE TWO, Graphic DP
Black River Falls, WI, Black River Falls Area, RNAV (GPS) RWY 26, Orig-B
Necedah, WI, Necedah, RNAV (GPS) RWY 36, Orig-D
Racine, WI, Batten Intl, Takeoff Minimums and Obstacle DP, Amdt 5A
Stevens Point, WI, Stevens Point Muni, ILS OR LOC RWY 21, Amdt 1
Stevens Point, WI, Stevens Point Muni, RNAV (GPS) RWY 21, Amdt 1
Wausau, WI, Wausau Downtown, RNAV (GPS) RWY 31, Amdt 1
Cheyenne, WY, Cheyenne Rgnl/Jerry Olson Field, ILS OR LOC RWY 27, Amdt 35A

Rescinded: On April 10, 2017 (82 FR 17117), the FAA published an Amendment in Docket No. 31125, Amdt No. 3739 to Part 97 of the Federal Aviation Regulations under section 97.33, the following entries for Majuro Atoll, RM, effective April 27, 2017, and are hereby rescinded in their entirety:

Majuro Atoll, RM, Marshall Islands Intl, RNAV (GPS) RWY 7, Orig-D
Majuro Atoll, RM, Marshall Islands Intl, RNAV (GPS) RWY 25, Orig-D

[FR Doc. 2017–09908 Filed 5–17–17; 8:45 am]
BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 421

[Docket No. SSA–2016–0011]

RIN 0960–AH95

Implementation of the NICS Improvement Amendments Act of 2007

AGENCY: Social Security Administration.

ACTION: Final rule; CRA Revocation.

SUMMARY: We are removing from the Code of Federal Regulations the final rules, Implementation of the NICS Improvement Amendments Act of 2007 (NIAA), published on December 19, 2016. We are doing so because Congress passed, and the President signed, a joint resolution of disapproval of the final rules under the Congressional Review Act.

DATES: This rule removal is effective on May 18, 2017.

FOR FURTHER INFORMATION CONTACT: Social Security Administration, 410–965–3735 or *Regulations@ssa.gov.* For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION: On May 5, 2016, we published a notice of proposed rulemaking (NPRM) in the **Federal Register** (81 FR 27059) in which we proposed adding part 421 to our regulations to fulfill responsibilities that we have under the NIAA. On December 19, 2016, we published a final rule (81 FR 91702) for the Implementation of the NICS Improvement Amendments Act of 2007 (NIAA), which had an effective date of January 18, 2017.[1] On February 2, 2017, the United States House of Representatives passed H.J. Res. 40, ''Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007 (NIAA).''.[2] On February 15, 2017, the United States Senate passed H.J. Res. 40 without amendment,[3] and the President signed H.J. Res. 40 into law on February 28, 2017.[4] Under the terms of Public Law 115–8, the final rules ''shall have no force or effect.'' As a result, we are removing them from the Code of Federal Regulations.

Authority for removal: This document was prepared under the direction of Nancy A. Berryhill, Acting Commissioner of Social Security. We issued it under the authority of section 702 of the Social Security Act (42 U.S.C. 902(a)(5)), and Public Law 115–8, 131 Stat. 15.

List of Subjects in 20 CFR Part 421

Administrative practice and procedure, Freedom of information, Privacy, Reporting and recordkeeping requirements.

Nancy A. Berryhill,
Acting Commissioner of Social Security.

Under the authority of section 702 of the Social Security Act (42 U.S.C. 902(a)(5)), the Congressional Review Act (5 U.S.C. 801 *et seq.*), and Public Law 115–8, 131 Stat. 15, and for the reasons set out in the preamble, we amend title 20, chapter III, of the Code of Federal Regulations as follows:

PART 421—[REMOVED]

■ 1. Remove part 421, consisting of §§ 421.100 through 421.170.

[FR Doc. 2017–10084 Filed 5–17–17; 8:45 am]
BILLING CODE 4191–02–P

[1] Although the final rule had an effective date of January 18, 2017, we delayed the compliance date of the rule until December 19, 2017 (81 FR at 91720). Therefore, we did not report any records to the National Instant Criminal Background Check System (NICS) pursuant to the final rule.

[2] 163 Cong. Rec. H916 (daily ed. Feb. 2, 2017).

[3] 163 Cong. Rec. S1169 (daily ed. Feb. 15, 2017).

[4] Public Law 115–8, 131 Stat. 15.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 201, 801, and 1100

[Docket No. FDA–2015–N–2002]

RIN 0910–AH19

Clarification of When Products Made or Derived From Tobacco Are Regulated as Drugs, Devices, or Combination Products; Amendments to Regulations Regarding ''Intended Uses''; Further Delayed Effective Date; Request for Comments; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; extension of comment period.

SUMMARY: In the **Federal Register** of January 9, 2017, the Food and Drug Administration (FDA or the Agency) issued a final rule entitled ''Clarification of When Products Made or Derived From Tobacco Are Regulated as Drugs, Devices, or Combination Products; Amendments to Regulations Regarding 'Intended Uses' '' (Final Rule). On March 20, 2017, FDA published a document in the **Federal Register** (Final Rule Extension) to delay the effective date of the Final Rule until March 19, 2018, and requested comments on particular issues raised in a petition for reconsideration and stay of action of the Final Rule. The petition for reconsideration raised questions about the amendments to the regulations regarding ''intended uses'' that are set forth in the Final Rule. In the Final Rule Extension FDA also requested comments regarding any aspect of the Final Rule, or with respect to issues relating to ''intended uses'' generally, and on whether the delay in the effective date should be modified or revoked. FDA is now issuing this document to extend the comment period. The Agency is taking this action in response to requests for an extension to allow interested persons additional time to submit comments.

DATES: FDA is extending the comment period on the document delaying the effective date and seeking comment on the final rule published March 20, 2017 (82 FR 14319). Submit either electronic or written comments by July 18, 2017. For additional information on the comment date, see **ADDRESSES** and **SUPPLEMENTARY INFORMATION**.

ADDRESSES: You may submit comments as follows: Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before July 18, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of July 18, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

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–2015–N–2002 for ''Clarification of When Products Made or Derived From Tobacco Are Regulated as Drugs, Devices, or Combination Products; Amendments to Regulations Regarding 'Intended Uses'; Further Delayed Effective Date; Request for Comments; Extension of Comment Period.'' Received comments, those filed in a timely manner (see **DATES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Robert Berlin, Office of Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 4238, Silver Spring, MD 20993, 301–796–8828.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 20, 2017, FDA published a document delaying the effective date of the January 9, 2017 (82 FR 2193), final rule entitled ''Clarification of When Products Made or Derived From Tobacco Are Regulated as Drugs, Devices, or Combination Products; Amendments to Regulations Regarding 'Intended Uses' '' until March 19, 2018, with a 60-day comment period. FDA requested comments on particular issues raised in a petition for reconsideration and stay of action of the Final Rule, as well as regarding any aspect of the Final Rule, or with respect to issues relating to ''intended uses'' generally. FDA also requested comments on whether the delay in the effective date of the Final Rule should be modified or revoked. Comments on these issues will inform FDA's thinking and next steps on these issues.

The Agency has received a request for a 30-day extension and another request for a 90-day extension of the comment period for the Final Rule Extension. The requests conveyed concern that the current 60-day comment period does not allow sufficient time to develop a meaningful or thoughtful response to issues FDA raised in the Final Rule Extension.

FDA has considered the requests and is extending the comment period for 60 days, until July 18, 2017. The Agency believes that a 60-day extension allows additional time for interested persons to submit comments on these important issues.

Dated: May 12, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–10036 Filed 5–17–17; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 20

[GN Docket No. 13–111; FCC 17–25]

Promoting Technological Solutions To Combat Contraband Wireless Device Use in Correctional Facilities

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission adopts rules to streamline the process of deploying contraband wireless device interdiction systems in correctional facilities. This action will reduce the costs of deploying solutions and ensure that they can be deployed more quickly and efficiently. In particular, the Commission eliminates certain filing requirements and provides for immediate approval of the lease applications needed to operate these systems.

DATES: Effective June 19, 2017, with the exception of: (1) §§ 1.9020(d)(8), 1.9030(d)(8), 1.9035(d)(4), and 20.18(a), which contain information collection requirements that require approval by the Office of Management and Budget (OMB), and which the Commission will announce by publishing a document in the **Federal Register**; and (2) §§ 1.9020(n), 1.9030(m), 1.9035(o), 20.18(r), and 20.23(a), which require approval by OMB under the Paperwork Reduction Act (PRA), and which the Commission will announce by publishing a document in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Melissa Conway, *Melissa.Conway@fcc.gov,* of the Wireless Telecommunications Bureau, Mobility Division, (202) 418–2887. For additional information concerning the PRA information collection requirements contained in this document, contact Cathy Williams at (202) 418–2918 or send an email to *PRA@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (*Order*) in GN Docket No. 13–111, FCC 17–25, released on March 24, 2017. The complete text of the public notice is available for viewing via the Commission's ECFS Web site by entering the docket number, GN Docket No. 13–111. The complete text of the public notice is also available for public inspection and copying from 8:00 a.m. to 4:30 p.m. Eastern Time (ET) Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 202–488–5300, fax 202–488–5563.

The Commission will send a copy of the *Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

I. Report and Order

1. The use of contraband wireless devices in correctional facilities to engage in criminal activity poses a significant and growing security challenge to correctional facility administrators, law enforcement authorities, and the general public.

2. As a general matter, there are primarily two categories of technological solutions currently deployed today in the U.S. to address the issue of contraband wireless device use in correctional facilities: Managed access and detection. A managed access system (MAS) is a micro-cellular, private network that typically operates on spectrum already licensed to wireless providers offering commercial subscriber services in geographic areas that include a correctional facility. These systems analyze transmissions to and from wireless devices to determine whether the device is authorized or unauthorized by the correctional facility for purposes of accessing wireless carrier networks. A MAS utilizes base stations that are optimized to capture all voice, text, and data communications within the system coverage area. When a wireless device attempts to connect to the network from within the coverage area of the MAS, the system cross-checks the identifying information of the device against a database that lists wireless devices authorized to operate in the coverage area. Authorized devices are allowed to communicate normally (*i.e.,* transmit and receive voice, text, and data) with the commercial wireless network, while transmissions to or from unauthorized devices are terminated. A MAS is capable of being programmed not to interfere with 911 calls. The systems may also provide an alert to the user notifying the user that the device is unauthorized. A correctional facility or third party at a correctional facility may operate a MAS if authorized by the Commission, and this authorization has, to date, involved agreements with the wireless providers serving the geographic area within which the correctional facility is located, as well as spectrum leasing applications approved by the Commission.

3. Detection systems are used to detect devices within a correctional facility by locating, tracking, and identifying radio signals originating from a device. Traditionally, detection systems use passive, receive-only technologies that do not transmit radio signals and do not require separate Commission authorization. However, detection systems have evolved with the capability of transmitting radio signals to not only locate a wireless devices, but also to obtain device identifying information. These types of advanced transmitting detection systems also operate on frequencies licensed to wireless providers and require separate Commission authorization, also typically through the filing of spectrum leasing applications reflecting wireless provider agreement.

4. The Commission has taken a variety of steps to facilitate the deployment of technologies by those seeking to combat the use of contraband wireless devices in correctional facilities, including authorizing spectrum leases between CMRS providers [1] and MAS providers and granting Experimental Special Temporary Authority (STA) for testing managed access technologies, and also through outreach and joint efforts with federal and state partners and industry to facilitate development of viable solutions. In addition, Commission staff has worked with stakeholder groups, including our federal agency partners, wireless providers, technology providers, and corrections agencies, to encourage the development of technological solutions to combat contraband wireless device use while avoiding interference with legitimate communications.

5. On May 1, 2013, the Commission issued the *NPRM* (78 FR 36469, June 18, 2013) in this proceeding in order to examine various technological solutions to the contraband problem and proposals to facilitate the deployment of these technologies. In the *NPRM,* the Commission proposed a series of modifications to its rules to facilitate spectrum leasing agreements between wireless providers and providers or operators of a MAS used to combat contraband wireless devices.

6. In the *NPRM,* the Commission's streamlining proposals were focused on spectrum leasing arrangements for MASs. Importantly, as technologies evolve, many advanced detection systems have also been designed to transmit radio signals typically already licensed to wireless providers in areas that include correctional facilities. Consequently, operators of these types of advanced detection systems require Commission authorization and may also choose to negotiate with wireless providers to obtain such authorization through the Commission's spectrum

[1] Unless otherwise specifically clarified herein, for purposes of this document, we use the terms CMRS provider, wireless provider, and wireless carrier interchangeably. These terms typically refer to entities that offer and provide subscriber-based services to customers through Commission licenses held on commercial spectrum in geographic areas that might include correctional facilities.

leasing procedures, similar to a MAS operator. Given the evolution of technologies to combat contraband device use and the variety of detection systems that could require the same type of authorizations that a MAS requires, the streamlined processes we are adopting in this document should not be limited to those seeking to deploy a MAS, but should also be available to stakeholders seeking to obtain operational authority to deploy advanced detection type technologies that transmit RF and are subject to Commission authorization to combat contraband wireless device use in a correctional facility.[2]

7. We will refer to any system that transmits radio communication signals comprised of one or more stations used only in a correctional facility exclusively to prevent transmissions to or from contraband wireless devices within the boundaries of the facility and/or to obtain identifying information from such contraband wireless devices as a Contraband Interdiction System (CIS). By definition, therefore, the streamlined rules we adopt in this document are limited to correctional facilities' use, given the important public safety implications in combatting contraband wireless device use.

8. In this document, we adopt rules to facilitate the deployment of CISs by streamlining the Commission's processes governing STA requests and spectrum leasing arrangements entered into exclusively to combat the use of unauthorized wireless devices in correctional facilities. Specifically, qualifying spectrum leasing applications or notifications for CISs will be subject to immediate processing and disposition; parties will not have to separately file amendments to become PMRS (or CMRS); and the process for obtaining STA for these systems will be streamlined. We believe the revised rules are in the public interest and strike the appropriate balance among the need to minimize regulatory barriers to CIS deployment, maintain an effective spectrum leasing review process, and avoid service disruption to wireless devices outside of correctional facilities.

[2] For purposes of the *FNPRM,* ''contraband wireless device'' refers to any wireless device, including the physical hardware or part of a device—such as a subscriber identification module (SIM)—that is used within a correctional facility in violation of federal, state, or local law, or a correctional facility rule, regulation, or policy. We use the phrase ''correctional facility'' to refer to any facility operated or overseen by federal, state, or local authorities that houses or holds criminally charged or convicted inmates for any period of time, including privately owned and operated correctional facilities that operate through contracts with federal, state, or local jurisdictions.

Streamlined Spectrum Leasing Application Approval and Notification Processing

9. Pursuant to our current secondary market rules, licensee lessors and their lessees have three spectrum leasing options that each provide different rights and responsibilities for the licensee and lessee: Long-term (more than one year) *de facto* transfer spectrum leasing arrangements; short-term (less than one year) *de facto* transfer spectrum leasing arrangements; and spectrum manager spectrum leasing arrangements (both short-term and long-term). The Commission's rules require that the parties to a *de facto* transfer spectrum leasing arrangement file an application for approval of the lease with the Commission. Parties to a spectrum manager lease must file a notification of the spectrum leasing arrangement with the Commission and can commence operations without prior Commission approval after a short period. The Commission's rules provide for expedited processing (by the next business day) of all categories of spectrum leasing applications and notifications. To be accepted for processing, any application or notification must be sufficiently complete, including information and certifications relating to a lessee's eligibility and qualification to hold spectrum, and lessee compliance with the Commission's foreign ownership rules. *De facto* transfer spectrum leasing applications must also be accompanied by the requisite filing fee.

10. Long-term *de facto* transfer spectrum leasing applications and spectrum manager leasing notifications must meet three additional criteria for immediate approval or processing. First, the lease cannot involve spectrum that may be used to provide an interconnected mobile voice/and or data service and that would result in a geographic overlap with licensed spectrum in which the proposed spectrum lessee already holds a direct or indirect interest of 10 percent or more. Second, the licensee cannot be a designated entity or entrepreneur subject to unjust enrichment requirements and/or transfer restrictions under applicable Commission rules. Finally, the spectrum leasing arrangement cannot require a waiver of, or declaratory ruling pertaining to, any applicable Commission rules.

11. Significantly, as CIS deployment at a given correctional facility will require the system operator to obtain multiple spectrum leasing arrangements for the same geographic area (to enable the system to prevent contraband wireless devices from accessing any of the multiple telecommunications services whose footprint covers the facility), no spectrum lease after the first one can be given immediate processing under our current rules because each subsequent spectrum lease involves spectrum that would necessarily result in a geographic overlap (*i.e.,* the area where the correctional facility is located) with licensed spectrum in which the operator already holds a direct or indirect interest of 10 percent or more (*i.e.,* the interest represented by the spectrum lease or leases that the operator had already procured from one (or more) of the other carriers whose service area includes the correctional facility). Thus, the system operator will be unable to meet the first criterion for expedited processing. Without expedited processing, approval of most spectrum leasing applications takes at least several weeks to a few months from the date of filing, delaying deployment of the system.

12. The record reflects widespread support—across all stakeholders—for the proposed rule and procedural modifications to streamline the spectrum leasing process for MASs in correctional facilities. The carriers generally support the Commission's streamlining proposals. AT&T welcomes the proposed modifications to the existing spectrum leasing process between wireless carriers and MAS vendors and believes the proposed measures will reduce the amount of time and resources required to complete a lease. Similarly, Verizon supports the Commission's streamlining proposals, noting that the changes will benefit the public by speeding approval and deployment of managed access and detection systems. CTIA supports the proposals and believes that they are targeted, narrowly focused, and will enable a more efficient deployment of managed access systems.

13. Both MAS operators and proponents of detection and termination systems acknowledge the benefits that will flow from streamlining the spectrum leasing process for MASs. Tecore, for example, notes that the procedural rule changes will make a significant difference in reducing the time needed for the deployment of a MAS. CellAntenna supports the Commission's streamlining proposals as a way to promote the deployment of MASs and ease the burden on corrections officials. Likewise, a variety of other commenting parties support the Commission's streamlining proposals, even if some suggest that additional measures are required to make material

progress in combating contraband wireless devices.

14. By and large, the corrections community advocates for the use of any and all measures to combat contraband wireless devices in correctional facilities, including MASs. ACA states that it is important that the Commission streamline the application process for spectrum lease agreements as much as possible. The Maryland Department of Public Safety and Correctional Services supports the Commission's proposal to streamline lease authorizations for MASs as a way to reduce overall costs and expedite correctional system's ability to procure and install these systems. The Minnesota Department of Corrections also believes that any simplification of the licensing process will speed deployment of MASs and ultimately has a positive impact on public safety. The California Department of Corrections and Rehabilitation echoes this comment regarding increased safety in its comments, supporting the proposed streamlining changes in order to aid in more expedient deployment, thereby contributing to a safer correctional environment for staff, inmates, and the public. The Mississippi Department of Corrections also supports any measures to streamline the spectrum leasing process for use in correctional facilities.

15. Consistent with the broad support by commenters for the streamlining proposals set forth in the *NPRM,* we adopt those proposals, with certain exceptions. We amend Part 1 rules [3] as necessary to implement the CIS (consisting to date largely of both MAS and advanced detection systems) spectrum leasing streamlining proposals. Qualifying long-term *de facto* transfer spectrum leasing applications and spectrum manager leasing notifications for CISs will be subject to immediate processing and approval, even when the grant of multiple spectrum lease applications would result in the lessee holding geographically overlapping spectrum rights or where the license involves spectrum subject to designated entity unjust enrichment provisions or entrepreneur transfer restrictions. Because we determine that qualifying spectrum leases for CISs do not raise the potential public interest concerns that would necessitate prior public notice or more individualized review, we believe that removing this unnecessary layer of notice and review is appropriate. At the same time, our modified process ensures that granted or accepted spectrum leases will be placed on public notice and subject to the Commission's reconsideration procedures under rule section 1.106 (47 CFR 1.106).

16. Competition. The crux of the Commission's streamlining proposals in the *NPRM* for the spectrum leasing process for systems in correctional facilities is its proposal to immediately process spectrum lease applications or notifications regardless of whether approval or acceptance will result in the lessee holding or having access to geographically overlapping licenses. The rationale for eliminating the lengthy notice and review process for overlapping spectrum here is that, in the CIS context, the typical competition concerns are not present because CISs are not providing service to the public and generally there is only one CIS provider in a particular correctional facility. With the widespread accord of commenters in this proceeding, we amend sections 1.9003, 1.9020, and 1.9030 of the Commission's rules (47 CFR 1.9003, 1.9020, and 1.9030) to enable the immediate processing of spectrum lease applications or notifications for CISs regardless of whether the approval or acceptance will result in the lessee holding or having access to geographically overlapping licenses.

17. Designated Entity/Entrepreneur Eligibility. In the *NPRM,* the Commission sought comment on its proposal to immediately process spectrum lease applications and notifications for MASs in correctional facilities regardless of whether they implicate designated entity rules, affiliation restrictions, unjust enrichment prohibitions, or transfer restrictions. The Commission suggested, essentially, that these type of leases do not implicate the public interest concerns regarding compliance with these rules that would require a more detailed and time-consuming review of the filings. The Commission's unjust enrichment rules and transfer restrictions are designed to prevent a designated entity or entrepreneur from gaining from the special benefits conferred with the designation by selling or transferring the license, and to ensure that small business participation in spectrum-based services is not thwarted by transfers of licenses to non-designated entities. Further, the Commission's affiliation and controlling interests rules for designated entities are meant to prevent a non-eligible affiliate of a designated entity from gaining through the special benefits conferred with the designation. These rules were crafted pursuant to the Communications Act's requirement that the auction rules promulgated by the Commission ensure that certain designated entities have the opportunity to participate in the provision of wireless service, and that these rules contain such transfer disclosures and anti-trafficking restrictions as may be necessary to prevent unjust enrichment.

18. After consideration of the record, we find it in the public interest to adopt the Commission's proposal to immediately process CIS spectrum lease applications, regardless of whether they implicate designated entity rules, affiliation restrictions, unjust enrichment prohibitions, or transfer restrictions, given that CIS lease arrangements, by definition, involve transactions between wireless providers and solutions providers or potentially departments of corrections, specifically designed to enable correctional institutions to interdict wireless devices used illegally on the premises of the institution. As such, these spectrum leasing arrangements are not readily susceptible to abuse by designated entities who might otherwise lease spectrum to ineligible lessees in order to gain some measure of unjust enrichment. Moreover, nothing in our expedited processing of CIS lease applications will have an adverse impact on the ability of a small business to participate in Commission processes to acquire spectrum or to provide wireless services. And, in any event, in the unlikely case where unjust enrichment obligations are triggered by a CIS leasing arrangement, our action today does not insulate a designated entity from its obligations to comply with the unjust enrichment requirements of the rules; rather, this action only exempts the underlying CIS lease application from processing under general approval procedures.

19. Procedural Requirements. In order to effectuate the streamlining of the MAS spectrum leasing process, the Commission proposed in the *NPRM* modifications to FCC Form 608—the form used by licensees and lessees to notify or apply for authority to enter into spectrum leasing arrangements. The purpose of these proposed modifications is to enable the Commission to identify managed access spectrum leases and subject them to immediate processing and approval, where appropriate.

20. The record does not contain specific comments regarding the proposed modifications to FCC Form

[3] We amend sections 1.9003, 1.9020, and 1.9030 of our rules, 47 CFR 1.9003 (defining ''Contraband Inerdiction System''), 1.9020 (spectrum manager leasing arrangements), and 1.9030 (long-term *de facto* transfer leasing arrangements), in order to implement immediate processing and approval for CIS leases in correctional facilities.

608 to effectuate immediate processing of MAS leases for correctional facilities. However, the record reflects significant support for any measures necessary to streamline the regulatory process for MASs. Consistent with current practice, we expect that spectrum leasing parties desiring to avail themselves of our streamlined process for CISs will include in their submissions a brief description of their system sufficient to enable Commission staff to determine that the lease is in fact for a CIS.[4] Because a change to Form 608 would require corresponding changes to ULS, including costly reprogramming and additional time to implement, we will instead establish internal procedures to ensure that qualified spectrum lease filings for CISs are identified and handled according to immediate processing procedures.

21. If the spectrum leasing parties submit their lease application or notification for a CIS via ULS, and the filing establishes that the proposed spectrum lease is for a CIS, is otherwise complete, and the payment of any requisite filing fees has been confirmed, then the Wireless Telecommunications Bureau (WTB) will process the application or notification and provide immediate grant or acceptance through ULS processing. Approval will be reflected in ULS on the next business day after filing the application or notification. Upon receipt of approval, spectrum lessees will have authority to commence operations under the terms of the spectrum lease, allowing for immediate commencement of operations provided that the parties have established the approval date as the date the lease commences. Consistent with current procedures, the Bureau will place the granted or accepted application or notification on public notice and the action will be subject to petitions for reconsideration.

22. Completeness Requirement. In the *NPRM,* the Commission proposed to maintain the completeness standards for spectrum lease notifications and applications as they currently exist in the spectrum leasing rules. Currently, licensees and lessees file FCC Form 608 and must complete all relevant fields and certifications on the form. If a spectrum lease application or notification is sufficiently complete, but there exist questions as to the lessee's eligibility or qualification to lease spectrum based on the responses or certifications, then the application or notification is not eligible for immediate processing. We find that continuing to require a CIS spectrum lease application to be sufficiently complete, contain all necessary information and certifications (including those relating to eligibility, basic qualifications, and foreign ownership), and include the requisite filing fee serves an important public interest purpose and, with no record opposition, we adopt the Commission's proposal.

Regulatory Status

23. PMRS Presumption. When a CIS provider enters into a spectrum lease agreement with a wireless carrier with a CMRS regulatory status, the regulatory status of the lessor applies to the lessee such that the regulatory status of the managed access lessee is CMRS, unless changed, and the lessee is subject to common carrier obligations. However, most CISs in the correctional facility context qualify as PMRS, which would exempt the lessee from common carrier obligations. To change its regulatory status from CMRS to PMRS, a CIS lessee must file, for each approved lease, separate modification applications that are subject to additional public notice periods which, the Commission noted, may further delay CIS deployment.

24. In the *NPRM,* the Commission proposed to amend section 20.9 of its rules to establish that managed access services in correctional facilities provided on spectrum leased from CMRS providers will be presumptively treated as PMRS because the managed access provider is not offering service to the public or a substantial portion of the public. Under this proposal, the lessee would not need to separately file an application requesting PMRS treatment subsequent to spectrum lease approval or acceptance. Instead, the PMRS status would automatically attach to all spectrum lease applications or notifications that indicate that the leased spectrum would be used solely for the operation of a CIS in a correctional facility.

25. There is widespread support for the Commission's proposals to streamline the spectrum leasing process for CIS providers, which includes the PMRS presumption. The CIS operators specifically note their support for the PMRS presumption. For example, Tecore supports the presumption and suggests that it will further increase managed access deployment by expediting the administrative requirements involved with these services. The California Department of Corrections and Rehabilitation also directly offers its support of a rule amendment to establish the PMRS presumption for MASs in correctional facilities.

26. We generally agree with commenters that reducing burdens associated with CIS operators' compliance with Commission rule section 20.9, as proposed in the *NPRM,* is in the public interest. However, we note that in 2016, the Commission proposed to eliminate section 20.9 in a separate proceeding (CMRS Presumption NPRM) (81 FR 55161, August 18, 2016). We find it unnecessary at this time to amend section 20.9 of the Commission's rules because we can achieve the same goal of reducing administrative costs and filing burdens through interim relief, subject to Commission action in the CMRS Presumption NPRM proceeding. We therefore find good cause to grant a waiver of section 20.9, to the extent necessary, so that CIS operators will not be required to file a separate modification application to reflect PMRS regulatory status subsequent to approval or acceptance of the lease. Rather, the CIS operator will be permitted to indicate in the exhibit to its lease application whether it is PMRS or CMRS for regulatory status purposes,[5] and the approved or accepted spectrum lease will subsequently reflect that regulatory status. This waiver will accomplish the shared goal of the Commission and the commenters of enabling CIS operators to be treated as PMRS without having to file an additional modification application with the Commission, or be subject to the 30 day public notice period applicable to certain radio services. We believe a waiver at this time will conserve resources and reduce burdens on the spectrum leasing parties and Commission staff and will expedite overall deployment of CIS in correctional facilities.

27. 911 and E911. In the *NPRM,* the Commission sought comment on whether the Commission should apply its 911 and E911 rules to MASs in correctional facilities that, if they are presumed to be PMRS, are not applicable, since only CMRS licensees are required to comply with 911 obligations. The Commission also sought comment on the costs and benefits of applying some or all of the Commission's 911 and E911 rules to a

[4] To the extent a lease filing provides sufficient information to enable Commission staff to identify and process the request as one involving a CIS, the processing may be delayed.

[5] Pursuant to our streamlined leasing process, spectrum leasing parties seeking a lease for a CIS in a correctional facility will include a brief description of the CIS sufficient to enable the Commission staff to determine that the lease is in fact for a CIS. In this submission, the parties will also identify whether they request PMRS or CMRS regulatory status.

managed access provider regulated as PMRS.

28. Comment varied concerning the implications of a PMRS presumption on 911 services. By and large, the comments generally suggest agreement that MASs should have the capability to route 911 calls to the appropriate public safety answering point (PSAP), and that the correctional facility, managed access operator, and/or the local PSAP should be involved in making the routing decision regarding a specific correctional facility. Tecore recommends that a MAS must support direct handling of E911 emergency calls with direct routing to the PSAP. In support of this proposal, Tecore reasons that the Commission has imposed standards in other situations where public safety and welfare have been involved. Indeed, Tecore explains that MASs can actually facilitate public safety services because they have the ability to complete 911 calls in a way that provides important public safety data while otherwise restricting service. ShawnTech also believes that MASs must include the ability to support emergency calling to the appropriate PSAPs, but that the agency should set the rules and policies for the facility so as to either enable or disable the emergency calling features.

29. CTIA and the wireless carriers, in contrast, do not take a firm stance one way or the other regarding the obligation of a managed access operator to comply with 911 obligations. CellAntenna, however, argues that MASs should not be required to complete 911 calls because 911 access remains available by landline and assistance is available to corrections officers through internal communications. In fact, CellAntenna states that allowing 911 calls from unauthorized wireless devices in correctional facilities holds the potential for harassment of PSAPs and there is no reason to permit any 911 calls from wireless devices originating within a correctional facility. Similarly, ACA states that any and all cell phone signals originating from inside a correctional facility—including E–911—are illegal signals.

30. Some commenters suggest that emergency calls should be delivered to the PSAP unless the specific PSAP concludes that emergency calls coming from a particular facility should be blocked. This recommendation appears in GTL's original petition, which states that the local PSAP operator is in the best position to determine whether blocking particular area 911 calls is in the public interest. MSS acknowledges that there is no general solution to the problem of the role of 911 in MASs and recommends that the Commission allow PSAP operators and MAS operators to negotiate on a case-by-case basis regarding the handling of E911 calls.

31. We agree with commenters that delivering emergency calls to PSAPs facilitates public safety services and generally serves the public interest, and acknowledge the overriding importance of ensuring availability of emergency 911 calls from correctional facilities. We also act based on our long-standing recognition of the important role that state and local public safety officials play in the administration of the 911 system. We thus amend Commission rule section 20.18 (47 CFR 20.18) to require CIS providers regulated as PMRS to route all 911 calls to the local PSAP. At the same time, we recognize that, based on extensive experience assessing local community public safety needs, PSAPs should be able to inform the CIS provider that they do not wish to receive 911 calls from a given correctional facility, and CIS providers must abide by that request. We agree with commenters that this approach is warranted given the reported increased volume of PSAP harassment through repeated inmate fraudulent 911 calls. We clarify that CIS providers are not subject to the 911 routing requirement to the extent that they deploy a technology only to obtain identifying information from a contraband wireless device, and not to capture a call from a correctional facility that will either be terminated or forwarded to a serving carrier's network based on contraband status. Verizon raised a concern that CMRS licensees could be deemed in violation of our spectrum leasing rules addressing E911 compliance responsibility when a PSAP requests that a CIS provider not pass E911 calls from a correctional facility. Pursuant to amended rule section 20.18, the CIS provider, and not the CMRS licensee, is responsible for passing through E911 calls to the PSAP, unless the PSAP indicates it does not want to receive them.

32. We clarify the respective roles of CMRS licensees and CIS providers with regard to E911 call pass-through obligations by amending our spectrum leasing rules, specifically, sections 1.9020 (spectrum manager leasing arrangements), 1.9030 (long-term *de facto* transfer leasing arrangements), and 1.9035 (short-term *de facto* transfer leasing arrangements), to reflect that a CIS lessee is responsible for passing through E911 calls, unless the PSAP declines them, pursuant to amended rule section 20.18(r). Although Verizon requested this rule amendment only for spectrum manager leasing arrangements under section 1.9020(d)(8), we adopt a similar amendment for short-term and long-term *de facto* transfer spectrum leasing arrangements under sections 1.9030(d)(8) and 1.9035(d)(4) in order to provide clarification for all possible types of CIS leasing arrangements to which the E911 obligations in amended rule section 20.18(r) apply.

33. Further, we find it appropriate to delay the effectiveness of the 911 call forwarding requirement and related leasing rule amendments addressing E911 call responsibilities until no earlier than 270 days after the publication of this document in the **Federal Register**. We anticipate this will provide CIS operators and local PSAPs a sufficient opportunity to determine whether routing of 911 calls is appropriate, if there is no current agreement. We also anticipate that wireless providers and CIS operators may use this period to update current contractual provisions addressing 911 call routing issues, if necessary.

34. We find this overall approach to 911 call forwarding to be consistent with the Commission's guidance clarifying that our 911 rules requiring mobile wireless carriers to forward all wireless 911 calls to PSAPs, without respect to the call validation process, does not preclude carriers from blocking fraudulent 911 calls from non-service initialized phones pursuant to applicable state and local law enforcement procedures. Again, we note that CIS operators are often required to pass through 911 and E911 calls through contracts with wireless provider lessors. Overall, we believe that the ability to make an emergency call and access emergency services, to the extent these are available in a correctional facility, is in the public interest, and our amended rule ensures this continued access, where appropriate, subject to PSAP discretion to not accept 911 calls.

Streamlined Special Temporary Authority Request Processing

35. In deploying CISs to combat contraband wireless device use in correctional facilities, a spectrum leasing arrangement with relevant wireless carriers as approved by the Commission is the appropriate mechanism for long-term CIS operation. However, in certain circumstances, there may be a justifiable need for emergency temporary authorization for system testing, where special temporary authority may be appropriate. Pursuant to existing rules, a CIS provider that seeks STA for its proposed operations must file such a request at least 10 days prior to the applicant's proposed

operation. Unless the STA application is exempt, it must be placed on public notice. Certain STA applications must also be filed manually.

36. As an additional measure designed to expedite the deployment of MASs in correctional facilities, the Commission proposed to exempt managed access providers seeking an STA for a MAS in a correctional facility from the requirement that they file the application 10 days prior to operation. Further, the Commission proposed to process an STA request without prior public notice and modify FCC Form 601 so that applicants would be able to identify that the application is being filed for a MAS in a correctional facility. Finally, the Commission proposed to modify ULS to electronically process STA applications for market-based licenses. Pursuant to the proposed streamlined STA procedures, the Commission also noted that applicants would still be required to satisfy all of the existing STA application requirements to be granted STA.

37. The carriers generally support the Commission's proposal to streamline the STA request process and agree that the proposed changes should expedite approval and deployment of MASs. Verizon supports the STA proposals, but questions whether the proposal would change the Commission's existing practice of verifying consent from the CMRS licensee prior to STA approval. Accordingly, Verizon requests that the Commission clarify through a rule modification that STA requests must include consent letters from each affected CMRS licensee prior the STA approval. CTIA also supports the STA streamlining proposals, but only so long as the existing requirement to obtain and demonstrate carrier consent continues to apply. Like Verizon, CTIA seeks a rule modification that makes explicit the carrier consent requirement in the STA process. This clarification in the rules, they claim, would not impose any additional burden in the process because consent letters are already part of the existing process.

38. One commenter, ShawnTech, does not support the Commission's proposal to modify the STA process to allow for expedited processing without prior public notice. Rather, without explaining its reasoning, ShawnTech states its preference for the existing process. In contrast, CellBlox supports the proposal to streamline the STA approval process for MASs in correctional facilities without prior public notice.

39. After consideration of the record, we conclude that streamlining the STA process will facilitate the deployment of CISs, along with our adoption of the Commission's other streamlining proposals for expediting and encouraging spectrum leasing for CISs. The record includes significant support for any measures necessary to implement streamlining as a general matter, some broad support specifically for STA streamlining, and unsupported opposition to STA streamlining from one commenter. We believe that given the expedited CIS leasing process for full system deployment adopted herein, CIS operators will not generally need to rely on the modified STA process. However, we seek to streamline our rules wherever possible and provide options for obtaining expedited STA for short term emergency operations that qualify for temporary authority under our rules. Because qualifying CIS spectrum leasing arrangements will be subject to immediate processing pursuant to our revised rules, we will also conform our STA application rules for CIS operations to expedite processing.

40. Therefore, we adopt the Commission's proposal and amend section 1.931 of the Commission's rules (47 CFR 1.931) to exempt CIS providers seeking STA for a CIS from the requirement that they file the application 10 days prior to operation. We will process qualifying STA requests for CISs on an expedited basis and without prior public notice. However, for the same cost and resource-based reasons specified for not amending Form 608 for leases, we also find it unnecessary to modify Form 601 in order to achieve our streamlining goal of immediate processing of STAs for CISs. In the same way that we intend to process lease applications and notifications—*i.e.,* establishing internal procedures to ensure that qualified filings are identified and handled according to immediate processing procedures—we similarly intend to process STAs. Staff will review the STA filing and assess whether it is for a CIS in order to reliably determine whether the filing is subject to immediate processing.[6] We note that these STA applicants will continue to be required to comply with all existing requirements to be granted STA, including our practice of requiring applicants to file letters of consent from the CMRS carriers involved.[7]

41. In the *NPRM,* the Commission proposed to make the changes necessary to electronically process STA applications for market-based licenses (*e.g.,* PCS and 700 MHz). The record lacks comment on this issue. However, as a result of the Commission's flexible licensing policies in many services permitting the siting of facilities anywhere within the geographic license area, we have determined that very few applications are filed by market-based licensees seeking special temporary authority for a specific site location. Accordingly, while our rules mandate electronic filing for virtually all applications, because there are so few of them, ULS is not programmed to receive STA applications for spectrum licensed on a market basis. Such applications are currently filed manually along with a request for waiver of the electronic filing requirement. We will continue at this time to permit manual filing of an application for STA for CIS operation in a correctional facility, noting that the proposed electronic processing of STA applications necessitates substantial and costly changes to our ULS software and certain database updates that are not currently in place. To further streamline our filing processes and reduce filing burdens, we find good cause to grant a waiver of the electronic filing requirement under section 1.913 of the Commission's rules, so that market-based licensees seeking STA for CIS operation in a correctional facility are not required to request a waiver of the requirement with their manual applications. We also anticipate that our streamlining changes adopted today for processing lease applications for CIS authority in correctional facilities will reduce the number of requests for temporary authority using STA application procedures.

42. In response to the carriers' suggestion that we modify the Commission's rules to make carrier consent explicit in the STA approval process, we find it unnecessary to modify our rules because, even under our streamlined process, we will maintain our current policy that STA requests for CISs must be accompanied by carrier consent. STA applications will still be required to meet all the existing requirements to be granted STA.

Compliance With Sections 308, 309, and 310(d) of the Act

43. In the *NPRM,* the Commission proposed to extend that forbearance authority in order to immediately

[6] To the extent an STA filing provides insufficient information to enable Commission staff to identify and process the request as one involving a CIS, the processing may be delayed.

[7] However, pursuant to this document, WTB may issue an STA to an entity seeking to deploy a CIS in a correctional facility without carrier consent if, after a 45 day period, WTB determines that a CIS provider has negotiated a lease agreement in good faith, and the CMRS licensee has not.

process *de facto* transfer spectrum leasing applications for MASs in correctional facilities that do not raise concerns with use and eligibility restrictions, that do not require a waiver or declaratory ruling with respect to a Commission rule, but that do involve leases of spectrum in the same geographic area or involve designated entity rules, affiliation restrictions, unjust enrichment prohibitions, and transfer restrictions. Specifically, the Commission proposed to forbear from the applicable prior public notice requirements and individualized review requirements of sections 308, 309, and 310(d) of the Act (47 U.S.C. 308, 309, 310(d)). The Commission sought comment in the *NPRM* on whether the statutory forbearance requirements are met for its forbearance proposal.

44. We hereby exercise our forbearance authority in order to implement the streamlining proposals adopted in this document for *de facto* transfer CIS spectrum leases and STAs. We conclude that CIS leases also generally qualify for the forbearance granted to all *de facto* transfer spectrum leases. We find that the statutory forbearance requirements are met for qualifying *de facto* transfer CIS spectrum leases that involve leases of spectrum in the same geographic area or involve designated entity unjust enrichment provisions and transfer restrictions. CISs necessarily involve overlapping spectrum in the same geographic area and likely are not contrary to the intent and purpose behind our rules governing unjust enrichment or transfer restrictions. We also find that the statutory forbearance requirements are met for STA applications for CIS providers that comply with the necessary expedited processing procedures in our rules. No commenter opposed our proposal that a streamlined approval process for CIS leases and STAs would facilitate technologies used to prevent inmates from using contraband wireless devices in correctional facilities.

Standardization of the Leasing Process

45. In the *NPRM,* the Commission sought comment on additional proposals, such as rule or procedural changes that could expedite the spectrum leasing process and thereby encourage and facilitate the deployment of MASs in correctional facilities. In response, some commenters suggest that the Commission consider additional mandates to facilitate managed access implementation by standardizing the leasing process and/or the leases themselves. The main proponent of lease standardization, Tecore, requests that, failing forthcoming voluntary cooperation among the carriers, the Commission should mandate that carriers enter into lease agreements on commercially reasonable terms and conditions upon reasonable request; that a shot clock be in place to ensure that final agreements are executed between the managed access provider and all area carriers in a reasonable time; that leased access to spectrum be provided free of charge by the carrier; and that a model lease agreement be established and approved by the Commission with standard terms and conditions. Tecore claims that the model lease would eliminate lengthy negotiation processes.

46. In its comments, MSS reiterates GTL's proposal from its original petition that the Commission should require CMRS carriers to agree to managed access leases of their spectrum if technically feasible in a specific installation without undue harm to legitimate CMRS uses. MSS supports a mandate that would require carriers to enter into leases for MASs because of the need for all carriers in the relevant area to sign a lease, not just the major carriers. In other words, having the major carriers onboard to execute reasonable leases is not sufficient because they do not control all of the CMRS licenses near correctional facilities. MSS contends that all CMRS carriers must agree to the leases necessary to implement managed access on reasonable financial terms in order for this solution to be successful, and this agreement requires a Commission mandate in order to be a reasonable expectation. ACA agrees with MSS, and GTL in its original petition, that the Commission should implement requirements that all CMRS carriers must agree to managed access leases of their spectrum if technically feasible in a specific installation.

47. The thrust of the carriers' opposition to model leases, standardization of the process, and mandatory leasing is their belief that the Commission should not interfere with the carriers' spectrum rights and the business relationships between the carriers and the managed access providers, and that the proposals would be unnecessarily burdensome. In opposing the lease mandates proposed by Tecore and others to further facilitate MAS implementation through mandatory standardization, Verizon notes that the record lacks evidence of particular problems with deployment of MASs that would merit the Commission's imposition of mandatory solutions. Specifically, Verizon discusses the fact that the lease negotiation process has become easier and quicker as time passes, and that Verizon uses the same template in all of its lease agreements with managed access providers so that it is relatively easy for vendors to become familiar with the terms and conditions and negotiate subsequent agreements. In addition, Verizon notes that it does not charge fees for managed access leasing.

48. CTIA also discusses the lack of evidence necessary to justify Commission mandates interfering with the business relationships between carriers and managed access providers. In that regard, CTIA believes that a shot clock, for example, is unnecessary and potentially harmful, noting what it describes as the strong record of cooperation between carriers and managed access providers. CTIA indicates that a shot clock could even be harmful because the lease for an initial deployment may necessarily and appropriately take longer for testing and evaluation, while subsequent deployments are often quicker such that a shot clock for later leases would be unnecessary. CTIA believes that, lacking any evidence of problems with the system, a rule regarding fees charged to lease spectrum or the adoption of a model lease would be an inappropriate and unnecessary intrusion into private business negotiations.

49. Although the record does not indicate a material, persistent problem with the MAS lease negotiation process between managed access operators and the major CMRS licensees, we emphasize that the effectiveness of CIS deployment requires all carriers in the relevant area of the correctional facility to execute a lease with the CIS provider, not only large carriers that have commented in this proceeding, but also smaller carriers that have not. Even if the major CMRS licensees negotiate expeditiously and in good faith, if one CMRS licensee in the area fails to engage in lease negotiations in a reasonable time frame or at all, the CIS solution will not be effective. Therefore, while some carriers have been cooperative, it is imperative that all CMRS licensees be required to engage in lease negotiations in good faith and in a timely fashion. We agree with Tecore that at least some baseline requirements should be in place to ensure that lease agreements with reasonable terms can be executed with all area carriers in a reasonable timeframe. Therefore, we adopt a rule requiring that CMRS licensees negotiate in good faith with entities seeking to deploy a CIS in a correctional facility. Upon receipt of a good faith request by an entity seeking to deploy a CIS in a correctional facility, a CMRS licensee must negotiate in good

faith toward a lease agreement. If, after a 45 day period, there is no agreement, CIS providers seeking STA to operate in the absence of CMRS licensee consent may file a request for STA with WTB, with a copy served at the same time on the CMRS licensee, accompanied by evidence demonstrating its good faith, and the unreasonableness of the CMRS licensee's actions, in negotiating an agreement. The CMRS licensee will then be given 10 days in which to respond. If WTB then determines that the CIS provider has negotiated in good faith, yet the CMRS licensee has not negotiated in good faith, WTB may issue STA to the entity seeking to deploy the CIS, notwithstanding lack of accompanying CMRS licensee consent. WTB will consider evidence of good faith negotiations on a case-by-case basis. In comparable contexts, the Commission has provided examples of factors to be considered when determining whether there is good faith. Here, such factors might also include whether the parties entered into timely discussions while providing appropriate points of contact, whether a model lease with reasonable terms was offered, etc. Further, the Commission may take additional steps as necessary to authorize CIS operations should we determine there is continued lack of good faith negotiations toward a CIS lease agreement.

50. We recognize that, to date, cooperation has largely existed among a majority of CMRS licensees and CIS providers in obtaining authorizations for CIS deployment. However, we reiterate that lack of cooperation of even a single wireless provider in a geographic area of a correctional facility can result in deployment of a system with insufficient spectral coverage, subject to abuse by inmates in possession of contraband wireless devices operating on frequencies not covered by a lease agreement. We do not believe that adopting this minimal requirement is unduly burdensome, but rather ensures that the public interest is served through deployment of robust CISs less subject to circumvention. We encourage all CMRS licensees to actively cooperate with CIS providers to simplify and standardize lease agreements and the negotiation process as much as possible and pursuant to reasonableness standards, and we commend carriers that have developed template lease agreements for CIS deployment. ShawnTech supports the current process of managed access providers working closely with the carriers to develop closer and more successful working relationships in order to properly implement managed access technology. We support the establishment of best practices with regard to CIS lease terms and conditions, but we intend to continue monitoring the CIS leasing process and may take additional action if needed.

51. FCC Authorization of MAS. In its comments, Boeing argues that spectrum leases are unnecessary for MAS and that the Commission should permit the operation of MASs in correctional facilities without spectrum lease agreements or carrier consent. To support its argument for direct licensing, Boeing explains that the Commission has authority to authorize wireless operations on a secondary basis in the public interest which, in this case, is the need to neutralize contraband wireless devices in correctional facilities.

52. The carriers strongly oppose this proposal and consider it without merit and irrelevant, arguing that there is no basis for the Commission to adopt a different licensing model where there is no evidence that the current leasing process has failed to result in successful implementation of MAS. Given the Commission's proposals to streamline the leasing process and the significant benefits of carrier involvement in order to conduct necessary technical review and coordination, the carriers strongly oppose Boeing's proposal as an unnecessary intrusion on licensees' exclusive-use spectrum rights.

53. As a general matter, we agree that carrier participation in the spectrum leasing process contributes significantly to the successful implementation of a CIS. One benefit of carrier involvement in CIS deployment is coordination and involvement in the process of testing CIS accuracy. We believe that our adoption of streamlined spectrum leasing rules for CISs in correctional facilities, with the involvement and cooperation among the CMRS licensees and the CIS operators, will contribute greatly to the successful deployment of CISs and the effort to combat the contraband wireless device problem. We find it unnecessary at this time to adopt a direct licensing approach to CISs without spectrum lease agreements or carrier consent.

54. ''Lead Application'' Proposal. Taking the Commission's proposals to streamline the spectrum leasing process for MAS a step further, AT&T puts forward its ''lead'' application proposal whereby the first lease entered into between a CMRS carrier and a certain MAS provider becomes the ''lead'' application and, once approved, the carrier would only be required to amend that lease to add any new call signs, coordinates for the new license area, and any other required data, for subsequent leases with the same MAS provider. AT&T claims that this process would not only conserve time, effort, and expense when a carrier enters into an identical lease with a certain MAS provider multiple times in different locations, but also continue to provide the information the Commission needs in order to track the leases. Verizon suggests that AT&T's proposal has merit and could expedite the lease agreement process. However, Verizon recognizes that in order for the proposal to be successful, the Commission would have to not only amend ULS to enable carriers to modify FCC Form 608 subsequent to lease approval, but also account for the fact that the carrier's licensee at one location may be different in name from the entity licensed in another location.

55. Through today's adoption of streamlined rules providing for immediate processing of spectrum leasing applications for CISs in correctional facilities, we substantially achieve the benefits AT&T seeks through its ''lead'' application proposal, without requiring either far-reaching revisions to our long-standing secondary markets rules or, as Verizon suggests, additional costly FCC Form and ULS system changes. For example, with our streamlined processing rule changes, AT&T will be able to seek immediate Commission approval for CIS spectrum leases by providing virtually the identical information in a lease that it would include in each and every amendment to a previously approved ''lead application,'' *e.g.,* the coordinates of the added facility and call sign identifying the relevant leased spectrum. We note that our rules do not prevent a wireless provider from entering into contracts with CIS operators to account for future proposed operation in multiple states, and then filing spectrum leasing applications with the Commission with the basic identifying information, tantamount to the requested filing of an ''amendment,'' when deployment is contemplated. We believe that the rules adopted in this document to streamline the leasing process for CISs strike the appropriate balance between removing regulatory burdens and maintaining the required Commission oversight of these leases to ensure compliance with the Communications Act and our rules. We believe that our existing licensing and leasing procedures, as streamlined herein, will greatly facilitate stakeholder efforts to expedite the deployment of CISs in correctional facilities.

Community Notification

56. In connection with streamlining the managed access spectrum lease notification and application process, the Commission sought comment on whether managed access operators should be encouraged or required to provide notification to households and businesses in the vicinity of the correctional facility at which a MAS is installed, as well as associated details and costs of any such notification. The record reflects a mixed reaction, even among managed access operators.

57. AT&T strongly supports giving notice to the surrounding community to inform users of the potential for accidental call blocking. One managed access operator, Tecore, agrees that the Commission should require notification of the households and businesses in the general vicinity of a correctional facility where a MAS is in place. Tecore supports this recommendation by reasoning that the public should be aware of a MAS because they are a measure of national security, and further, the notification can serve to limit the liability of the carriers, the institutions, and the managed access operators with the general public. Tecore suggests a standard method of notification such as a Web site posting, public notice in a common area, or signs on the grounds, and cautions the Commission against any specific notification requirements that may be burdensome or counterproductive. The Florida Department of Corrections specifically supports required notification, with the burden for notification on the facility, the managed access provider, and local carriers.

58. In the same vein, NENA: The 9–1–1 Association, believes that managed access operators should be required to undertake extensive public education campaigns directed toward businesses and households regarding the potential for call blocking at the borders of the systems' service areas before the systems become operational. The campaign would include mailings, door-hangers, and media campaigns. Similarly, AICC suggests not only that households and businesses located within a reasonable proximity to the correctional facility be provided prior written notice (as well as annual notifications), but also that the alarm industry and local alarm companies should receive prior written notice before a MAS is tested or put into service.

59. On the other hand, some managed access providers contend that the notification requirement is unnecessary. ShawnTech does not support a notification requirement, stating that to date we have not had any issues with our secure private coverage area exceeding beyond the correctional facilities' secure fenced area. ShawnTech suggests that, in the unlikely event that there is an issue that could affect the local businesses or households, the parties involved will collaboratively agree on a course of action to remedy the situation. Similarly, CellBlox believes that a notification requirement is unnecessary and places an undue burden on the managed access provider because properly regulated systems do not bleed over into the community. Boeing recommends that the Commission refrain from adopting any community notification requirements because they are unnecessary given the technical and procedural requirements already in place. Boeing explains that such notification requirements would unnecessarily establish additional barriers of cost and will delay the deployment of MAS systems without benefit, because there is no evidence of a substantial risk of misidentification of legitimate devices.

60. A goal of this proceeding is to expedite the deployment of technological solutions to combat the use of contraband wireless devices, not to impose unnecessary barriers to CIS deployment. Consistent with that goal, we find that a flexible and community-tailored notification requirement for certain CISs outweighs the minimal burden of notification and furthers the public interest. After careful consideration of the record, we will require that, 10 days prior to deploying a CIS that prevents communications to or from mobile devices, a lessee must notify the community in which the correctional facility is located, and we amend our spectrum leasing rules to reflect this requirement. We agree with commenters that support notification of the surrounding community due to the potential for accidental call blocking and the public safety issues involved. The notification must include a description of what the system is intended to do, the date the system is scheduled to begin operating, and the location of the correctional facility. Notification must be tailored to reach the community immediately adjacent to the correctional facility, including through local television, radio, Internet news sources, or community groups, as may be appropriate. We note that this notification obligation does not apply for brief tests of a system prior to deployment. By giving the CIS operators flexibility to tailor the notification to the specific community, we expect that the notification costs and burdens will be minimal. However, we remind licensees that the operation of a CIS is limited to the specific lease parameters as detailed in the applicable spectrum lease authorization and that we will strictly enforce any violation of the Commission's interference protection rules as they apply to the area in the vicinity of the correctional facility.

Cost-Benefit Analysis

61. In the *NPRM,* the Commission acknowledged that spectrum leasing, STA, and other rules and processes related to the deployment of MASs could be time-consuming and cumbersome and sought specific comment on the costs and benefits of proposals to streamline those rules and procedures. After careful consideration of the record, we believe that the rules we adopt in this document will significantly reduce the time and resources needed to complete spectrum leases for CISs and speed the adoption and deployment of such systems in correctional facilities. More rapid adoption of CIS systems will increase public safety by reducing criminal activity coordinated in or through correctional facilities, while allowing such facilities to reduce the amount of staff time and resources dedicated to detecting and confiscating contraband cell phones.

62. The rules we adopt in this document are designed to minimize costs while maximizing public benefits. The benefits of these rules are discussed at length throughout this document. And for some of the rule changes, we anticipate that there will be little or no costs imposed on the public, given that the revisions are to make compliance easier. For instance, expediting processing of qualifying leases for CISs, exempting CIS providers seeking an STA from the requirement that they file the application 10 days prior to operation, and waiving our rules to eliminate certain CIS operator filings regarding regulatory status changes will all significantly reduce regulatory compliance costs while speeding up CIS deployment. To the extent that these revisions might impose costs on taxpayers, we have minimized those costs as well. For instance, rather than making costly changes to Form 601, Form 608, or ULS, we instead will implement a manual processing system that can be in place more quickly, and with minimal impact on Commission resources.

63. At the same time, however, we acknowledge that some of the rule changes we make here will impose some

costs on wireless providers and CIS operators. In particular, the requirements regarding 911 calls, community notification, as well as negotiation in good faith will require some effort and resources. In the *NPRM,* the Commission specifically asked for comment on the costs and benefits of all of the proposals presented, requesting that commenters provide specific data, such as actual or estimated dollar figures, for each proposal. Commenters did not, however, provide any detailed or concrete cost estimates, and therefore we must rely to some extent here on our general understanding and prediction of likely costs in making this cost-benefit assessment. We anticipate that adopting a rule to require that CIS providers operating as PMRS route 911 calls to PSAPs, unless PSAPs do not wish to receive 911 calls from a specific correctional facility, is likely to impose minimal costs. It is our understanding that pass through capability already generally exists in CISs, and we note that such requirements are already reflected in many leasing arrangements. We therefore believe that the public benefits of this requirement will exceed compliance costs. Requiring CMRS licensees to negotiate in good faith with entities seeking to deploy a CIS will impose only the cost of conducting negotiations, and given that a carrier's leasing terms may well become standardized fairly quickly, this burden seems minimal. In any event, because the lack of cooperation of even one wireless provider can seriously degrade the effectiveness of a CIS, we conclude that the small cost of negotiating will be easily outweighed by the public benefit of ensuring that CISs can be put into place. Finally, we find that the burden of requiring community notification of the implementation of certain CISs will be minimized by permitting the flexibility to tailor the notification to the potentially impacted community.

Ombudsperson

64. In order to assist CIS operators and CMRS licensees in complying with their regulatory obligations, we intend to designate a single point of contact at the Commission to serve as the ombudsperson on contraband wireless device issues. The ombudsperson's duties may include, as necessary, providing assistance to CIS operators in connecting with CMRS licensees, playing a role in identifying required CIS lease filings for a given correctional facility, facilitating the required Commission filings, thereby reducing regulatory burdens, resolving issues that may arise during the leasing process, and potentially transmitting qualifying request for disabling to wireless providers. The ombudsperson will also conduct outreach and maintain a dialogue with all stakeholders on the issues important to furthering a solution to the problem of contraband wireless device use in correctional facilities. Finally, the ombudsperson will maintain a Web page, in conjunction with WTB, with a list of active CIS operators and locations where CISs have been deployed. With this appointment, we ensure continued focus on this important public safety issue and solidify our commitment to combating the problem. We direct WTB to release a public notice within one week of adoption of the *Order* naming the ombudsperson and providing contact information.

II. Procedural Matters

Paperwork Reduction Act Analysis

65. This document contains new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Regulatory Flexibility Analysis

66. As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 603–604) as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *NPRM.* The Commission sought written public comment on the proposals in the *NPRM,* including comment on the IRFA. No comments were filed addressing the IRFA. This present FRFA conforms to the RFA.

67. Need for, and Objectives of, the Report and Order. In this document, the Commission adopts rules to facilitate the deployment of different technologies used to combat contraband wireless devices in correctional facilities nationwide. Inmates have used contraband wireless devices to order hits, run drug operations, operate phone scams, and otherwise engage in criminal activity. It is clear that inmate possession of wireless devices is a serious threat to the safety and welfare of correctional facility employees, other inmates, and the general public.

68. This document reduces regulatory burdens for those seeking to expeditiously deploy Contraband Interdiction Systems (CISs), such as managed access systems or detection systems, which are used in correctional facilities to detect and block transmissions to or from contraband wireless devices or to obtain identifying information from these devices. The Commission streamlines the process for approving or accepting spectrum lease applications or notifications for spectrum leases entered into for CISs. The Commission grants a waiver for CISs reducing certain regulatory status filing requirements. Additionally, this document establishes requirements designed to ensure that agreements among CMRS licensees and CIS providers are negotiated expeditiously, while also adequately preserving licensees' exclusive spectrum rights.

69. In response to widespread support—across all stakeholders—for the proposed rule and procedural modifications to streamline the CIS leasing process, the Commission establishes rule changes to process all spectrum leases for CIS overnight, with the approval or acceptance posted to the Universal Licensing System the following business day after filing. The Commission finds that nothing in the expedited processing of CIS lease applications will have an adverse impact on the ability of a small businesses to participate in Commission processes to acquire spectrum or to provide wireless services and maintains the requirement to comply with unjust enrichment obligations where applicable.

70. In this document, the Commission grants a waiver of section 20.9 of the Commission's rules, to the extent necessary, so that CIS operators will not be required to file a separate modification application to receive private mobile radio system (PMRS) regulatory status. Instead, when a CIS operator submits the exhibit to its lease application stating that it is a CIS, it will be permitted to also indicate wither it is PMRS, and the approved or accepted spectrum lease will subsequently reflect that regulatory status.

71. Regulated as PMRS, CIS operators would no longer be obligated to comply with the Commission's common carrier 911 and E911 rules applicable to CMRS licensees. However, acknowledging the overriding importance of ensuring availability of emergency 911 calls from correctional facilities, subject to evaluation by the local public safety

answering point (PSAP), the Commission finds the public interest is best served by requiring CIS providers operating as PMRS to route 911 calls to the PSAP. Therefore, the Commission amends its rules to require CIS providers regulated as PMRS to transmit all wireless 911 calls to the PSAP, unless the PSAP informs the CIS provider that it does not wish to receive the calls.

72. As an additional measure designed to expedite the deployment of managed access and detection systems in correctional facilities, the Commission also amends section 1.931 of the Commission's rules to exempt CIS providers seeking a Special Temporary Authority (STA) for a CIS from the requirement that they file the application 10 days prior to operation. The Commission will process STA requests for CISs on an expedited basis and without prior public notice, but finds it unnecessary to modify Form 601 in order to achieve these streamlining goals.

73. In order to ensure cooperation among CIS providers and CMRS carriers—both large and small—the Commission will require that CMRS licensees negotiate in good faith with entities seeking to deploy a CIS in a correctional facility. Upon receipt of a good faith request by a CIS provider, a CMRS licensee will have 45 days to negotiate a lease agreement in good faith. If, after that 45-day period, there is no agreement, CIS providers seeking STA to operate in the absence of CMRS licensee consent may file a request for STA with the Wireless Telecommunications Bureau (WTB), with a copy served at the same time on the CMRS licensee, accompanied by evidence demonstrating its good faith, and the unreasonableness of the CMRS licensee's actions, in negotiating an agreement. The CMRS licensee will then be given 10 days to respond. If WTB then determines that the CIS provider has negotiated in good faith, yet the CMRS licensee has not negotiated in good faith, WTB may issue an STA to the entity seeking to deploy the CIS, notwithstanding the lack of accompanying CMRS licensee consent. We will consider evidence of good faith negotiations on a case-by-case basis, and may take additional steps as necessary to authorize CIS operations should we determine there is continued lack of good faith negotiations toward a CIS lease agreement.

74. As a further safeguard to minimize the potential impact of CIS implementation on surrounding areas, the Commission amends its leasing rules to require that, 10 days prior to deploying a CIS that prevents communications to or from mobile devices, a lessee must notify the community in which the correctional facility is located. The notification must include a description of what the system is intended to do, the date the system is scheduled to begin operating, and the location of the correctional facility. Notification must be tailored to reach the community immediately adjacent to the correctional facility, including through local television, radio, internet news sources, or community groups, as may be appropriate. We note that this notification obligation does not apply for brief tests of a system prior to deployment. The Commission believes the adopted notification requirement strikes the appropriate balance between avoiding overly burdensome or costly requirements and promoting cooperation and coordination necessary to effectively implement CIS.

75. Finally, in order to assist CIS operators and CMRS licensees in complying with their regulatory obligations, the Commission intends to designate a single point of contact at the Commission to serve as the ombudsperson on contraband wireless device issues. The ombudsperson's duties may include, as necessary, providing assistance to CIS operators in connecting with CMRS licensees, playing a role in identifying required CIS lease filings for a given correctional facility, facilitating the required Commission filings, thereby reducing regulatory burdens, and resolving issues that may arise during the leasing process. The ombudsperson, in conjunction with WTB, will also maintain a Web page with a list of active CIS operators and locations where CIS has been deployed. With this appointment, the Commission ensures continued focus on this important public safety issue and solidifies our commitment to combating the problem.

76. Summary of Significant Issues Raised by Public Comments in Response to IRFA. There were no comments raised that specifically addressed the proposed rules and policies presented in the IRFA. Nonetheless, the agency considered the potential impact of the rules proposed in the IRFA on small entities and reduced the compliance burden for all small entities in order to reduce the economic impact of the rules enacted herein on such entities.

77. Response to Comments by Chief Counsel for Advocacy of the Small Business Administration. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments.

78. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

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

80. Small Businesses. Nationwide, there are a total of approximately 28.8 million small businesses, according to the SBA.

81. 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. U.S. 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.

82. Interexchange Carriers (IXCs). Neither the Commission nor the SBA has developed a definition for Interexchange Carriers. The closest NAICS Code category is Wired Telecommunications Carriers and the applicable small business size standard under SBA rules consists of all such companies having 1,500 or fewer employees. U.S. Census data for 2012 indicates that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. According to internally developed Commission data, 359 companies reported that their primary telecommunications service activity was the provision of interexchange services. Of this total, an estimated 317 have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of interexchange service providers are small entities that may be affected by the rules adopted.

83. The SBA has not developed a small business size standard specifically for Local Resellers. The SBA category of Telecommunications Resellers is the closest NAICs code category for local 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. Under the SBA size standard, such a business is small if it has 1,500 or fewer employees. U.S. 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, 213 carriers have reported that they are engaged in the provision of local resale services. Of these, an estimated 211 have 1,500 or fewer employees and two have more than 1,500 employees. Consequently, the Commission estimates that the majority of local resellers are small entities that may be affected by the rules adopted.

84. Toll Resellers. The SBA has not developed a small business size standard specifically for the category of Toll Resellers. The SBA category of Telecommunications Resellers is the closest NAICs code category for toll 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. Under the SBA size standard, such a business is small if it has 1,500 or fewer employees. U.S. 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 these, an estimated 857 have 1,500 or fewer employees and 24 have more than 1,500 employees. Consequently, the Commission estimates that the majority of toll resellers are small entities that may be affected by the rules adopted.

85. 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 and the applicable small business size standard under SBA rules consists of all such companies having 1,500 or fewer employees. U.S. Census data for 2012 indicates that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. According to Commission data, 284 companies reported that their primary telecommunications service activity was the provision of other toll carriage. Of these, an estimated 279 have 1,500 or fewer employees and five have more than 1,500 employees. Consequently, the Commission estimates that most Other Toll Carriers are small entities that may be affected by the rules and policies adopted.

86. 800 and 800-Like Service Subscribers. Neither the Commission nor the SBA has developed a small business size standard specifically for 800 and 800-like service (toll free) subscribers. The appropriate size standard under SBA rules is for the category Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees. The most reliable source of information regarding the number of these service subscribers appears to be data the Commission collects on the 800, 888, 877, and 866 numbers in use. According to our data, as of September 2009, the number of 800 numbers assigned was 7,860,000; the number of 888 numbers assigned was 5,588,687; the number of 877 numbers assigned was 4,721,866; and the number of 866 numbers assigned was 7,867,736. We do not have data specifying the number of these subscribers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of toll free subscribers that would qualify as small businesses under the SBA size standard. Consequently, we estimate that there are 7,860,000 or fewer small entity 800 subscribers; 5,588,687 or fewer small entity 888 subscribers; 4,721,866 or fewer small entity 877 subscribers; and 7,867,736 or fewer small entity 866 subscribers.

87. Wireless Telecommunications Carriers (except Satellite). This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless Internet access, and wireless video services. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1,000 employees or more. Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities.

88. Broadband Personal Communications Service. The broadband personal communications service (PCS) spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission defined ''small entity'' for Blocks C and F as an entity that has

average gross revenues of $40 million or less in the three previous calendar years. For Block F, an additional classification for ''very small business'' was added and is defined as an entity that, together with its affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years. These standards defining ''small entity'' in the context of broadband PCS auctions have been approved by the SBA. No small businesses, within the SBA-approved small business size standards bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 small and very small business bidders won approximately 40 percent of the 1,479 licenses for Blocks D, E, and F. In 1999, the Commission re-auctioned 347 C, E, and F Block licenses. There were 48 small business winning bidders. In 2001, the Commission completed the auction of 422 C and F Broadband PCS licenses in Auction 35. Of the 35 winning bidders in this auction, 29 qualified as ''small'' or ''very small'' businesses. Subsequent events, concerning Auction 35, including judicial and agency determinations, resulted in a total of 163 C and F Block licenses being available for grant. In 2005, the Commission completed an auction of 188 C block licenses and 21 F block licenses in Auction 58. There were 24 winning bidders for 217 licenses. Of the 24 winning bidders, 16 claimed small business status and won 156 licenses. In 2007, the Commission completed an auction of 33 licenses in the A, C, and F Blocks in Auction 71. Of the 14 winning bidders, six were designated entities. In 2008, the Commission completed an auction of 20 Broadband PCS licenses in the C, D, E and F block licenses in Auction 78.

89. Advanced Wireless Services. AWS Services (1710–1755 MHz and 2110–2155 MHz bands (AWS–1); 1915–1920 MHz, 1995–2000 MHz, 2020–2025 MHz and 2175–2180 MHz bands (AWS–2); 2155–2175 MHz band (AWS–3)). For the AWS–1 bands, the Commission has defined a ''small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $40 million, and a ''very small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $15 million. For AWS–2 and AWS–3, although we do not know for certain which entities are likely to apply for these frequencies, we note that the AWS–1 bands are comparable to those used for cellular service and personal communications service. The Commission has not yet adopted size standards for the AWS–2 or AWS–3 bands but proposes to treat both AWS–2 and AWS–3 similarly to broadband PCS service and AWS–1 service due to the comparable capital requirements and other factors, such as issues involved in relocating incumbents and developing markets, technologies, and services.

90. Specialized Mobile Radio. The Commission awards small business bidding credits in auctions for Specialized Mobile Radio (''SMR'') geographic area licenses in the 800 MHz and 900 MHz bands to entities that had revenues of no more than $15 million in each of the three previous calendar years. The Commission awards very small business bidding credits to entities that had revenues of no more than $3 million in each of the three previous calendar years. The SBA has approved these small business size standards for the 800 MHz and 900 MHz SMR Services. The Commission has held auctions for geographic area licenses in the 800 MHz and 900 MHz bands. The 900 MHz SMR auction was completed in 1996. Sixty bidders claiming that they qualified as small businesses under the $15 million size standard won 263 geographic area licenses in the 900 MHz SMR band. The 800 MHz SMR auction for the upper 200 channels was conducted in 1997. Ten bidders claiming that they qualified as small businesses under the $15 million size standard won 38 geographic area licenses for the upper 200 channels in the 800 MHz SMR band. A second auction for the 800 MHz band was conducted in 2002 and included 23 BEA licenses. One bidder claiming small business status won five licenses.

91. The auction of the 1,053 800 MHz SMR geographic area licenses for the General Category channels was conducted in 2000. Eleven bidders won 108 geographic area licenses for the General Category channels in the 800 MHz SMR band qualified as small businesses under the $15 million size standard. In an auction completed in 2000, a total of 2,800 Economic Area licenses in the lower 80 channels of the 800 MHz SMR service were awarded. Of the 22 winning bidders, 19 claimed small business status and won 129 licenses. Thus, combining all three auctions, 40 winning bidders for geographic licenses in the 800 MHz SMR band claimed status as small business.

92. In addition, there are numerous incumbent site-by-site SMR licensees and licensees with extended implementation authorizations in the 800 and 900 MHz bands. We do not know how many firms provide 800 MHz or 900 MHz geographic area SMR pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of no more than $15 million. One firm has over $15 million in revenues. In addition, we do not know how many of these firms have 1,500 or fewer employees. We assume, for purposes of this analysis, that all of the remaining existing extended implementation authorizations are held by small entities, as that small business size standard is approved by the SBA.

93. Lower 700 MHz Band Licenses. The Commission previously adopted criteria for defining three groups of small businesses for purposes of determining their eligibility for special provisions such as bidding credits. The Commission defined a ''small business'' as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding $40 million for the preceding three years. A ''very small business'' is defined as an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $15 million for the preceding three years. Additionally, the lower 700 MHz Service had a third category of small business status for Metropolitan/Rural Service Area (MSA/RSA) licenses—''entrepreneur''—which is defined as an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $3 million for the preceding three years. The SBA approved these small size standards. An auction of 740 licenses (one license in each of the 734 MSAs/RSAs and one license in each of the six Economic Area Groupings (EAGs)) commenced on August 27, 2002, and closed on September 18, 2002. Of the 740 licenses available for auction, 484 licenses were won by 102 winning bidders. Seventy-two of the winning bidders claimed small business, very small business or entrepreneur status and won a total of 329 licenses. A second auction commenced on May 28, 2003, closed on June 13, 2003, and included 256 licenses: 5 EAG licenses and 476 Cellular Market Area licenses. Seventeen winning bidders claimed small or very small business status and won 60 licenses, and nine winning bidders claimed entrepreneur status and won 154 licenses. On July 26, 2005, the Commission completed an auction of 5 licenses in the Lower 700 MHz band (Auction No. 60). There were three winning bidders for five licenses. All

three winning bidders claimed small business status.

94. In 2007, the Commission reexamined its rules governing the 700 MHz band. An auction of 700 MHz licenses commenced January 24, 2008 and closed on March 18, 2008, which included, 176 Economic Area licenses in the A Block, 734 Cellular Market Area licenses in the B Block, and 176 EA licenses in the E Block. Twenty winning bidders, claiming small business status (those with attributable average annual gross revenues that exceed $15 million and do not exceed $40 million for the preceding three years) won 49 licenses. Thirty-three winning bidders claiming very small business status (those with attributable average annual gross revenues that do not exceed $15 million for the preceding three years) won 325 licenses.

95. Upper 700 MHz Band Licenses. In the 700 MHz Second Report and Order, the Commission revised its rules regarding Upper 700 MHz licenses. On January 24, 2008, the Commission commenced Auction 73 in which several licenses in the Upper 700 MHz band were available for licensing: 12 Regional Economic Area Grouping licenses in the C Block, and one nationwide license in the D Block. The auction concluded on March 18, 2008, with 3 winning bidders claiming very small business status (those with attributable average annual gross revenues that do not exceed $15 million for the preceding three years) and winning five licenses.

96. Satellite Telecommunications. This category comprises firms ''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.'' The category has a small business size standard of $32.5 million or less in average annual receipts, under SBA rules. For this category, U.S. 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 less than $25 million. Consequently, we estimate that the majority of satellite telecommunications providers are small entities.

97. All Other Telecommunications. The ''All Other Telecommunications'' category is comprised of establishments that are 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 voice over Internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry. The SBA has developed a small business size standard for ''All Other Telecommunications,'' which consists of all such firms with gross annual receipts of $32.5 million or less. For this category, U.S. Census data for 2012 show that there were 1,442 firms that operated for the entire year. Of these firms, a total of 1,400 had gross annual receipts of less than $25 million. Thus, a majority of ''All Other Telecommunications'' firms potentially affected by the rules adopted can be considered small.

98. Other Communications Equipment Manufacturing. This industry comprises establishments primarily engaged in manufacturing communications equipment (except telephone apparatus, and radio and television broadcast, and wireless communications equipment). Examples of such manufacturing include fire detection and alarm systems manufacturing, Intercom systems and equipment manufacturing, and signals (*e.g.,* highway, pedestrian, railway, traffic) manufacturing. The SBA has established a size standard for this industry as 750 employees or less. Census data for 2012 show that 383 establishments operated in that year. Of that number, 379 operated with less than 500 employees. Based on that data, we conclude that the majority of Other Communications Equipment Manufacturers are small.

99. Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing. This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: Transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment. The SBA has established a size standard for this industry of 750 employees or less. U.S. Census data for 2012 show that 841 establishments operated in this industry in that year. Of that number, 819 establishments operated with less than 500 employees. Based on this data, we conclude that a majority of manufacturers in this industry is small.

100. Engineering Services. This industry comprises establishments primarily engaged in applying physical laws and principles of engineering in the design, development, and utilization of machines, materials, instruments, structures, process, and systems. The assignments undertaken by these establishments may involve any of the following activities: Provision of advice, preparation of feasibility studies, preparation of preliminary and final plans and designs, provision of technical services during the construction or installation phase, inspection and evaluation of engineering projects, and related services. The SBA deems engineering services firms to be small if they have $15 million or less in annual receipts, except military and aerospace equipment and military weapons engineering establishments are deemed small if they have $38 million or less an annual receipts. According to U.S. Census Bureau data for 2012, there were 49,092 establishments in this category that operated the full year. Of the 49,092 establishments, 45,848 had less than $10 million in receipts and 3,244 had $10 million or more in annual receipts. Accordingly, the Commission estimates that a majority of engineering service firms are small.

101. Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System Instrument Manufacturing. This U.S. industry comprises establishments primarily engaged in manufacturing search, detection, navigation, guidance, aeronautical, and nautical systems and instruments. Examples of products made by these establishments are aircraft instruments (except engine), flight recorders, navigational instruments and systems, radar systems and equipment, and sonar systems and equipment. The SBA has established a size standard for this industry of 1,250 employees or less. Data from the 2012 Economic Census show 588 establishments operated during that year. Of that number, 533 establishments operated with less than 500 employees. Based on this data, we conclude that the majority of manufacturers in this industry are small.

102. Security Guards and Patrol Services. The U.S. Census Bureau defines this category to include ''establishments primarily engaged in providing guard and patrol services.'' The SBA deems security guards and patrol services firms to be small if they

have $18.5 million or less in annual receipts. According to U.S. Census Bureau data for 2012, there were 8,742 establishments in operation the full year. Of the 8,842 establishments, 8,276 had less than $10 million while 466 had more than $10 million in annual receipts. Accordingly, the Commission estimates that a majority of firms in this category are small.

103. All Other Support Services. This U.S. industry comprises establishments primarily engaged in providing day-to-day business and other organizational support services (except office administrative services, facilities support services, employment services, business support services, travel arrangement and reservation services, security and investigation services, services to buildings and other structures, packaging and labeling services, and convention and trade show organizing services). The SBA deems all other support services firms to be small if they have $11 million or less in annual receipts. According to U.S. Census Bureau data for 2012, there were 11,178 establishments in operation the full year. Of the 11,178 establishments, 10,886 had less than $10 million while 292 had greater than $10 million in annual receipts. Accordingly, the Commission estimates that a majority of firms in this category are small.

104. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities. The projected reporting, recordkeeping, and other compliance requirements resulting from this document will apply to all entities in the same manner, consistent with the approach we adopted in the *NPRM.* The rule modifications, taken as a whole, should have a beneficial, if any, reporting, recordkeeping, or compliance impact on small entities because all CMRS licensees and CIS providers will be subject to reduced filing burdens and recordkeeping. We also expect this document to better enable all CMRS licensees and CIS operators, no matter their size, to effectively coordinate and deploy systems to combat the use of contraband wireless devices in correctional facilities.

105. The primary changes are as follows: (1) We revise our rules to enable the immediate processing of lease applications or notifications for CISs regardless of whether the approval or acceptance will result in (a) the lessee holding or having access to geographically overlapping licenses, or (b) a license involving spectrum subject to designated entity unjust enrichment provisions or entrepreneur transfer restrictions; (2) we grant a waiver of Section 20.9 to CISs; (3) we amend our rules to require CISs to route 911 calls to the local PSAP, unless the PSAPs does not wish to receive the calls, and to clarify that where a lessee is a CIS provider, the licensee that leases the spectrum to the CIS provider is not responsible for compliance with E911 obligations; (4) we exempt CIS providers seeking an STA from the requirement that they file the application 10 days prior to operation; (5) we provide 45 days for lease agreement negotiations between CMRS licensees and CIS operators, plus a 10 day response period, after which the Commission may issue an STA to the CIS operator; (6) we require CIS operators to provide notice to surrounding communities 10 days prior to deployment; and (7) we designate a single point of contact at the Commission to serve as the ombudsperson on contraband wireless device issues. With these reforms, we achieve the important public interest goal of combatting the use of contraband wireless devices in correctional facilities nationwide by reducing regulatory burdens for those seeking to expeditiously deploy CISs.

106. For small entities operating CISs at correctional facilities, the rules and processes adopted in this document eliminate several barriers to CIS deployment. The Commission adopts rules that cut down on the time it takes to process lease agreements and STAs, so that CIS providers can deploy their systems rapidly. Rather than requiring CIS providers to file additional forms demonstrating they will be operating as a CIS in order to receive expedited processing, the Commission instead implements its own internal procedures for identifying those qualifying applications and processing the request immediately. The Commission implements similar internal procedures for identifying STA requests for CISs as exempt from the requirement that they file the application 10 days prior to operation, thereby providing for immediate processing without imposing new or additional filing burdens on CIS operators. With the waiver of section 20.9, we have also eliminated the previous requirement that CIS operators file a separate modification application to request PMRS treatment, thereby conserving resources and reducing burdens on spectrum leasing parties.

107. The community notification requirement adopted in this document will require small entity CIS operators to provide notice to the surrounding community 10 days prior to deployment of the system, which must include a description of what the system is intended to do, the date the system is scheduled to begin operating, and the location of the correctional facility. CIS operators must tailor the notification in the most effective way to reach the potentially impacted community and are able to choose the means of communication that is most appropriate for the particular community. By giving the CIS operators flexibility to tailor the notification to the specific community, we expect that the notification costs and burdens will be minimal, and would not require small entities to hire additional staff.

108. We recognize that smaller CMRS licensees may have less experience with CISs and fewer resources to provide for expedient and effective lease negotiations within the 45 day period we impose. However, given that the success of CIS deployment requires all carriers in the relevant area of the correctional facility to execute a lease with the CIS provider, we believe the minimal requirement that CMRS licensees negotiate in good faith is not unduly burdensome. By potentially granting an STA to the entity requesting a CIS deployment in the absence of carrier consent, we allow for any necessary emergency testing and evaluation until such time as the parties can conclude negotiations and submit the applicable lease applications.

109. Small entities seeking to deploy CISs in correctional facilities will not incur additional or significant compliance burdens as a result of this document. We maintain the current Forms 601 and 608 required for lease filings and provide for expedited processing without imposing any additional filing requirements. We reduce filing burdens by waiving section 20.9 for CIS operators, thereby eliminating the need to file a separate modification application to request PMRS treatment. While we create a requirement that CISs route 911 and E911 calls to local PSAPs, we permit PSAPs at their discretion to indicate they do not wish to receive 911 calls. We note that CIS operators are often required to pass through 911 and E911 calls, either by contracts with wireless provider lessors or pursuant to a state's requirements, and believe the local PSAPs are in the best position to determine emergency call procedures in the public interest.

110. The Commission believes that applying the same rules equally to all entities in this context promotes fairness. The Commission does not believe that the costs and/or administrative burdens associated with the rules will unduly burden small entities. In fact, the revisions adopted by the Commission should benefit small

entities by reducing certain administrative burdens while simultaneously giving the flexibility necessary to facilitate the deployment of CIS to correctional facilities nationwide.

111. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered. The RFA requires an agency to describe any significant, specifically small business, 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 and 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.''

112. In order to minimize the economic impact on small entities, the rules provide for streamlined leasing and STA application and notification processes, limited notification requirements, and flexible standards for lease negotiations and contractual obligations. While we considered several other proposals in the record that may have resulted in greater compliance burdens on small entities, we strike a balance between achieving our goals of combatting contraband wireless devices in correctional facilities and minimizing the costs and regulatory burdens of the adopted rules.

113. First, by adopting the 911 and E911 requirements for CISs subject to the discretion of PSAPs, we provide flexibility and avoid unnecessary burdens on CIS operators to deliver emergency calls where PSAPs would rather they be blocked. In order to avoid duplicitous burdens on both CIS operators and the CMRS providers from which they lease spectrum, we amend our rules to clarify that the burden to pass on calls or messages to the PSAP is on the CIS operator, not the CMRS provider.

114. Second, we take steps to limit the economic impact of the requirement that CIS operators provide advance notification to surrounding communities 10 days prior to deploying their systems by allowing flexibility for CIS operators to tailor notice to the specific community. The goal of this proceeding is to expedite the deployment of technological solutions to combat the use of contraband wireless devices, not to impose unnecessary barriers to CIS deployment. However, we also recognize the importance to safeguard against the potential for accidental call blocking and the public safety issues involved. Therefore, we adopt a flexible notice requirement, rather than more specific requirements suggested in the record. For instance, we forego a proposed requirement that operators be required to undertake extensive public education campaigns that would include mailings, door-hangers, and media campaigns directed toward surrounding businesses and households, as well as the alarm industry and local alarm companies. Instead of creating an overly burdensome or potentially counterproductive requirement, we believe a flexible requirement tailored to the specific area of deployment strikes a reasonable balance between minimizing costs for CIS operators and reducing the likelihood of negative impact on the surrounding community.

115. Third, the good faith lease negotiation requirement we adopt today seeks to strike a balance between expediting the leasing process and protecting the exclusive spectrum rights of CMRS providers. The Commission notes that the effectiveness of CIS deployment requires all carriers in the relevant area of the correctional facility to execute a lease with the CIS provider, not only large carriers that commented in this proceeding, but also smaller carriers that did not. The Commission considered and rejected proposals by certain commenters to require carriers to create standard industry-wide lease agreements, adopt specific pricing standards for managed access leases, and implement a shot clock at the beginning of the leasing process, after which spectrum leases would automatically be granted. While these proposals would have decreased regulatory burdens on CIS providers by decreasing the time and costs of obtaining spectrum leases for their systems, the Commission favored an alternative that allowed for more flexible lease negotiations and protected the spectrum rights of CMRS providers—both large and small. By adopting a good faith negotiation period, after which the Commission may grant a CIS provider a STA, rather than a spectrum lease, if the CMRS provider has not negotiated in good faith, today's Order ensures that CIS can be deployed quickly, while also protecting CMRS providers' control over their spectrum rights. The Commission believes this approach limits the burdens on small entities—both CIS operators and CMRS providers—who have limited resources to negotiate and enter into spectrum lease agreements.

116. Finally, in order to assist CIS operators and CMRS licensees, particularly small entities with limited resources to devote to compliance with regulatory obligations, this document announces the Commission's intention to designate a single point of contact at the Commission to serve as the ombudsperson on contraband wireless device issues. The ombudsperson's duties may include, as necessary, providing assistance to CIS operators in connecting with CMRS licensees, playing a role in identifying required CIS lease filings for a given correctional facility, facilitating the required Commission filings, thereby reducing regulatory burdens, and resolving issues that may arise during the leasing process. The ombudsperson will also conduct outreach and maintain a dialogue with all stakeholders on the issues important to furthering a solution to the problem of contraband wireless device use in correctional facilities. Finally, the ombudsperson, in conjunction with WTB, will maintain a Web page with a list of active CIS operators and locations where CIS has been deployed. With this appointment, we ensure continued focus on this important public safety issue and solidify our commitment to combating the problem.

Report to Congress

117. The Commission will send a copy of the *Order,* including the FRFA, in a report to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Order,* including the FRFA, to the Chief Counsel for Advocacy of the SBA (5 U.S.C. 603(a)).

Congressional Review Act

118. The Commission will send a copy of the *Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act (5 U.S.C. 801(a)(1)(A)).

III. Ordering Clauses

119. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1, 2, 4(i), 4(j), 301, 302, 303, 307, 308, 309, 310, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 301, 302a, 303, 307, 308, 309, 310, and 332, the *Order* in GN Docket No. 13–111 *is adopted*.

120. *It is further ordered* that the *Order shall be effective* 30 days after publication of this document in the **Federal Register**.

121. *It is further ordered* that parts 1 and 20 of the Commission's rules, 47 CFR parts 1 and 20, *are amended* as specified in Appendix A of the *Order,* effective 30 days after publication in the **Federal Register**, with the exception of: (1) Amended rule §§ 1.9020(d)(8), 1.9030(d)(8), 1.9035(d)(4), and 20.18(a), 47 CFR 1.9020(d)(8), 1.9030(d)(8), 1.9035(d)(4), and 20.18(a), as specified in paragraph 122 below; and (2) §§ 1.9020(n), 1.9030(m), 1.9035(o), 20.18(r), and 20.23(a), which shall become effective after the Commission publishes a document in the **Federal Register** announcing OMB approval under the PRA and the relevant effective date.

122. *It is further ordered* that amended rule sections 1.9020(d)(8), 1.9030(d)(8), 1.9035(d)(4), and 20.18(a), 47 CFR 1.9020(d)(8), 1.9030(d)(8), 1.9035(d)(4), and 20.18(a), as specified in Appendix A of the *Order,* shall become effective the later of: 270 days after the publication of this document in the **Federal Register** or the Commission's publication of the document described in paragraph 121 above. In either case, the Commission will publish a document in the **Federal Register** announcing such approval and the effective date.

123. *It is further ordered* that, pursuant to section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), the Commission *shall send* a copy of the *Order* to Congress and to the Government Accountability Office.

124. *It is further ordered* that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of the *Order,* including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Parts 1 and 20

Administrative practice and procedure, Communications common carriers, Radio, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 1 and 20 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 15 U.S.C. 79, *et seq.;* 47 U.S.C. 151, 154(i), 154(j), 155, 157, 160, 201, 225, 227, 303, 309, 310, 332, 1403, 1404, 1451, 1452, and 1455.

■ 2. Amend § 1.931 by:

■ a. Revising paragraph (a)(1);

■ b. Removing the ''or'' at the end of paragraph (a)(2)(iii);

■ c. Removing the period at the end of paragraph (a)(2)(iv) and adding ''; or'' in its place; and

■ d. Adding paragraph (a)(2)(v).

The revision and addition read as follows:

§ 1.931 Application for special temporary authority.

(a) *Wireless Telecommunications Services.* (1) In circumstances requiring immediate or temporary use of station in the Wireless Telecommunications Services, carriers may request special temporary authority (STA) to operate new or modified equipment. Such requests must be filed electronically using FCC Form 601 and must contain complete details about the proposed operation and the circumstances that fully justify and necessitate the grant of STA. Such requests should be filed in time to be received by the Commission at least 10 days prior to the date of proposed operation or, where an extension is sought, 10 days prior to the expiration date of the existing STA. Requests received less than 10 days prior to the desired date of operation may be given expedited consideration only if compelling reasons are given for the delay in submitting the request. Otherwise, such late-filed requests are considered in turn, but action might not be taken prior to the desired date of operation. Requests for STA for operation of a station used in a Contraband Interdiction System, as defined in § 1.9003, will be afforded expedited consideration if filed at least one day prior to the desired date of operation. Requests for STA must be accompanied by the proper filing fee.

(2) * * *

(v) The STA is for operation of a station used in a Contraband Interdiction System, as defined in § 1.9003.

* * * * *

■ 3. Amend § 1.9003 by adding definitions for ''Contraband Interdiction System,'' ''Contraband wireless device,'' and ''Correctional facility'' in alphabetical order to read as follows:

§ 1.9003 Definitions.

Contraband Interdiction System. Contraband Interdiction System is a system that transmits radio communication signals comprised of one or more stations used only in a correctional facility exclusively to prevent transmissions to or from contraband wireless devices within the boundaries of the facility and/or to obtain identifying information from such contraband wireless devices.

Contraband wireless device. A contraband wireless device is any wireless device, including the physical hardware or part of a device, such as a subscriber identification module (SIM), that is used within a correctional facility in violation of federal, state, or local law, or a correctional facility rule, regulation, or policy.

Correctional facility. A correctional facility is any facility operated or overseen by federal, state, or local authorities that houses or holds criminally charged or convicted inmates for any period of time, including privately owned and operated correctional facilities that operate through contracts with federal, state, or local jurisdictions.

* * * * *

■ 4. Amend § 1.9020 by revising paragraphs (d)(8) and (e)(2) introductory text, redesignate paragraphs (e)(2)(ii) and (iii) as (e)(2)(iii) and (iv), and adding paragraphs (e)(2)(ii) and (n) to read as follows:

§ 1.9020 Spectrum manager leasing arrangements.

* * * * *

(d) * * *

(8) *E911 requirements.* If E911 obligations apply to the licensee (*see* § 20.18 of this chapter), the licensee retains the obligations with respect to leased spectrum. However, if the spectrum lessee is a Contraband Interdiction System (CIS) provider, as defined in § 1.9003, then the CIS provider is responsible for compliance with § 20.18(r) regarding E911 transmission obligations.

(e) * * *

(2) *Immediate processing procedures.* Notifications that meet the requirements of paragraph (e)(2)(i) of this section, and notifications for Contraband Interdiction Systems as defined in § 1.9003 that meet the requirements of paragraph (e)(2)(ii) of this section, qualify for the immediate processing procedures.

* * * * *

(ii) A lessee of spectrum used in a Contraband Interdiction System qualifies for these immediate processing procedures if the notification is

sufficiently complete and contains all necessary information and certifications (including those relating to eligibility, basic qualifications, and foreign ownership) required for notifications processed under the general notification procedures set forth in paragraph (e)(1)(i) of this section, and must not require a waiver of, or declaratory ruling pertaining to, any applicable Commission rules.

* * * * *

(n) *Community notification requirement for certain contraband interdiction systems.* 10 days prior to deploying a Contraband Interdiction System that prevents communications to or from mobile devices, a lessee must notify the community in which the correctional facility is located. The notification must include a description of what the system is intended to do, the date the system is scheduled to begin operating, and the location of the correctional facility. Notification must be tailored to reach the community immediately adjacent to the correctional facility, including through local television, radio, Internet news sources, or community groups, as may be appropriate. No notification is required, however, for brief tests of a system prior to deployment.

■ 5. Amend § 1.9030 by revising paragraphs (d)(8) and (e)(2) introductory text, redesignate paragraphs (e)(2)(ii) and (iii) as (e)(2)(iii) and (iv), and adding paragraphs (e)(2)(ii) and (m) to read as follows:

§ 1.9030 Long-term de facto transfer leasing arrangements.

* * * * *

(d) * * *

(8) *E911 requirements.* To the extent the licensee is required to meet E911 obligations (*see* § 20.18 of this chapter), the spectrum lessee is required to meet those obligations with respect to the spectrum leased under the spectrum leasing arrangement insofar as the spectrum lessee's operations are encompassed within the E911 obligations. If the spectrum lessee is a Contraband Interdiction System (CIS) provider, as defined in § 1.9003, then the CIS provider is responsible for compliance with § 20.18(r) regarding E911 transmission obligations.

(e) * * *

(2) *Immediate approval procedures.* Applications that meet the requirements of paragraph (e)(2)(i) of this section, and applications for Contraband Interdiction Systems as defined in § 1.9003 that meet the requirements of paragraph (e)(2)(ii) of this section, qualify for the immediate approval procedures.

* * * * *

(ii) A lessee of spectrum used in a Contraband Interdiction System qualifies for these immediate approval procedures if the application is sufficiently complete and contains all necessary information and certifications (including those relating to eligibility, basic qualifications, and foreign ownership) required for applications processed under the general application procedures set forth in paragraph (e)(1)(i) of this section, and must not require a waiver of, or declaratory ruling pertaining to, any applicable Commission rules.

* * * * *

(m) *Community notification requirement for certain contraband interdiction systems.* 10 days prior to deploying a Contraband Interdiction System that prevents communications to or from mobile devices, a lessee must notify the community in which the correctional facility is located. The notification must include a description of what the system is intended to do, the date the system is scheduled to begin operating, and the location of the correctional facility. Notification must be tailored to reach the community immediately adjacent to the correctional facility, including through local television, radio, Internet news sources, or community groups, as may be appropriate. No notification is required, however, for brief tests of a system prior to deployment.

■ 6. Amend § 1.9035 by revising paragraph (d)(4) and adding paragraph (o) to read as follows:

§ 1.9035 Short-term de facto transfer leasing arrangements.

* * * * *

(d) * * *

(4) *E911 requirements.* If E911 obligations apply to the licensee (*see* § 20.18 of this chapter), the licensee retains the obligations with respect to leased spectrum. A spectrum lessee entering into a short-term de facto transfer leasing arrangement is not separately required to comply with any such obligations in relation to the leased spectrum. However, if the spectrum lessee is a Contraband Interdiction System (CIS) provider, as defined in § 1.9003, then the CIS provider is responsible for compliance with § 20.18(r) regarding E911 transmission obligations.

* * * * *

(o) *Community notification requirement for certain contraband interdiction systems.* 10 days prior to deploying a Contraband Interdiction System that prevents communications to or from mobile devices, a lessee must notify the community in which the correctional facility is located. The notification must include a description of what the system is intended to do, the date the system is scheduled to begin operating, and the location of the correctional facility. Notification must be tailored to reach the community immediately adjacent to the correctional facility, including through local television, radio, Internet news sources, or community groups, as may be appropriate. No notification is required, however, for brief tests of a system prior to deployment.

PART 20—COMMERCIAL MOBILE RADIO SERVICES

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

Authority: 47 U.S.C. 151, 152(a), 154(i), 157, 160, 201, 214, 222, 251(e), 301, 302, 303, 303(b), 303(r), 307, 307(a), 309, 309(j)(3), 316, 316(a), 332, 610, 615, 615a, 615b, 615c, unless otherwise noted.

■ 8. Amend § 20.18 by revising paragraph (a) and adding paragraph (r) to read as follows:

§ 20.18 911 Service.

(a) *Scope of section.* Except as described in paragraph (r) of this section, the following requirements are only applicable to CMRS providers, excluding mobile satellite service (MSS) operators, to the extent that they:

(1) Offer real-time, two way switched voice service that is interconnected with the public switched network; and

(2) Utilize an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls. These requirements are applicable to entities that offer voice service to consumers by purchasing airtime or capacity at wholesale rates from CMRS licensees.

* * * * *

(r) *Contraband Interdiction System (CIS) requirement.* CIS providers regulated as private mobile radio service (*see* § 20.3) must transmit all wireless 911 calls without respect to their call validation process to a Public Safety Answering Point, or, where no Public Safety Answering Point has been designated, to a designated statewide default answering point or appropriate local emergency authority pursuant to § 64.3001 of this chapter, provided that ''all wireless 911 calls'' is defined as ''any call initiated by a wireless user dialing 911 on a phone using a compliant radio frequency protocol of the serving carrier.'' This requirement shall not apply if the Public Safety Answering Point or emergency authority

informs the CIS provider that it does not wish to receive 911 calls from the CIS provider.

■ 9. Section 20.23 is added to read as follows:

§ 20.23 Contraband wireless devices in correctional facilities.

(a) *Good faith negotiations.* CMRS licensees must negotiate in good faith with entities seeking to deploy a Contraband Interdiction System (CIS) in a correctional facility. Upon receipt of a good faith request by an entity seeking to deploy a CIS in a correctional facility, a CMRS licensee must negotiate toward a lease agreement. If, after a 45 day period, there is no agreement, CIS providers seeking Special Temporary Authority (STA) to operate in the absence of CMRS licensee consent may file a request for STA with the Wireless Telecommunications Bureau (WTB), accompanied by evidence demonstrating its good faith, and the unreasonableness of the CMRS licensee's actions, in negotiating an agreement. The request must be served on the CMRS licensee no later than the filing of the STA request, and the CMRS licensee may file a response with WTB, with a copy served on the CIS provider at that time, within 10 days of the filing of the STA request. If WTB determines that the CIS provider has negotiated in good faith, yet the CMRS licensee has not negotiated in good faith, WTB may issue STA to the entity seeking to deploy the CIS, notwithstanding lack of accompanying CMRS licensee consent.

(b) [Reserved]

[FR Doc. 2017–09885 Filed 5–17–17; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 161017970–6999–02]

RIN 0648–XF408

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

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

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring a portion of its 2017 commercial summer flounder quota to the Commonwealth of Virginia. This quota adjustment is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provision. This announcement informs the public of the revised commercial quotas for North Carolina and Virginia.

DATES: Effective May 15, 2017, through December 31, 2017.

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

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.110. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102, and the initial 2017 allocations were published on December 22, 2016 (81 FR 93842).

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan, as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider the criteria in § 648.102(c)(2)(i)(A) through (C) in the evaluation of requests for quota transfers or combinations.

North Carolina is transferring 2,510 lb (1,139 kg) of summer flounder commercial quota to Virginia. This transfer was requested by North Carolina to repay landings by a North Carolina-permitted vessel that landed in Virginia under a safe harbor agreement.

The revised summer flounder quotas for calendar year 2017 are now: North Carolina, 1,539,693 lb (698,393 kg); and Virginia, 1,219,912 lb (553,343 kg); based on the initial quotas published in the 2017 Summer Flounder, Scup, and Black Sea Bass Specifications and subsequent transfers.

Classification

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

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

Dated: May 12, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–10005 Filed 5–15–17; 11:15 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 95
Thursday, May 18, 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.

FARM CREDIT ADMINISTRATION

12 CFR Chapter VI

RIN 3052–AD24

Statement on Regulatory Burden

AGENCY: Farm Credit Administration.

ACTION: Notice of intent; request for comment.

SUMMARY: The Farm Credit Administration (FCA, our, or we) issues this announcement to consider whether our existing regulations are ineffective or burdensome. We seek public comment on the appropriateness of the requirements we impose on Farm Credit System (System) institutions, including the Federal Agricultural Mortgage Corporation (Farmer Mac). We ask for comments on our regulations that may duplicate other requirements, are ineffective, are not based on law, or impose burdens that are greater than the benefits received.

DATES: Please send your comments to FCA by August 16, 2017.

ADDRESSES: We offer a variety of methods for you to submit comments on this notice. For accuracy and efficiency reasons, commenters are encouraged to submit comments by email or through FCA's Web site. As facsimiles (fax) are difficult for us to process and achieve compliance with section 508 of the Rehabilitation Act, we are no longer accepting comments submitted by fax. Regardless of the method you use, please do not submit your comment multiple times via different methods. You may submit comments by any of the following methods:

- *Email:* Send us an email at *reg-comm@fca.gov.*
- *FCA Web site: http://www.fca.gov.* Select ''Public Commenters,'' then ''Public Comments,'' and follow the directions for ''Submitting a Comment.''
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Barry F. Mardock, Deputy Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

You may review copies of all comments we receive at our office in McLean, Virginia, or on our Web site at *http://www.fca.gov.* Once you are in the Web site, select ''Public Commenters,'' then ''Public Comments,'' and follow the directions for ''Reading Submitted Public Comments.'' We will show your comments as submitted, but for technical reasons we may omit items such as logos and special characters. Identifying information that you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove email addresses to help reduce Internet spam.

FOR FURTHER INFORMATION CONTACT: Thomas R. Risdal, Senior Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4257, TTY (703) 883–4056, or Mary Alice Donner, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4033, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION:

I. Objective

The objective of this announcement is to continue our comprehensive review of regulations governing the System and to eliminate, consistent with law and safety and soundness, all regulations that are unnecessary, unduly burdensome or costly, or not based on the law.

We request public comment on FCA regulations that were effective prior to December 31, 2016, and are not currently on our Unified Agenda as a Notice of Proposed Rulemaking or Advance Notice of Proposed Rulemaking; and

- May duplicate other requirements;
- Are ineffective;
- Are not based on law; or
- Impose burdens that are greater than the benefits received.

II. Background

FCA is an independent Federal agency in the executive branch of the Government responsible for examining and regulating System institutions. System banks and associations primarily provide loans to farmers, ranchers, aquatic producers and harvesters, agricultural cooperatives, and rural utilities. Farmer Mac provides a secondary market for agricultural and rural housing mortgages and eligible rural utility cooperative loans.

III. Our Continuing Efforts To Reduce Unnecessary Regulatory Burdens

As stated in section 212 of the Farm Credit System Reform Act of 1996, ''The Farm Credit Administration shall continue the comprehensive review of regulations governing the Farm Credit System to identify and eliminate, consistent with law, safety, and soundness, all regulations that are unnecessary, unduly burdensome or costly, or not based on law.'' This review is consistent with Presidential Executive Order (E.O.) 13771, dated January 30, 2017, on Reducing Regulations and Controlling Regulatory Costs, although the E.O. does not apply to independent regulatory agencies including FCA.

The regulations of FCA that are subject to regulatory review described in this notice are codified in title 12, chapter VI, of the Code of Federal Regulations. We are requesting your comments on any FCA regulations or policies that may duplicate other governmental requirements, are not effective in achieving stated objectives, are not based on law, or create a burden that is perceived to be greater than the benefits received. Please do not respond to this solicitation with comments concerning proposed regulations that are currently under review, or final regulations that did not become effective until after December 31, 2016.

Your comments will assist us in our continuing efforts to identify and reduce unnecessary regulatory burdens on System institutions. We will also continue our efforts to maintain and adopt regulations and policies that are necessary to implement the Farm Credit Act of 1971, as amended, and ensure the safety and soundness of the System. These actions will enable the System institutions to better serve the credit needs of America's farmers, ranchers, aquatic producers and harvesters, cooperatives, and rural residents, in the changing agricultural credit markets.

Dated: May 15, 2017.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2017–10053 Filed 5–17–17; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0473; Directorate Identifier 2016–NM–195–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This proposed AD was prompted by a report indicating that wear of the bearing plate slider bushings could cause disconnection of certain elevator hinges, which could excite the horizontal stabilizer under certain in-flight speed/altitude conditions and lead to degradation of the structure. This proposed AD would require repetitive inspections and checks of certain elevator hinges and related components, repetitive replacements and tests of the bearing plate, and related investigative and corrective actions 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 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0473.

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–2017–0473; 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: Lu Lu, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6478; fax: 425–917–6590; email: *lu.lu@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–2017–0473; Directorate Identifier 2016–NM–195–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 analysis following a special certification review of the horizontal stabilizer determined that wear of the bearing plate slider bushings could cause disconnection of elevator hinge number 4 or number 6. This disconnection could excite the horizontal stabilizer under certain in-flight speed/altitude conditions and lead to degradation of the structure due to tab flutter, hinge wear, spar chord corrosion, hinge rib web chafing, hinge rib chord cracking, and inspar lower skin cracking. One or more of these conditions, if not corrected, could result in heavy airplane vibration and damage, which could lead to departure of the elevator and/or horizontal stabilizer from the airplane, and loss of continued safe flight and landing.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–55A1099, Revision 1, dated October 21, 2016. The service information describes procedures for repetitive inspections and checks of elevator hinge numbers 4 and 6 and related components, repetitive replacements and tests of the bearing plate, and related investigative and corrective actions. 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 identified previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.'' 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–2017–0473.

The phrase ''related investigative actions'' is used in this proposed AD. Related investigative actions are follow-on actions that (1) are related to the primary action, and (2) further investigate the nature of any condition found. Related investigative actions in an AD could include, for example, inspections.

The phrase ''corrective actions'' is used in this proposed AD. Corrective actions correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Differences Between This Proposed AD and the Service Information

Boeing Alert Service Bulletin 737–55A1099, Revision 1, dated October 21, 2016, specifies to contact the manufacturer for certain instructions, but this proposed AD would require using repair methods, modification deviations, and alteration deviations in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Costs of Compliance

We estimate that this proposed AD affects 192 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
Elevator hinge high frequency eddy current (HFEC) inspection, loose bolt check.	15 work-hours × $85 per hour = $1,275 per inspection/check cycle.	$0	$1,275 per inspection/check cycle.	$244,800 per inspection/check cycle.
Horizontal stabilizer HFEC and low frequency eddy current (LFEC) inspection, loose bolt check.	13 work-hours × $85 per hour = $1,105 per inspection/check cycle.	0	$1,105 per inspection/check cycle.	$212,160 per inspection/check cycle.
Horizontal stabilizer detailed corrosion inspection.	5 work-hours × 85 per hour = 425 per inspection cycle.	0	$425 per inspection cycle	$81,600 per inspection cycle.
Elevator general visual inspection for ply damage.	Up to 4 work-hours × 85 per hour = 340 per inspection cycle.	0	Up to $340 per inspection cycle.	Up to $65,280 per inspection cycle.
Elevator skin tap test inspection for delamination.	Up to 6 work-hours × 85 per hour = 510 per inspection cycle.	0	Up to $510 per inspection cycle.	Up to $97,920 per inspection cycle.
Elevator hinge bearing plate replacement and binding test.	Up to 20 work-hours × 85 per hour = 1,700 per replacement/test cycle.	4,860	Up to $6,560 per replacement/test cycle.	Up to $1,259,520 per replacement/test cycle.
Elevator hinge fitting HFEC inspection.	Up to 5 work-hours × 85 per hour = 425 per inspection cycle.	0	Up to $425 per inspection cycle.	Up to $81,600 per inspection cycle.

We estimate the following costs to do any necessary related investigative and corrective actions that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need these actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Elevator hinge conditional inspections, measurements, replacements, and repairs.	28 work-hours × $85 per hour = $2,380	[1] $0	$2,380
Horizontal stabilizer conditional inspections, replacements, and repairs.	28 work-hours × $85 per hour = $2,380	[1] 0	2,380

[1] We have received no definitive data that would enable us to provide cost estimates for the parts for on-condition repairs.

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this 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–2017–0473; Directorate Identifier 2016–NM–195–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 Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 55, Stabilizers.

(e) Unsafe Condition

This AD was prompted by a report indicating that wear of the bearing plate slider bushings could cause disconnection of elevator hinge number 4 or number 6, which could excite the horizontal stabilizer under certain in-flight speed/altitude conditions and lead to degradation of the structure, departure of the elevator or horizontal stabilizer from the airplane, and loss of continued safe flight and landing.

(f) Compliance

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

(g) Actions for Group 1 Airplanes

For airplanes identified as Group 1 in Boeing Alert Service Bulletin 737–55A1099, Revision 1, dated October 21, 2016: Within 120 days after the effective date of this AD, do inspections and checks of the elevator and horizontal stabilizer at elevator hinge numbers 4 and 6 and the replacement and test of the bearing plate at elevator hinge numbers 4 and 6, as specified in Boeing Alert Service Bulletin 737–55A1099, Revision 1, dated October 21, 2016, and do all applicable related investigative and corrective actions, using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(h) Inspections and Checks for Groups 2 and 3 Airplanes

For airplanes identified as Groups 2 and 3 in Boeing Alert Service Bulletin 737–55A1099, Revision 1, dated October 21, 2016: Except as required by paragraph (j)(1) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–55A1099, Revision 1, dated October 21, 2016, do the applicable inspections and checks of elevator hinge numbers 4 and 6 and related components specified in paragraphs (h)(1) through (h)(8) of this AD, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–55A1099, Revision 1, dated October 21, 2016, except as required by paragraph (j)(2) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the actions specified in paragraphs (h)(1) through (h)(8) of this AD thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–55A1099, Revision 1, dated October 21, 2016.

(1) For Groups 2 and 3 airplanes: A high frequency eddy current (HFEC) inspection for cracking of the elevator hinge numbers 4 and 6.

(2) For Groups 2 and 3 airplanes: A loose bolt check at elevator hinge numbers 4 and 6.

(3) For Groups 2 and 3 airplanes: An HFEC inspection and low frequency eddy current (LFEC) inspection for cracking of the horizontal stabilizer forward of elevator hinge numbers 4 and 6.

(4) For Groups 2 and 3 airplanes: A loose bolt check of horizontal stabilizer attach plates at elevator hinge numbers 4 and 6.

(5) For Groups 2 and 3 airplanes: A detailed inspection of the horizontal stabilizer rear spar outer mold line, gusset plate, and inspar skin for any corrosion.

(6) For Group 2, Configuration 2, and Group 3 airplanes: A general visual inspection of the elevator front spar around hinge numbers 4 and 6 for any ply damage.

(7) For Group 2 and 3 airplanes: A tap test inspection of the elevator skin for any delamination at elevator hinge numbers 4 and 6.

(8) For Group 2, Configuration 2, and Group 3 airplanes on which elevator hinge fitting assembly 65C31307-( ) is installed at elevator hinge number 6: An HFEC inspection of the hinge fitting for any crack.

(i) Repetitive Bearing Plate Replacement and Test

For airplanes identified as Group 2, Configuration 2, and Group 3 in Boeing Alert Service Bulletin 737–55A1099, Revision 1, dated October 21, 2016: Except as required by paragraph (j)(1) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–55A1099, Revision 1, dated October 21, 2016, do the actions specified in paragraphs (i)(1) and (i)(2) of this AD, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–55A1099, Revision 1, dated October 21, 2016, except as required by paragraph (j)(2) of this AD. All applicable related investigative and corrective actions must be done before further flight. Repeat the actions specified in paragraphs (i)(1) and (i)(2) of this AD thereafter at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–55A1099, Revision 1, dated October 21, 2016.

(1) Replace the bearing plates at elevator hinge numbers 4 and 6.

(2) Do an elevator hinge bearing plate binding test at hinge numbers 4 and 6.

(j) Exceptions to Service Information Specifications

(1) Where Boeing Alert Service Bulletin 737–55A1099, Revision 1, dated October 21, 2016, specifies a compliance time ''after the original issue date of this Service Bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Although Boeing Alert Service Bulletin 737–55A1099, Revision 1, dated October 21, 2016, specifies to contact Boeing for repair instructions, and specifies that action as ''RC'' (Required for Compliance), this AD requires repair before further flight using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(k) Parts Installation Limitation

As of the effective date of this AD: A horizontal stabilizer, an elevator, or a bearing plate may be installed on any airplane, provided the actions required by paragraphs (h) and (i) of this AD are done within the applicable compliance times specified in paragraphs (h) and (i) of this AD.

(l) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraphs (h) and (i) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737–55A1099, dated July 5, 2016.

(m) 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 (n)(2) 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 (j)(2) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (m)(4)(i) and (m)(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.

(n) Related Information

(1) For more information about this AD, contact Lu Lu, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6478; fax: 425–917–6590; email: *lu.lu@faa.gov.*

(2) For information about AMOCs, contact George Garrido, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; fax: 562–627–5210; email: *george.garrido@faa.gov.*

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 10, 2017.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10031 Filed 5–17–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0474; Directorate Identifier 2016–NM–096–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. (Type Certificate Previously Held by Canadair Limited) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2011–03–08, for certain Bombardier, Inc., Model CL–215–1A10 (CL–215), CL–215–6B11 (CL–215T Variant), and CL–215–6B11 (CL–415 Variant) airplanes. AD 2011–03–08 currently requires an inspection to determine the number of flight cycles accumulated by certain accumulators installed on the airplane, and repetitive inspections of the accumulators for cracks and replacement if necessary. Since we issued AD 2011–03–08, we determined that a terminating action is necessary to address the identified unsafe condition. This proposed AD would add a requirement for the terminating action. 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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–2017–0474; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0474; Directorate Identifier 2016–NM–096–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

On January 26, 2011, we issued AD 2011–03–08, Amendment 39–16592 (76 FR 6536, February 7, 2011) (''AD 2011–03–08''), for certain Bombardier, Inc., Model CL–215–1A10 (CL–215), CL–215–6B11 (CL–215T Variant), and CL–215–6B11 (CL–415 Variant) airplanes. AD 2011–03–08 was prompted by reports of seven cases of on-ground hydraulic accumulator screw cap or end cap failure, which have resulted in loss of the associated hydraulic system and

high-energy impact damage to adjacent systems and structure. AD 2011–03–08 requires an inspection to determine the number of flight cycles accumulated by applicable accumulators (*i.e.,* brake, aileron, elevator, and rudder accumulators) installed on the airplane. AD 2011–03–08 also requires repetitive ultrasonic inspections of the accumulators for cracks and replacement of any accumulator in which a crack is detected. We issued AD 2011–03–08 to detect and correct cracking of the accumulator, which could result in loss of the associated hydraulic system and high-energy impact damage to adjacent systems and structure, potentially resulting in fuel spillage, uncommanded flap movement, or loss of aileron control.

Since we issued AD 2011–03–08, terminating action for the repetitive inspections has been developed. We have determined that a terminating action (relocation of the affected accumulators, and incorporation of new airworthiness limitations) is necessary to address the identified unsafe condition.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2009–42R2, dated June 13, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model CL–215–1A10 (CL–215), CL–215–6B11 (CL–215T Variant), and CL–215–6B11 (CL–415 Variant) airplanes. The MCAI states:

> Seven cases of on-ground hydraulic accumulator screw cap or end cap failure have been experienced on CL–600–2B19 (CRJ) aeroplane, resulting in loss of the associated hydraulic system and high-energy impact damage to adjacent systems and structure. To date, the lowest number of flight cycles accumulated at the time of failure has been 6991.
>
> Although there have been no failures to date on any CL–215–1A10 (CL–215) or CL–215–6B11 (CL–215T and CL–415) aeroplane, similar accumulators, Part Number (P/N) 08–8423–010 (MS28700–3), to those installed on the CL–600–2B19, are installed on the aeroplane models listed in the Applicability section of this [Canadian] AD.
>
> A detailed analysis of the systems and structure in the potential line of trajectory of a failed screw cap/end cap for each accumulator has been conducted. It has identified that the worst-case scenarios would be impact damage to various components, potentially resulting in fuel spillage, uncommanded flap movement, or loss of aileron control.
>
> This [Canadian] AD mandates repetitive [ultrasonic] inspections of the accumulators for cracks and replacement of any accumulator in which a crack is detected.
>
> Revision 1 of this [Canadian] AD clarified the text of the [Canadian] AD, including the P/N of the affected accumulators.
>
> This revision provides the terminating action [relocation of the affected accumulators, and incorporating new airworthiness limitations] to this [Canadian] AD. It also modifies the applicability range for the CL–215–1A10 (CL–215); the CL–215 is out of production and the last aeroplane produced was serial number 1125.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0474.

Related Service Information Under 1 CFR Part 51

We reviewed the following Bombardier, Inc., service information:

- Bombardier Canadair 215 Service Bulletin 215–552, Revision 2, dated June 18, 2015. This service information describes procedures to relocate the aileron hydraulic accumulator aft of its current location.
- Bombardier Canadair 215T Service Bulletin 215–3158, Revision 2, dated April 15, 2014; and Bombardier 415 Service Bulletin 215–4423, Revision 5, dated March 17, 2016. These documents are distinct since they apply to different airplane models. This service information describes procedures to relocate the aileron, elevator, and rudder hydraulic accumulators aft and outboard of their current locations.
- Bombardier Canadair 215 Service Bulletin 215–557, Revision 1, dated June 27, 2014; Bombardier Canadair 215T Service Bulletin 215–3182, Revision 1, dated June 27, 2014; and Bombardier 415 Service Bulletin 215–4470, Revision 1, dated June 27, 2014. These documents are distinct since they apply to different airplane models. This service information provides procedures to establish the number of flight hours for each accumulator and determine if it has been used on another type of aircraft.
- Bombardier Model CL–215–1A10 (CL–215), Time Limits/Maintenance Checks (TLMC) Manual PSP 295, TR 295–7, dated December 13, 2013; Bombardier Model CL–215–6B11 (CL–215T), TLMC Manual PSP 395, TR LLC–3, dated December 13, 2013; Bombardier Model CL–215–6B11 (CL–215T), TLMC Manual PSP 395–1, TR LLC–1, dated December 13, 2013; and Bombardier Model CL–600–6B11 (CL–415), TLMC Manual PSP 495, TR 5–56, dated December 13, 2013. These documents are distinct since they apply to different airplane models. This service information provides a 10,000-hour accumulator life limitation for certain accumulators.

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**.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 7 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
Ultrasonic inspection [retained action from AD 2011–03–08]	7 work-hours × $85 per hour = $595.	$0	$595	$4,165
Relocation, determination of accumulator hours and usage, and maintenance or inspection program revision [new proposed action].	56 work-hours × $85 per hour = $4,760.	0	4,760	33,320

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of cracked part [retained actions from AD 2011–03–08]	6 work-hours × $85 per hour = $510.	$4,055	$4,565

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2011–03–08, Amendment 39–16592 (76 FR 6536, February 7, 2011) (''AD 2011–03–08''), and adding the following new AD:

Bombardier, Inc. (Type Certificate Previously Held by Canadair Limited): Docket No. FAA–2017–0474; Directorate Identifier 2016–NM–096–AD.

(a) Comments Due Date

We must receive comments by July 3, 2017.

(b) Affected ADs

This AD replaces AD 2011–03–08, Amendment 39–16592 (76 FR 6536, February 7, 2011) (''AD 2011–03–08'').

(c) Applicability

This AD applies to Bombardier, Inc. (Type Certificate previously held by Canadair Limited) airplanes, certificated in any category, identified in paragraphs (c)(1) through (c)(3) of this AD.

(1) Model CL–215–1A10 (CL–215) airplanes, serial numbers 1001 through 1125 inclusive.

(2) Model CL–215–6B11 (CL–215T) airplanes, serial numbers 1056 through 1125 inclusive.

(3) Model CL–215–6B11 (CL–415) airplanes, serial numbers 2001 through 2990 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 29, Hydraulic power.

(e) Reason

This AD was prompted by reports of on-ground hydraulic accumulator screw cap or end cap failure resulting in a loss of the associated hydraulic system and high-energy impact damage to adjacent systems and structure. We are issuing this AD to prevent failure of the screw cap or end cap, which could result in impact damage to various components, potentially resulting in fuel spillage, uncommanded flap movement, or loss of aileron control.

(f) Compliance

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

(g) Retained Inspection To Determine Flight Cycles, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2011–03–08, with no changes. Within 50 flight hours after March 14, 2011 (the effective date of AD 2011–03–08), inspect to determine the number of flight cycles accumulated by each of the applicable accumulators (*i.e.,* brake, aileron, elevator, and rudder accumulators) having part number 08–8423–010 (MS28700–3) installed on the airplane. A review of airplane maintenance records is acceptable in lieu of this inspection if the number of flight cycles accumulated can be conclusively determined from that review.

(h) Retained Initial Ultrasonic Inspection for Model CL–215–1A10 (CL–215) and CL–215–6B11 (CL–215T) Airplanes, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2011–03–08, with no changes. For Model CL–215–1A10 (CL–215) and CL–215–6B11 (CL–215T) airplanes: Do an ultrasonic inspection for cracking of the accumulator at the applicable time specified in paragraph (h)(1) or (h)(2) of this AD, in accordance with Part B of the Accomplishment Instructions of the applicable service bulletin listed in table 1 to paragraphs (h), (i), and (k) of this AD.

TABLE 1 TO PARAGRAPHS (h), (i), AND (k) OF THIS AD—SERVICE BULLETINS

For model—	Use Bombardier service bulletin—
CL–215–1A10 (CL–215)	215–541, Revision 1, dated March 12, 2010.
CL–215–6B11 (CL–215T)	215–3155, Revision 1, dated March 12, 2010.
CL–215–6B11 (CL–415)	215–4414, Revision 1, dated March 12, 2010.

(1) For any accumulator on which the inspection required by paragraph (g) of this AD shows an accumulation of more than 875 total flight cycles, or on which it is not possible to determine the number of total accumulated flight cycles, do the inspection within 125 flight cycles after March 14, 2011 (the effective date of AD 2011–03–08).

(2) For any accumulator on which the inspection required by paragraph (g) of this AD shows an accumulation of 875 total flight cycles, or fewer, do the inspection before the accumulation of 1,000 flight cycles on the accumulator.

(i) Retained Initial Ultrasonic Inspection for Model CL–215–6B11 (CL–415) Airplanes, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2011–03–08, with no changes. For Model CL–215–6B11 (CL–415) airplanes, do an ultrasonic inspection for cracking of the accumulator at the applicable time specified in paragraph (i)(1) or (i)(2) of this AD, in accordance with Part B of the Accomplishment Instructions of the applicable service bulletin listed in table 1 to paragraphs (h), (i), and (k) of this AD.

(1) For any accumulator on which the inspection required by paragraph (g) of this AD shows an accumulation of more than 750 flight cycles, or on which it is not possible to determine the number of total accumulated flight cycles, do the inspection within 250 flight cycles after March 14, 2011 (the effective date of AD 2011–03–08).

(2) For any accumulator on which the inspection required by paragraph (g) of this AD shows an accumulation of 750 total flight cycles, or fewer, do the inspection before the accumulation of 1,000 total flight cycles on the accumulator.

(j) Retained Repetitive Inspections, With New Terminating Action

This paragraph restates the requirements of paragraph (j) of AD 2011–03–08, with new terminating action. If no cracking is found during any inspection required by paragraph (h) or (i) of this AD, repeat the inspection thereafter at intervals not to exceed 750 flight cycles until the actions required by paragraphs (n), (o), and (p) of this AD have been done.

(k) Retained Replacement of Cracked Accumulators and Repetitive Inspections, With New Terminating Action

If any cracking is found during any inspection required by paragraph (h) or (i) of this AD, before further flight, replace the accumulator with a serviceable accumulator, in accordance with Part B of the Accomplishment Instructions of the applicable Bombardier service bulletin listed in table 1 to paragraphs (h), (i), and (k) of this AD. Doing the replacement does not end the inspection requirements of paragraphs (h) and (i) of this AD. Repeat the inspections required by paragraph (h) or (i) of this AD, as applicable, at intervals not to exceed 750 flight cycles until the actions required by paragraphs (n), (o), and (p) of this AD have been done.

(l) Retained Parts Installation Limitation, With Revised Compliance Language

This paragraph restates the parts installation limitation in paragraph (l) of AD 2011–03–08, with revised compliance language. As of March 14, 2011 (the effective date of AD 2011–03–08), no person may install an accumulator, part number 08–8423–010 (MS28700–3), on any airplane unless the accumulator has been inspected in accordance with the requirements of paragraph (h) or (i) of this AD.

(m) Retained Credit for Previous Actions, With No Changes

This paragraph restates the credit provided in paragraph (m) of AD 2011–03–08, with no changes. Inspections accomplished before March 14, 2011 (the effective date of AD 2011–03–08), in accordance with the applicable service bulletin listed in table 2 to paragraph (m) of this AD are considered acceptable for compliance with the corresponding action specified in paragraph (h), (i), (j), or (k) of this AD.

TABLE 2 TO PARAGRAPH (m) OF THIS AD—CREDIT SERVICE BULLETINS

For model—	Use Bombardier service bulletin—
CL–215–1A10 (CL–215)	215–541, dated July 9, 2009.
CL–215–6B11 (CL–215T)	215–3155, July 9, 2009.
CL–600–6B11 (CL–415)	215–4414, July 9, 2009.

(n) New Relocation of Affected Accumulators

Within 12 months after the effective date of this AD, relocate affected hydraulic accumulators, in accordance with the Accomplishment Instructions of the applicable Bombardier service bulletin specified in table 3 to paragraph (n) of this AD.

TABLE 3 TO PARAGRAPH (n) OF THIS AD—SERVICE INFORMATION FOR RELOCATING ACCUMULATORS

For model—	Affected accumulators—	Use service bulletin—
CL–215–1A10 (CL–215)	Aileron, if installed	Bombardier Canadair 215 Service Bulletin 215–552, Revision 2, dated June 18, 2015.
CL–215–6B11 (CL–215T)	Aileron, Rudder, and Elevator	Bombardier Canadair 215T Service Bulletin 215–3158, Revision 2, dated April 15, 2014.
CL–215–6B11 (CL–415)	Aileron, Rudder, and Elevator	Bombardier 415 Service Bulletin 215–4423, Revision 5, dated March 17, 2016.

(o) New Establishment of Accumulator Number of Flight Hours and Determination of Previous Use of the Accumulator

Within 12 months after the effective date of this AD, establish the number of flight hours for each accumulator, and determine whether any accumulator has been used in service on another type of airplane other than Model CL–215–1A10 (CL–215), CL–215–6B11 (CL–215T Variant), and CL–215–6B11 (CL–415 Variant), in accordance with the Accomplishment Instructions in the applicable Bombardier service bulletin specified in table 4 to paragraph (o) of this AD. If any accumulator is found that has been in service on another type of airplane other than Model CL–215–1A10 (CL–215), CL–215–6B11 (CL–215T Variant), or CL–215–6B11 (CL–415 Variant), replace the accumulator within 50 flight hours after determining an affected accumulator is installed.

TABLE 4 TO PARAGRAPH (o) OF THIS AD—ESTABLISHMENT OF ACCUMULATOR NUMBER OF FLIGHT HOURS

For model—	Use service bulletin—
CL–215–1A10 (CL–215)	Bombardier Canadair 215 Service Bulletin 215–557, Revision 1, dated June 27, 2014 (Applicable to MS28700–3 accumulator).
CL–215–6B11 (CL–215T)	Bombardier Canadair 215T Service Bulletin 215–3182, Revision 1, dated June 27, 2014.
CL–215–6B11 (CL–415)	Bombardier 415 Service Bulletin 215–4470, Revision 1, dated December 13, 2013.

(p) New Airworthiness Limitations

Within 30 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate the 10,000-hour accumulator life limitation specified in the applicable Time Limits/Maintenance Checks (TLMC) Manual Temporary Revisions (TRs) listed in table 5 to paragraph (p) of this AD. The initial compliance time for accomplishing the replacement of the accumulator is within the limitation specified in the applicable TR specified in Table 5 to paragraph (p) of this AD, or within 30 days after the effective date of this AD, whichever occurs later.

TABLE 5 TO PARAGRAPH (p) OF THIS AD—AIRWORTHINESS LIMITATIONS

For model—	Comply with TLMC manual—	Temporary revision (TR) number—	Dated—
CL–215–1A10 (CL–215)	PSP 295	295–7	December 13, 2013.
CL–215–6B11 (CL–215T)	PSP 395	LLC–3	December 13, 2013.
CL–215–6B11 (CL–215T)	PSP 395–1	LLC–1	December 13, 2013.
CL–215–6B11 (CL–415)	PSP 495	5–56	December 13, 2013.

(q) No Alternative Actions and Intervals

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

(r) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (n) of this AD, if those actions were performed before the effective date of this AD using any applicable service information specified in paragraphs (r)(1)(i) through (r)(1)(ix) of this AD.

(i) Bombardier Canadair 215 Service Bulletin 215–552, dated December 16, 2013.

(ii) Bombardier Canadair 215 Service Bulletin 215–552, Revision 1, dated September 12, 2014.

(iii) Bombardier Canadair 215T Service Bulletin 215–3158, dated March 28, 2012.

(iv) Bombardier Canadair 215T Service Bulletin 215–3158, Revision 1, dated December 16, 2013.

(v) Bombardier 415 Service Bulletin 215–4423, dated April 4, 2011.

(vi) Bombardier 415 Service Bulletin 215–4423, Revision 1, dated September 28, 2011.

(vii) Bombardier 415 Service Bulletin 215–4423, Revision 2, dated May 30, 2012.

(viii) Bombardier 415 Service Bulletin 215–4423, Revision 3, dated December 16, 2013.

(ix) Bombardier 415 Service Bulletin 215–4423, Revision 4, dated December 3, 2015.

(2) This paragraph provides credit for actions required by paragraph (o) of this AD, if those actions were performed before the effective date of this AD using any applicable service information specified in paragraphs (r)(2)(i) through (r)(2)(iii) of this AD.

(i) Bombardier Canadair 215 Service Bulletin 215–557, dated December 13, 2013.

(ii) Bombardier Canadair 215T Service Bulletin 215–3182, dated December 13, 2013.

(iii) Bombardier 415 Service Bulletin 215–4470, dated December 13, 2013.

(s) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(t) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2009–42R2, dated June 13, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0474.

(2) For more information about this AD, contact Cesar A. Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7318; fax 516–794–5531; email: *Cesar.Gomez.faa.gov*.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 10, 2017.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–10030 Filed 5–17–17; 8:45 am]

BILLING CODE 4910–13–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 2017–7]

Modernizing Copyright Recordation

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The United States Copyright Office is proposing to amend its regulations governing recordation of transfers of copyright ownership, notices of termination, and other documents pertaining to a copyright. These amendments are being proposed in conjunction with the anticipated commencement of development effort for a modernized electronic recordation system.

DATES: Written comments must be received no later than 11:59 p.m. Eastern Time on July 17, 2017.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov.* Specific instructions for submitting comments are available on the Copyright Office Web site at *https://www.copyright.gov/rulemaking/recordation-modernization.* If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: Sarang V. Damle, General Counsel and Associate Register of Copyrights, by email at *sdam@loc.gov,* or Jason E. Sloan, Attorney-Advisor, by email at *jslo@loc.gov.* Each can be contacted by telephone by calling (202) 707–8350.

SUPPLEMENTARY INFORMATION:

I. Background

Since 1870, the U.S. Copyright Office has recorded documents pertaining to works under copyright, such as assignments, licenses, and grants of security interests. Relevant here are the three primary types of documents submitted to the Copyright Office for recordation: Transfers of copyright ownership,[1] other documents pertaining to a copyright,[2] and notices of termination.[3] Pursuant to 17 U.S.C. 205(a), ''[a]ny transfer of copyright ownership or other document pertaining to a copyright may be recorded in the Copyright Office if'' certain conditions are met.[4] Under the Copyright Act's notice of termination provisions in sections 203(a)(4) and 304(c)(4), ''[a] copy of the notice shall be recorded in the Copyright Office before the effective date of termination, as a condition to its taking effect,'' and such ''notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation.'' [5] These provisions also apply to section 304(d)(1), another termination provision, which incorporates section 304(c)(4) by reference.[6] More broadly, section 702 of the Act authorizes the Register of Copyrights to ''establish regulations . . . for the administration of the functions and duties made the responsibility of the Register under [title 17],'' and section 705(a) requires that the Register ''ensure that records of . . . recordations . . . are maintained, and that indexes of such records are prepared.'' [7]

Congress has encouraged the submission of documents for recordation by providing certain legal entitlements as a consequence of recordation. For example, recordation provides constructive notice of the facts stated in the recorded document when certain conditions are met.[8] In addition, recordation is a condition for the legal effectiveness of notices of termination.[9] Thus, the Office has an important interest in ensuring that the public record of copyright transactions is as timely, complete, and accurate as possible.

The current recordation process is a time-consuming and labor-intensive paper-based one, requiring remitters to submit their documents in hard copy. Once received, Office staff must, among other things, digitize the paper document, process the fee payment including confirming that the correct fee was submitted, examine the document to confirm its eligibility for recordation, search through the document for various and often extensive indexing information, manually input such information into the Office's public catalog, and print and mail back to the remitter a copy of the document marked as having been recorded along with a certificate of recordation. This process can also involve considerable correspondence with remitters to remedy deficient submissions before they can be recorded. Since late 2014, the Office has permitted remitters to submit some indexing information in electronic form, limited to lists of titles of the works associated with the submitted document, but this too can involve a significant amount of correspondence with remitters and manual input on the part of staff to complete the recordation.[10] Furthermore, electronic submission of documents remains unavailable.

The Office is seeking to modernize this process in coming years by developing a fully electronic, online system through which remitters will be able to submit their documents and all applicable indexing information to the Office for recordation. The amendments proposed today are designed to update the Office's current regulations to govern the submission of documents to the Office for recordation once the new electronic system is developed and launched. Though the Office cannot currently estimate how long it will take to complete the new system, the Office is seeking public comments at this time because the Office must, at present, make a number of policy decisions critical to the design of the to-be-developed system. Additionally, while

[1] A ''transfer of copyright ownership'' is defined in section 101 of the Copyright Act as ''an assignment, mortgage, exclusive license, or any other conveyance, alienation, or hypothecation of a copyright or of any of the exclusive rights comprised in a copyright, whether or not it is limited in time or place of effect, but not including a nonexclusive license.'' 17 U.S.C. 101. Their validity is governed by 17 U.S.C. 204.

[2] A document ''pertaining to a copyright'' is currently defined by the Office as one that ''has a direct or indirect relationship to the existence, scope, duration, or identification of a copyright, or to the ownership, division, allocation, licensing, transfer, or exercise of rights under a copyright. That relationship may be past, present, future, or potential.'' 37 CFR 201.4(a)(2).

[3] A ''notice of termination'' is a notice that terminates a grant to a third party of a copyright in a work or any rights under a copyright. Only certain grants may be terminated, and only in certain circumstances. Termination is governed by three separate provisions of the Copyright Act, with the relevant one depending on a number of factors, including when the grant was made, who executed it, and when copyright was originally secured for the work. *See* 17 U.S.C. 203, 304(c), 304(d).

[4] 17 U.S.C. 205(a); *see also id.* at 205(b) (''The Register of Copyrights shall, upon receipt of a document as provided by subsection (a) and of the fee provided by section 708, record the document and return it with a certificate of recordation.'').

[5] *Id.* at 203(a)(4), 304(c)(4).

[6] *Id.* at 304(d)(1).

[7] *Id.* at 702, 705(a).

[8] *Id.* at 205(c).

[9] *Id.* at 203(a)(4)(A), 304(c)(4)(A), 304(d)(1).

[10] *See* 37 CFR 201.4(c)(4); 79 FR 55633 (Sept. 17, 2014).

the proposed amendments are designed with a new electronic submission system in mind, at least some of the proposed changes could be implemented in the near future, without the new system (*e.g.,* accepting electronically signed documents and new requirements for electronic title lists, completeness, and redactions). Thus, to the extent possible under the Office's current paper system, and depending on the comments received in response to this notice, the Office plans to adopt some aspects of the proposed rule on an interim basis until such time as the electronic system is complete and a final rule is enacted.

The proposed amendments are a continuation of the discussion that began in 2014, when the Office issued a notice of inquiry soliciting public comments on certain aspects of recordation modernization.[11] After receiving written comments from 24 stakeholders, the Office held roundtable meetings in California and New York where 48 participants provided further input.[12] This public process led to a 133-page report by the Office's inaugural Abraham L. Kaminstein Scholar in Residence, Professor Robert Brauneis: *Transforming Document Recordation at the United States Copyright Office* (the ''Brauneis Report''). Many of the provisions in the proposed amendments adopt or are based on the recommendations set forth in the Brauneis Report.

II. The Proposed Rules

A. Transfers of Copyright Ownership and Other Documents Pertaining to a Copyright

The proposed amendment to 37 CFR 201.4 will provide a number of necessary updates to the Office's regulations governing submission for recordation of transfers of copyright ownership and other documents pertaining to a copyright. The general mechanics of the proposed amendment are essentially the same as under the Office's current rules and policies. To be eligible for recordation, the document must satisfy certain requirements, be submitted properly, and be accompanied by the applicable fee. As before, the date of recordation will be the date when all of the required elements are received by the Office, and the Office may reject any document submitted for recordation that fails to comply with the Office's rules and instructions.

Electronic Submissions. The Office proposes permitting remitters to submit documents for recordation electronically through a to-be-developed online system. It is planned that the new system will essentially require remitters to provide four things: The document to be recorded, indexing information about the document (*i.e.,* information necessary for the Office's public catalog), assent to various certifying statements, and payment of the applicable fee.[13] Rather than continuing to have Office staff search the document for the relevant indexing information and manually input it into the Office's public catalog, the system will instead, as recommended by the Brauneis Report,[14] walk the remitter through the process of providing indexing information directly, which will likely include a bulk-upload feature for documents that pertain to a large number of works. Having the remitter provide this information will be far more efficient than the current process and will allow the Office to record documents much faster and for smaller fees. It should also reduce the chance of errors entering the public record because Office staff will no longer be manually transcribing indexing information. The Office has previously determined that having remitters provide indexing information for recordations is permissible under the Copyright Act.[15]

The system will also require a digital scan of the document to be uploaded and for various certifications, discussed below, to be made via the electronic system. Lastly, the Office currently plans for online payment to be made through *Pay.gov*. Given the automated nature of the contemplated electronic system, the Office is evaluating whether or not to continue allowing remitters to pay through deposit accounts, which currently is a largely manual, offline process. The Office welcomes comment on this issue, including whether potential users of deposit accounts would be willing to pay a surcharge for the development and maintenance of an automated deposit account system.

Paper Submissions. In addition to electronic submissions, the Office proposes, as the Brauneis Report recommended,[16] retaining a paper submission process similar to the Office's current process. The proposed amendment requires paper submissions to be accompanied by a cover sheet that will likely be similar to the current Form DCS. The cover sheet could, but need not, be used to make the various required certifications discussed below.

Remitters would also continue to be permitted to provide electronic lists of certain indexing information about the works to which the document pertains. As under the Office's current regulations, the electronic list will not be considered part of the recorded document, but will only be used for indexing purposes. The proposed amendment removes much of the current regulation's details surrounding the formatting of electronic title lists, instead specifying that such lists must be prepared and submitted in the manner specified by the Office in instructions it will post on its Web site. This change will allow the Office to develop easier and more flexible instructions for remitters that can be updated and modified as needed without resorting to a rulemaking. The proposed rule also continues the current rule that the Office may reject improperly prepared electronic title lists. The Office, however, will no longer permit corrections of errors or omissions in electronic title lists (see ''Parties Bear Consequences of Inaccuracies'' below).

The Office proposes continuing to provide return receipts for paper submissions when a remitter provides two copies of the cover sheet and a self-addressed, postage-paid envelope. As before, this will simply confirm the Office's receipt of the submission as of the indicated date, but not establish eligibility for, or the date of, recordation.

Originals, Copies, and Actual Signatures. The Office proposes to continue to require, in accordance with section 205(a), that to record a document, remitters must submit either the original document ''bear[ing] the actual signature of the person who executed it'' or a ''true copy of the original, signed document'' accompanied by a ''sworn or official certification.'' An argument can be made, as the Brauneis Report pointed out, that even if a natively electronic document could be considered an ''original document,'' by submitting it to the Office over the internet through the

[11] 79 FR 2696 (Jan. 15, 2014).

[12] Robert Brauneis, Transforming Document Recordation at the U.S. Copyright Office 8 (Dec. 2014), *https://www.copyright.gov/docs/recordation/recordation-report.pdf.* [hereinafter *Brauneis Report*].

[13] Appropriate recordation-related fees will be evaluated and determined through a fee study at a later date closer to implementation of the electronic system.

[14] *See Brauneis Report* at 88–96 (noting that stakeholders ''generally reacted very positively to the proposal to have remitters submit catalog information'').

[15] *See* 79 FR at 55634–35 (concluding that ''the Register may assign the task of indexing to another and issue implementing regulations; her duty is to *ensure* that indexes of records are prepared'').

[16] *See Brauneis Report* at 59–60.

new system, what the Office receives would nonetheless technically be a ''copy'' of the original, which would be left on the computer from which the submission was made.[17] A similar argument might be made about electronically signed documents filed either through the paper or electronic submission process. Thus, to avoid any doubt about the sufficiency of a recordation on the basis of whether or not the submitted document is an original or a copy, the proposed amendment would consider any document either submitted electronically through the new system, or lacking a handwritten, wet signature (*e.g.,* any document bearing an electronic signature) to be a ''copy'' within the meaning of section 205. In practice, this is unlikely to significantly affect remitters; the only consequence is that each such submission will need to be accompanied by a sworn or official certification.

One of the more significant proposed changes from current practices concerns the definition of the statutory term ''actual signature.'' Currently, that term is undefined in the Office's regulations, but in practice, the Office has required original documents to bear handwritten, wet signatures and copies of documents to reproduce such handwritten, wet signatures. Electronic signatures are not permitted. As the Brauneis Report recommends, the Office proposes to change that.[18]

In recent years, courts have found electronically signed transfers of copyright ownership to be valid under 17 U.S.C. 204, which requires that such transfers be ''in writing and signed.''[19] These cases turned on the applicability of the Electronic Signatures in Global and National Commerce Act (''E-Sign Act''), enacted in 2000, which provides that ''with respect to any transaction in or affecting interstate or foreign commerce. . . a signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form.''[20] The E-Sign Act also defines ''electronic signature'' and does so broadly, as ''an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.''[21]

For instance, in *Metropolitan Regional Information Systems, Inc.* v. *American Home Realty Network, Inc.,* the U.S. Court of Appeals for the Fourth Circuit held that a subscriber who ''clicks yes'' in response to an electronic terms of use agreement prior to uploading copyrighted photographs to an online database signed a written transfer within the meaning of 17 U.S.C. 204(a).[22] After determining that none of the E-Sign Act's exceptions applied, the court concluded that ''[t]o invalidate copyright transfer agreements solely because they were made electronically would thwart the clear congressional intent embodied in the E-Sign Act.''[23] Similarly, in *Sisyphus Touring, Inc.* v. *TMZ Productions, Inc.,* the U.S. District Court for the Central District of California found that a valid transfer under section 204(a) had been effected through an email exchange.[24] The E-Sign Act was important to the court's decision that ''the emails [were] sufficient to act as [the transferor's] signature'' and that clicking ''send'' was similar to clicking ''yes'' as in *Metropolitan Regional Information Systems.*[25]

Because they bore electronic signatures, neither of the documents at issue in those cases is currently recordable under the Office's rules and practices. The Office believes it important that this change. The Office's regulations and processes should be flexible enough to permit any document that may constitute a transfer under section 204 to be recordable under section 205. Thus, the Office proposes defining ''actual signature'' as any legally binding signature, including an electronic signature as defined by the E-Sign Act. Regardless of whether the E-Sign Act actually applies to other types of recordable documents, the Office views it as persuasive guidance as to how Congress would want the signature requirement to be interpreted in this context. The Government Paperwork Elimination Act is also persuasive, in that it directs executive agencies to provide ''for the option of electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper'' and ''for the use and acceptance of electronic signatures, when practicable.''[26] The Office agrees with the Brauneis Report's assessment that this ''Act expresses the intent of Congress to enable citizens to interact electronically with the federal government, and in particular to be able to use electronic signatures whenever signatures are required in documents submitted to the government.''[27]

The Brauneis Report, however, raised concern over broadening the definition too far, noting that doing so could potentially include ''acts that do not generate a trace that is easily remitted as 'a signature' on 'a document.' ''[28] As a result, the Brauneis Report recommended requiring that the signature be in a '' 'discrete and identifiable form' on the remitted document.''[29] The Office proposes resolving this concern another way. Rather than restrict the definition of signature, the proposed rule would require that where an actual signature is not a handwritten or typewritten name, such as when an individual clicks a button on a Web site or application to agree to terms of use, the remitter would be required to submit evidence demonstrating the existence of the signature. For example, the remitter could append a database entry or confirmation email to a copy of the terms showing that a particular user agreed to them by clicking ''yes'' on a particular date. While remitters may be confronted with more challenging scenarios, the Office is inclined to leave it to the remitter to decide how best to show the Office that a particular submitted document has been signed. The Office will then assess such evidence on a case-by-case basis to determine eligibility for recordation.

Lastly, the Office notes that the proposed regulatory definition of ''actual signature'' is consistent with section 205 of the Copyright Act. Congress's use of the word ''actual'' does not appear to do anything more than differentiate the signature on an original document from the reproduction of that signature on a copy of the document. The ''or'' in section 205(a) and the explanation in the Copyright Act's legislative history indicate that either the original document with its ''actual signature'' can be submitted for recordation or a true copy that does not bear an ''actual

[17] *See id.* at 65.

[18] *See id.* at 57, 60.

[19] *See, e.g., Metro. Reg'l Info. Sys.* v. *Am. Home Realty Network, Inc.,* 722 F.3d 591, 601–02 (4th Cir. 2013) (''[A]n electronic agreement may effect a valid transfer of copyright interests under Section 204 of the Copyright Act.'').

[20] 15 U.S.C. 7001(a)(1).

[21] *Id.* at 7006(5).

[22] 722 F.3d at 601–02.

[23] *Id.*

[24] 208 F. Supp. 3d 1105, 1112–14, (C.D. Cal. 2016), *appeal docketed,* No. 16–56471 (9th Cir. Oct. 7, 2016).

[25] *Id.*

[26] *See* Public Law 105–277, tit. xvii, sec. 1704, 112 Stat. 2681, 2681–750 (1998).

[27] *See Brauneis Report* at 63.

[28] *Id.* at 66.

[29] *Id.*

signature'' but is of the ''original, signed document'' can be submitted instead.[30]

Certifications. Under the proposed amendment, remitters would be required to provide essentially two sets of certifications. First, the Office proposes that the remitter must personally certify that he or she has appropriate authority to submit the document for recordation and that the information submitted to the Office by the remitter is true, accurate, and complete to the best of the remitter's knowledge. Unlike the other certifications, discussed below, which pertain to the actual document being submitted for recordation, these concern the remitter's authority to make the recordation and the veracity of the indexing and other information provided as a part of the submission. For electronic submissions, it is envisioned that these certifications will be made through the new system by checking a box and/or electronically signing one's name. For paper submissions, the remitter could make these certifications by signing, either electronically or by hand, the required cover sheet.

Second, the proposed amendment would require certifications that the document conforms to the Office's completeness, legibility, and redaction rules, discussed below. Where the submitted document is a copy, a sworn or official certification would also be required. Section 205(a) specifically requires this last certification, stating that a document may be recorded ''if it is accompanied by a sworn or official certification that it is a true copy of the original, signed document.'' [31] The statute further explains that ''[a] sworn or official certification may be submitted to the Copyright Office electronically, pursuant to regulations established by the Register of Copyrights.'' [32]

The proposed rule would not substantively alter the definition of ''official certification,'' but clarifies that it can be signed electronically whether submitted electronically or on paper. The proposed amendment would, however, simplify the definition of ''sworn certification,'' as recommended by the Brauneis Report,[33] in addition to making the same clarification regarding electronic signatures. Under the current definition, a sworn certification can be an affidavit under the official seal of any officer authorized to administer oaths within the United States, or if the original is located outside of the United States, under the official seal of any diplomatic or consular officer of the United States or of a person authorized to administer oaths whose authority is proved by the certificate of such an officer, or a statement in accordance with 28 U.S.C. 1746.[34] The Office has rarely received certifications in the form of affidavits under official seal and is frequently asked questions by confused remitters regarding what can constitute a sworn certification. Thus, the Office believes it will be easier, simpler, and less likely to confuse remitters who may think this requirement is more burdensome than intended, to only permit certifications in the form of statements that comply with 28 U.S.C. 1746. That provision essentially states that wherever a law requires or permits a matter to be supported by a sworn certification, such matter can instead be supported by an *unsworn* certification if it is in writing, dated, signed, made under penalty of perjury, and in ''substantially'' the form prescribed by the statute.[35]

Consequently, the Office proposes that as part of any submission of a copy of a document for recordation, a certification be included along the lines of the following:

> I certify under penalty of perjury under the laws of the United States of America that the accompanying document being submitted to the U.S. Copyright Office for recordation is, to the best of my knowledge, a true and correct copy of the original, signed document.

Adding that the certification is being made to the best of the certifier's knowledge, should address concerns referenced in the Brauneis Report that in many cases the certifier may not have access to the original document and thus would not be in a position to definitively swear to the submitted copy being a true copy of the original, signed document.[36] The changes to section 1746's form language appear to be permissible, as the statute only requires that the certification be in ''substantially'' the prescribed form.[37] Allowing the certification to be signed electronically appears to be permissible as well based on case law under 28 U.S.C 1746 [38] and the language in 17 U.S.C. 205(a) that expressly permits sworn or official certifications to be submitted to the Office ''electronically, pursuant to regulations established by the Register.'' [39]

The Office also proposes expanding the categories of people who can make such a certification to include not only one of the parties to the signed document and the authorized representative of such party, but also any person having an interest in a copyright to which the document pertains, as well as such person's authorized representative. The Brauneis Report notes that there are many situations where no party to the document is available to sign the certification or authorize a representative to do so.[40] Recognizing this, the amended language will alternatively permit others, such as successors in interest or third-party beneficiaries, to sign it or have their own representative do so on their behalf. The Office will likely require any authorized representative to specify who they represent and any non-party

[30] *See* 17 U.S.C. 205(a) (stating that a document ''may be recorded . . . if the document . . . bears the actual signature of the person who executed it, *or* if it is accompanied by a sworn or official certification that it is a true copy of the original, signed document.'') (emphasis added); H.R. Rep. No. 94–1476, at 128 (1976) (''Any 'document pertaining to a copyright' may be recorded under subsection (a) if it 'bears that actual signature of the person who executed it,' or if it is appropriately certified as a true copy.''); S. Rep. No. 94–473, at 112 (1975) (same).

[31] 17 U.S.C. 205(a).

[32] *Id.*

[33] *See Brauneis Report* at 67–68.

[34] 37 CFR 201.4(a)(3)(i).

[35] 28 U.S.C. 1746 (such form being, ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'').

[36] *See Brauneis Report* at 68–69.

[37] *See* 28 U.S.C. 1746; *see also Cobell* v. *Norton,* 391 F.3d 251, 260 (D.C. Cir. 2004) (''28 U.S.C. 1746 contemplate[s] as adequate certifications that are 'substantially' in the form of the language of their provisions. A declaration or certification that includes the disclaimer 'to the best of [the declarant's] knowledge, information or belief' is sufficient under . . . the statute.''); *Dye* v. *Kopiec,* No. 16 Civ. 2952 (LGS), 2016 U.S. Dist. LEXIS 175144, at *5 (S.D.N.Y. Dec. 16, 2016) (declaration including the phrase ''to the best of my knowledge, information and belief'' was a ''slight variation . . . [from] the affirmation prescribed by 28 U.S.C. 1746 [and] is not sufficient to reject Defendant's declaration'').

[38] *See, e.g., U.S.* v. *Hyatt,* No. 06–00260–WS, 2008 U.S. Dist. LEXIS 16253, at *6–7 (S.D. Ala. Mar. 3, 2008) (''1746 do[es] not expressly require a signature by hand. . . . It appears that courts have routinely concluded that electronic signatures have the same effect as hand signatures unless court rules provide otherwise.''); *W. Watersheds Project* v. *BLM,* 552 F. Supp. 2d 1113, 1123 (D. Nev. 2008) (declaration ''contain[ing] an indication of an electronic signature'' permitted under section 1746); *Tishcon Corp.* v. *Soundview Commc'ns, Inc.,* No. 1:04–CV–524–JEC, 2006 U.S. Dist. LEXIS 97309, at *10–12 (N.D. Ga. Feb. 14, 2006) (declaration with electronic signature permitted under section 1746, as it ''evinced [the declarant's] intention to submit sworn declarations'')

[39] *See* 17 U.S.C. 205(a). This language was added to section 205(a) in 2010 to ''make [the copyright system and] the Office's operations more efficient,'' ''facilitate [the Office's] transition to digital files and record keeping,'' and ''make it easier for filers to submit documents electronically.'' 156 Cong. Rec. S6594 (daily ed. Aug. 2, 2010) (statement of Sen. Leahy, Chairman, S. Comm. on the Judiciary); *see* Copyright Cleanup, Clarification, and Corrections Act of 2010, Public Law 111–295, 124 Stat. 3180 (2010).

[40] *See Brauneis Report* at 67–68.

to briefly describe the nature of his or her relevant copyright interest.

It is currently envisioned that whether a submission is made electronically or on paper, the remitter can, but need not, be the one to make this second set of required certifications (concerning completeness, legibility, redactions, and being a true copy of the original document). The Office understands that the actual remitter—the person logging into the electronic system or filling out the document coversheet—may be a paralegal or other support staff member, and may not necessarily be in a position to make these certifications. As a result, while the electronic system and paper cover sheet will likely have a place where the remitter can make these certifications, in order to provide greater filing flexibility, the Office also intends to permit the remitter to instead attach a separate certifying statement made by another individual. The Office will likely provide a standard form certification and require that it be used in such situations. When making a paper submission, the form would be included along with the cover sheet and document. When submitting electronically, the remitter would be able to upload a digital scan of the signed certification form.

Completeness and Legibility. As under current regulations, the Office will continue to require documents submitted for recordation to be complete and legible. The Office proposes simplifying the completeness requirement to only mandate that the document be complete by its terms, and include all referenced schedules, appendices, exhibits, addenda, or other material essential to understanding the *copyright-related* aspects of the document. This is a change from current practice, where the Office requires people to submit documents including all schedules, or provide an explanation for why such material cannot be provided. In contrast, under the proposed amendments, if, for example, a document has several schedules, but only one has any relevance to the copyright-related terms of the agreement, the document would be deemed complete so long as that schedule is included; the other schedules can be omitted. The Office sees no reason to burden remitters with having to submit and Office staff with having to review what can often be a significant volume of material completely unrelated to the copyright terms of the document.

Redactions. Currently, the Office permits documents submitted for recordation to contain redactions as an interim practice, not codified in the Office's regulations.[41] The proposed rule codifies and amends this policy. Most significantly, the proposed rule would limit redactions to certain sensitive information, including financial, trade secret, and personally identifiable information. This approach largely comports with the Brauneis Report, which suggested that ''[a] redaction regulation formulated as a list of specific redaction categories that are allowed, rather than as a general prohibition on redactions that obscure the essential terms of a transaction, may be easier for remitters to follow.'' [42]

Additionally, in response to the Brauneis Report's fear that, on the other hand, a specific list of permitted redaction categories may deter recordation in certain circumstances,[43] the Office intends to allow remitters to request and justify in writing the need to redact any other information, which the Office may permit in its discretion. It is envisioned that if the remitter is submitting the document electronically, such requests could made directly through the new system. The Office does not, however, plan to build redaction tools into the new system, so any redactions would need to be made prior to uploading the document. As under the Office's current interim guidance, blank or blocked-out portions of the document will need to be labeled ''redacted'' or an equivalent and all portions of the document required by the simplified completeness requirement must be included, even if an entire page is redacted. The proposed amendment also adds that upon request, for review purposes, the remitter may be required to supply the Office with an unredacted copy of the document or additional information about the redactions.

English Language Requirement. The Office proposes to continue accepting and recording non-English language documents only if accompanied by an English translation signed by the individual making the translation. The Office further proposes to extend the translation requirement to any indexing information provided by the remitter. Whether a document is submitted via the paper or electronic process, a translation is necessary for Office staff to review the document and confirm its eligibility for recordation. Additionally, when submitted pursuant to the paper process, the translation is also needed for staff to index the document.

For non-English language documents submitted electronically through the new system, it is anticipated that the system will be able to accommodate the remitter providing indexing information in the native language of the document, rather than in English. But, while the Office proposes to accept non-English indexing information into the electronic system, it still needs a translation of that information for review purposes. The Office also believes it in the public's best interest to continue requiring English translations and to make those translations publicly available so that those who may have an interest in a particular copyrighted work, but who may not speak the native language of a pertinent document, can still learn of the document's existence and understand its basic meaning. The Office also notes that this requirement is in accord with the U.S. Patent and Trademark Office's recordation regulations.[44] As the Office proposes to continue making all translations available for public inspection, as done currently, it also proposes that they be subject to the same redaction rules applicable to the underlying documents.

Indexed Information. Though the Office is disinclined to list specific categories of indexing information in its regulations, the Office seeks input on what indexing information the Office should ask remitters to provide. For example, document type, parties, party addresses, third-party beneficiaries, date of execution, effective date, title information (including copyright owner and author identity, alternate titles, related registration numbers, and standard identifiers for both works and authors), and related recordation numbers are among the information being contemplated.

Parties Bear Consequences of Inaccuracies. The Office intends to continue its current practice of relying on the information provided by remitters for indexing purposes and requiring parties in interest to bear the consequences of any inaccuracies in such information. The Office has previously determined that ''for the rule to result in the efficient cataloging of documents submitted for recordation, the burden for creating accurate electronic title lists, and thus the legal consequences for failing to do so, must be on the remitter.'' [45] The proposed

[41] *See* 70 FR 44049, 44051 (Aug. 1, 2005); U.S. Copyright Office, Compendium of U.S. Copyright Office Practices § 2309.9(E) (3d ed. 2014).

[42] *See Brauneis Report* at 81.

[43] *See id.*

[44] *See* 37 CFR 3.26 (''The [Patent and Trademark] Office will accept and record non-English language documents only if accompanied by an English translation signed by the individual making the translation.'').

[45] 79 FR at 55634–35 (also discussing Office's authority to do so); *accord Brauneis Report* at 93–

Continued

rule carries this conclusion to all remitter-provided information, including not just electronic title lists, but also the cover sheet accompanying paper submissions and any information provided through the new electronic recordation system. The proposed amendment also clarifies that it is not necessarily always the remitter who bears the consequences of inaccuracies. More accurately, it is the parties to the remitted document, including any successors in interest or third-party beneficiaries who bear the consequences, if any, of any inaccuracies in the information provided to the Office by the remitter.

The Office is inclined to also continue its current general practice of not permitting corrections to be made for any such inaccuracies after the document is recorded. Instead, as now, the remitter would need to resubmit the document for recordation with corrected information and it will be treated as any other first-time-submitted document, though the Office's catalog record for both the original and corrected recordations will likely be linked to make clear that an updated filing was made. For purposes of uniformity and efficiency, the Office is inclined to discontinue permitting corrections of inaccurate electronic title lists that accompany paper filings. Such errors should be treated the same as if the error was made on the cover sheet or through the new system. With the introduction of the new system and what will likely be a significant reduction in paper filings, the Office sees no reason to continue special treatment of electronic title lists going forward. To have an efficient recordation system with an affordable fee, it is simply impractical for Office staff to review all remitter-provided indexing information, which also means that it would be very difficult to review ''corrected'' submissions against the original to confirm that the remitter is not attempting to do something improper under the guise of a correction.

Recordation Certificate and Returning of Document. As before, once recorded, the document will be returned to the remitter with a certificate of recordation, as required by section 205(b). Currently, all recorded documents are digitally imaged and electronically stamped with the document's official recordation number and page numbers. This stamped copy is then printed and sent to the remitter with a paper recordation certificate. Where an original document is submitted, it is also returned. The Office intends to continue this process for paper submissions. For electronic submissions, as recommended by the Brauneis Report, the Office intends to discontinue printing and mailing certificates of recordation and stamped copies of recorded documents once the new system is launched.[46] Instead, the Office plans to email the certificate and stamped copy of the document to the remitter and make them available to the remitter electronically through his or her system account. Doing so will be faster and less expensive than continuing to manually print and mail them which will help bring down the overall recordation filing fee. The Office intends to still make paper certificates and print outs of the stamped copy of a document available to electronic filers wanting one for an additional fee.

Public Availability of Recorded Documents. Currently, while indexed information about recorded documents is available to the public through the Office's online catalog, the documents themselves are not. They are only available for in-person inspection at the Office's reading room in Washington, DC or by making a search and retrieval request. The Office plans, as recommended by the Brauneis Report,[47] to update this practice going forward by making all documents recorded after the launch of the new system available on the internet, regardless of whether the document was submitted through the new system or via the paper process described above. The Office sees no reason why someone should be required to travel to Washington, DC or to make an expensive search and retrieval request to view these records. Privacy, confidentiality, and other related concerns with making these documents available online should be allayed by the proposed redaction rules discussed above.

In the future, the Office intends to explore also making documents recorded prior to the system's introduction available online, and will issue an NPRM on the subject at a later date to address issues such as redaction.

Constructive Notice. The proposed amendment makes clear that for constructive notice under 17 U.S.C. 205(c) to attach with regard to works to which a recorded document pertains, the document must include or be accompanied by the title and copyright registration number of each such work.[48]

B. Notices of Termination

The proposed amendment to 37 CFR 201.10(f) concerning submission of notices of termination to the Copyright Office for recordation largely tracks the proposed amendment to 37 CFR 201.4 discussed above, to the extent applicable. The Office notes that it is not proposing any changes to the form, content, or manner of service of notices of termination at this time; only how they are submitted to the Office for recordation.

As with documents submitted for recordation under section 205, remitters will be able to submit notices of termination for recordation either electronically through the new system or in paper hardcopy. To record a notice, it will need to satisfy the Office's requirements, be submitted in accordance with the Office's rules and instructions, and be accompanied by the appropriate filing fee. Unlike section 205 documents, for which recordation is optional, notices of termination must be recorded with the Office ''as a condition to its taking effect.''[49] As before, the date of recordation will be the date when all of the required elements are received by the Office, and the Office may reject any notice submitted for recordation that fails to comply with the Office's rules and instructions.

Submission Requirements. The proposed requirements governing what must be submitted to the Office for recordation remain essentially unchanged. Remitters would be required to provide a complete and legible copy of the signed notice of termination as served on the grantee or successor in title. If separate copies of the same notice were served on more than one grantee or successor, only one copy would need to be submitted to the Office for recordation. The proposed amendment clarifies some ambiguity about the form of the signature appearing on the notice. The manner by which notices are to be signed is governed by paragraph (c) of 37 CFR 201.10, not paragraph (f), and the proposed rule makes clear that however the notice is signed, what must be submitted to the Office for recordation

99 (''[T]his report recommends burdening remitters . . . with the responsibility to provide accurate cataloging information . . . .'').

[46] *See Brauneis Report* at 108–09 (''Stakeholders were uniformly in favor of receiving recorded documents and certificates electronically rather than on paper.'').

[47] *See id.* at 76–83.

[48] *See* H.R. Rep. No. 94–1476, at 128 (1976) (''[S]ubsection (c) makes clear that the recorded document will give constructive notice of its contents only if two conditions are met: (1) The document or attached material specifically identifies the work to which it pertains so that a reasonable search under the title or registration number would reveal it, and (2) registration has been made for the work.''); S. Rep. No. 94–473, at 112 (1975) (same).

[49] 17 U.S.C. 203(a)(4)(A), 304(c)(4)(A), 304(d)(1).

is a copy of the as-served notice, including the reproduced image of the signature as it appeared on that served notice.

As now, the proposed rule would also require remitters to submit a statement setting forth the date on which the notice was served and the manner of service, unless that information is already contained within the notice itself. Also as under the current rule, the proposed amendment makes clear that where service was made by first class mail, the date of service is the day the notice was deposited with the post office. The Office's timeliness rule also would remain unchanged. The Office will continue to refuse notices if they are untimely. Such scenarios where a notice would be deemed untimely include when the effective date of termination does not fall within the five-year period described in section 203(a)(3) or section 304(c)(3), as applicable, the documents submitted indicate that the notice was served less than two or more than ten years before the effective date of termination, and the date of recordation is after the effective date of termination.

Lastly, the proposed rule would add a requirement for various certifications. The remitter would have to personally certify that he or she has appropriate authority to submit the notice for recordation and that all information submitted to the Office by the remitter is true, accurate, and complete to the best of the remitter's knowledge. The proposed amendment would also require submission of certifications, which need not be made by the remitter, that the copy of the notice being submitted is a true, correct, complete, and legible copy of the as-served signed notice. Procedurally, the submission of these certifications would work the same way as described above for the certifications relevant to section 205 recordations.

Submission Procedure. Electronic submission through the to-be-developed system would work basically the same as for section 205 documents discussed above, but will be tailored specifically to the needs of notices of termination. As with section 205 recordations, the new system will essentially require the remitter to provide four things: The notice to be recorded, indexing information about the notice (*i.e.,* information necessary for the Office's public catalog), assent to various certifying statements, and payment of the applicable fee. It is intended that the new system will walk remitters through the process of providing all pertinent indexing information, helping to facilitate along the way that the notice is being made pursuant to the correct statutory provision and providing guidance as to applicable time limits, among other things. The Office intends to retain a paper submission process for notices of termination that will largely track the Office's current process, but will add the requirement of a cover sheet which will serve the same function as the cover sheet required for section 205 submissions discussed above. The Office also proposes offering return receipts for notices of termination upon the same terms offered for section 205 submissions.

Parties Bear Consequences of Inaccuracies. As with section 205 documents, and for the same reasons discussed above, the Office will rely on the information provided by remitters for indexing purposes and require parties in interest to bear the consequences of any inaccuracies in such information. Similarly, the Office is also inclined in the notice of termination context to continue its current general practice of not permitting corrections to be made for any such inaccuracies after the notice is recorded. Instead, as now, the remitter would need to resubmit the notice for recordation with corrected information and it will be treated as any other first-time-submitted notice, though the Office's catalog record for both the original and corrected recordations will likely be linked to make clear that an updated filing was made.

Recordation Certificate and Returning of Notice. As with section 205 documents, and for the same reasons discussed above, for electronic submissions, the Office proposes to discontinue printing and mailing certificates of recordation and stamped copies of recorded notices of termination once the new system is launched. Instead, the Office plans to email the certificate and stamped copy of the notice to the remitter and make them available to the remitter electronically through his or her system account. The Office intends to still make paper certificates and print outs of the stamped copy of a notice of termination available to electronic filers wanting one for an additional fee.

Public Availability of Recorded Notices. The Office is disinclined to make notices of termination available online to the public, as the Office believes that all pertinent information contained in a notice of termination is contained in the indexed information made part of the Office's online public catalog. This is in contrast to documents recorded under section 205 where relevant information may be contained in the document itself, but not the catalog record. However, the Office invites comment on whether posting scans of the actual notices online would be useful and whether there are any implications involved in doing so, such as a need to permit redactions. The Office notes that the actual notices are currently available to the public for in-person inspection in its reading room or through a search and retrieval request.

List of Subjects in 37 CFR Part 201

Copyright, General provisions.

Proposed Regulations

For the reasons set forth in the preamble, the Copyright Office proposes amending 37 CFR part 201 as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

■ 2. Revise § 201.4 to read as follows:

§ 201.4 Recordation of transfers and other documents pertaining to copyright.

(a) *General.* This section prescribes conditions for the recordation of transfers of copyright ownership and other documents pertaining to a copyright under 17 U.S.C. 205. A document is eligible for recordation under this section if it meets the requirements of paragraph (d), if it is submitted in accordance with the submission procedure described in paragraph (e), of this section, and if it is accompanied by the fee specified in 37 CFR 201.3(c). The date of recordation is the date when all of the elements required for recordation, including a proper document, fee, and any additional required information, are received in the Copyright Office. After recordation the document is returned to the sender with a certificate of recordation. The Office may reject any document submitted for recordation that fails to comply with 17 U.S.C. 205 or the requirements of this section.

(b) *Documents not recordable under this section.* This section does not govern the filing or recordation of the following documents:

(1) Certain contracts entered into by cable systems located outside of the 48 contiguous States (17 U.S.C. 111(e); see 37 CFR 201.12);

(2) Notices of identity and signal carriage complement, and statements of account of cable systems and satellite carriers and for digital audio recording devices and media (17 U.S.C. 111(d), 119(b), and 1003(c); see 37 CFR 201.11, 201.17, 201.28);

(3) Notices of intention to obtain compulsory license to make and

distribute phonorecords of nondramatic musical works (17 U.S.C. 115(b); see 37 CFR 201.18);

(4) Notices of termination (17 U.S.C. 203, 304(c) and (d); see 37 CFR 201.10);

(5) Statements regarding the identity of authors of anonymous and pseudonymous works, and statements relating to the death of authors (17 U.S.C. 302);

(6) Documents pertaining to computer shareware and donation of public domain software (Pub. L. 101–650, sec. 805; see 37 CFR 201.26);

(7) Notifications from the clerks of the courts of the United States concerning actions brought under title 17, United States Code (17 U.S.C. 508);

(8) Notices to libraries and archives of normal commercial exploitation or availability at reasonable prices (17 U.S.C. 108(h)(2)(C); see 37 CFR 201.39);

(9) Submission of Visual Arts Registry Statements (17 U.S.C. 113; see 37 CFR 201.25);

(10) Notices and correction notices of intent to enforce restored copyrights (17 U.S.C. 104A(e); see 37 CFR 201.33, 201.34); and

(11) Designations of agents to receive notifications of claimed infringement (17 U.S.C. 512(c)(2); see 37 CFR 201.38).

(c) *Definitions.* For purposes of this section:

(1) A *transfer of copyright ownership* has the meaning set forth in 17 U.S.C. 101.

(2) A *document pertaining to a copyright* is any document that has a direct or indirect relationship to the existence, scope, duration, or identification of a copyright, or to the ownership, division, allocation, licensing, or exercise of rights under a copyright. That relationship may be past, present, future, or potential.

(3) An *actual signature* is any legally binding signature, including an electronic signature as defined in 15 U.S.C. 7006.

(4) A *sworn certification* is a statement made in accordance with 28 U.S.C. 1746 that the copy of the document submitted for recordation is, to the best of the certifier's knowledge, a true copy of the original, signed document. A sworn certification must be signed by at least one of the parties to the signed document, any person having an interest in a copyright to which the document pertains, or the authorized representative of such person or party. A sworn certification may be signed electronically whether submitted electronically or on paper.

(5) An *official certification* is a certification, by the appropriate governmental official, that the original of the document is on file in a public office and that the copy of the document submitted for recordation is a true copy of the original. An official certification may be signed electronically whether submitted electronically or on paper.

(d) *Document requirements.*

(1) *Original or certified copy.* The remitter must submit either the original document that bears the actual signatures of the persons who executed it, or a copy of the original, signed document accompanied by a sworn certification or an official certification. All documents submitted via the electronic submission process in paragraph (e)(1) of this section, and all documents lacking a handwritten, wet signature (including all documents bearing an electronic signature) submitted through either the paper or electronic submission process, are considered to be copies of the original, signed document, and must be accompanied by a sworn certification or an official certification. Where an actual signature is not a handwritten or typewritten name, such as when an individual clicks a button on a Web site or application to agree to terms of use, the remitter must submit documentation evidencing the existence of the signature, which the Office will assess on a case-by-case basis to determine eligibility for recordation. For example, the remitter could append a database entry or confirmation email showing that a particular user agreed to the terms of use by clicking ''yes'' on a particular date.

(2) *Completeness.* Each document submitted for recordation must be, and certified to be, complete by its terms, and include all referenced schedules, appendices, exhibits, addenda, or other material essential to understanding the copyright-related aspects of the document.

(3) *Legibility.* Each document submitted for recordation must be, and certified to be, legible.

(4) *Redactions.* The Office will accept and make available for public inspection redacted documents provided—

(i) The redactions are limited to financial terms, trade secret information, social security or taxpayer-identification numbers, and financial account numbers, or the need for any redactions is justified to the Office in writing and approved by the Office;

(ii) The blank or blocked-out portions of the document are labeled ''redacted'' or the equivalent;

(iii) Each portion of the document required by paragraph (d)(2) of this section is included; and

(iv) Upon request, information regarding any redactions and/or an unredacted version of the document is provided to the Office for review.

(5) *English language requirement.* The Office will accept and record non-English language documents and indexing information only if accompanied by an English translation signed by the individual making the translation. All translations will be made available for public inspection and may be redacted in accordance with paragraph (d)(4) of this section.

(6) *Titles of works and registration numbers.* With regard to a work to which a document pertains, to provide constructive notice of the facts stated in the document under 17 U.S.C. 205(c), the document must include or be accompanied by the title and copyright registration number of such work. Documents that do not provide such information will still be recorded by the Office, but will not provide such constructive notice with regard to such work.

(e) *Submission procedure.*

(1) *Electronic submission.* The Copyright Office has established an electronic system for submission of documents for recordation, available through the Copyright Office's Web site. Remitters must follow all instructions provided by the Office for use of that system, including by providing all indexing information requested by the Copyright Office. A remitter using the electronic system must upload an electronic copy of the document in the format requested by the system, provide all of the information requested by the system, and use the system to pay the required fee. Any document submitted for recordation through the electronic system must be accompanied by a certification, which must be made through the system, stating that the uploaded copy of the document is a true, correct, complete, and legible copy of the original, and if redacted, is redacted in accordance with paragraph (d)(4) of this section.

(2) *Paper submission.*

(i) *Process.* A document may be submitted for recordation by sending it to the appropriate address in 37 CFR 201.1(b) or to such other address as the Office may specify, accompanied by a cover sheet, the proper fee, and, if applicable, any electronic title list. Absent special arrangement with the Office, the Office will not process the submission unless all of the items necessary for processing are received together.

(ii) *Cover sheet required.* Paper submission of a document must include a completed Recordation Document Cover Sheet (Form DCS), available on the Copyright Office Web site. Form

DCS may be used to provide a sworn certification, if appropriate, and to certify that the submitted document is complete, legible, and if redacted, redacted in accordance with paragraph (d)(4) of this section.

(iii) *Electronic title list.* In addition to identifying the works to which the document pertains in the paper submission, the remitting party may also submit an electronic list setting forth each such work. The electronic list will not be considered part of the recorded document, but will only be used by the Office for indexing purposes. Absent special arrangement with the Office, the electronic list must be included in the same package as the paper document to be recorded. The electronic list must be prepared and submitted to the Office in the manner specified by the Copyright Office in instructions it posts on its Web site. The Office may reject any document submitted for recordation that includes an improperly prepared electronic title list.

(iv) *Return receipt.* For paper submissions, if a remitter includes two copies of a properly completed Form DCS indicating that a return receipt is requested, as well as a self-addressed, postage-paid envelope, the remitter will receive a date-stamped return receipt acknowledging the Copyright Office's receipt of the enclosed submission. The completed copies of Form DCS and the self-addressed, postage-paid envelope must be included in the same package as the submitted document. A return receipt confirms the Office's receipt of the submission as of the date indicated, but does not establish eligibility for, or the date of, recordation.

(3) *Remitter certification.* Whether making an electronic or paper submission, the remitter must certify that he or she has appropriate authority to submit the document for recordation and that all information submitted to the Office by the remitter is true, accurate, and complete to the best of the remitter's knowledge.

(f) *Parties to bear consequences of inaccuracies.* For purposes of indexing recorded documents in the Copyright Office's public catalog, the Office will rely on the information provided by the remitter via either the electronic recordation system or Form DCS (along with the accompanying electronic title list, if provided). The parties to the document remitted, including any successors in interest or third-party beneficiaries, will bear the consequences, if any, of any inaccuracies in the information the remitter has provided.

(g) *Public availability of recorded documents.* Documents accepted for recordation after [EFFECTIVE DATE OF RULE] will be posted publicly on the internet as submitted, including with any redactions made by the remitter.

■ 3. Revise § 201.10(f) to read as follows:

§ 201.10 Notices of termination of transfers and licenses.

* * * * *

(f) *Recordation.* A copy of a notice of termination shall be recorded in the Copyright Office as required by 17 U.S.C. 203(a)(4)(A), 17 U.S.C. 304(c)(4)(A), or 17 U.S.C. 304(d)(1) if it meets the requirements of paragraph (f)(1), is submitted in compliance with paragraph (f)(2) of this section, and is accompanied by the fee prescribed by 37 CFR 201.3(c). The Office may reject any notice submitted for recordation that fails to comply with 17 U.S.C. 203(a), 17 U.S.C. 304(c), 17 U.S.C. 304(d), or the requirements of this section.

(1) *Requirements.* The following requirements must be met before a copy of a notice of termination may be recorded in the Copyright Office.

(i) *What must be submitted.* (A) *Copy of notice of termination.* A copy of a notice of termination submitted for recordation must be, and certified to be, a complete and legible copy of the signed notice of termination as served. Where separate copies of the same notice were served on more than one grantee or successor in title, only one copy need be submitted for recordation.

(B) *Statement of service.* The copy submitted for recordation must be accompanied by a statement setting forth the date on which the notice was served and the manner of service, unless such information is contained in the notice. In instances where service is made by first class mail, the date of service shall be the day the notice of termination was deposited with the United States Postal Service.

(ii) *Timeliness.* (A) The Copyright Office will refuse recordation of a notice of termination as such if, in the judgment of the Copyright Office, such notice of termination is untimely. Conditions under which a notice of termination will be considered untimely include: The effective date of termination does not fall within the five-year period described in section 203(a)(3) or section 304(c)(3), as applicable, of title 17, United States Code; the documents submitted indicate that the notice of termination was served less than two or more than ten years before the effective date of termination; or the date of recordation is after the effective date of termination.

(B) If a notice of termination is untimely, the Office will offer to record the document as a ''document pertaining to copyright'' pursuant to 37 CFR 201.4, but the Office will not index the document as a notice of termination.

(C) In any case where an author agreed, prior to January 1, 1978, to a grant of a transfer or license of rights in a work that was not created until on or after January 1, 1978, a notice of termination of a grant under section 203 of title 17 may be recorded if it recites, as the date of execution, the date on which the work was created.

(2) *Submission procedure.*

(i) *Electronic submission.* The Copyright Office has established an electronic system for submission of notices of termination for recordation, available through the Copyright Office's Web site. Remitters must follow all instructions provided by the Office for use of that system, including by providing all indexing information requested by the Copyright Office. A remitter using the electronic system must upload an electronic copy of the notice of termination in the format requested by the system, provide all of the information requested by the system, and use the system to complete the statement of service required under paragraph (f)(1)(i)(B) of this section and to pay the required fee. Any notice submitted for recordation through the electronic system must be accompanied by a certification, which must be made through the system, stating that the uploaded copy of the notice of termination is a true, correct, complete, and legible copy of the as-served signed notice.

(ii) *Paper submission.* (A) *Process.* A paper copy of a notice of termination may be submitted for recordation by sending it to the appropriate address in 37 CFR 201.1(c) or to such other address as the Office may specify, accompanied by a cover sheet, the statement of service, and the proper fee.

(B) *Cover sheet required.* Paper submission of a copy of a notice of termination must be accompanied by a completed Recordation Notice of Termination Cover Sheet (Form TCS), available on the Copyright Office Web site. Form TCS may be used to provide the statement of service and to certify that the submitted copy of the notice is a true, correct, complete, and legible copy of the as-served signed notice.

(C) *Return receipt.* For paper submissions, if a remitter includes two copies of a properly completed Form TCS indicating that a return receipt is requested, as well as a self-addressed,

postage-paid envelope, the remitter will receive a date-stamped return receipt acknowledging the Copyright Office's receipt of the enclosed submission. The completed copies of Form TCS and the self-addressed, postage-paid envelope must be included in the same package as the submitted notice. A return receipt confirms the Office's receipt of the submission as of the date indicated, but does not establish eligibility for, or the date of, recordation.

(iii) *Remitter certification.* Whether making an electronic or paper submission, the remitter must certify that he or she has appropriate authority to submit the notice for recordation and that all information submitted to the Office by the remitter is true, accurate, and complete to the best of the remitter's knowledge.

(3) *Date of recordation.* The date of recordation is the date when all of the elements required for recordation, including the prescribed fee and, if required, the statement of service referred to in paragraph (f)(2)(ii) of this section, have been received in the Copyright Office. After recordation, the notice, including any accompanying statement, is returned to the sender with a certificate of recordation.

(4) *Effect of recordation.* The fact that the Office has recorded the notice does not mean that it is otherwise sufficient under the law. Recordation of a notice of termination by the Copyright Office is without prejudice to any party claiming that the legal and formal requirements for effectuating termination (including service of the notice of termination) have not been met, including before a court of competent jurisdiction.

(5) *Parties to bear consequences of inaccuracies.* For purposes of indexing recorded notices in the Copyright Office's public catalog, the Office will rely on the information provided by the remitter via either the electronic recordation system or Form TCS (along with any accompanying statement of service, if provided). The grantors and grantees associated with the notice of termination, including any successors in interest, will bear the consequences, if any, of any inaccuracies in the information the remitter has provided.

Dated: May 10, 2017.

Sarang V. Damle,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2017–09810 Filed 5–17–17; 8:45 am]

BILLING CODE 1410–30–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[GN Docket No. 13–111; FCC 17–25]

Promoting Technological Solutions To Combat Contraband Wireless Device Use in Correctional Facilities

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission seeks additional comment on a broad range of steps the Commission can take to help eliminate the problem of contraband wireless devices in correctional facilities. In particular, the Commission proposes a process for wireless providers to disable contraband wireless devices once they have been identified. The Commission seeks comment on additional methods and technologies that might prove successful in combating contraband device use in correctional facilities, and on various other proposals related to the authorization process for contraband interdiction systems and the deployment of these systems.

DATES: Interested parties may file comments on or before June 19, 2017, and reply comments on or before July 17, 2017.

ADDRESSES: You may submit comments, identified by GN Docket No. 13–111, 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): *http://fjallfoss.fcc.gov/ecfs2/.* See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. Generally if more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Commenters are only required to file copies in GN Docket No. 13–111.
- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

FOR FURTHER INFORMATION CONTACT: Melissa Conway, *Melissa.Conway@fcc.gov,* of the Wireless Telecommunications Bureau, Mobility Division, (202) 418–2887. For additional information concerning the PRA information collection requirements contained in this document, contact Cathy Williams at (202) 418–2918 or send an email to *PRA@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking (*FNPRM*) in GN Docket No. 13–111, FCC 17–25, released on March 24, 2017. The complete text of the *FNPRM* is available for viewing via the Commission's ECFS Web site by entering the docket number, GN Docket No. 13–111. The complete text of the *FNPRM* is also available for public inspection and copying from 8:00 a.m. to 4:30 p.m. Eastern Time (ET) Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 202–488–5300, fax 202–488–5563.

This proceeding shall continue to be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules (47 CFR 1.1200 *et seq.*). Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons

attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

The Commission will send a copy of the *FNPRM* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

I. FNPRM

1. The use of contraband wireless devices in correctional facilities to engage in criminal activity poses a significant and growing security challenge to correctional facility administrators, law enforcement authorities, and the general public.

2. As a general matter, there are primarily two categories of technological solutions currently deployed today in the U.S. to address the issue of contraband wireless device use in correctional facilities: Managed access and detection. A managed access system (MAS) is a micro-cellular, private network that typically operates on spectrum already licensed to wireless providers offering commercial subscriber services in geographic areas that include a correctional facility. These systems analyze transmissions to and from wireless devices to determine whether the device is authorized or unauthorized by the correctional facility for purposes of accessing wireless carrier networks. A MAS utilizes base stations that are optimized to capture all voice, text, and data communications within the system coverage area. When a wireless device attempts to connect to the network from within the coverage area of the MAS, the system cross-checks the identifying information of the device against a database that lists wireless devices authorized to operate in the coverage area. Authorized devices are allowed to communicate normally (*i.e.,* transmit and receive voice, text, and data) with the commercial wireless network, while transmissions to or from unauthorized devices are terminated. A MAS is capable of being programmed not to interfere with 911 calls. The systems may also provide an alert to the user notifying the user that the device is unauthorized. A correctional facility or third party at a correctional facility may operate a MAS if authorized by the Commission, and this authorization has, to date, involved agreements with the wireless providers serving the geographic area within which the correctional facility is located, as well as spectrum leasing applications approved by the Commission.

3. Detection systems are used to detect devices within a correctional facility by locating, tracking, and identifying radio signals originating from a device. Traditionally, detection systems use passive, receive-only technologies that do not transmit radio signals and do not require separate Commission authorization. However, detection systems have evolved with the capability of transmitting radio signals to not only locate a wireless devices, but also to obtain device identifying information. These types of advanced transmitting detection systems also operate on frequencies licensed to wireless providers and require separate Commission authorization, also typically through the filing of spectrum leasing applications reflecting wireless provider agreement.

4. The Commission has taken a variety of steps to facilitate the deployment of technologies by those seeking to combat the use of contraband wireless devices in correctional facilities, including authorizing spectrum leases between CMRS providers [1] and MAS providers and granting Experimental Special Temporary Authority (STA) for testing managed access technologies, and also through outreach and joint efforts with federal and state partners and industry to facilitate development of viable solutions. In addition, Commission staff has worked with stakeholder groups, including our federal agency partners, wireless providers, technology providers, and corrections agencies, to encourage the development of technological solutions to combat contraband wireless device use while avoiding interference with legitimate communications.

5. On May 1, 2013, the Commission issued the *Notice of Proposed Rulemaking* (*NPRM)* (78 FR 36469, June 18, 2013) in this proceeding in order to examine various technological solutions to the contraband problem and proposals to facilitate the deployment of these technologies. In the *NPRM,* the Commission proposed to require CMRS licensees to terminate service to detected contraband wireless devices within correctional facilities pursuant to a qualifying request from an authorized party and sought comment on any other proposals that would facilitate the deployment of traditional detection systems. Technology has evolved such that many advanced detection systems are designed to transmit radio signals typically already licensed to wireless providers in areas that include correctional facilities. Consequently, operators of these types of advanced detection systems require Commission authorization. Accordingly, we will refer to any system that transmits radio communication signals comprised of one or more stations used only in a correctional facility exclusively to prevent transmissions to or from contraband wireless devices within the boundaries of the facility and/or to obtain identifying information from such contraband wireless devices as a Contraband Interdiction System (CIS).[2] By definition, therefore, the processes proposed in the *FNPRM* are limited to correctional facilities' use.

[1] Unless otherwise specifically clarified herein, for purposes of the *FNPRM,* we use the terms CMRS provider, wireless provider, and wireless carrier interchangeably. These terms typically refer to entities that offer and provide subscriber-based services to customers through Commission licenses held on commercial spectrum in geographic areas that might include correctional facilities.

[2] For purposes of the *FNPRM,* ''contraband wireless device'' refers to any wireless device, including the physical hardware or part of a device—such as a subscriber identification module (SIM)—that is used within a correctional facility in violation of federal, state, or local law, or a correctional facility rule, regulation, or policy. We use the phrase ''correctional facility'' to refer to any facility operated or overseen by federal, state, or local authorities that houses or holds criminally charged or convicted inmates for any period of time, including privately owned and operated correctional facilities that operate through contracts with federal, state, or local jurisdictions.

Disabling Contraband Wireless Devices in Correctional Facilities

6. In the *NPRM,* the Commission sought comment on each of the steps involved in the process of terminating service to contraband wireless devices, including the information that the correctional facility must transmit to the provider to effectuate termination, the timing for carrier termination, the method of authenticating a termination request, and other issues. CellAntenna has proposed a termination process that includes minimum standards for detection equipment, the form of notice to the carrier, and a carrier response process that consists of a set of deadlines for responding, based on the volume of reports or inquiries the carrier receives concerning contraband wireless devices. Under this staged response obligation, the carriers would have a longer time to respond if they receive a large number of requests, ranging from one hour to 24 hours after receipt of notice. CellAntenna encourages the Commission to determine a ''reasonable'' time frame for service suspension.

7. Commenting parties focused substantially on the issue of liability associated with termination, and their alternative proposal that termination should be required only pursuant to a court order. Wireless carriers expressed concern that the proposed termination process would require carriers to investigate requests and risk erroneous termination, which could endanger safety and create potential liability. Instead, the carriers argue, the Commission should amend its proposed termination rules to require that requests to terminate be executed pursuant to an order from a court of relevant jurisdiction. Other commenters, however, reject the notion that court-ordered termination is necessary in order to protect carriers from liability in the event of erroneous termination, and argue that the Commission's role in managing the public's use of spectrum empowers it to require carriers to terminate service to unlawful devices, irrespective of whether the request is made by the FCC, a court order, or upon the request of an authorized prison official.

8. We seek further comment on a Commission rule-based process regarding the disabling of contraband wireless devices where certain criteria are met, including a determination of system eligibility and a validation process for qualifying requests designed to address many wireless provider concerns. We clarify that a disabling process would involve participation by stakeholders to effectively implement a Commission directive to disable such devices, and would in no way represent a delegation of authority to others to compel such disabling. We recognize that wireless providers favor a court-ordered termination process as an alternative, but requiring court orders might be unnecessarily burdensome. Based on the comments filed in the record, moreover, it is far from clear that a CMRS provider that terminates service to a particular device based on a qualifying request would be exposed to any form of liability. Indeed, we welcome comment from CMRS providers on the scope of their existing authority under their contracts and terms of service with consumers to terminate service. Commenters who agree with the view that a court-ordered approach is preferable should specifically address why termination pursuant to a federal requirement, *i.e.,* Commission directive, does not address liability concerns as well as termination pursuant to court order. We note that the current record does not sufficiently demonstrate that reliance on the wireless providers' alternative court-ordered approach in lieu of the proposed rule-based approach discussed below would achieve one of the Commission's overall goals in this proceeding of facilitating a comprehensive, nationwide solution. We also note that the record does not reflect persuasive evidence of successful voluntary termination of service to contraband wireless devices in correctional facilities by the CMRS licensees, even where there is evidence of a growing problem.

9. To the extent commenters continue to support a court-ordered approach, we seek specific comment on the particulars of the requested court-ordered process to evaluate and compare it to a Commission disabling process: Who is qualified to seek a court order and with what specific information or evidence? To whom is the request submitted and how is the court order implemented? How can existing processes carriers use for addressing law enforcement requests/subpoenas apply in the contraband wireless device context? Does the success of a court-ordered process depend on the extent to which a particular state has criminalized wireless device use in correctional facilities? Additionally, given the acknowledged nationwide scope and growth of the contraband wireless device problem, how would CIS and wireless providers navigate the myriad fora through which requests for termination might flow, potentially requiring engagement with a wide variety of state or federal district attorneys' offices; federal, state or county courts; or local magistrates? In this regard, we seek examples of successfully issued and implemented court orders terminating service to contraband wireless devices, as well as demonstrations that court orders can be effective at scale and not overly burdensome or time-consuming to obtain and effectuate in this context.

10. Commission Authority. In the *NPRM,* the Commission stated its belief that the Commission has authority under section 303 to require CMRS licensees to terminate service to contraband wireless devices. AT&T recognizes the Commission's authority pursuant to section 303 to require termination, but argues that deactivation must be ordered by a court or the FCC because the Commission cannot lawfully delegate its statutory authority to a third party, such as a state corrections officer. In response, Boeing and Triple Dragon reject AT&T's position, arguing that the proposed termination process does not raise any issues of delegation, as the Commission has clear authority to require carriers to terminate service to unauthorized devices upon receiving a Commission-mandated qualifying request. Section 303 provides the Commission authority to adopt rules requiring CMRS carriers to disable contraband wireless devices (*see* 47 U.S.C. 303; see also 154(i)). Pursuant to section 303(b), the Commission is required to prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class. Additionally, section 303(d) requires the Commission to determine the location of classes of stations or individual stations, and section 303(h) grants the Commission the authority to establish areas or zones to be served by any station. When tied together with section 303(r), which requires the Commission to make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this chapter, these provisions empower the Commission to address these issues.

11. Further, with respect to wireless carrier arguments that any proposal for requests by departments of corrections based on CIS-collected data seeking disabling of contraband wireless devices is an unlawful delegation of authority, we clarify that any such request would be pursuant to an adopted Commission rule mandating disabling where certain criteria are met. Such criteria, as discussed in detail below, include

various factors involving the deployment of CIS technologies. The Commission's authority under section 303 to regulate the use of spectrum in the public interest necessarily includes the authority to promulgate rules requiring regulated entities to terminate unlawful use of spectrum where certain indicia are met. We seek comment on a process by which carriers would be required to disable contraband devices identified through CIS systems deemed eligible by the Commission. The Commission would not be delegating decision-making authority regarding the disabling of contraband wireless devices.

12. Disabling of Contraband Wireless Devices in Correctional Facilities. We seek comment on a process whereby CMRS licensees would disable contraband wireless devices in correctional facilities detected by an eligible CIS when they receive a qualifying request from an authorized party. We seek comment on a range of issues, including CIS eligibility, what constitutes a qualifying request, and specifics regarding the carrier disabling process. We clarify that CIS systems operating solely to prevent calls and other communications from contraband wireless devices, described in the *Notice* as MASs, would not be subject to these eligibility criteria, unless the department of corrections/CIS provider seeks to use the information received from such a system to request, through Commission rules, contraband wireless device disabling.

13. Numerous individual state departments of corrections support the Commission's proposal to mandate termination of service to contraband wireless devices. For example, the Chief Information Officer of the Texas Department of Criminal Justice encourages implementation of a termination of service process, including criteria establishing a maximum allowable time limit for termination of service upon proper notification by an authorized correctional official. The Minnesota Department of Corrections supports a nationally standardized protocol for identifying contraband wireless devices and notification to the carrier. The Florida Department of Corrections also supports the standardization of information required to be provided by correctional facilities to service providers for termination of service and of the method of submission of information. The Mississippi Department of Corrections supports a Commission mandate to terminate service to contraband wireless devices, noting that it has made efforts to terminate service by seeking court orders with the cooperation of some wireless providers, that not all providers have been cooperative, and that a Commission rule would save time and resources used in obtaining a court order.

14. Several commenters express concern regarding the validation process and accuracy of termination information relayed to the carriers to implement termination of service to contraband wireless devices in correctional facilities. The carriers assert that the record simply does not contain sufficient information to define a process for termination at this time. AT&T suggests that there must be a validation process whereby carriers have the opportunity to confirm the accuracy of the termination information. AT&T is concerned that if there is not an FCC or court order compelling termination, the carrier bears the responsibility for deciding whether to terminate service to a particular device. Verizon also expresses significant concern regarding the dearth of carrier experience with handling termination requests. Verizon contends that carriers have material concerns regarding the ability of detection systems to accurately identify contraband devices, the security and authenticity of the termination requests being transmitted to carriers, and the potential liability of carriers for erroneous termination. Verizon believes that carriers require accurate information about the MIN and the device MDN,[3] and therefore the Commission should review and certify managed access and detection systems. Verizon also recommends that termination requests be transmitted via secure transmission paths such as secure web portals that already exist to receive court-ordered termination requests.

15. Furthermore, Verizon claims that, due to the lack of information in the record, it is impossible at this time to determine important details about termination requests, such as how many entities will be making such requests, how frequently those requests will be made, and how many devices carriers will be asked to terminate in each request. As a result, Verizon states, carriers have no way of assessing the costs of processing termination requests or the systems that will have to be in place. CTIA concurs that, in light of the complexities in the termination proposal, the Commission should certify detection systems and validate that a detection system is working properly and capturing accurate, necessary information regarding the unauthorized devices. One managed access provider, CellBlox, opposes proposals to require termination of service to contraband wireless devices not only as unworkable and burdensome to correctional facilities, but also as raising too many unanswered questions regarding the specifics of the termination process.

16. Tecore is a proponent of MASs as the preferred solution to the contraband problem, but is not opposed to detection and termination solutions used in conjunction with MAS, if the Commission establishes the specifics for a termination process. To the extent that the Commission decides to mandate termination procedures, Tecore implores the Commission to define specific information that the correctional facility must transmit to the carrier in order to effectuate a termination, including device information, criteria for concluding that a device is contraband, a defined interface for accepting or rejecting a request, a defined timeframe, and procedures for protesting or reinstating an invalid termination.

17. Triple Dragon supports Commission regulations governing the detection and termination of service to contraband wireless devices and urges the Commission to revise its rules to accommodate an equipment certification process for detection systems. With regard to the timeframe for carriers to terminate service subsequent to a request, Triple Dragon suggests that immediate termination is necessary for public safety and that termination should be based on clear data indicating that the device is operating in violation of federal or state law or prison policy. Boeing contends that performance standards or additional technical requirements for passive detection systems are unnecessary and impractical. Boeing highlights that, despite numerous and lengthy trials of detection technology at various facilities around the country, there have been no reports of misidentification. Indeed, Boeing believes that there is a lack of evidence to warrant the imposition of technical requirements for detection systems, noting that the record does not show an appreciable risk of misidentification, nor does it support the imposition of burdensome technical standards to address this hypothetical risk.

18. Other stakeholders encourage the Commission to foster the development of all solutions to combat contraband wireless devices in correctional facilities, including detection and

[3] MIN is the mobile identification number and MDN is the mobile directory number. The MIN and the MDN are used by CDMA devices.

termination. The supporters of termination include providers of inmate calling services. Securus recommends that the Commission should not preclude any of these alternatives and should support the testing and implementation of all these options. Further, Securus suggests that the FCC should take a firm stance that CMRS providers must cooperate with correctional facilities to quickly terminate service to detected contraband devices. GTL supports the Commission's proposal to require wireless carriers to terminate service to contraband wireless devices, without the need for a court order. GEO, a private manager and operator of correctional facilities, agrees with the Commission's proposal to require carriers to terminate service to contraband wireless devices within one hour of receipt of notice from a qualifying authority. GEO recommends a broad definition of qualifying authority that would include wardens of both private and public correctional facilities. ACA urges the Commission to permit the corrections community to employ every possible tool in the toolbox to combat contraband wireless devices in correctional facilities, including immediate termination of service by carriers upon notification by any public safety agency pursuant to a standardized process. Acknowledging the carriers' concern about potential liability for erroneous termination, ACA suggests that the Commission adopt rules granting carriers protection while acting in good faith and for public safety to further protect the carriers above and beyond the language in the customer contracts.

19. After careful consideration of the record, we seek further comment on a process whereby CMRS licensees would disable contraband wireless devices in correctional facilities detected by an eligible CIS pursuant to a qualifying request that includes, *inter alia,* specific identifying information regarding the device and the correctional facility. We seek to ensure that any disabling process will completely disable the contraband device itself and render it unusable, not simply terminate service to the device as the Commission had originally proposed in the *NPRM.* We seek comment on whether a process should include a required FCC determination of eligibility of CISs to ensure the systems satisfy minimum performance standards, appropriate means of requesting the disabling, and specifics regarding the required carrier response. We seek specific comment on all aspects of the process as well as the costs and benefits of their implementation.

20. Eligibility of CISs. We seek to ensure that the systems detecting contraband wireless devices first meet certain minimum performance standards in order to minimize the risk of disabling a non-contraband wireless device. We therefore seek comment on whether it is necessary to determine in advance whether a CIS meets the threshold for eligibility to be the basis for a subsequent qualifying request for device disabling, which might facilitate contracts between stakeholders, for example departments of corrections and CIS providers, and appropriate spectrum leasing arrangements, typically between CIS providers and wireless providers. We envision that any eligibility determination would not at this stage assess the CIS's characteristics related to a specific deployment at a certain correctional facility, but rather a CIS's overall methodology for system design and data analysis that could be included in a qualifying request, where more specific requirements must be met for device disabling. We seek comment on whether a CIS operator seeking wireless provider disabling of contraband wireless devices in a correctional facility should first be deemed an eligible CIS by the Commission, and whether the Commission should periodically issue public notices listing all eligible CISs. We seek comment on the following potential criteria for determining eligibility: (1) All radio transmitters used as part of the CIS have appropriate equipment authorization pursuant to Commission rules; (2) the CIS is designed and will be configured to locate devices solely within a correctional facility,[4] can secure and protect the collected information, and is capable of being programmed not to interfere with emergency 911 calls; and (3) the methodology to be used in analyzing data collected by the CIS is sufficiently robust to provide a high degree of certainty that the particular wireless device subject to a later disabling request is in fact located within a correctional facility. We also seek comment on the appropriate format for requesting eligibility, taking into consideration our goal of reducing burdens and increasing administrative efficiency.

21. We seek further comment on the costs, benefits, and burdens to potential stakeholders of requiring CIS eligibility before qualifying disabling requests can be made to wireless providers and whether the stated eligibility criteria adequately address concerns expressed in the record regarding improper functioning of CIS systems and inaccurately identifying contraband devices. If commenters disagree, we seek comment on what additional eligibility criteria would ensure the accuracy and authenticity of CISs. For example, should we require testing or demonstrations at a specific correctional facility prior to making a CIS eligibility determination? If so, what type of tests would be appropriate? How should signals be measured and what criteria should be used to evaluate such tests? Importantly, should such a testing requirement be part of the initial eligibility assessment or should it part of what constitutes a qualifying request? If testing were part of a general eligibility assessment, would such additional testing at a specific site be unduly burdensome or unnecessarily delay or undermine either state RFP processes or spectrum lease negotiations? Would parties enter into agreements and lease arrangements where a CIS had not yet been deemed eligible? Should we require that a CIS be able to identify the location of a wireless device to within a certain distance? Is such an accuracy requirement unnecessary or would it be beneficial in assessing the merits of a CIS design and reducing the risk of capturing non-contraband devices? Should any eligibility determination be subject to a temporal component, for example, requiring a representation on an annual basis that the basic system design and data analysis methodology have not materially changed, and should the CIS operator be required to provide the Commission with periodic updates on substantial system changes, upgrades, or redesign of location technology? Should eligibility be contingent on the submission of periodic reports detailing any incidents during the applicable period where devices were erroneously disabled? Should the eligibility criteria be different depending on whether the facility is in a rural or urban area, or whether the CIS provider, the correctional facility, or the CMRS licensee is large or small? Commenters should be specific in justifying any proposed additional minimum standards for CIS eligibility, including the costs and benefits to stakeholders.

22. Qualifying Request. In addition to ensuring that CISs meet certain performance standards in order to minimize the risk of error, we also seek

[4] To comply with this criteria, a CIS operator may need to employ a range of mitigation techniques that might vary depending on the location of the correctional facility, as rural v. urban facilities differ substantially regarding their proximity to the general public.

to ensure that an authorized party provides the information necessary for a wireless provider to disable contraband wireless devices. We seek comment on potentially requiring CMRS licensees to comply with a disabling process upon receipt of a qualifying request made in writing and transmitted via a verifiable transmission mechanism.[5] We seek comment on whether the qualifying request must be transmitted (1) by the Commission (including, potentially, by the contraband wireless device ombudsperson referenced above), upon the request of a Designated Correctional Facility Official (DCFO); or (2) by the DCFO. We seek comment on whether we should define the DCFO as a state or local official responsible for the facility where the contraband device is located. We seek specific comment on the costs and benefits of these two approaches to the transmission of the qualifying request, both in terms of timeliness and any perceived liability concerns.

23. We seek comment on whether carrier concerns about the authenticity of termination requests are best addressed by requiring that a request to disable be initiated by a state or local official responsible for the correctional facility, who arguably has more responsibility and oversight in the procurement of a CIS for correctional facilities than a warden or other prison official or employee, as suggested in the record. A review of our ULS and OET databases reflects that, to date, requests for Commission authorization of CISs have only been in state correctional facilities, but we seek to facilitate a wide range of deployments where possible to achieve a more nationwide solution, including within federal and/or local correctional facilities that may seek to deploy CIS. We also seek specific comment on the extent to which, as Verizon claims, carriers have existing secure electronic means used to receive court-ordered termination requests, which could be leveraged to transmit and receive disabling requests from correctional facilities that employ CISs.

24. We seek comment on whether a qualifying disabling request should include a number of certifications by the DCFO, as well as device and correctional facility information. Should the DCFO certify in the qualifying request that (1) an eligible CIS was used in the correctional facility, and include evidence of such eligibility; (2) the CIS is authorized for operation through a license or Commission approved lease agreement, referencing the applicable ULS identifying information; (3) the DCFO has contacted all CMRS licensees providing service in the area of the correctional facility for which it will seek device disabling in order to establish a verifiable transmission mechanism for making qualifying requests and for receiving notifications from the licensee; and (4) it has substantial evidence that the contraband wireless device was used in the correctional facility, and that such use was observed within the 30 day period immediately prior to the date of submitting the request? We seek comment on this process and any methods in which the Commission can facilitate interaction between the authorized party and the CMRS licensees during the design, deployment, and testing of CISs. For example, would it be useful for the Commission to maintain a list of DCFOs? What role could the contraband ombudsperson play in facilitating the interaction between DCFOs and CMRS licensees?

25. Finally, we seek comment on whether a qualifying request should include specific identifying information regarding the device and the correctional facility. Should the request include device identifiers sufficient to uniquely describe the device in question and the licensee providing CMRS service to the device? We seek comment on whether including the CMRS licensee is warranted if the request is made directly to the Commission, but unnecessary if the request is made directly from a DCFO to the CMRS licensee able to confirm that the device is a subscriber on its network. With regard to device identifiers, we seek specific comment on whether other details are necessary in addition to identifiers that uniquely describe the specific devices, such as make and model of the device or the mode of device utilization at the time of detection. Is it relevant whether the device—at the time of detection—was making an incoming or outgoing voice call, incoming or outgoing SMS text or MMS (multimedia) message, or downloading or uploading data?

26. We seek additional comment on whether other details are necessary in terms of location and time identifiers, such as latitude and longitude to the nearest tenth of a second, or frequency band(s) of usage during the detection period, in order to accurately identify and disable the device. Is it necessary to require that a request include specific identifiers to accurately identify and disable the device, or would providing the flexibility to include alternative information to accommodate changes in technology be appropriate, and what types of alternative information would further our goal of an efficient disabling process? Specifically, what is necessary to accurately identify and disable the device? For example, common mobile identifiers include international mobile equipment identifier (IMEI) and the international mobile subscriber identity (IMSI), used by GSM, UMTS, and LTE devices; and electronic serial number (ESN), mobile identification number (MIN), and mobile directory number (MDN), used by CDMA devices. Should additional information be required to accurately identify a specific wireless device for requested disabling? Are there significant differences in the identifying information of current wireless devices (*e.g.,* android, iOS, windows) that must be accounted for? We seek to minimize burdens for those providing information, by only requiring what is essential to properly disable.

27. We seek comment on whether there are commonalities that would permit standardized information sharing, while still taking into account the full range of devices, operating systems, and carriers. We also seek comment on the appropriate format of a qualifying request to streamline the process and reduce administrative burdens. Would it be more efficient for carriers to develop a common data format so that corrections facilities, through a DCFO, are not required to develop a different format for each wireless provider? Should any of these possible requirements vary depending on whether the wireless provider is small or large?

28. In comments, Tecore raises the concern that SIM cards can be easily replaced so that devices are only temporarily deactivated. The record indicates that termination of service alone may be an incomplete solution capable of inmate exploitation. We therefore seek comment on a potentially more effective approach to ensure that not only is service terminated to the detected contraband device, but also that the device is rendered unusable on that carrier's network. We seek comment on the technical feasibility of a disabling process, including the costs and benefits of implementation, as well as any impact on 911 calls. We note that a disabled device will not have 911 calling capability, whereas a service terminated device would maintain 911 calling capability pursuant to the Commission's current rules regarding

[5] A verifiable transmission mechanism is a reliable electronic means of communicating a disabling requesting that will provide certainty regarding the identity of both the sending and receiving parties.

non-service initialized (NSI) phones.[6] Should we maintain the requirement that CMRS carriers keep 911 capability for disabled contraband phones, subject to the outcome of the NSI proceeding? What are the costs and benefits to stakeholders of such a requirement?

29. We seek comment on whether a qualifying request should also include correctional facility identifiers, including the name of the correctional facility, the street address of the correctional facility, the latitude and longitude coordinates sufficient to describe the boundaries of the correctional facility, and the call signs of the Commission licenses and/or leases authorizing the CIS. Would this information provide sufficiently accurate information about the correctional facility to ensure that the carrier can restrict the disabling of wireless devices to those that are located within that facility?

30. Disabling Process. As a preliminary matter, we seek to ensure that such requests can be transmitted in an expeditious manner and to have confidence that the request will be received and acted upon. Should the CMRS licensee be required to provide a point of contact suitable for receiving qualifying requests to disable contraband wireless devices in correctional facilities? We also recognize the need to safeguard legitimate devices from being disabled. Accordingly, we seek comment on what steps, if any, the CMRS licensee should take to verify the information received, whether customer outreach should be part of the process, and the time frame within which the steps must be taken. We seek information to assist us in determining what level of carrier investigation, if any, is warranted to determine whether there is clear evidence that the device sought to be disabled is not contraband. We also seek comment on what level of customer outreach, if any, would ensure that the disabling request is not erroneous.

31. With regard to customer outreach, we again seek comment on a range of approaches, including the carrier immediately disabling without any customer outreach, the carrier contacting the subscriber of record through any available means (*e.g.,* text, phone, email) and providing a reasonable amount of time prior to disabling for the customer to demonstrate that the disabling request is in error. We seek comment on whether a particular alternative enables inmates to evade device disabling. Each of these approaches impacts carrier response time and the ability to address, however unlikely, disabling errors. If some level of carrier investigation or customer outreach is warranted, should we provide CMRS licensees a method to reject a qualifying request if it is determined the wireless device in question is not contraband?

32. We seek comment on whether the CMRS licensee should provide notification to the DCFO within a reasonable time period that it has either disabled the device or rejected the request. We seek comment on what the reasonable time period should be for this notification, whether the licensee must provide an explanation for the rejection, and whether the DCFO can contest the rejection. We seek comment on all aspects of a disabling process regarding verification of disabling requests, particularly the costs and benefits to the wireless providers, CIS operators, and the correctional facilities.

33. Timeframe for Disabling. We seek comment on various options for the appropriate timeframe for disabling a contraband wireless device, or rejecting the request if appropriate, each of which might be impacted by the range of potential levels of carrier investigation in independently verifying a disabling request and engaging in customer outreach. CellAntenna recommends a staged obligation between one hour and 24 hours depending on the volume of requests, and other commenters suggest immediate action or action within one hour. These positions would be consistent with CMRS licensees disabling devices without any independent investigation or, at best, after a brief period of research using readily available resources, but achieve the goal of promptly disabling contraband wireless devices. In contrast, if carriers disable devices following exhaustive research or customer outreach, a period of seven days or more would likely be more appropriate. While providing greater assurance that the disabling is not an error, a longer period allows further use of an identified contraband phone.

34. If the carrier attempts to contact the device's subscriber of record to permit a legitimate user the opportunity to demonstrate that the device is not contraband, how long should the user have to respond and does this notification requirement unnecessarily prolong device disabling? To what extent could a longer notification period increase the risk of inadvertently tipping off the user of a contraband device and thereby create opportunities for malefactors to cause harm or circumvent the correctional facility's efforts to address the illegal use? We seek specific comment regarding what periods of time are required in order to adequately balance the public safety needs with wireless provider concerns. We also seek comment on whether small entities face any special or unique issues with respect to disabling devices such that they would require additional time to comply.

35. Finally, we seek comment on the methods available to ensure that any process for determining CIS eligibility minimizes the risk of disabling customers' devices that are not located within correctional facilities, and any related costs and benefits. Are there contractual provisions in existing contracts between CMRS providers and their customers that address this or similar issues? We seek comment on what period of time would be reasonable to expect a CMRS licensee to reactivate a disabled device. For example, what methods of discovery will sufficiently confirm that a wireless device is not contraband? Is 24 hours a reasonable period to resolve potential errors and how extensive is the burden on subscribers to remain disabled for that period? What is the most efficient method of notifying the carriers of errors, if originating from parties outside a correctional facility, and of notifying subscribers of reactivation?

36. In the *NPRM,* the Commission also sought comment on CellAntenna's proposal that we adopt a rule to insulate carriers from any legal liability for wrongful termination, while noting that wireless carriers' current end user licensing agreements may already protect the carriers. We seek further comment on this proposal. Specifically, we seek comment on whether the Commission should create a safe harbor by rule for wireless providers that comply with the federal process for disabling phones in correctional facilities. How broadly should that safe harbor be written, and should it apply only to wireless providers that comply with every aspect of the rules we adopt or also those that act in good-faith to carry out the disablement process? Does the Commission have authority to adopt a safe harbor? Is our authority to adopt the rules at issue sufficient to create a safe harbor? Are there other provisions of the Communications Act not previously discussed that would authorize a safe harbor? And what, if any, downsides are there to creating a safe harbor for wireless providers that comply with federal law?

37. In the *NPRM,* the Commission also sought comment on the extent to which providers or operators of managed

[6] The Commission has proposed revising its rules to sunset, after a six month period, the requirement that NSI phones be 911 capable.

access or detection systems comply with section 705 if they divulge or publish the existence of a communication for the purpose of operating the system, and whether such providers or operators are entitled to receive communications under section 705. Section 705 of the Act generally prohibits, except as authorized under Chapter 119, Title 18 of the U.S. Code, any person ''receiving, assisting in receiving, transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio'' from divulging or publishing the ''existence, contents, substance, purport, effect or meaning thereof'' to another person other than through authorized channels (47 U.S.C. 605(a)). Additionally, Chapter 206, Title 18 of the U.S. Code, generally prohibits the use of pen register and trap and trace devices without a court order, subject to several exceptions including where a provider of a communications service obtains the consent of the user (18 U.S.C. 3121–3127). The Commission sought comment on whether any of the proposals regarding detection and MASs would implicate the pen register and trap and trace devices chapter of Title 18 of the U.S. Code.

38. ShawnTech believes that the operation of its MASs is in compliance with federal and state law concerning the use of pen register and trap and trace devices, but expresses concern that detection systems that function to terminate service to contraband devices may not be in compliance. In addition to the questions the Commission asked in the *NPRM,* we seek comment on whether and to what extent a system used to request wireless provider disabling of a contraband wireless device pursuant to a Commission rule raises issues under Title 18 or section 705 that may be different from those raised by MAS implementation.

39. Some commenters in response to the *NPRM* also have raised concerns about the applicability of the privacy obligations under section 222 of the Communications Act (47 U.S.C. 222). After review of the record, we do not find that comments submitted in response to the *NPRM* demonstrate that section 222 would prohibit a carrier from complying with a Commission rule mandating a disabling process. To the extent commenters maintain a contrary view, we seek comment on this issue clearly providing support for such a position and on any other relationship of section 222 to the *FNPRM.*

Notification to CIS Operators of Carrier Technical Changes

40. In the *NPRM,* the Commission sought comment generally on proposals submitted by interested parties regarding rule changes intended to expedite the deployment of MASs, including GTL's proposal to impose network upgrade notification obligations on carriers. In its original petition, GTL requested that the Commission adopt rules that require CMRS providers to notify MAS operators or prison administrators in advance of any network changes likely to impact the MAS and negotiate in good faith on the implementation timing of the change. The reason for the requirement, GTL explained, is that rapid technological evolution impacts the effectiveness of a MAS and could render them ineffective; for example, network changes such as changing power levels or antenna patterns could impact proper operation of the system. In its comments, ACA supports this notification requirement.

41. In its comments, MSS suggests that effective implementation of MAS requires mandatory coordination of network changes with the MAS operator. As an example, MSS cites the impact of a technical change such as a switch from 3G to 4G at a given base station for a given band. At the same time, MSS notes the possibility that carriers may find the coordination of network changes with MAS operators burdensome. Tecore has highlighted the importance of communicating with the carriers regarding changes in technologies and the need to modify MAS deployments to respond to those changes, which occur frequently. GTL has also reiterated the challenges it faces in keeping pace with the software changes required to respond to rapidly changing wireless technology. GTL suggests that policies must ensure that wireless carriers are active participants in the effort to eliminate contraband cellphone use.

42. We acknowledge that the effectiveness of CIS systems depends on coordination between CMRS licensees, CIS operators, and correctional facilities, yet we recognize that any carrier notification requirement must not be overly burdensome or costly or have a negative impact on consumers. T-Mobile claims that the record on this issue is in need of further development, and that a notification requirement could impede carrier network management flexibility and could delay the rollout of new technologies which would negatively impact consumers and carriers.

43. We recognize that a notification requirement that is too broad in scope, resulting in the need to send notifications possibly on a daily basis for minor technical changes, could be unduly burdensome on CMRS licensees. We also recognize that lack of notice to CIS operators of certain types of carrier system changes could potentially result in the CIS not providing the strongest signal in the correctional facility, compromising the system's effectiveness if contraband communications pass directly to the carrier network. Accordingly, in the *FNPRM,* we seek comment on the appropriate scope of a notification requirement. Would it be appropriate to require CMRS licensees that are parties to lease arrangements for CISs in correctional facilities to provide written notification to the CIS operator in advance of adding new frequency band(s) to their service offerings or deploying a new air interface technology (*e.g.,* a carrier that previously offered CDMA technology deploying LTE) so that CISs can be timely upgraded to prevent spectrum gaps in the system that could be exploited by users of contraband wireless devices? To what extent should we require notification for additional types of carrier network changes, as GTL proposed, and if so, what specific network changes (*e.g.,* transmitter power or antenna modifications) should be included? We seek specific comment on what other carrier network changes implemented without notice to CIS providers could render the systems in the correctional facilities ineffective, while also seeking comment on whether it is unduly burdensome to require notification for every routine carrier network modification. Would it be feasible to adopt a rule requiring a CMRS licensee providing service at a correctional facility to notify a CIS provider in advance of any network change likely to impact the CIS? We seek comment on AT&T's position that CIS providers should be required to respond within 24 hours to any notification from a CMRS licensee that the CIS is causing adverse effects to the carrier's network.

44. We also seek comment on how far in advance the notification should be sent from the CMRS licensee to the CIS operator in order to allow for sufficient time to upgrade the CIS and enable continuous successful CIS operation with no spectrum gaps. Is a 90 day advance notification requirement reasonable? Would a 30 day advance notification requirement allow sufficient time for upgrades? Finally, we seek comment on whether and to what extent CMRS licensees are currently coordinating with CIS operators in this regard. For example, T-Mobile states that a notification requirement will not provide any benefit and is unnecessary

because CIS providers conduct spectrum scans as part of daily operations to detect new bands and technologies and air interfaces in use and already coordinate this scanning with CMRS licensees. We seek comment on the costs and benefits of any suggested notification requirements.

Other Technological Solutions

45. In the *NPRM,* the Commission invited comment on other technological solutions to address the problem of contraband wireless devices in correctional facilities, including those solutions discussed in previously filed documents referred to in the *NPRM.*

46. ''Quiet Zones.'' In response to the *NPRM* seeking comment regarding alternative technological solutions to the contraband problem, some commenters suggest that the Commission mandate ''dead zones'' or ''quiet zones'' in and around correctional facilities. Although the proposals vary somewhat from a technical perspective and are referred to by different names, the common goal seems to be the creation of areas in which communications are not authorized such that contraband wireless devices in correctional facilities would not receive service from a wireless provider.

47. CellAntenna's position is that the Commission has authority to modify spectrum licenses to create areas, such as in correctional facilities, in which wireless services are not authorized. CellAntenna refers to NTCH's recommendation for ''quiet zones'' where no licensee would be authorized to provide services. CellAntenna suggests that, given the variability in geography, each local correctional facility should be allowed to determine its need for a ''no service'' zone and petition the Commission to establish the ''no service'' zone and procedures for the registration of complaints of interference outside of the zones. Despite the fact that CellAntenna references NTCH's comments, NTCH's plan for the designation of ''quiet zones'' similar to radio astronomy or other research facilities to cover correctional facilities appears to differ from CellAntenna's ''no service'' zones because, according to NTCH's plan, there would be an official entity responsible for preventing unauthorized communications and for offering service over authorized frequencies in the prison area, called the ''Prison Service Provider.'' NCIC suggests that the Commission create ''dead zones'' around correctional facilities in which carriers would be required to prevent the signal from reaching the correctional facility. GTL agrees that the Commission should explore the creation of ''dead zones'' or ''quiet zones.''

48. Similar to a ''no service'' zone, MSS proposes an alternative approach called geolocation-based denial (GBD) which permits a correctional facility to request that the Commission declare the facility outside the service area of all CMRS carriers if the facility has at least 300 meters of space in all directions between secure areas accessible by inmates and areas with unrestricted public access. MSS describes GBD as a low-risk solution that will address highly problematic rural maximum security prisons. ACA supports the creation of ''quiet zones'' and GBD.

49. The carriers oppose the ''quiet zone''-like proposals. AT&T opposes NCIC's proposal to create ''quiet zones'' around correctional facilities in which carriers are unauthorized to provide wireless service, claiming that a quiet zone would prevent the completion of legitimate emergency calls from the correctional facility and vicinity within the quiet zone. Even in rural areas, Verizon suggests, legitimate communications in the areas around prisons could be impacted. In opposing the idea of a quiet or exclusion zone, Verizon argues that these proposals would indiscriminately prevent legitimate communications, including public safety communications from being completed both inside and outside the prison grounds. CTIA opposes the establishment of quiet zones because they would unnecessarily complicate wireless network design and be an intrusion on licensees' exclusive spectrum rights.

50. In the *FNPRM,* we seek additional comment on the proposals in the record for the mandatory creation of ''quiet zones'' or ''no service'' zones in order to help us better understand the similarities and differences among the proposals and receive more detailed information in the record regarding how the zones would be created from a legal and technical perspective. What are the methods wireless providers would use to create the quiet zone, including technical criteria used to define the zone? Should there be a field strength limit on the perimeter of the zone and, if so, what is the appropriate limit? Would the limits set forth in Commission rule 15.109 (47 CFR 15.109) applicable to unintentional radiators be appropriate and how would this be measured? Or would a different criterion, such as 15 dBu, be appropriate to ensure calls outside the perimeter could be completed while not providing the ability for connection to the network inside the perimeter? How would such a limit impact carrier network design? Again, we request that commenters elaborate on the role of the Commission in the creation of these zones and the legal basis for their establishment. We query whether ''quiet zones'' could be created voluntarily or whether there is a legal bar to their creation in the absence of Commission action. We also seek comment on the application of ''geo-fencing'' in the contraband wireless device context and how it differs from a ''quiet zone.'' Just as geo-fencing software can prevent drones from flying over a specific location, could geo-fencing be used to create a virtual perimeter around a correctional facility such that wireless devices would be disabled within the geo-fence? We seek comment on whether geo-fencing could be used to create zones within which contraband wireless devices would be inoperable and whether this technology would permit the delivery of emergency calls within the zone or interfere with other legitimate communications outside the geo-fence.

51. Network-Based Solution. Relatedly, we seek comment on the concept of requiring CMRS licensees to identify and disable contraband wireless devices in correctional facilities using their own network elements, including base stations and handsets/devices. As technology evolves, CMRS licensees are acquiring new and better ways of more accurately determining the precise location of a wireless device. Indeed, the Commission addressed the technological advances and need to improve location accuracy in the context of emergency 911 calling when it adopted E911 location accuracy deadlines aimed at enhancing PSAPs' ability to accurately identify the location of wireless 911 callers when indoors. In order to meet the Commission's requirements over the next several years, carriers will be required to deploy technology capable of locating wireless devices to within certain distances or coordinates. We also know that carriers currently have ways of determining the location of a wireless device using an analysis of call records or Global Positioning System (GPS) technology. In fact, more than 20 states have enacted legislation based on the Kelsey Smith Act (H.R. 4889, 114th Cong., 2d Sess. (2016)) that requires carriers to give law enforcement call location information in an emergency involving the risk of death or serious injury. Further, there are device applications (*e.g.,* Uber or Google Maps) that enable the identification of the location of the device through GPS

technology located in the device. Given the improved and evolving capability of carriers to identify the location of wireless devices, we seek comment on whether existing methodologies could also be effective in the context of contraband wireless devices in correctional facilities. We acknowledge that an approach relying solely on GPS technology may not be effective inside correctional facilities if the GPS capability can be disabled or if GPS signals are insufficient within the correctional facility. Further, we note that a carrier's ability to identify the location based on network (not device GPS) data is affected by the number, location, and orientation of carrier base stations in the area. That said, we seek comment on whether it is possible for CMRS licensees to use their own network elements to determine that a wireless device is in a correctional facility, and what are the costs and benefits of such a process.

52. If we require CMRS licensees to identify wireless devices in correctional facilities using their own network elements, should we require carriers to recognize whether contraband wireless devices are persistently used in a correctional facility located in the carrier's geographic service area and to disable them using their own resources? How should we define ''persistently''? How would the carriers determine that a wireless device in a correctional facility is, in fact, contraband? Should the carriers be required to have an internal process in place whereby they could reactivate a device disabled in error? If a network-based solution is feasible, should we require it only if a particular correctional facility requests this approach as opposed to the solution of requiring CMRS licensees to disable devices pursuant to qualifying requests as described above? Do particular types of wireless devices or carrier air interfaces present unique challenges? We seek comment on the implementation, technical, and other issues associated with this carrier network-based solution as well as the costs and benefits associated with this potential solution. In particular, what would the costs be to carriers of complying with a mandate of having to locate contraband wireless devices in all correctional facilities nationwide? Finally, we seek comment on whether the network-based solution described herein raises any privacy concerns, including the privacy obligations under section 222 of the Communications Act.

53. Beacon Technology. We also seek comment on technologies that are intended to disable contraband wireless devices in correctional facilities using the interaction of a beacon system set up in the correctional facility with software embedded in the wireless devices. Essentially, these types of technologies rely on a system of beacons creating a restricted zone in a correctional facility, such that any wireless device in the zone will not operate. One of the benefits of this approach is that this technology would appear to render the phone unusable by an inmate for any purpose. In other words, some of the technologies discussed above could prevent an inmate from placing a call, but they may not prevent the inmate from using the phone for taking videos or otherwise sharing or disseminating information that itself could pose a threat to public safety. We thus also seek comment on whether this type of technology—or elements thereof—can and should be incorporated into any other approach the Commission may take. For example, should we consider requiring that phones be rendered completely unusable as part of our implementation of another solution, including the network-based solution discussed above.

54. At the same time, it appears that beacon-based technologies would function effectively only if all wireless carriers perform a system update to include the software for all existing and future wireless devices, and all mobile device manufacturers include the software in all devices. We seek comment on this technological solution, including costs and benefits of its implementation. Would this solution require legislation to ensure that all wireless carriers and wireless device manufacturers include the software in the wireless devices? In the absence of legislation, how would the Commission ensure wireless carrier and device manufacturer cooperation and pursuant to what authority would the Commission be acting? How would compliance be enforced? Should it be incorporated as part of the Commission's equipment certification requirements or be made part of an industry certification process? Would a ''system update'' actually accomplish the goal of ensuring that all wireless devices currently in existence get updated with the software? Would the beacon system in the correctional facility permit 911 or E911 calls from the restricted zone to be connected? Is a voluntary solution possible between the carriers and the providers of beacon technology?

55. We welcome comment on any other new technologies designed to combat the problem of contraband wireless devices in correctional facilities and what regulatory steps the Commission could take to assist in the development and deployment of these new technologies. We seek comment on what additional steps the Commission could take to address the contraband cellphone problem, for example, educational efforts designed to highlight available solutions, other expertise, or additional ways in which we can coordinate stakeholder efforts.

II. Procedural Matters

Initial Paperwork Reduction Act Analysis

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

Initial Regulatory Flexibility Act Analysis

57. As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 603), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules proposed in this document. We request written public comment on the IRFA. Comments must be filed in accordance with the same deadlines as comments filed in response to the *FNPRM* as set forth on the first page of this document, and have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of the *FNPRM,* including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

58. Need for, and Objectives of, the Proposed Rules. The *FNPRM* seeks comment on methods to provide additional tools to combat contraband wireless devices in correctional facilities. It is clear that inmate possession of wireless devices is a serious threat to the safety and welfare of correctional facility employees and the general public. First, as a safeguard to ensure coordination between CMRS licensees and CIS operators, the Commission seeks comment on a

requirement that CMRS licensees that are parties to lease arrangements for CIS in correctional facilities provide written notification to the CIS operator no later than 90 days in advance of adding new frequency band(s) to its service offerings or deploying a new air interface technology (*e.g.,* a carrier that previously offered CDMA deploying LTE), unless a different timeframe is agreed to by both parties. The Commission seeks comment on the appropriate timing, costs, and alternatives to such a notice requirement. The *FNPRM* seeks comments on the types of notice protocol CMRS licensees might already have in place, and whether and how those procedures could be used to satisfy any notice requirement.

59. The *FNPRM* seeks comment on a requirement that CMRS providers disable a contraband wireless devices found by a CIS to be in correctional facilities pursuant to a qualifying request from an authorized party. The *FNPRM* seeks comment on a process that would include a CIS eligibility determination to ensure the systems satisfy minimum performance standards, appropriate means of requesting the disabling, and specifics regarding the required carrier response. The Commission seeks comment on maintaining a public list of all eligible CISs to facilitate expeditious lease transactions for those seeking to deploy systems resulting in requests for contraband wireless device disabling. We seek comment on the following criteria for determining eligibility: (1) The CIS has appropriate equipment authorization pursuant to Commission rules; (2) the CIS is designed and will be configured to locate devices solely within a correctional facility, secure and protect the collected information, and avoid interfering with emergency 911 calls; and (3) the methodology to be used in analyzing data collected by the CIS is sufficiently robust to provide a high degree of certainty that the particular wireless device is in fact located within a correctional facility. The Commission also seeks comment on these standards, and whether additional standards may be required for accuracy

60. To ensure that an authorized party provides the information necessary for a wireless provider to disable the contraband wireless devices, the Commission seeks comment on a requirement that CMRS licensees comply with a disabling process upon receipt of a qualifying request made in writing and transmitted via a verifiable transmission mechanism. The Commission seeks comment on whether the qualifying request must be transmitted (1) by the Commission upon the request of a Designated Correctional Facility Official (DCFO); or (2) by the DCFO. We seek comment on whether we should define the DCFO as a state or local official responsible for the facility where the contraband device is located. In order for the request to disable a contraband device to be a qualifying request, the Commission also seeks comment on a requirement that the DCFO certify in the qualifying request that: (1) An eligible CIS was used in the correctional facility, and include evidence of such eligibility; (2) the CIS is authorized for operation through a license or Commission approved lease agreement, referencing the applicable ULS identifying information; (3) the DCFO has contacted all CMRS licensees providing service in the area of the correctional facility for which it will seek device disabling in order to establish a verifiable transmission mechanism for making qualifying requests and for receiving notifications from the licensee; and (4) it has substantial evidence that the contraband wireless device was used in the correctional facility, and that such use was observed within the 30 day period immediately prior to the date of submitting the request. The Commission seeks comment on these requirements and any methods to facilitate interaction between the authorized party and the CMRS licensees during design, deployment, and testing of CISs.

61. In the *FNPRM,* the Commission seeks comment on whether a qualifying request should include specific identifying information regarding the device and the correctional facility. Importantly, the Commission asks whether the request should include device identifiers sufficient to uniquely describe the device in question and the licensee providing CMRS service to the device. With regard to device identifiers, the Commission seeks specific comment on whether other details are necessary in addition to identifiers that uniquely describe the specific devices, such as make and model of the device or the mode of device utilization at the time of detection. The *FNPRM* also seeks comment on whether a qualifying request should also include correctional facility identifiers, including the name of the correctional facility, the street address of the correctional facility, the latitude and longitude coordinates sufficient to describe the boundaries of the correctional facility, and the call signs of the Commission licenses and/or leases authorizing the CIS.

62. In considering a process whereby CMRS licensees disable contraband wireless devices upon receiving a qualifying request, the Commission recognizes the need to safeguard legitimate devices from being disabled to the greatest extent possible. Accordingly, the *FNPRM* seeks comment on the appropriate steps, if any, the CMRS licensee should take to verify the information received, whether customer outreach should be part of the process, and the time frame within which the steps must be taken. The Commission seeks comment on a requirement that, if the DCFO is the authorized party transmitting the qualifying request to the CMRS licensees, then the CMRS licensee must provide a point of contact suitable for receiving qualifying requests to disable contraband wireless devices in correctional facilities. With regard to carrier investigations, the Commission seeks comment on a range of possible options, including requiring the carrier to immediately disable the wireless devices upon receipt of a qualifying request from an authorized party without conducing any investigation; requiring the carrier to conduct brief research of readily accessible data prior to disabling or to respond to a series of Commission questions regarding the status of the wireless device to determine its status; or requiring the carrier to use all data at its disposal prior to disabling. The *FNPRM* seeks comment on all aspects of the disabling process regarding verification of disabling requests, particularly the costs and benefits to the wireless providers, CIS operators, and the correctional facilities.

63. With respect to the appropriate timeframe for disabling a contraband wireless device, or rejecting the request if appropriate, the Commission seeks comment on various options, each of which might be impacted by the range of potential levels of carrier investigation in independently verifying a disabling request and customer outreach. The Commission believes that appropriate timeframes should strike a reasonable balance between the need for prompt action to disable a contraband device potentially used for criminal purposes, and licensee resources required to either verify and implement, or reasonably reject a qualifying request.

64. While the Commission seeks comment on a CIS eligibility process that will substantially ensure that only contraband wireless devices located within correctional facilities are identified for carrier disabling, we also recognize that in limited instances a non-contraband device in close proximity to a correctional facility might be mistakenly identified as

contraband and disabled in error. In the event of such an error, the Commission seeks comment on what timely and efficient methods wireless providers can implement to minimize customer inconvenience to resume service to the device.

65. The Commission has considered various alternatives, including a court order process or a voluntary carrier termination process, on which it seeks comment. The Commission sought comment on a proposal seeking adoption of a rule to insulate carriers from any legal liability for wrongful termination. The Commission noted that wireless carriers' current end user licensing agreements may already protect the carriers, but seeks further comment on this proposal, and on whether the Commission should create a safe harbor by rule for wireless providers that comply with the federal process for disabling phones in correctional facilities. The Commission also seeks comment on whether and to what extent a system used to request wireless provider disabling of a contraband wireless device pursuant to a Commission rule raises issues under Title 18 of the U.S. Code or section 705 of the Communications Act, as amended (Act), that may be different from those raised by MAS implementation. The Commission does not find that the record supports the position that section 222 of the Act would prohibit a carrier from complying with a disabling process, but seeks comment on the issue to the extent commenters maintain a contrary view.

66. In the alternative, the Commission seeks comment on additional technological means of combating contraband devices, including imposition of quiet zones around correctional facilities, network-based solutions, and incorporation of beacon technology into wireless handsets that would provide a software method of disabling functionality within correctional facilities

67. Legal Basis. The legal basis for any action that may be taken pursuant to the *FNPRM* is contained in sections 2, 4(i), 4(j), 301, 302, 303, 307, 308, 309, 310, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 301, 302a, 303, 307, 308, 309, 310, and 332.

68. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted (15 U.S.C. 603(b)(3)). The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction'' (5 U.S.C. 601(6)). In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act (5 U.S.C. 601(3)). A ''small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA (5 U.S.C. 601(3)).

69. Small Businesses, Small Organizations, Small Governmental Jurisdictions. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three comprehensive small entity size standards that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA's Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States which translates to 28.8 million businesses. Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 2007, there were approximately 1,621,215 small organizations. Finally, the small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data published in 2012 indicate that there were 89,476 local governmental jurisdictions in the United States. We estimate that, of this total, as many as 88,761 entities may qualify as ''small governmental jurisdictions.'' Thus, we estimate that most governmental jurisdictions are small.

70. 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. U.S. 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.

71. Neither the Commission nor the SBA has developed a definition for Interexchange Carriers. The closest NAICS Code category is Wired Telecommunications Carriers and the applicable small business size standard under SBA rules consists of all such companies having 1,500 or fewer employees. U.S. Census data for 2012 indicates that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. According to internally developed Commission data, 359 companies reported that their primary telecommunications service activity was the provision of interexchange services. Of this total, an estimated 317 have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of interexchange service providers are small entities that may be affected by the rules adopted.

72. The SBA has not developed a small business size standard specifically for Local Resellers. The SBA category of Telecommunications Resellers is the closest NAICs code category for local 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. Under the SBA size standard, such a business is small if it has 1,500 or fewer employees. U.S. 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, 213 carriers have reported that they are engaged in the provision of local resale services. Of these, an estimated 211 have 1,500 or fewer employees and two have more than 1,500 employees. Consequently, the Commission estimates that the majority of local resellers are small entities that may be affected by the rules adopted.

73. Toll Resellers. The SBA has not developed a small business size standard specifically for the category of Toll Resellers. The SBA category of Telecommunications Resellers is the closest NAICs code category for toll 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. Under the SBA size standard, such a business is small if it has 1,500 or fewer employees. U.S. 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 these, an estimated 857 have 1,500 or fewer employees and 24 have more than 1,500 employees. Consequently, the Commission estimates that the majority of toll resellers are small entities that may be affected by the rules adopted.

74. 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 and the applicable small business size standard under SBA rules consists of all such companies having 1,500 or fewer employees. U.S. Census data for 2012 indicates that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. According to Commission data, 284 companies reported that their primary telecommunications service activity was the provision of other toll carriage. Of these, an estimated 279 have 1,500 or fewer employees and five have more than 1,500 employees. Consequently, the Commission estimates that most Other Toll Carriers are small entities that may be affected by the rules and policies adopted.

75. 800 and 800-Like Service Subscribers. Neither the Commission nor the SBA has developed a small business size standard specifically for 800 and 800-like service (toll free) subscribers. The appropriate size standard under SBA rules is for the category Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees. The most reliable source of information regarding the number of these service subscribers appears to be data the Commission collects on the 800, 888, 877, and 866 numbers in use. According to our data, as of September 2009, the number of 800 numbers assigned was 7,860,000; the number of 888 numbers assigned was 5,588,687; the number of 877 numbers assigned was 4,721,866; and the number of 866 numbers assigned was 7,867,736. We do not have data specifying the number of these subscribers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of toll free subscribers that would qualify as small businesses under the SBA size standard. Consequently, we estimate that there are 7,860,000 or fewer small entity 800 subscribers; 5,588,687 or fewer small entity 888 subscribers; 4,721,866 or fewer small entity 877 subscribers; and 7,867,736 or fewer small entity 866 subscribers.

76. Wireless Telecommunications Carriers (except Satellite). This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more. Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities.

77. Broadband Personal Communications Service. The broadband personal communications service (PCS) spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission defined ''small entity'' for Blocks C and F as an entity that has average gross revenues of $40 million or less in the three previous calendar years. For Block F, an additional classification for ''very small business'' was added and is defined as an entity that, together with its affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years. These standards defining ''small entity'' in the context of broadband PCS auctions have been approved by the SBA. No small businesses, within the SBA-approved small business size standards bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 small and very small business bidders won approximately 40 percent of the 1,479 licenses for Blocks D, E, and F. In 1999, the Commission re-auctioned 347 C, E, and F Block licenses. There were 48 small business winning bidders. In 2001, the Commission completed the auction of 422 C and F Broadband PCS licenses in Auction 35. Of the 35 winning bidders in this auction, 29 qualified as ''small'' or ''very small'' businesses. Subsequent events, concerning Auction 35, including judicial and agency determinations, resulted in a total of 163 C and F Block licenses being available for grant. In 2005, the Commission completed an auction of 188 C block licenses and 21 F block licenses in Auction 58. There were 24 winning bidders for 217 licenses. Of the 24 winning bidders, 16 claimed small business status and won 156 licenses. In 2007, the Commission completed an auction of 33 licenses in the A, C, and F Blocks in Auction 71. Of the 14 winning bidders, six were designated entities. In 2008, the Commission completed an auction of 20

Broadband PCS licenses in the C, D, E and F block licenses in Auction 78.

78. Advanced Wireless Services. AWS Services (1710–1755 MHz and 2110–2155 MHz bands (AWS–1); 1915–1920 MHz, 1995–2000 MHz, 2020–2025 MHz and 2175–2180 MHz bands (AWS–2); 2155–2175 MHz band (AWS–3)). For the AWS–1 bands, the Commission has defined a ''small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $40 million, and a ''very small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $15 million. For AWS–2 and AWS–3, although we do not know for certain which entities are likely to apply for these frequencies, we note that the AWS–1 bands are comparable to those used for cellular service and personal communications service. The Commission has not yet adopted size standards for the AWS–2 or AWS–3 bands but proposes to treat both AWS–2 and AWS–3 similarly to broadband PCS service and AWS–1 service due to the comparable capital requirements and other factors, such as issues involved in relocating incumbents and developing markets, technologies, and services.

79. Specialized Mobile Radio. The Commission awards small business bidding credits in auctions for Specialized Mobile Radio (''SMR'') geographic area licenses in the 800 MHz and 900 MHz bands to entities that had revenues of no more than $15 million in each of the three previous calendar years. The Commission awards very small business bidding credits to entities that had revenues of no more than $3 million in each of the three previous calendar years. The SBA has approved these small business size standards for the 800 MHz and 900 MHz SMR Services. The Commission has held auctions for geographic area licenses in the 800 MHz and 900 MHz bands. The 900 MHz SMR auction was completed in 1996. Sixty bidders claiming that they qualified as small businesses under the $15 million size standard won 263 geographic area licenses in the 900 MHz SMR band. The 800 MHz SMR auction for the upper 200 channels was conducted in 1997. Ten bidders claiming that they qualified as small businesses under the $15 million size standard won 38 geographic area licenses for the upper 200 channels in the 800 MHz SMR band. A second auction for the 800 MHz band was conducted in 2002 and included 23 BEA licenses. One bidder claiming small business status won five licenses.

80. The auction of the 1,053 800 MHz SMR geographic area licenses for the General Category channels was conducted in 2000. Eleven bidders won 108 geographic area licenses for the General Category channels in the 800 MHz SMR band qualified as small businesses under the $15 million size standard. In an auction completed in 2000, a total of 2,800 Economic Area licenses in the lower 80 channels of the 800 MHz SMR service were awarded. Of the 22 winning bidders, 19 claimed small business status and won 129 licenses. Thus, combining all three auctions, 40 winning bidders for geographic licenses in the 800 MHz SMR band claimed status as small business.

81. In addition, there are numerous incumbent site-by-site SMR licensees and licensees with extended implementation authorizations in the 800 and 900 MHz bands. We do not know how many firms provide 800 MHz or 900 MHz geographic area SMR pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of no more than $15 million. One firm has over $15 million in revenues. In addition, we do not know how many of these firms have 1500 or fewer employees. We assume, for purposes of this analysis, that all of the remaining existing extended implementation authorizations are held by small entities, as that small business size standard is approved by the SBA.

82. Lower 700 MHz Band Licenses. The Commission previously adopted criteria for defining three groups of small businesses for purposes of determining their eligibility for special provisions such as bidding credits. The Commission defined a ''small business'' as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding $40 million for the preceding three years. A ''very small business'' is defined as an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $15 million for the preceding three years. Additionally, the lower 700 MHz Service had a third category of small business status for Metropolitan/Rural Service Area (MSA/RSA) licenses—''entrepreneur''—which is defined as an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $3 million for the preceding three years. The SBA approved these small size standards. An auction of 740 licenses (one license in each of the 734 MSAs/RSAs and one license in each of the six Economic Area Groupings (EAGs)) commenced on August 27, 2002, and closed on September 18, 2002. Of the 740 licenses available for auction, 484 licenses were won by 102 winning bidders. Seventy-two of the winning bidders claimed small business, very small business or entrepreneur status and won a total of 329 licenses. A second auction commenced on May 28, 2003, closed on June 13, 2003, and included 256 licenses: 5 EAG licenses and 476 Cellular Market Area licenses. Seventeen winning bidders claimed small or very small business status and won 60 licenses, and nine winning bidders claimed entrepreneur status and won 154 licenses. On July 26, 2005, the Commission completed an auction of 5 licenses in the Lower 700 MHz band (Auction No. 60). There were three winning bidders for five licenses. All three winning bidders claimed small business status.

83. In 2007, the Commission reexamined its rules governing the 700 MHz band. An auction of 700 MHz licenses commenced January 24, 2008 and closed on March 18, 2008, which included, 176 Economic Area licenses in the A Block, 734 Cellular Market Area licenses in the B Block, and 176 EA licenses in the E Block. Twenty winning bidders, claiming small business status (those with attributable average annual gross revenues that exceed $15 million and do not exceed $40 million for the preceding three years) won 49 licenses. Thirty-three winning bidders claiming very small business status (those with attributable average annual gross revenues that do not exceed $15 million for the preceding three years) won 325 licenses.

84. Upper 700 MHz Band Licenses. On January 24, 2008, the Commission commenced Auction 73 in which several licenses in the Upper 700 MHz band were available for licensing: 12 Regional Economic Area Grouping licenses in the C Block, and one nationwide license in the D Block. The auction concluded on March 18, 2008, with 3 winning bidders claiming very small business status (those with attributable average annual gross revenues that do not exceed $15 million for the preceding three years) and winning five licenses.

85. Satellite Telecommunications. This category comprises firms ''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.'' The category has a small business size standard of $32.5 million or less in average annual

receipts, under SBA rules. For this category, U.S. 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 less than $25 million. Consequently, we estimate that the majority of satellite telecommunications providers are small entities.

86. All Other Telecommunications. The ''All Other Telecommunications'' category is comprised of establishments that are 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 voice over Internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry. The SBA has developed a small business size standard for ''All Other Telecommunications,'' which consists of all such firms with gross annual receipts of $32.5 million or less. For this category, U.S. Census data for 2012 show that there were 1,442 firms that operated for the entire year. Of these firms, a total of 1,400 had gross annual receipts of less than $25 million. Thus, a majority of ''All Other Telecommunications'' firms potentially affected by the rules adopted can be considered small.

87. Other Communications Equipment Manufacturing. This industry comprises establishments primarily engaged in manufacturing communications equipment (except telephone apparatus, and radio and television broadcast, and wireless communications equipment). Examples of such manufacturing include fire detection and alarm systems manufacturing, Intercom systems and equipment manufacturing, and signals (*e.g.,* highway, pedestrian, railway, traffic) manufacturing. The SBA has established a size standard for this industry as 750 employees or less. Census data for 2012 show that 383 establishments operated in that year. Of that number, 379 operated with less than 500 employees. Based on that data, we conclude that the majority of Other Communications Equipment Manufacturers are small.

88. Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing. This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: Transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment. The SBA has established a size standard for this industry of 750 employees or less. U.S. Census data for 2012 show that 841 establishments operated in this industry in that year. Of that number, 819 establishments operated with less than 500 employees. Based on this data, we conclude that a majority of manufacturers in this industry is small.

89. Engineering Services. This industry comprises establishments primarily engaged in applying physical laws and principles of engineering in the design, development, and utilization of machines, materials, instruments, structures, process, and systems. The assignments undertaken by these establishments may involve any of the following activities: Provision of advice, preparation of feasibility studies, preparation of preliminary and final plans and designs, provision of technical services during the construction or installation phase, inspection and evaluation of engineering projects, and related services. The SBA deems engineering services firms to be small if they have $15 million or less in annual receipts, except military and aerospace equipment and military weapons engineering establishments are deemed small if they have $38 million or less in annual receipts. According to U.S. Census Bureau data for 2012, there were 49,092 establishments in this category that operated the full year. Of the 49,092 establishments, 45,848 had less than $10 million in receipts and 3,244 had $10 million or more in annual receipts. Accordingly, the Commission estimates that a majority of engineering service firms are small.

90. Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System Instrument Manufacturing. This U.S. industry comprises establishments primarily engaged in manufacturing search, detection, navigation, guidance, aeronautical, and nautical systems and instruments. Examples of products made by these establishments are aircraft instruments (except engine), flight recorders, navigational instruments and systems, radar systems and equipment, and sonar systems and equipment. The SBA has established a size standard for this industry of 1,250 employees or less. Data from the 2012 Economic Census show 588 establishments operated during that year. Of that number, 533 establishments operated with less than 500 employees. Based on this data, we conclude that the majority of manufacturers in this industry are small.

91. Security Guards and Patrol Services. The U.S. Census Bureau defines this category to include ''establishments primarily engaged in providing guard and patrol services.'' The SBA deems security guards and patrol services firms to be small if they have $18.5 million or less in annual receipts. According to U.S. Census Bureau data for 2012, there were 8,742 establishments in operation the full year. Of the 8,842 establishments, 8,276 had less than $10 million while 466 had more than $10 million in annual receipts. Accordingly, the Commission estimates that a majority of firms in this category are small.

92. All Other Support Services. This U.S. industry comprises establishments primarily engaged in providing day-to-day business and other organizational support services (except office administrative services, facilities support services, employment services, business support services, travel arrangement and reservation services, security and investigation services, services to buildings and other structures, packaging and labeling services, and convention and trade show organizing services). The SBA deems all other support services firms to be small if they have $11 million or less in annual receipts. According to U.S. Census Bureau data for 2012, there were 11,178 establishments in operation the full year. Of the 11,178 establishments, 10,886 had less than $10 million while 292 had greater than $10 million in annual receipts. Accordingly, the Commission estimates that a majority of firms in this category are small.

93. Correctional Institutions (State and Federal Facilities). This industry comprises government establishments primarily engaged in managing and operating correctional institutions. The Department of Justice's Bureau of Justice Statistics (BJS) collects and publishes census information on adult correctional facilities operating under state or federal authority as well as private and local facilities operating under contract to house inmates for federal or state correctional authorities. The types of facilities included in the census data from BJS are prisons and prison farms; prison hospitals; centers for medical treatment and psychiatric

confinement; boot camps; centers for reception; diagnosis; classification; alcohol and drug treatment; community correctional facilities; facilities for parole violators and other persons returned to custody; institutions for youthful offenders; and institutions for geriatric inmates.

94. While neither the SBA nor the Commission have developed a size standard for this category, the size standard for a small facility in the BJS census data is one that has an average daily population (ADP) of less than 500 inmates. The latest BJS census data available shows that as of December 30, 2005 there were a total of 1821 correctional facilities operating under state or local federal authority. Of that number more than half of the facilities or a total 946 facilities had an average daily population of less than 500 inmates. Based on this data a majority of ''Governmental Correctional Institutions'' potentially affected by the rules adopted can be considered small.

95. Facilities Support Services. This industry comprises establishments primarily engaged in providing operating staff to perform a combination of support services within a client's facilities. Establishments providing facilities (except computer and/or data processing) operation support services and establishments providing private jail services or operating correctional facilities (*i.e.,* jails) on a contract or fee basis are included in this industry. Establishments in this industry typically provide a combination of services, such as janitorial, maintenance, trash disposal, guard and security, mail routing, reception, laundry, and related services to support operations within facilities. These establishments provide operating staff to carry out these support activities, but are not involved with or responsible for the core business or activities of the client. The SBA has developed a small business size standard for ''Facilities Support Services,'' which consists of all such firms with gross annual receipts of $38.5 million or less. For this category, U.S. Census data for 2012 shows that there were 5,344 firms that operated for the entire year. Of these firms, 4,882 had gross annual receipts of less than $10 million and 462 had gross annual receipts of $10 million or more. Based on this data a majority of ''Facilities Support Services'' firms potentially affected by the rules adopted can be considered small.

96. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities. In the *FNPRM,* the Commission seeks public comment on methods to improve the viability of technologies used to combat contraband wireless devices in correctional facilities. The potential process is prospective in that it would only apply if an entity avails itself of managed access or detection technologies. There are three classes of small entities that might be impacted: Providers of wireless services, providers or operators of managed access or detection systems, and correctional facilities.

97. For small entities that are providers of wireless services and enter into lease arrangements with CIS operators, the Commission seeks notice on a requirement that those entities provide advance notice prior to certain changes in the CMRS licensee's network. We seek comment on limiting the notice requirement to particular changes in the carrier's network—*e.g.,* additions of new frequency bands—in order to ensure the notice requirement does not result in an unnecessary burden on CMRS licensees, but seek comment on what other notice requirements might be necessary to ensure effective CIS operation. The *FNPRM* also seeks comment on a process whereby CMRS providers would disable contraband wireless devices detected within a correctional facility upon receipt of a qualifying request. In order to receive qualifying requests, the *FNPRM* seeks comment on a requirement that CMRS licensees who enter into lease arrangements with CIS operators to have a verifiable transmittal mechanism in place and, upon request, provide a DCFO with a point of contact suitable for receiving qualifying requests. We note that some carriers may already have such secure portals in place for receipt of similar requests. The costs of complying with a disabling process would vary depending on the level of investigation required of carriers upon receiving a qualifying request. The Commission seeks comment on this issue, but notes that several carriers already have internal procedures for disabling contraband wireless devices pursuant to court orders, which could be modified to accommodate a disabling process. Nevertheless, these requirements would likely require the allocation of resources to tailor internal processes, including some level of additional staffing.

98. The *FNPRM* also contemplates the option of requiring CMRS licensees to perform varying levels of customer outreach upon receiving a qualifying request, or after disabling a contraband wireless device. The Commission seeks comment on the costs and benefits of this proposal, but notes carriers may already have mechanisms in place for customer outreach.

99. The Commission seeks to streamline the process for identification, notification, and disabling of contraband devices to the greatest extent possible, while also ensuring the accuracy, security, and efficiency of such a process. Therefore, the *FNPRM* seeks comment on a process that would require small entity CIS operators, as well as all other CIS operators, to be deemed eligible and provide various pieces of required information along with a qualifying request for disabling a contraband device to the wireless carriers. Specifically, in order to be eligible, the Commission asks whether a CIS operator should demonstrate the following: (1) The CIS has appropriate equipment authorization pursuant to Commission rules; (2) the CIS is designed and will be configured to locate devices solely within a correctional facility, secure and protect the collected information, and avoid interfering with emergency 911 calls; and (3) the methodology to be used in analyzing data collected by the CIS is sufficiently robust to provide a high degree of certainty that the particular wireless device is in fact located within a correctional facility.

100. The Commission seeks comment on an eligibility process that would apply equally to all CIS operators, irrespective of size. We note that a mandatory process for disabling contraband wireless devices identified using detection systems does not currently exist, and, without adoption of a process like that considered in the *FNPRM,* is subject to the discretion of wireless carriers to voluntarily disable devices. It is possible that an outgrowth of the questions asked and responses received could result in additional requirements for being deemed an eligible CIS, submitting qualifying requests, and disabling contraband devices. This may also require some level of recordkeeping to ensure that contraband wireless devices, and not legitimate devices, are disabled. To the extent the process would impose these requirements, they would be necessary to ensure that legitimate wireless users are not impacted by the operation of CISs, which should be the minimum performance objective for any detection system. Therefore, while these requirements might impose some compliance or recordkeeping obligations, they would be a necessary predicate for the operation of a detection system.

101. In the *FNPRM,* we also seek comment on requiring correctional facilities wishing to use CIS as a means

of combatting contraband cellphones use inside the prison to designate a DCFO. The Commission seeks comment on whether qualifying requests should be transmitted either by the Commission upon the request of the DCFO, or by the DCFO. If the DCFO is to transmit the requests, the Commission also seeks comment on a requirement that the DCFO certify in the qualifying request that: (1) An eligible CIS was used in the correctional facility, and include evidence of such eligibility; (2) the CIS is authorized for operation through a license or Commission approved lease agreement, referencing the applicable ULS identifying information; (3) the DCFO has contacted all CMRS licensees providing service in the area of the correctional facility for which it will seek device disabling in order to establish a verifiable transmission mechanism for making qualifying requests and for receiving notifications from the licensee; and (4) it has substantial evidence that the contraband wireless device was used in the correctional facility, and that such use was observed within the 30 day period immediately prior to the date of submitting the request. It is possible that an outgrowth of the questions asked and responses received could result in additional reporting and recordkeeping requirements on the DCFO and its respective correctional facility. The goal of imposing such requirements on the DCFO, however, would be to provide an efficient means of communication among CIS operators, correctional facilities, and CMRS providers, and to ensure the accuracy and legitimacy of any termination process.

102. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered. The RFA requires an agency to describe any significant, specifically small business, 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 and 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.''

103. First, in the *FNPRM,* the Commission contemplates the possibility that the obligations considered might create additional compliance costs on CMRS licensees and CIS operators, both large and small. However, the Commission seeks comment on the specific criteria and timetables that should be required, and the associated costs and benefits in order to facilitate informed decisions in the final rules. Specifically, the Commission considers a range of timeframes in which CMRS licensees would be required to respond to qualifying requests and seeks comment on the resource and staff demands associated with those timeframes. With respect to the demands on CIS operators, the *FNPRM* considers a range of certifications and necessary information to be included with qualifying requests, and seeks comment on which pieces of information are important to accurately identify contraband wireless devices. Commenters are asked whether small entities face any special or unique issues with respect to terminating service to devices, and whether they would require additional time to take such action. In doing so, the Commission seeks to ensure the accuracy, security, and efficiency of the identification and disabling process, while also minimizing compliance burdens to the greatest extent possible.

104. Second, to limit the economic impact of a notice requirement, we seek comment on the types of network changes that should require advanced notification to CIS providers. While the Commission emphasizes the importance of cooperation between CIS operators and CMRS providers at every stage of CIS deployment, we also recognize the potential for overly burdensome notice requirements that would require notice upon making any network changes, even those that are unlikely to negatively impact the CIS.

105. Third, in order to clarify and simplify compliance and reporting requirements for small entities, as well as all other impacted entities, the Commission intends to designate a single point of contact at the Commission to serve as the ombudsperson on contraband wireless device issues. The ombudsperson's duties may include, as necessary, providing assistance to CIS operators in connecting with CMRS licensees, playing a role in identifying required CIS filings for a given correctional facility, facilitating the required Commission filings, thereby reducing regulatory burdens, and resolving issues that may arise during the leasing process. The ombudsperson will also conduct outreach and maintain a dialogue with all stakeholders on the issues important to furthering a solution to the problem of contraband wireless device use in correctional facilities. Finally, the ombudsperson, in conjunction with WTB, will maintain Web page with a list of active CIS operators and locations where CIS has been deployed. The appointment of an ombudsperson provides an important resource for small entities to understand and comply with any CIS-related requirements.

106. While the *FNPRM* considers a requirement that CISs be deemed eligible prior to making a qualifying request, the Commission does not seek comment on any specific design standard. Instead, the Commission seeks comment on the elements of detection systems and identification methods that contribute to the accuracy and reliability of a particular CIS. The *FNPRM* asks whether the standard should differ between rural and urban areas, or between large and small detection system providers or operators.

107. Finally, the *FNPRM* does not propose any exemption for small entities. The Commission finds an overriding public interest in preventing the illicit use of contraband wireless devices by prisoners to perpetuate criminal enterprises. The CIS eligibility requirement discussed in the *FNPRM* would be vital to the accuracy and reliability of the information ultimately used to disable contraband wireless devices, regardless of the size of the entity obtaining that information. Further, to the extent that a small entity could be exempt from a disabling requirement, it would reduce the overall effectiveness of a CIS. If inmates discover that a wireless provider whose service area includes the correctional facility does not disable contraband wireless devices within the facility, inmates will accordingly use only that service. Therefore, while the Further Notice seeks comment on alternative considerations for the overall identification and disabling process to accommodate the needs and resources of small entities, an exemption would be contrary to the Commission's overarching goal of combatting contraband wireless devices in wireless facilities.

108. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules. The *FNPRM* seeks comment on the application and relevance of sections 705 and 222 of the Act and Title 18 of the U.S. Code.

Congressional Review Act

109. The Commission will send a copy of the *FNPRM* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

III. Ordering Clauses

110. *It is ordered that*, pursuant to the authority contained in sections 1, 2, 4(i), 4(j), 301, 302, 303, 307, 308, 309, 310, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 301, 302a, 303, 307, 308, 309, 310, and 332, the *FNPRM* in GN Docket No. 13–111 is adopted.

111. *It is further ordered that*, pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on the *FNPRM* on or before 30 days after publication in the **Federal Register** and reply comments on or before 60 days after publication in the **Federal Register**.

112. *It is further ordered that*, pursuant to section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), the Commission *shall send* a copy of the *FNPRM* to Congress and to the Government Accountability Office.

113. *It is further ordered* that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of the *FNPRM,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 20

Communications common carriers, Radio.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to further amend 47 CFR part 20, as amended in a final rule published elsewhere in this issue of the **Federal Register**, as set forth below:

PART 20—COMMERCIAL MOBILE RADIO SERVICES

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

Authority: 47 U.S.C. 151, 152(a), 154(i), 157, 160, 201, 214, 222, 251(e), 301, 302, 303, 303(b), 303(r), 307, 307(a), 309, 309(j)(3), 316, 316(a), 332, 610, 615, 615a, 615b, 615c, unless otherwise noted.

■ 2. Amend § 20.23 by adding paragraph (b) to read as follows:

§ 20.23 Contraband wireless devices in correctional facilities.

* * * * *

(b) *Disabling contraband wireless devices.* A Designated Correctional Facility Official may request that a CMRS licensee disable a contraband wireless device in a correctional facility detected by a Contraband Interdiction System as described below.

(1) *Licensee obligation.* A licensee providing CMRS service must:

(i) Upon request of a Designated Correctional Facility Official, provide a point of contact suitable for receiving qualifying requests to disable devices; and

(ii) Upon request of a Designated Correctional Facility Office to disable a contraband wireless devices, verify that the request is a qualifying request and, if so, permanently disable the device.

(2) *Qualifying request.* A qualifying request must be made in writing via a verifiable transmission mechanism, contain the certifications in paragraph (3) of this section and the device and correctional facility identifying information in paragraph (4) of this section, and be signed by a Designated Correctional Facility Official. For purposes of this section, a Designated Correctional Facility Official means a state or local official responsible for the correctional facility where the contraband device is located.

(3) *Certifications.* A qualifying request must include the following certifications by the Designated Correctional Facility Official:

(i) The CIS used to identify the device is authorized for operation through a Commission license or approved lease agreement, referencing the applicable ULS identifying information;

(ii) The Designated Correctional Facility Official has contacted all CMRS licensees providing service in the area of the correctional facility in order to establish a verifiable transmission mechanism for making qualifying requests and for receiving notifications from the CMRS licensee;

(iii) The Designated Correctional Facility Official has substantial evidence that the contraband wireless device was used in the correctional facility, and that such use was observed within the 30 day period immediately prior to the date of submitting the request; and

(iv) The CIS used to identify the device is an Eligible CIS as defined in paragraph (5) of this section. The Designated Correctional Facility Official must include a copy of a FCC Public Notice listing the eligible CIS.

(4) *Device and correctional facility identifying information.* The request must identify the device to be disabled and correctional facility by providing the following information:

(i) Identifiers sufficient to uniquely describe the device in question;

(ii) Licensee providing CMRS service to the device;

(iii) Name of correctional facility;

(iv) Street address of correctional facility;

(v) Latitude and longitude coordinates sufficient to describe the boundaries of the correctional facility; and

(vi) Call signs of FCC Licenses and/or Leases authorizing the CIS.

(5) *Eligible CIS.* (i) In order to be listed on a FCC Public Notice as an Eligible CIS, a CIS operator must demonstrate to the Commission that:

(A) All radio transmitters used as part of the CIS have appropriate equipment authorization pursuant to Commission rules;

(B) The CIS is designed and will be configured to locate devices solely within a correctional facility, secure and protect the collected information, and is capable of being programmed not to interfere with emergency 911 calls; and

(C) The methodology to be used in analyzing data collected by the CIS is sufficiently robust to provide a high degree of certainty that the particular wireless device is in fact located within a correctional facility.

(ii) Periodically, the Commission will issue Public Notices listing all Eligible CISs.

[FR Doc. 2017–09886 Filed 5–17–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 170303228–7228–01]

RIN 0648–BG71

Subsistence Taking of Northern Fur Seals on the Pribilof Islands; Summary of Fur Seal Harvests for 2014–2016 and Proposed Annual Subsistence Harvest Needs for 2017–2019

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

ACTION: Notice of availability; request for comments.

SUMMARY: Pursuant to the regulations governing the subsistence taking of North Pacific fur seals (*Callorhinus ursinus*) (northern fur seals), this document summarizes the annual fur seal subsistence harvests on St. George and St. Paul Islands (the Pribilof Islands) in Alaska for 2014–2016 and proposes annual estimates of northern

fur seal subsistence harvest on the Pribilof Islands for 2017–2019. The proposed number of fur seals expected to satisfy the subsistence requirements of Alaska Natives residing on the Pribilof Islands (Pribilovians) during the years 2017–2019 is 300 to 500 for St. George and 1,645 to 2,000 for St. Paul. These harvest levels are unchanged from the levels established for 2014–2016. NMFS solicits public comments on the proposed subsistence harvest needs for 2017–2019.

DATES: Comments must be received no later than June 19, 2017.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2017–0018 by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0018,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Jon Kurland, Assistant Regional Administrator, Protected Resources Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

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

Two Final Environmental Impact Statements and one Draft EIS are available on the Internet at the following address under the NEPA Analyses tab: *https://alaskafisheries.noaa.gov/pr/fur-seal.*

FOR FURTHER INFORMATION CONTACT: Michael Williams, NMFS Alaska Region, 907–271–5117, *michael.williams@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Eastern Pacific stock of northern fur seals (fur seals) is considered depleted under the Marine Mammal Protection Act (MMPA), 16 U.S.C. 1361, *et seq.* The subsistence harvest from this stock on the Pribilof Islands is governed by regulations found in 50 CFR part 216, subpart F, published under the authority of the Fur Seal Act (FSA), 16 U.S.C. 1151, *et seq.* The regulations authorize Pribilovians to take fur seals on the Pribilof Islands if such taking is for subsistence uses and not accomplished in a wasteful manner. Since 1997, the allowable harvest level for St. George has been 300 to 500 fur seals and the allowable harvest level for St. Paul has been 1,645 to 2,000 fur seals. On both islands, if the harvest reaches the lower level and the Pribilovians have not met their subsistence harvest needs they must obtain the concurrence of NMFS before harvesting up to the upper level.

NMFS has restricted the subsistence harvest of fur seals on the Pribilof Islands to sub-adult male fur seals less than 124.5 cm in length during a 47-day season (from June 23 to August 8) on the Pribilof Islands. In 2014, NMFS created a second harvest season on St. George Island (from September 16 to November 30), authorizing the harvest of up to 150 male pups (79 FR 65327; November 4, 2014). The authority to harvest 150 male pups on St. George Island did not change the lower or upper harvest level established previously (79 FR 45728; August 5, 2014). The purposes of these regulations are to (1) limit the take of fur seals to a sustainable level that provides for the subsistence requirements of Pribilovians, and (2) restrict taking by sex, age, location, and season to ensure conservation of the species.

Pursuant to subsistence harvest regulations at 50 CFR 216.72(b), every three years NMFS must publish in the **Federal Register** a summary of the Pribilovians' fur seal harvest for the previous three-year period. NMFS is also required to include an estimate of the number of fur seals expected to satisfy the subsistence requirements of Pribilovians in the subsequent three-year period. Since 2000, NMFS estimated the number of seals necessary to satisfy the subsistence requirements of Pribilovians based on discussions with the St. Paul and St. George Tribal Governments (Tribal Governments) as established in their respective co-management agreements pursuant to Section 119 of the MMPA. NMFS works with the Tribal Governments to estimate a lower and upper number of fur seals to be harvested annually to satisfy the subsistence requirements of the Pribilovians.

Other Actions Potentially Affecting the Fur Seal Subsistence Harvest Estimates

In response to a petition from the Aleut Community of St. Paul Island, NMFS recently published a Draft Supplemental Environmental Impact Statement to evaluate the effects relevant to environmental concerns of potential changes to the regulations governing subsistence harvest of fur seals on St. Paul Island (82 FR 4336; January 13, 2017). Based on review of the public comments, NMFS is considering whether to undertake proposed and final rulemaking to revise fur seal subsistence harvest regulations at 50 CFR 216.72. Should NMFS undertake such rulemaking the triennial process of assessing the Pribilovians' subsistence needs and setting lower and upper levels for the maximum allowable harvest of fur seals may be modified or removed from the regulations. NMFS is not seeking comment on these potential proposals here.

Fur Seal Status and Subsistence Needs

Based on the most recent fur seal stock assessment report (2016), NMFS estimates that the current abundance of the eastern Pacific fur seals stock is 648,534. The potential biological removal (PBR) level (*i.e.,* the maximum number of animals, not including natural mortalities, that may be removed from the stock while allowing the stock to reach or maintain its optimum sustainable population level) is 11,802 animals (Muto *et al.,* 2016). Harvest of the maximum allowable level on both St. George and St. Paul Islands (2,500 sub-adult male fur seals; a level that the Pribilovians have not reached since 1985) would amount to 21.2 percent of the PBR level. However, the population-level effect of the harvest on the stock is lower than 21.2 percent of the PBR because PBR assumes random mortality across all ages and both sexes, and the subsistence harvest is regulated to select sub-adult male fur seals (including male pups on St. George). Fur seal reproduction depends disproportionately on females, so harvesting males has much less influence on the population. Limiting the harvest of fur seals to males that have not reached adulthood has been the basis of sustainable harvests on the Pribilofs for over 100 years.

The mortality from the subsistence harvest is in addition to other sources of known human-caused mortality that are described in the annual stock assessment reports (Muto *et al.,* 2016), including bycatch in commercial fisheries, entanglement in derelict fishing gear and marine debris as well as accidental death during research. The 5-year average (2009–2013) annual estimates of the sources of known human-caused mortality of fur seals, as identified in the 2016 stock assessment

report (Muto *et al.,* 2016), are: fisheries bycatch (average = 1.1); entanglement (average = 12); research (average <1); and subsistence harvests (average = 432). These sources of known human-caused mortality of fur seals are less than 4 percent of PBR. During the past 5 years, there have been no reports of illegal shooting by fishermen, and one seal was killed in 2015 when it was struck by a car on St. Paul. NMFS Office of Law Enforcement has been unable to identify suspects in cases where illegal harvest of fur seals is suspected.

The 1985 and subsequent estimates of the number of fur seals required to meet subsistence needs were based on pounds of meat estimated to have been consumed by Pribilovians from the turn of the century (50 FR 27914, July 4, 1985; 51 FR 17896, May 15, 1986). The short seasons required by the regulations forced employers, employees, and fishermen to choose between wage earning jobs and volunteer participation in the subsistence harvest. Public comments on those notices of the number of fur seals required to meet their subsistence need suggested that NMFS should reduce the lower level of the subsistence need because the actual harvest seldom reached the lower level established in the early years of the subsistence regulations (51 FR 17896, May 15, 1986; 51 FR 24828, July 9, 1986; 53 FR 28886, August 1, 1998; 56 FR 25066, June 3, 1991). NMFS responded by reducing the estimates of Pribilovians' subsistence need to its lowest level in 1990 and 1991 (1,326–2,300), and in 1991 both islands made written requests to exceed the lower end of the range and ultimately harvested the highest number of fur seals allowed under the subsistence regulations (Table 1). NMFS increased the estimated subsistence need through 1997, and the harvest has not reached the lower level established for either island since 1993 (Table 1). The lower level may only be exceeded if the Assistant Administrator (1) reviews the harvest data, (2) determines that additional harvest is necessary to satisfy Pribilovians' subsistence needs, and (3) provides a revised estimate of the number of seals required to satisfy subsistence needs in accordance with 50 CFR 216.72(f). Exceedance of the upper harvest level is not authorized. The current lower harvest level of 1,945, while higher than actual harvest levels in the past decade, provides a degree of flexibility that allows for environmental changes and accommodates unanticipated community needs.

The communities of St. Paul and St. George Islands rely on marine mammals as a major food source and a cornerstone of their culture. Several factors affect both the subsistence harvest of northern fur seals and the number of fur seals required to meet subsistence needs. Weather conditions and availability of subsistence resources and store-bought foods vary annually. The availability of wage-earning jobs affects the time available for community members to harvest fur seals and other subsistence resources. For example, the subsistence harvest season is concurrent with the Pacific halibut commercial fishing season. Individual community members may choose to participate in wage-earning jobs rather than volunteer to participate in the subsistence harvest fur seals. In addition, some seasonal employment opportunities, such as commercial crab fishing, may interfere with community members' ability to harvest Steller sea lions, increasing their reliance upon the northern fur seal as a subsistence food source.

Summary of Harvest Operations and Monitoring From 2014 to 2016

The harvests of sub-adult male fur seals from 2014 to 2016 were conducted in the established manner and employed the standard harvest methods required under 50 CFR 216.72. NMFS personnel, a harvest observer contracted by NMFS, and tribal government staff monitored the harvests during the period of 2014 through 2016. The NMFS personnel, harvest observer, and tribal government staff communicated during and after the harvests to further improve the efficiency of the annual harvest, encourage full utilization of the animals taken, and reduce stress to unharvested seals. NMFS received annual harvest reports from the tribal governments of both islands and the harvest observers. These reports were reviewed and verified by NMFS prior to finalization and public distribution. Through co-management, the tribal governments on both St. Paul and St. George Islands have taken responsibility for ensuring the subsistence harvest of male fur seals from the age classes authorized on the respective islands is not accomplished in a wasteful manner, minimizes the accidental take of females, and does not result in increased disturbance to the fur seals on rookeries. The Pribilovians have requested more autonomy to undertake and monitor the fur seal harvest themselves via co-management, and NMFS continues to balance that request with the need to independently observe a portion of the harvests on both islands each year (see 51 FR 17896; May 15, 1986, 53 FR 28886; August 1, 1988, 58 FR 42027; August 6, 1993, 79 FR 65327; November 4, 2014).

The reported fur seal subsistence harvest for St. Paul was 266 animals in 2014, 314 in 2015, and 309 in 2016 (Lestenkof *et al.,* 2015, Lestenkof *et al.,* 2016, Melovidov *et al.,* 2017). The reported total subsistence harvest of fur seals on St. George Island in 2014, 2015, and 2016 was 158, 118, and 83, respectively, of which the sub-adult harvest was 104 in 2014, 61 in 2015, and 37 in 2016 (Kashevarof 2015, Kashevarof 2016, Lekanof 2017) and the pup harvest was 54 in 2014, 57 in 2015, and 46 in 2016 (Testa 2016, IAG 2016, and IAG 2017). From 1986 to 2016, the reported number of sub-adult male fur seals harvested on St. Paul and St. George ranged from 266–1704 and 37–319, respectively (Table 1). The average number of male seals harvested annually during the past decade on St. Paul was 318 (range: 262 to 383), and on St. George was 119 (range: 63 to 206) including pups.

TABLE 1—HARVEST LEVELS AND ACTUAL SUBSISTENCE HARVEST LEVELS OF SUB-ADULT MALE NORTHERN FUR SEALS ON THE PRIBILOF ISLANDS, 1986–2016

[Accidental female harvests and the pup harvest from 2014–16 are not included]

Year	Harvest levels		Actual harvest	
	St. Paul	St. George	St. Paul	St. George
1986	2,400–8,000	800–1,800	1,299	124
1987	1,600–2,400	533–1,800	1,704	92
1988	1,800–2,200	600–740	1,145	113
1989	1,600–1,800	533–600	1,340	181
1990	1,145–1,800	181–500	1,077	164
1991	1,145–1,800	181–500	1,644	281

TABLE 1—HARVEST LEVELS AND ACTUAL SUBSISTENCE HARVEST LEVELS OF SUB-ADULT MALE NORTHERN FUR SEALS ON THE PRIBILOF ISLANDS, 1986–2016—Continued

[Accidental female harvests and the pup harvest from 2014–16 are not included]

Year	Harvest levels		Actual harvest	
	St. Paul	St. George	St. Paul	St. George
1992	1,645–2,000	281–500	1,480	194
1993	1,645–2,000	281–500	1,518	319
1994	1,645–2,000	281–500	1,615	161
1995	1,645–2,000	281–500	1,263	259
1996	1,645–2,000	281–500	1,588	232
1997	1,645–2,000	300–500	1,153	227
1998	1,645–2,000	300–500	1,297	256
1999	1,645–2,000	300–500	1,000	193
2000	1,645–2,000	300–500	754	121
2001	1,645–2,000	300–500	595	184
2002	1,645–2,000	300–500	646	202
2003	1,645–2,000	300–500	522	132
2004	1,645–2,000	300–500	493	123
2005	1,645–2,000	300–500	466	139
2006	1,645–2,000	300–500	396	212
2007	1,645–2,000	300–500	269	206
2008	1,645–2,000	300–500	328	170
2009	1,645–2,000	300–500	341	113
2010	1,645–2,000	300–500	357	78
2011	1,645–2,000	300–500	322	120
2012	1,645–2,000	300–500	383	63
2013	1,645–2,000	300–500	298	80
2014	1,645–2,000	300–500	262	103
2015	1,645–2,000	300–500	312	61
2016	1,645–2,000	300–500	308	37

A single accidental harvest of a sub-adult female fur seal occurred during 2014–2016 on St. George. On St. Paul harvesters accidentally killed seven sub-adult females during 2014–2016. The average annual accidental harvest of females is two on St. Paul and less than one on St. George since 1986.

Under section 119 of the MMPA, NMFS signed agreements with St. Paul in 2000 and with St. George in 2001 for the cooperative management of subsistence uses of northern fur seals and Steller sea lions. The processes described in the cooperative agreements have facilitated a collaborative working relationship between NMFS and tribal authorities to manage efficient harvests for food and to promote full utilization for traditional arts, crafts, and other uses permitted under regulations at 50 CFR 216.73 (Melovidov *et al.,* 2017, IAG 2016, IAG 2017).

Estimate of Subsistence Need for 2017 Through 2019

For the 3-year period from 2017 through 2019, NMFS proposes no change to the current allowable harvest ranges of 1,645–2,000 sub-adult male fur seals for St. Paul Island and 300–500 sub-adult male fur seals for St. George Island (including up to 150 male pups). Retaining the allowable harvest levels at the current range provides for fur seal conservation, flexibility that accommodates environmental changes, and unanticipated community needs. NMFS will continue to work with the Tribal Governments of St. Paul and St. George under section 119 of the MMPA to ensure their subsistence needs are met in a manner that is consistent with the sustainable use and conservation of fur seals. NMFS seeks public comments on these proposed estimates of the annual number of fur seals expected to satisfy the subsistence requirements of Pribilovians from 2017 through 2019.

NMFS will continue to monitor the harvest on St. Paul and St. George Islands during 2017, 2018, and 2019, and coordinate regular monitoring and reporting through the agreements signed for cooperative management of the subsistence use of fur seals.

Classification

National Environmental Policy Act

NMFS prepared an Environmental Impact Statement (EIS) evaluating the impacts on the human environment of the subsistence harvest of northern fur seals, which is available on the NMFS Web site (see *Reviewing Documents*). A draft EIS was available for public review (69 FR 53915; September 3, 2004), and NMFS incorporated the comments into the final EIS (May 2005). A draft Supplemental EIS (SEIS) was prepared regarding the management of the subsistence harvest of northern fur seals on St. George Island, made available for public review (79 FR 31110; May 30, 2014), and NMFS incorporated the public comments into the final SEIS (79 FR 49774; August 22, 2014). A draft Supplemental EIS (SEIS) was prepared regarding the management of the subsistence harvest of northern fur seals on St. Paul Island, made available for public review (82 FR 4336; January 13, 2017), and NMFS is reviewing those public comments separate from the action considered here.

An SEIS should be prepared if (1) the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (2) significant new circumstances or information exist relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1502.9(c)(1)). After reviewing the information contained in the 2005 EIS and 2014 SEIS, the Regional Administrator has determined that (1) approval of the proposed 2017–2019 fur seal subsistence harvest notice does not constitute a change in the action; and (2) there are no significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. Additionally, the proposed 2017–2019 fur seal subsistence harvest levels will result in environmental impacts within

the scope of those analyzed and disclosed in the previous EIS. Therefore, supplemental NEPA documentation is not necessary to implement the 2017–2019 fur seal subsistence harvest levels proposed in this document.

Executive Order 12866 and 13563

This proposed action is authorized under 50 CFR 216.72(b) and is not significant for the purposes of Executive Orders 12866 and 13563.

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed action would not have a significant economic impact on a substantial number of small entities. The harvest of fur seals on the Pribilof Islands, Alaska, is for subsistence purposes only. This action directly regulates the subsistence harvest of northern fur seals by Pribilovians. The estimates of subsistence need are derived based on historic harvest levels and direct consultation with the Tribal Governments from each community. NMFS has identified two small entities that may be affected by this action—the communities of St. Paul and St. George, both of which have populations less than 500.

Estimate of Economic Impacts on Small Entities

This action would have no adverse economic impact and may provide a net economic benefit for the communities of St. Paul and St. George. The upper limit of the estimated subsistence harvest need is unlikely to restrict the number of animals taken by subsistence users. NMFS compared historic harvest levels on each island to the upper and lower harvest limits. The total annual harvests on each island have never exceeded the upper limit of the proposed subsistence need, and have only exceeded the lower limit three times; in 1991 on both islands and in 1993 on St. George. The regulated entities will not experience any change from the status quo since the proposed allowable subsistence harvest levels remain unchanged since 1997.

The subsistence harvest of fur seals provides a local, affordable source of fresh and frozen meat for the communities' consumption. Fresh store-bought meat is not available on either St. Paul or St. George Islands. Subsistence hunting and fishing are the primary means by which the communities meet their dietary needs. No other fish and wildlife species are predictably available to replace fresh fur seal meat. Livestock meat shipped to the islands is extremely expensive, represents a dietary alternative rather than a replacement for fur seal meat, and is only available when air or barge service can deliver it. In addition, marine mammals such as fur seals are the culturally-preferred meat resource for Aleuts and other coastal Alaska Natives.

Explanation of the Criteria Used To Evaluate Whether the Action Would Impose ''Significant Economic Impacts''

The proposed action will not place any small entities at a disadvantage relative to large entities or impose significant economic impacts on any small entities.

The criteria recommended to determine the significance of the economic impacts of the action are profitability and disproportionality. The guidance states that ''the concept of profitability may not be appropriate for a non-profit small organization or a small government jurisdiction.'' Based on this guidance NMFS believes disproportionality is the appropriate standard given that the regulated entities are small government jurisdictions. No large entities are allowed to harvest northern fur seals; therefore the regulatory allowance for the small entities on St. Paul and St. George to harvest northern fur seals does not create a disproportionate impact that would disadvantage them.

Explanation of the Criteria Used To Evaluate Whether the Action Would Impose Impacts on a ''Substantial Number'' of Small Entities

The proposed action would not impose adverse economic impacts on any small entities. Because this action will not impose significant economic impacts on any small entities, it will not impose impacts on a substantial number of small entities. This action may have beneficial economic impacts on the directly regulated Alaska Native residents of St. Paul and St. George and will not have an adverse economic impact on any small entities. Therefore, a regulatory flexibility analysis is not required and none was prepared.

Paperwork Reduction Act

This proposed action does not require the collection of information for the purposes of the Paperwork Reduction Act.

Executive Order 13132—Federalism

This proposed action does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 13132 because this action does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Nonetheless, NMFS worked closely with local governments in the Pribilof Islands, and these estimates of subsistence use and need were prepared by the local governments in St. Paul and St. George, with assistance from NMFS officials.

Executive Order 13175—Native Consultation

Executive Order 13175 of November 6, 2000 (25 U.S.C. 450 Note), the executive Memorandum of April 29, 1994 (25 U.S.C. 450 note), the American Indian Native Policy of the U.S. Department of Commerce (March 30, 1995), the Department of Commerce's Tribal Consultation Policy (including the Department of Commerce Administrative Order 218–8, April 26, 2012), and the NOAA Procedures for Government-to-Government Consultation With Federally Recognized Indian Tribes and Alaska Native Corporations (November 12, 2013) outline the responsibilities of NMFS in matters affecting tribal interests. Section 161 of Public Law 108–100 (188 Stat. 452) as amended by section 518 of Public Law 108–447 (118 Stat. 3267) extends the consultation requirements of E.O. 13175 to Alaska Native corporations. NMFS has contacted the tribal governments of St. Paul and St. George Islands and their respective local Native corporations (Tanadgusix and Tanaq) about setting the next three years' harvest estimates and received and considered their input.

Dated: May 15, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–10089 Filed 5–16–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 82, No. 95

Thursday, May 18, 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

Office of the Secretary

Improving Customer Service

AGENCY: Office of the Secretary, USDA.

ACTION: Request for information.

SUMMARY: Consistent with Executive Order 13781, ''Comprehensive Plan for Reorganizing the Executive Branch,'' and using the authority of the Secretary to reorganize the Department under section 4(a) of Reorganization Plan No. 2 of 1953, the U.S. Department of Agriculture (USDA) is soliciting public comment on the proposed reorganization announced by Secretary Perdue on May 11, 2017.

DATES: Comments and information are requested on or before June 14, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this notice. All submissions must refer to ''Improving Customer Service'' to ensure proper delivery.

- *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal: *http://www.regulations.gov.* USDA strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, and ensures timely receipt by USDA. Commenters should follow the instructions provided on that site to submit comments electronically.
- *Submission of Comments by Mail, Hand delivery, or Courier.* Paper, disk, or CD–ROM submissions should be submitted to the Office of Budget and Program Analysis, USDA, Jamie L. Whitten Building, Room 101–A, 1400 Independence Ave. SW., Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Donald Bice, Telephone Number: (202) 720–5303.

SUPPLEMENTARY INFORMATION: USDA is committed to operating efficiently, effectively, and with integrity, and minimizing the burdens on individuals businesses and communities for participation in and compliance with USDA programs. USDA works to support the American agricultural economy to strengthen rural communities; to protect and conserve our natural resources; and to provide a safe, sufficient, and nutritious food supply for the American people. The Department's wide range of programs and responsibilities touches the lives of every American every day.

I. Executive Order 13781

Executive Order 13781, ''Comprehensive Plan for Reorganizing the Executive Branch,'' is intended to improve the efficiency, effectiveness, and accountability of the executive branch. The principles in the Executive Order provide the basis for taking actions to enhance and strengthen the delivery of USDA programs. The Department will continue to work within the Administration on the government-wide reform plan and additional reform efforts.

II. Reorganization Actions

On May 11, 2017, Secretary Perdue announced his intent to take actions to advance agricultural trade by creating an Under Secretary for Trade and Foreign Agricultural Affairs, create a customer-focused culture of public service and improve the effectiveness, efficiency and accountability of agencies who provide services to agricultural producers by realigning agencies in the Department under an Under Secretary for Farm Production and Conservation, and elevate the importance of the activities carried out by the Rural Development mission area by realigning those agencies to report directly to the Secretary. *https://www.usda.gov/media/press-releases/2017/05/11/secretary-perdue-announces-creation-undersecretary-trade.*

III. Request for Information

USDA is seeking public comment on the actions identified in the May 11, 2017, announcement. In addition, we note that the Administration has requested the public's ideas on how to reorganize the Executive branch. For those who would like to provide their input, the Administration has provided a Web site located at *https://www.whitehouse.gov/reorganizing-the-executive-branch.* The Department encourages the public to participate.

USDA notes that this notice is issued solely for information and program-planning purposes. While responses to this notice do not bind USDA to any further actions, all submissions will be reviewed by the appropriate program office, and made publicly available on *http://www.regulations.gov.*

Dated: May 11, 2017.

Donald Bice,

Associate Director, Office of Budget and Program Analysis.

[FR Doc. 2017–10063 Filed 5–15–17; 4:15 pm]

BILLING CODE 3410–90–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0057]

Importation, Interstate Movement, and Environmental Release of Certain Genetically Engineered Organisms; Public Meetings

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meetings.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service is hosting a series of public meetings to provide the public with an opportunity to offer comments on proposed revisions to its regulations regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms.

DATES: The public meetings will be held in Missouri on June 6, 2017; in California on June 13, 2017; and in Maryland on June 16, 2017. The public meetings will be held from 9 a.m. to 12 p.m. local time each day, with check-in beginning at 8:30 a.m.

ADDRESSES: The public meetings will be held at the following locations:

- *Missouri:* APHIS Center for Animal Welfare, 6501 Beacon Drive, Kansas City, MO 64133;
- *California:* University of California (UC) Davis Conference Center, 550 Alumni Lane, Davis, CA 95616; and

• *Maryland:* USDA Center at Riverside, 4700 River Road, Riverdale, MD 20737.

FOR FURTHER INFORMATION CONTACT: Mr. Richard George, Supervisory Communication Specialist, Policy Coordination Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road, Unit 147, Riverdale, MD 20737–1238; (301) 851–3904.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) will hold a series of public meetings on its proposed rule regarding revisions to the regulations concerning the importation, interstate movement, and environmental release of certain genetically engineered organisms. The proposed rulemaking was published in the **Federal Register** on January 19, 2017 (82 FR 7008–7039, Docket No. APHIS–2015–0057). The meetings will be held in various locations to facilitate attendance.

A representative of APHIS will preside at the meetings. Any interested party may appear and be heard in person, or through an attorney or other representative. We are interested in obtaining the views of the public on all aspects of the proposed rule. A simultaneous webcast will also be made available for those who are unable to attend the meeting in person. Those planning to attend either in person or via the webcast are asked to register in advance. Instructions for registering, accessing the webcast, and submitting written comments are available at *https://www.regonline.com/builder/site/Default.aspx?EventID=1961632.*

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

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–10062 Filed 5–17–17; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Connecticut Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Connecticut Advisory Committee to the Commission will convene by conference call at 10:00 a.m. (EDT) on: Wednesday, June 28, 2017.The purpose of the meeting is continue the Committee's work on the Advisory Memorandum on Solitary Confinement.

DATES: Wednesday, June 28, 2017, at 10:00 a.m. EDT.

PUBLIC CALL-IN INFORMATION: Conference call-in number:1–888–352–6793 and conference call 2512042.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis, at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–888–352–6793 and conference call 2512042. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). 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 conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–977–8339 and providing the operator with the toll-free conference call-in number: 1–888–352–6793 and conference call 2512042.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

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=239;* click the ''Meeting Details'' and ''Documents'' links.Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. 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 Eastern Regional Office at the above phone numbers, email or street address.

Agenda June 28, 2017

- Open—Rollcall
- Editing of Advisory Memorandum
- Vote on Memorandum, if ready
- Open Comment
- Adjourn

Dated: May 12, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–10028 Filed 5–17–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Ohio Advisory Committee for a Meeting To Review a Project Proposal for the Committee's Next Topic of Civil Rights Study: Educational Funding in Ohio

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Ohio Advisory Committee (Committee) will hold a meeting on Wednesday, June 14, 2017, at 3:00 p.m. EST for the purpose of reviewing and discussing a proposal to study Civil Rights and Educational Funding in Ohio.

DATES: The meeting will be held on Wednesday, June 14, 2017, at 3:00 p.m. EST.

PUBLIC CALL INFORMATION: Dial: 888–430–8701, Conference ID: 3131926.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

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: 888–430–8701, conference ID: 3131926. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. 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 within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern 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, Ohio Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=268*). Select ''meeting details'' and ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda:

Welcome and Introductions
Project Proposal: ''Civil Rights and Education Funding in Ohio''
Public Comment
Future Plans and Actions
Adjournment

Dated: May 12, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–10026 Filed 5–17–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Illinois Advisory Committee for a Meeting To Review and Discuss Testimony Regarding Civil Rights and Voter Participation in the State

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Illinois Advisory Committee (Committee) will hold a meeting on Friday, June 02, 2017, at 12:00 p.m. CST for the purpose of reviewing and discussing testimony regarding civil rights and voting in the state.

DATES: The meeting will be held on Friday, June 02, 2017, at 12:00 p.m. CST.

PUBLIC CALL INFORMATION: Dial: 888–481–2844, Conference ID: 8621046.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–481–2844, conference ID: 8621046. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement to the Committee as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. 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 within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern 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, Illinois Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=246*). Select ''meeting details'' and then ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda:

Welcome and Roll Call
Discussion of Testimony: Voting Rights in Illinois
Public Comment
Future Plans and Actions
Adjournment

Dated: May 12, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–10027 Filed 5–17–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Maine Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of briefing meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a briefing meeting of the Maine Advisory Committee to the Commission will convene at 9:00 a.m. (EDT) on Wednesday, June 14, 2017 in the auditorium at City Hall in Lewiston, Maine, located at 27 Pine Street in Lewiston, ME 04240. The purpose of the briefing is to hear from government officials, advocates, and others on the criminalization of the mentally ill in Maine. The purpose of the meeting is to also review and vote on the advisory memorandum on judicial disparities.

DATES: Wednesday, June 14, 2017 (EDT).

Time: 9:00 a.m.—Briefing Meeting and Public Session.

ADDRESSES: 27 Pine St., Lewiston, Maine 04240.

FOR FURTHER INFORMATION CONTACT: Barbara Delaviez at *ero@usccr.gov,* or 202–376–7533.

SUPPLEMENTARY INFORMATION: If other persons who plan to attend the meeting require other accommodations, please contact Evelyn Bohor at ebohor@usccr.gov at the EasternRegional Office at least ten (10) working days before the scheduled date of the meeting.

Time will be set aside at the end of the briefing so that members of the public may address the Committee after the formal presentations have been completed. Persons interested in the issue are also invited to submit written comments; the comments must be received in the regional office by Friday, July 14, 2017. Written comments may be mailed to the Eastern Regional Office, U.S. Commissionon Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

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=252* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern 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 Eastern Regional Office at the above phone number, email or street address.

Tentative Agenda

Wednesday, June 14, 2017

I. Welcome and Introductions 9:00 a.m.
II. Briefing 9:15 a.m. to 6:00 p.m.
Panel One: Family of the Mentally Ill and Mental Health Advocates
Panel Two: Law Enforcement
Panel Three: Critical Decisions
Panel Four: Legislature Issues
III. Open Session—conclusion of panels
IV. Adjournment

Dated: May 12, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–10029 Filed 5–17–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[4/26/2017 through 5/5/2017]

Firm name	Firm address	Date accepted for investigation	Product(s)
SeaTac Packaging Manufacturing Corporation.	901 North Levee Road, Puyallup, WA 98371.	4/27/2017	The firm manufactures laminate woven sewn open mouth sacks.
Precision Connecting Rod Service, Inc. d/b/a PCR Machining, Inc.	2600 W. Cermak Road, Broadview, IL 60155.	4/28/2017	The firm manufactures close tolerance CNC machined steel products such as connecting rods, crankcases, blocks, heads, and manifolds.
Preferred Lightning Protection, Inc	2100 East 1st. Street, Maryville, MO 64468.	5/2/2017	The firm manufactures lightning protection and grounding components.
Stainless Foundry & Engineering, Inc	5110 North 35th Street, Milwaukee, WI 53209.	5/3/2017	The firm manufactures raw and machined steel castings utilizing both sand and investment manufacturing methods.
Anderson Industries, LLC	200 4th Avenue, Mapleton, ND 58059 ..	5/5/2017	The firm manufactures fabricated steel products for the agriculture, energy, and other commercial industries.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Miriam Kearse,

Lead Program Analyst.

[FR Doc. 2017–10024 Filed 5–17–17; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–008]

Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2015–2016

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain circular welded carbon steel pipes and tubes from Taiwan. The period of review (POR) is May 1, 2015, through April 30, 2016. This review covers Shin Yang Steel Co., Ltd. (Shin Yang) and Yieh Hsing Enterprise Co., Ltd. (Yieh Hsing). The Department preliminarily determines that Shin Yang made U.S. sales of subject merchandise below normal value. In addition, the Department preliminarily finds that Yieh Hsing had no reviewable shipments during the POR. The preliminary results are listed below in the section titled ''Preliminary Results of Review.''

DATES: Effective May 18, 2017.

FOR FURTHER INFORMATION CONTACT: Scott Hoefke or Erin Kearney, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington DC 20230; telephone: (202) 482–4947 or (202) 482–0167, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is certain circular welded carbon steel pipes and tubes from Taiwan. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7306.30.5025, 7306.30.5032, 7306.30.5040, and 7306.30.5055. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.[1]

Methodology

The Department has conducted this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, Room B–8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as the Appendix to this notice.

Preliminary Determination of No Shipments

On July 22, 2016, Yieh Hsing reported that it made no shipments of subject merchandise to the United States during the POR.[2] To confirm Yieh Hsing's no shipment claim, the Department issued a no-shipment inquiry to CBP requesting that it review Yieh Hsing's no-shipment claim.[3] CBP did not report that it had any information to contradict Yieh Hsing's claim of no shipments during the POR.

Given that Yieh Hsing certified that it made no shipments of subject merchandise to the United States during the POR and there is no information calling its claim into question, we preliminarily determine that Yieh Hsing did not have any reviewable transactions during the POR. Consistent with the Department's practice, we will not rescind the review with respect to Yieh Hsing but, rather, will complete the review and issue instructions to CBP based on the final results.[4]

Preliminary Results of the Review

As a result of this review, we preliminarily determine that a weighted-average dumping margin exists:

Producer/Exporter	Dumping margin (percent)
Shin Yang	1.78

Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.[5] Interested parties may submit cases briefs no later than 30 days after the date of publication of this notice.[6] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the due date for filing case briefs.[7] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[8] Case and rebuttal briefs should be filed using ACCESS.[9] In order to be properly filed, ACCESS must successfully receive an electronically-filed document in its entirety by 5 p.m. Eastern Time.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS, within 30 days after the date of publication of this notice.[10] Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.

Unless otherwise extended, the Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and CBP shall assess,

[1] The complete description of the scope of the order appears in the memorandum from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Certain Circular Welded Carbon Steel Pipes and Tubes from Taiwan; 2015–2016'' (dated concurrently with this notice) (Preliminary Decision Memorandum), which is hereby adopted by this notice.

[2] *See* Letter to the Department from Yieh Hsing entitled ''Certain Circular Welded Carbon Steel Pipes and Tubes from Taiwan; No Shipment Certification,'' dated July 22, 2016.

[3] *See* No Shipments Inquiry for Certain Circular Welded Carbon Steel Pipes and Tubes from Taiwan Produced and/or Exported by Yieh Hsing (A–583–008–003), message number 6363307 (December 28, 2016).

[4] *See, e.g., Certain Frozen Warmwater Shrimp from Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments;* 2012–2013, 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review;* 2012–2013, 79 FR at 51306 (August 28, 2014)

[5] *See* 19 CFR 351.224(b).

[6] *See* 19 CFR 351.309(c)(1)(ii).

[7] *See* 19 CFR 351.309(d).

[8] *See* 19 CFR 351.309(c)(2) and (d)(2).

[9] *See* 19 CFR 351.303.

[10] *See* 19 CFR 351.310(c).

antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

If the weighted-average dumping margin for Shin Yang is not zero or *de minimis* in the final results, then the Department will calculate importer-specific assessment rates. Because Shin Yang did not report the entered value of its sales, we will calculate importer-specific per-unit duty assessment rates by aggregating the total amount of dumping calculated for the examined sales of each importer and dividing each of these amounts by the total quantity (*i.e.,* weight) associated with those sales. To determine whether the importer-specific per-unit assessment rates are *de minimis,* in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we will calculate importer-specific *ad valorem* rates based on estimated entered values. Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties all entries for which the importer-specific *ad valorem* rate is zero or *de minimis.*

With respect to Yieh Hsing, if we continue to find that Yieh Hsing had no shipments of subject merchandise in the final results, we will instruct CBP to liquidate any existing entries of merchandise produced by Yieh Hsing, but exported by other parties, at the rate for the intermediate reseller, if available, or at the all-others rate.[11]

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Shin Yang will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for other manufacturers and exporters covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 9.70 percent, the all-others rate in the LTFV investigation.[12] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notifications

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 10, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Preliminary Determination of No Shipments
5. Comparisons to Normal Value
6. Product Comparisons
7. Date of Sale
8. Export Price
9. Normal Value
10. Currency Conversion
11. Recommendation

[FR Doc. 2017–10058 Filed 5–17–17; 8:45 am]

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[11] *See, e.g., Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review,* 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal from the Russian Federation: Final Results of Antidumping Duty Administrative Review,* 75 FR 56989 (September 17, 2010).

[12] *See Certain Circular Welded Carbon Steel Pipes and Tubes from Taiwan: Antidumping Duty Order,* 49 FR 19369 (May 7, 1984).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–045]

1-Hydroxyethylidene-1, 1-Diphosphonic Acid From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Department) and the International Trade Commission (ITC), the Department is issuing an antidumping duty order on 1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP) from the People's Republic of China (PRC). We are also amending our *Final Determination* to correct ministerial errors with respect to Nanjing University of Chemical Technology Changzhou Wujin Water Quality Stabilizer Factory and Nantong Uniphos Chemicals Co., Ltd. (collectively, WW Group).

DATES: Effective May 18, 2017.

FOR FURTHER INFORMATION CONTACT: Omar Qureshi or Kenneth Hawkins, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5307 or (202) 482–6491, respectively.

SUPPLEMENTARY INFORMATION:

Period of Investigation

The period of investigation (POI) is July 1, 2015, through December 30, 2015.[1]

Background

On March 23, 2017, the Department published in the **Federal Register** the *Final Determination* that HEDP from the PRC is being, or is likely to be, sold in the United States at LTFV, as provided in section 735 of the Tariff Act of 1930, as amended (Act).[2] From March 23, 2017, to March 24, 2017, WW Group, Henan Qingshuiyuan Technology Co., Ltd. (Qingshuiyuan), and Compass Chemical International LLC (the petitioner) respectively submitted ministerial allegations concerning the

[1] *See* 19 CFR 351.204(b)(1).

[2] *See 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 82 FR 14876 (March 23, 2017) (*Final Determination*).

Final Determination.[3] On May 8, 2017, the ITC notified the Department of its affirmative determination that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act, by reason of subsidized imports of subject merchandise from the PRC.[4] On May 12, 2017, the ITC published its final determination in the **Federal Register**.[5]

Scope of the Order

For a complete description of the scope of the order, *see* Appendix.

Amendment to Final Determination

After considering parties' comments and reviewing the record, pursuant to section 735(e) of the Act and 19 CFR 351.224(e) and (f), the Department is amending the *Final Determination* to reflect the correction of ministerial errors it made in calculating the final margin assigned to the WW Group.[6] In addition, because the rates for Qingshuiyuan, Jianghai Environmental Protection Co., Ltd., and the PRC-Wide Entity are based on the margins for WW Group and/or Shandong Taihe Chemicals Co., Ltd. (Taihe), we are also revising these rates.[7]

As a result of this amended final determination, we have revised the estimated weighted-average dumping margins and the export subsidy adjustments applied to the final weighted-average dumping margins as follows:

Producer	Exporter	Weighted-average dumping margin (percent)	Cash deposit rate (percent)
Nanjing University of Chemical Technology Changzhou Wujin Water Quality Stabilizer Factory.	Nanjing University of Chemical Technology Changzhou Wujin Water Quality Stabilizer Factory and Nantong Uniphos Chemicals Co., Ltd.	63.80	63.80
Shandong Taihe Water Treatment Technologies Co., Ltd	Shandong Taihe Chemicals Co., Ltd	167.58	167.28
Henan Qingshuiyuan Technology Co., Ltd	Henan Qingshuiyuan Technology Co., Ltd	90.64	90.34
Jianghai Environmental Protection Co., Ltd	Jianghai Environmental Protection Co., Ltd	90.64	90.34
PRC-Wide Entity		167.58	167.58

Antidumping Duty Order

In accordance with section 735(d) of the Act, the ITC has notified the Department of its final determination in this investigation, in which it found that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act. Therefore, in accordance with section 735(c)(2) of the Act, we are publishing this antidumping duty order. Because the ITC determined that imports of HEDP from the PRC are materially injuring a U.S. industry, unliquidated entries of such merchandise from the PRC entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties. In accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of HEDP from the PRC. Antidumping duties will be assessed on unliquidated entries of HEDP from the PRC entered, or withdrawn from warehouse, for consumption on or after November 4, 2016, the date of publication of the *Preliminary Determination*.[8]

Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation on all relevant entries of HEDP from the PRC. These instructions suspending liquidation will remain in effect until further notice.

Pursuant to section 735(c)(1)(B)(ii) of the Act, the Department will instruct CBP to require a cash deposit[9] equal to the weighted-average amount by which normal value (NV) exceeds U.S. price as follows: (1) The cash deposit rate for the exporter/producer combination listed in the table above will be the rate identified for that combination in the table; (2) for all combinations of PRC exporters/producers of merchandise under consideration that have not received their own separate rate above, the cash deposit rate will be the cash deposit rate established for the PRC-wide entity; and (3) for all non-PRC exporters of the merchandise under consideration which have not received their own separate rate above, the cash deposit rate will be the cash deposit rate applicable to the PRC exporter/producer combination that supplied that non-PRC exporter.

We normally adjust antidumping duty cash deposit rates by the amount of export subsidies, where appropriate. In the companion countervailing duty (CVD) investigation, we have found that the WW Group did not receive export

[3] *See* Letter from WW Group to the Department, regarding ''1-Hydroxyethylidene-1, 1-Diphosphonic Acid (''HEDP'') from the People's Republic of China, A–570–045; Request for Correction of Ministerial Error Pursuant to 19 CFR 351.224(f)'' (March 23, 2017) (WW Group's Ministerial Allegations); *see* also, Letter from QY to the Department, regarding ''Request for Correction of Ministerial Error Pursuant to 19 CFR 351.224(f)'' (March 24, 2017) (QY's Ministerial Allegations); *see* also Letter from Petitioner to the Department, regarding ''1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China'' (March 24, 2017) (Petitioner's Ministerial Allegation).

[4] *See* Letter to Ronald Lorentzen, Acting Assistant Secretary of Commerce for Enforcement and Compliance, from Rhonda K. Schmidtlein, Chairman of the U.S. International Trade Commission, regarding HEDP from the PRC, (May 8, 2017) (ITC Letter).

[5] *See 1-Hydroxyethylidene-1, 1-Diphosphonic Acid (''HEDP'') from China; Determinations,* 82 FR 22017 (May 11, 2017) (*ITC Final*).

[6] For a detailed discussion of the ministerial error allegations, *see* Memorandum to James Maeder, Senior Director, Antidumping and Countervailing Duty Operations, through James C. Doyle, Director, Office V, Enforcement and Compliance, Subject: Antidumping Duty Investigation of 1-Hydroxyethylidene-1, 1-Diphosphonic Acid People's Republic of China: Ministerial Error Memorandum, dated concurrently with this notice (Amended Final Memorandum).

[7] *Id.*

[8] *See 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less Than Fair Value, and Postponement of Final Determination,* 81 FR 76916 (November 4, 2016) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum.

[9] *See Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations,* 76 FR 61042 (October 3, 2011).

subsidies.[10] Therefore, no offset to the WW Group's cash deposit rate for export subsidies is necessary.[11] With respect to Taihe, because its CVD rate in the companion investigation included an amount for export subsidies, an offset of 0.30 percent will be made to its cash deposit rate.[12] With respect to the separate-rate companies, we find that an export subsidy adjustment of 0.30 percent to the cash deposit rate is warranted because this is the export subsidy rate included in the CVD ''all-others'' rate to which the separate-rate companies are subject. For the PRC-wide entity, which continues to receive an adverse facts available (AFA) rate in this amended final determination, as an extension of the adverse inference found necessary pursuant to section 776(b) of the Act, the Department has not adjusted the PRC-wide entity's AD cash deposit rate by the lowest export subsidy rate determined for any party in the companion CVD proceeding, because the lowest export subsidy rate determined in the companion CVD proceeding is 0.00 percent.[13] [14]

Pursuant to section 777A(f) of the Act, we normally adjust preliminary cash deposit rates for estimated domestic subsidy pass-through, where appropriate. However, in this case there is no basis to grant a domestic subsidy pass-through adjustment.[15]

Provisional Measures

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request the Department to extend that four-month period to no more than six months.

At the request of the exporters that account for a significant portion of HEDP from the PRC, we extended the four-month period to six months in this case.[16] In the underlying investigation, the Department published the *Preliminary Determination* on November 4, 2016. Therefore, the extended period beginning on the date of publication of the *Preliminary Determination,* ended May 2, 2017. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination, *i.e.,* May 11, 2017.[17]

Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of HEDP from the PRC entered, or withdrawn from warehouse, for consumption on or after May 2, 2017, the date on which the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determinations, *i.e.,* May 10, 2017, in the **Federal Register**. Suspension of liquidation will resume on May 11, 2017, the date of publication of the *ITC Final.*

Notification to Interested Parties

This notice constitutes the antidumping duty order with respect to HEDP from the PRC pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

This order and amended final determination are published in accordance with sections 735(e), 736(a) and 777(i) of the Act, and 19 CFR 351.211 and 351.224(e).

Dated: May 12, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

The merchandise covered by this investigation includes all grades of aqueous acidic (non-neutralized) concentrations of 1-hydroxyethylidene-1, 1-diphosphonic acid (HEDP), also referred to as hydroxyethylidenendiphosphonic acid, hydroxyethanediphosphonic acid, acetodiphosphonic acid, and etidronic acid. The Chemical Abstract Service (CAS) registry number for HEDP is 2809–21–4.

The merchandise subject to this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2931.90.9043. It may also enter under HTSUS subheadings 2811.19.6090 and 2931.90.9041. While HTSUS subheadings and the CAS registry number are provided for convenience and customs purposes only, the written description of the scope of this investigation is dispositive.

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[10] *See Countervailing Duty Investigation of 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Final Affirmative Determination,* 82 FR 14872 (March 23, 2017).

[11] *Id.*

[12] *Id.*

[13] *See, e.g., Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value; Preliminary Affirmative Determination of Critical Circumstances; In Part and Postponement of Final Determination,* 80 FR 4250 (January 27, 2015) and accompanying Issues and Decision Memorandum at 35.

[14] *See Countervailing Duty Investigation of 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Preliminary Affirmative Determination and Alignment of Final Determination with Final Antidumping Duty Determination,* 81 FR 62084 (September 8, 2016).

[15] *See* Preliminary Decision Memorandum at 28–29.

[16] *See Preliminary Determination.*

[17] *See ITC Final.*

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–046]

1-Hydroxyethylidene-1, 1-Diphosphonic Acid From the People's Republic of China: Countervailing Duty Order

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Department) and the International Trade Commission (ITC), the Department is issuing the countervailing duty order on 1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP) from the People's Republic of China (PRC).

DATES: Effective May 18, 2017.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos at (202) 482–2243, or Matthew Renkey at (202) 482–2312, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with section 705(d) of the Tariff Act of 1930, as amended (Act), on March 23, 2017, the Department published its affirmative final determination that countervailable subsidies are being provided to producers and exporters of HEDP from the PRC.[1] On May 8, 2017, the ITC notified the Department of its affirmative determination that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act, by reason of subsidized imports of subject merchandise from the PRC.[2]

[1] *See Countervailing Duty Investigation of 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Final Affirmative Determination* 82 FR 14872 (March 23, 2017).

[2] *See* Letter to Ronald Lorentzen, Acting Assistant Secretary of Commerce for Enforcement and Compliance, from Rhonda K. Schmidtlein, Chairman of the U.S. International Trade Commission, regarding HEDP from the PRC, (May 8, 2017) (ITC Letter).

Scope of the Order

The scope of this order covers HEDP from the PRC. For a complete description of the scope, *see* Appendix.

Countervailing Duty Order

On May 8, 2017, in accordance with sections 705(b)(1)(A)(i) and 705(d) of the Act, the ITC notified the Department of its final determination in this investigation, in which it found that an industry in the United States is materially injured by reason of imports of HEDP from the PRC.[3] Therefore, in accordance with section 705(c)(2) of the Act, the Department is issuing this countervailing duty order. Because the ITC determined that imports of HEDP from the PRC are materially injuring a U.S. industry, unliquidated entries of such merchandise from the PRC, entered or withdrawn from warehouse for consumption, are subject to the assessment of countervailing duties.

Therefore, in accordance with section 706(a) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, countervailing duties for all relevant entries of HEDP from the PRC. Countervailing duties will be assessed on unliquidated entries of HEDP from the PRC entered, or withdrawn from warehouse, for consumption on or after September 8, 2016, the date of publication of the *Preliminary Determination,*[4] but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination as further described below.

Suspension of Liquidation

In accordance with section 706 of the Act, the Department will instruct CBP to reinstitute the suspension of liquidation of HEDP from the PRC. We will also instruct CBP to require, pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates for the subject merchandise.[5] These instructions suspending liquidation will remain in effect until further notice. The all-others rate applies to all producers and exporters of subject merchandise.

Company	Subsidy rate (percent *ad valorem*)
Nanjing University of Chemical Technology Changzhou Wujin Water Quality Stabilizer Factory (Wujin Water)	0.75 (*de minimis*).
Shandong Taihe Chemicals Co., Ltd. and Shandong Taihe Water Treatment Technologies Co., Ltd. (Taihe Companies)	2.40.
All-Others	2.40.
Changzhou Kewei Fine Chemicals Co., Ltd	54.11.
Hebei Longke Water Treatment Co., Ltd	54.11.
Shandong Huayou Chemistry Co., Ltd	54.11.
Shandong Xintai Water Treatment Technology	54.11.
Zaozhuang Fuxing Water Treatment Technology	54.11.
Zaozhuang YouBang Chemicals Co., Ltd	54.11.
Zouping Dongfang Chemical Industry Co., Ltd	54.11.

Provisional Measures

Section 703(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months. In the underlying investigation, the Department published the *Preliminary Determination* on September 8, 2016. As such, the four-month period beginning on the date of the publication of the *Preliminary Determination* ended on January 6, 2017. Furthermore, section 707(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 703(d) of the Act and our practice, we instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of HEDP from the PRC entered, or withdrawn from warehouse, for consumption, on or after January 6, 2017, the date the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation will resume on the date of publication of the ITC's final determination in the **Federal Register.**

Notifications to Interested Parties

This notice constitutes the countervailing duty order with respect to HEDP from the PRC pursuant to section 706(a) of the Act. Interested parties can find a list of countervailing duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

This order is issued and published in accordance with section 706(a) of the Act and 19 CFR 351.211(b).

Dated: May 9, 2017.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

The merchandise covered by this investigation includes all grades of aqueous acidic (non-neutralized) concentrations of HEDP, also referred to as hydroxyethylidenendiphosphonic acid, hydroxyethanediphosphonic acid, acetodiphosphonic acid, and etidronic acid. The Chemical Abstract Service (CAS) registry number for HEDP is 2809–21–4.

The merchandise subject to this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2931.90.9043. It may also enter under HTSUS subheadings 281.19.6090 and 2931.90.9041. While HTSUS subheadings and the CAS registry number are provided for convenience and customs purposes only, the written description of the scope of this investigation is dispositive.

[FR Doc. 2017–10079 Filed 5–17–17; 8:45 am]

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[3] *See* ITC Letter.

[4] *See Countervailing Duty Investigation of 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Preliminary Affirmative Determination and Alignment of Final Determination with Final Antidumping Duty Determination,* 81 FR 62084 (September 8, 2016).

[5] With the exception of Wujin Water, the net subsidy rate of which is *de minimis,* and hence, is excluded from this order. This exclusion will apply only to subject merchandise both produced and exported by Wujin Water.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE201

Notice of Availability of the Deepwater Horizon Oil Spill Texas Trustee Implementation Group Draft 2017 Restoration Plan and Environmental Assessment: Restoration of Wetlands, Coastal, and Nearshore Habitats; and Oysters

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

ACTION: Notice of availability; request for comments.

SUMMARY: In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act (NEPA), and a Consent Decree with BP Exploration & Production Inc. (BP),[1] the *Deepwater Horizon* Federal and State natural resource trustee agencies for the Texas Trustee Implementation Group (Texas TIG) have prepared a Draft 2017 Restoration Plan and Environmental Assessment: Restoration of Wetlands, Coastal, and Nearshore Habitats; and Oysters (Draft RP/EA). The Draft RP/EA describes and proposes restoration project alternatives considered by the Texas TIG to restore natural resources and ecological services injured or lost as a result of the *Deepwater Horizon* oil spill. The Texas TIG evaluated these alternatives under criteria set forth in the OPA natural resource damage assessment regulations, and also evaluated the environmental consequences of the restoration alternatives in accordance with NEPA. The proposed projects are consistent with the restoration alternatives selected in the *Deepwater Horizon* Oil Spill: Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement (PDARP/PEIS). The purpose of this notice is to inform the public of the availability of the Draft RP/EA and to seek public comments on the document.

DATES: The Texas TIG will consider public comments received on or before June 19, 2017.

Public Meetings: The Texas TIG will host two public meetings to facilitate public review and comment on the Draft RP/EA. Both written and verbal public comments will be taken at each public meeting. The Texas TIG will hold an open house for each meeting followed by a formal meeting where the Texas TIG will take written and verbal public comments. Each public meeting will include a presentation of the Draft RP/EA. Public meetings will be held on June 7 and 8, 2017. The full meeting schedule is listed in **SUPPLEMENTARY INFORMATION** below.

ADDRESSES:

Obtaining Documents: You may download the Draft RP/EA at *http://www.gulfspillrestoration.noaa.gov.* Alternatively, you may request a CD of the Draft RP/EA (see **FOR FURTHER INFORMATION CONTACT** below). Also, you may view the document at any of the public facilities listed at *http://www.gulfspillrestoration.noaa.gov.*

Submitting Comments: You may submit comments on the Draft RP/EA by one of following methods:

- *Via the Web: http://www.gulfspillrestoration.noaa.gov;*
- *Via U.S. Mail:* U.S. Fish and Wildlife Service, P.O. Box 49567, Atlanta, Georgia 30345. Please note that mailed comments must be postmarked on or before the comment deadline of 30 days following publication of this notice to be considered; or
- *In Person:* Written and oral comments may be submitted at public meetings on June 7 and 8, 2017 (see **Invitation to Comment** below).

FOR FURTHER INFORMATION CONTACT:

- National Oceanic and Atmospheric Administration—Jamie Schubert, *Jamie.Schubert@noaa.gov;*
- Texas Parks and Wildlife Department—Don Pitts, *Don.Pitts@tpwd.texas.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

On April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon,* which was being used to drill a well for BP in the Macondo prospect (Mississippi Canyon 252–MC252), exploded, caught fire, and subsequently sank in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The *Deepwater Horizon* oil spill is the largest maritime oil spill in United States history, discharging millions of barrels of oil over a period of 87 days. In addition, well over one million gallons of dispersants were applied to the waters of the spill area in an attempt to disperse the spilled oil. An undetermined amount of natural gas also was released to the environment as a result of the spill.

The *Deepwater Horizon* Federal and State natural resource trustees (DWH Trustees) conducted the natural resource damage assessment (NRDA) for the *Deepwater Horizon* oil spill under the Oil Pollution Act of 1990 (OPA; 33 U.S.C. 2701 *et seq.*). Pursuant to OPA, Federal and State agencies act as trustees on behalf of the public to assess natural resource injuries and losses and to determine the actions required to compensate the public for those injuries and losses. OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use and services from those resources from the time of injury until the time of restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete.

The DWH Trustees are:

- U.S. Department of the Interior, as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration, on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture;
- U.S. Environmental Protection Agency;
- State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator's Office, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources;
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- For the State of Texas, Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality.

Upon completion of the NRDA, the DWH Trustees reached and finalized a settlement of their natural resource damages claims with BP in a Consent Decree approved by the U.S. District Court for the Eastern District of Louisiana. Pursuant to that Consent Decree, restoration projects in the Texas Restoration Area are now chosen and managed by the Texas TIG. The Texas TIG is comprised of the following DWH Trustees:

[1] Consent Decree among Defendant BP Exploration & Production Inc. (''BPXP''), the United States of America, and the States of Alabama, Florida, Louisiana, Mississippi, and Texas entered in *In re: Oil Spill by the Oil Rig ''Deepwater Horizon'' in the Gulf of Mexico, on April 20, 2010,* MDL No. 2179 in the United States District Court for the Eastern District of Louisiana.

- Texas Parks and Wildlife Department;
- Texas General Land Office;
- Texas Commission on Environmental Quality;
- U.S. Department of the Interior, as represented by National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration, on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture; and
- U.S. Environmental Protection Agency.

This restoration planning activity is proceeding in accordance with the PDARP/PEIS. Information on the Restoration Types being considered in the Draft RP/EA, as well as the OPA criteria against which project ideas are being evaluated, can be viewed in the PDARP/PEIS (*http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan*) and in the Overview of the PDARP/PEIS (*http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan*).

Background

On July 6, 2016, the Texas TIG posted a public notice at *http://www.gulfspillrestoration.noaa.gov* requesting new or revised proposals by August 31, 2016, regarding natural resource restoration in the Texas Restoration Area for the 2016–2017 planning years. The notice stated that the Texas TIG is prioritizing restoration planning efforts on Restoration Types that were not addressed previously by Early Restoration: (1) restore and conserve wetland, coastal, and nearshore habitats; (2) restore water quality through nutrient reduction (nonpoint source); and (3) replenish and protect oysters.

Overview of the Draft RP/EA

The Draft RP/EA is being released in accordance with OPA, the OPA NRDA regulations in the Code of Federal Regulations (CFR) at 15 CFR part 990, and NEPA (42 U.S.C. 4321 *et seq.*).

In the Draft RP/EA, the Texas TIG proposes preferred project alternatives for the following Restoration Types: (1) Wetland, coastal, and nearshore habitats; and (2) oysters. For the water quality (nonpoint source) Restoration Type, the Texas TIG has determined additional restoration planning is necessary, and does not propose any restoration projects in this Draft RP/EA.

For wetland, coastal, and nearshore habitats, the Draft RP/EA proposes the following preferred project alternatives:

- Bird Island Cove Habitat Restoration Engineering,
- Essex Bayou Habitat Restoration Engineering,
- Dredged Material Planning for Wetland Restoration,
- McFaddin Beach and Dune Restoration,
- Bessie Heights Wetland Restoration,
- Pierce Marsh Wetland Restoration,
- Indian Point Shoreline Erosion Protection,
- Bahia Grande Hydrologic Restoration,
- Follets Island Habitat Acquisition,
- Mid-Coast Habitat Acquisition,
- Bahia Grande Coastal Corridor Habitat Acquisition, and
- Laguna Atascosa Habitat Acquisition.

For oysters, the Draft RP/EA proposes Oyster Restoration Engineering as the preferred project alternative.

The Draft RP/EA also evaluates a no action alternative. One or more alternatives may be selected for implementation by the Texas TIG.

The Texas TIG has examined the injuries assessed by the DWH Trustees and evaluated restoration alternatives to address the injuries. In the Draft RP/EA, the Texas TIG presents to the public its draft plan for providing partial compensation to the public for injured natural resources and ecological services in the Texas Restoration Area. The proposed projects are intended to continue the process of restoring natural resources and ecological services injured or lost as a result of the *Deepwater Horizon* oil spill. The total estimated cost of the proposed projects is $49,466,000. Additional restoration planning for the Texas Restoration Area will continue.

Next Steps

The public is encouraged to review and comment on the Draft RP/EA. Public meetings are scheduled to facilitate the public review and comment process. After the close of the public comment period, the Texas TIG will consider and address the comments received before issuing a final RP/EA. A summary of comments received and the Texas TIG's responses and any revisions to the document, as appropriate, will be included in the final document.

Public Meeting Schedule

The Texas TIG will conduct public meetings to provide information and seek input on the Draft RP/EA:

- June 7, 2017, at 6 p.m. at the Harte Research Institute for Gulf of Mexico Studies, Texas A&M University-Corpus Christi, 6300 Ocean Drive, Corpus Christi, Texas 78412;
- June 8, 2017, at 6 p.m. at the Texas A&M AgriLife Extension Service, Galveston County Office, 4102–B Main Street (FM 519), La Marque, Texas 77568.

Written and oral comments on the Draft RP/EA may be submitted at the public meetings. Persons with disabilities may request special accommodations at the public meeting by contacting the Texas TIG by July 1, 2017 (see **FOR FURTHER INFORMATION CONTACT** above).

Invitation to Comment

The Texas TIG seeks public review and comment on the Draft RP/EA (see **ADDRESSES** above). Before including your address, telephone number, email address, or other personal identifying information in your comment, please be aware that your entire comment, including your personal identifying information, will become part of the public record.

Administrative Record

The documents comprising the Administrative Record for the Draft RP/EA can be viewed electronically at *http://www.doi.gov/deepwaterhorizon/adminrecord.*

Authority

The authority for this action is OPA (33 U.S.C. 2701 *et seq.*) and the OPA NRDA regulations at 15 CFR part 990.

Dated: May 12, 2017.

Christopher Meaney,

Acting Deputy Director, Office of Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 2017–10008 Filed 5–17–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF437

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a four-day meeting to consider actions affecting the Gulf of Mexico fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Monday, June 5 through Thursday, June 8, 2017.

ADDRESSES: The meeting will take place at the Naples Grande Beach Resort, located at 475 Seagate Drive, Naples, FL 34103; telephone: (239) 227–2182.

Council address: Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Douglas Gregory, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Agenda

Monday, June 5, 2017; 8 a.m.–5:15 p.m.

The meeting will begin at 8 a.m. in a CLOSED SESSION of the Full Council to discuss appointments to the Coastal Migratory Pelagics (CMP) and Red Drum Advisory Panel Appointments. The meeting is expected to open to the public around 8:30 a.m. The Administrative/Budget Committee will review and approve the Final 2017 Budget Funding Report; and review the MSA Legislation: H.R. 200 & H.R. 2023 Potential Impacts. The Sustainable Fisheries Committee will receive an overview on Barotrauma from Florida Sea Grant; review and discuss an options paper for a framework action that require possession of descending devices or venting tools on board vessels possessing reef fish and an options paper for carryover of unharvested quota; and any Scientific and Statistical (SSC) recommendations. The Gulf SEDAR Committee will review the meeting summary from the May 2017 Steering Committee; the assessment schedule; and a draft letter on NOAA's Updated Stock Assessment Improvement Plan. The Spiny Lobster Committee will review the Final Joint Spiny Lobster Regulatory Amendment 4. The Joint Coral/Habitat Protection & Restoration Committees will review and discuss an options paper for Coral Amendment 7. The Reef Fish Management Committee will review and discuss final action items: Amendment 44—Minimum Stock Size Threshold for Reef Fish Stocks, and Amendment 47—Vermilion Snapper Maximum Sustainable Yield (MSY) Proxy and Annual Catch Limit (ACL).

Tuesday, June 6, 2017; 8 a.m.–5 p.m.

The Reef Fish Management Committee will review and discuss taking final action on Abbreviated Framework Action to Modify the Number of Unrigged Hooks Carried Onboard Bottom Longline Vessels, Draft Framework Action to modify the ACT for Red Snapper Federal For-hire and Private Angler Components, and a Draft Framework Action for Greater Amberjack ACL and Management Measures; and receive a report from the Ad Hoc Red Snapper Private Angler Advisory Panel (AP) meeting. The committee review and discuss red snapper allocation issues, an options paper on Amendment 36B—Commercial Reef Fish Individual Fishing Quotas (IFQ) Modifications; Draft Amendment 41—Federal Charter-for-Hire Red Snapper Management; and Draft Amendment 42—Federal Reef Fish Headboat Management.

Question and Answer Session With SERO Regional Administrator, Roy Crabtree, Immediately Following Reef Fish Committee

Wednesday, June 7, 2017; 8:30 a.m.–5:30 p.m.

The Data Collection Committee will receive a presentation by Gulf states on procedures to estimate recreational landings; and review draft comments on Marine Recreational Information Program (MRIP) Strategic Plan.

The Full Council will convene mid-morning (approximately 10:15 a.m.) with a call to order, announcements, introductions; adoption of agenda; approval of minutes; and review of Exempt Fishing Permit (EFPs) Applications, if any. The Council will receive presentations from Florida Law Enforcement, the Coral Reef Conservation Program (CRCP), and a Summary of Anecdotal Data Efforts. After lunch, the Council will listen to public testimony from 1:30 p.m. until 5:30 p.m. on the following agenda items: Final Action on Amendment 44—Minimum Stock Size Threshold for Reef Fish Stocks; Final Action on Amendment 47—Vermilion Snapper MSY Proxy and ACL; Final Action on Abbreviated Framework Action to Modify the Number of Unrigged Hooks Carried Onboard Bottom Longline Vessels; Final Action on Joint Spiny Lobster Amendment 4 to Increase Spiny Lobster Annual Catch Limits and Triggers; and, open testimony on any Other Fishery Issues or Concerns.

Thursday, June 8, 2017; 8:30 a.m.–3:30 p.m.

The Council will receive reports from the following Management Committees: Reef Fish, Gulf SEDAR, Administrative/Budget, Spiny Lobster, Joint Coral/Habitat Protection & Restoration, Data Collection, and Sustainable Fisheries. The Council will announce the Advisory Panel Membership for the Red Drum and CMP, and vote on Exempted Fishing Permit (EFP) Applications, if any.

The Council will receive updates from the South Atlantic Fishery Management Council, Gulf States Marine Fisheries Commission, U.S. Coast Guard, U.S. Fish and Wildlife Service, and the Department of State. Lastly, the Council will discuss any other business.

—*Meeting Adjourns.*

You may listen in to the June 2017 Council Meeting via webinar by registering on: *https://attendee.gotowebinar.com/register/8601999915509219074.* After registering, you will receive a confirmation email containing information about joining the webinar.

The timing and order in which agenda items are addressed may change as required to effectively address the issue. The latest version will be posted on the Council's file server, which can be accessed by going to the Council's Web site at *http://www.gulfcouncil.org* and clicking on FTP Server under Quick Links. For meeting materials, select the ''Briefing Books/Briefing Book 2017–06'' folder on Gulf Council file server. The username and password are both ''gulfguest''. The meetings will be webcast over the internet. A link to the webcast will be available on the Council's Web site, *http://www.gulfcouncil.org.*

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: May 15, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–10041 Filed 5–17–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Lake Eufaula Advisory Committee Meeting Notice

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Lake Eufaula Advisory Committee (LEAC). The meeting is open to the public.

DATES: The Committee will meet from 10:00 a.m.–12:00 p.m. on Friday, June 16, 2017.

ADDRESSES: The meeting will be held at Legacy on Main Street, 224 North Main Street, Eufaula, OK 74432.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Knack; Designated Federal Officer (DFO) for the Committee, in writing at Eufaula Lake Office, 102 E. BK 200 Rd., Stigler, OK 74462–1829, or by email at *Jeff.Knack@usace.army.mil,* or by phone at 1–918–484–5135.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (U.S.C. 552b, as amended) and 41 Code of the Federal Regulations (CFR 102–3.150).

Purpose of the Meeting: The Lake Eufaula Advisory Committee is an independent Federal advisory committee established as directed by Section 3133(b) of the Water Resources Development Act of 2007 (WRDA 2007) (Pub. L. 110–114). The committee is advisory in nature only with duties to include providing information and recommendations to the Corps of Engineers regarding operations of Eufaula Lake, Oklahoma for project purposes. In accordance with Sections 3133(c)(2) and 3133(d)(1) of WRDA 2007, the committee will also provide recommendations on a reallocation study concerning current and future use of the Lake Eufaula storage capacity for authorized project purposes as well as a subsequent pool management plan.

Agenda: This will be the third meeting of the LEAC. The committee will have a question and answer session with U.S. Army Corps of Engineers representatives about reallocation studies and lake level manipulation plans, discuss proposals for recommendations about reallocation studies, and discuss future direction.

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis. Legacy on Main Street is readily accessible to and usable by persons with disabilities. For additional information about public access procedures, contact Mr. Jeff Knack, the Committee's Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments and Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Committee, in response to the stated agenda of the open meeting or in regard to the Committee's mission in general. Written comments or statements should be submitted to Mr. Knack, the Committee's Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Officer at least seven business days prior to the meeting to be considered by the Committee. The Designated Federal Officer and the Committee Chair will review all timely submitted written comments or statements and ensure the comments are provided to all members of the Committee before the meeting. Written comments or statements received after this date may not be provided to the Committee until its next meeting. Please note that because the LEAC operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. Members of the public will be permitted to make verbal comments during the Committee meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) days in advance to the Committee's Designated Federal Officer, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The Designated Federal Officer will log each request, in the order received, and in consultation with the Committee Chair determine whether the subject matter of each comment is relevant to the Committee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the Designated Federal Officer.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–10052 Filed 5–17–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, U.S. Army Corps of Engineers

Notice of Intent To Prepare a Draft Integrated General Reevaluation Report and Supplemental Environmental Impact Statement, Middle Rio Grande Flood Protection Bernalillo to Belen, New Mexico: Mountain View, Isleta and Belen Units

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (Corps) intends to prepare a General Reevaluation Report and Supplemental Environmental Impact Statement (GRR/SEIS). This is in compliance with the National Environmental Policy Act (NEPA), for the Middle Rio Grande Flood Protection Bernalillo to Belen, New Mexico Project (Project). This also is the implementation of actions to avoid or minimize potential effects to Endangered Species Act (ESA) listed species and/or associated critical habitat. The GRR/SEIS will supplement the *May 1979, Middle Rio Grande Flood Protection Bernalillo to Belen, New Mexico, Final Environmental Impact Statement* (FEIS). That document assessed impacts from alternatives to reduce flood risk to structures, infrastructure and life safety. The

previously proposed alternative included reconstructing the existing spoil bank system maintained by the Middle Rio Grande Conservancy District (MRGCD) with structurally competent levee system.

ADDRESSES: Comments should be mailed to Albuquerque District, U.S. Army Corps of Engineers, CESPA–PM–LE, Bernalillo to Belen Levee GRR/SEIS, 4101 Jefferson Plaza NE., Albuquerque, NM 87109, or submitted via email to *Michael.D.Porter@usace.army.mil,* designated by inserting ''Bernalillo to Belen Levee SEIS'' in the subject line. Comments may also be submitted at public meetings that will be scheduled at a later date.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and SEIS can be answered by contacting Dr. Michael D. Porter, Fishery Biologist, Albuquerque District, U.S. Army Corps of Engineers, CESPA–PM–LE, 4101 Jefferson Plaza NE., Albuquerque, NM 87109, by phone at (505) 342–3264; or via email to *Michael.D.Porter@usace.army.mil* designated by including ''Bernalillo to Belen Levee SEIS'' in the subject line.

SUPPLEMENTARY INFORMATION: The original spoil banks were constructed by MRGCD as part of their authority to drain wetlands and deliver irrigation water.

Preparation of this GRR/SEIS became necessary due to the changes that have occurred since the project was authorized as described below. A longer period of record for hydrological data is now available to allow improved and updated hydrological analysis. New levee design criteria that address long duration flows have also been adopted by the Corps in 1993. Any proposed plan now has to incorporate new design features that prevent seepage through the levee or its foundation due to prolonged flow against the riverward toe. The Corps has adopted a probabilistic determination of flood risk to perform levee design. Three species that have been listed as threatened or endangered since 1994 occur within the study area (two with critical habitat). These include the Western Yellow-billed Cuckoo, the Southwestern Willow Flycatcher, and the Rio Grande Silvery Minnow.

The GRR/SEIS will investigate and determine the extent of Federal interest in a range of alternative plans designed to reduce the risk of flooding in the communities between Albuquerque and Belen. The GRR/SEIS will describe the risk of flooding in the communities between Albuquerque and Belen; evaluate a range of alternatives to reduce flood risk and potential environmental impacts; and describe measures to minimize or mitigate for potential environmental impacts.

On November 27, 1995, the Corps published the notice of intent (NOI) to prepare the SEIS for the MRG GRR study in the **Federal Register** (Vol. 60, No. 227).

Previously Proposed Action: The Corps has previously proposed a Tentatively Selected Plan for the Project to rehabilitate the spoil bank system with an engineered levee in four Middle Rio Grande Units. The levee for the Mountain View (4.4 miles), Isleta West (3.2 miles), Belen East (18.1 miles), and Belen West Units (22.1 miles) are designed to provide protection for the 0.1% probability flood. The Corps initiated consultation with the U.S. Fish and Wildlife Service (Service) on the effects of the Project on species listed under the ESA. As part of that consultation, the Corps has proposed several conservation measures that would modify structures or operation and maintenance of the Project. The Service is preparing a Biological Opinion (BiOp) and the Corps expects that the Service may incorporate the conservation measures as part of the BiOp. The Corps will need to complete applicable environmental compliance, including evaluation under NEPA, prior to adopting and implementing any terms and conditions in the BiOp. The proposed GRR/SEIS would constitute that evaluation under NEPA. The Corps has proposed several measures to improve conditions for listed species, including the actions described in the Public Involvement Process section below, subject to authority and funding:

Public Involvement Process: Coordination has been ongoing since 2008 with both public and private entities that have jurisdiction or an interest in land and resources in the Middle Rio Grande Valley of New Mexico. These entities include the general public, local governments, the Pueblo of Isleta, the U.S. Bureau of Reclamation, the Service, the MRGCD, the New Mexico Department of Game and Fish, and the Interstate Stream Commission. Coordination will continue throughout the development of the SEIS through comment letters, public meetings and field visits. All interested parties, including federal, state, tribal, and public entities, will be invited to submit comments on the draft SEIS when it is circulated for review.

The planning effort is also being coordinated with the Service pursuant to the requirements of the Fish and Wildlife Coordination Act of 1972 and the ESA of 1973, as amended. Consultation with the Advisory Council on Historic Preservation and the New Mexico State Historic Preservation Officer is ongoing pursuant to the National Historic Preservation Act of 1966.

Significant Issues To Be Analyzed: Significant issues to be analyzed in the development of the SEIS include the effect of the alternatives on endangered or threatened species and their critical habitat; floodplain development; water quality; riparian ecological systems; social welfare; human safety; cultural resources; and aesthetic qualities. Development of mitigation measures will be undertaken for any unavoidable impacts.

Request for Review Comments: The Corps invites affected federal, state, and local agencies, affected Native American tribes, and other interested organizations and persons to participate in the review of the GRR/SEIS. The Corps invites interested parties to provide specific comments on issues and the preferred alternative in the GRR/SEIS related to the construction of the Project. Comments, requests to be placed on the GRR/SEIS mailing list, and requests for information may be submitted to the address above. All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public. Interested parties should not submit confidential business or otherwise sensitive or protected information.

Public Scoping Meeting: The Corps currently plans to conduct public review meetings for this GRR/SEIS in 2017. The exact date, time, and location of the public meetings has not yet been determined. The Corps will publicize this information once the meeting arrangements have been made. The draft GRR/SEIS is currently scheduled to be available for public review in summer 2017. The final GRR/SEIS is currently scheduled to be available for public review in spring 2018.

James L. Booth,

Lieutenant Colonel, U.S. Army, District Commander.

[FR Doc. 2017–10075 Filed 5–17–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0066]

Agency Information Collection Activities; Comment Request; Consolidated Annual Report for the Carl D. Perkins Career and Technical Act of 2006

AGENCY: Office of Career, Technical, and Adult Education (OCTAE), 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 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–0066. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 226–62, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Sharon Head, 202–245–6131.

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

Title of Collection: Consolidated Annual Report for the Carl D. Perkins Career and Technical Act of 2006.

OMB Control Number: 1830–0569.

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

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

Total Estimated Number of Annual Responses: 55.

Total Estimated Number of Annual Burden Hours: 9,020.

Abstract: The purpose of this information collection package—the Consolidated Annual Report (CAR)—is to gather narrative, financial, and performance data as required by the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV). Perkins IV requires the Secretary to provide the appropriate committees of Congress copies of annual reports received by the Department from each eligible agency that receives funds under the Act. The Office of Career, Technical, and Adult Education (OCTAE) will determine each State's compliance with basic provisions of Perkins IV and the Education Department General Administrative Regulations [Annual Performance Report] and Part 80.41 [Financial Status Report]). OCTAE will review performance data to determine whether, and to what extent, each State has met its State adjusted levels of performance for the core indicators described in section 113(b)(4) of Perkins IV.

Dated: May 12, 2017.

Tomakie Washington,

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

[FR Doc. 2017–10009 Filed 5–17–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0067]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and approval; Comment Request; Application for the Language Resource Centers (LRC) Program

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before June 19, 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–0067. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Collins, 202–453–7854.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of

Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application for the Language Resource Centers (LRC) Program.

OMB Control Number: 1840–0808.

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

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 27.

Total Estimated Number of Annual Burden Hours: 2,700.

Abstract: This collection contains the application forms and instructions for the Language Resource Centers (LRC) Program. It is used by applicants to apply for funding under the LRC program. Applicants' submissions are used by peer reviewers during the grant competition to evaluate and score the proposed projects.

Dated: May 15, 2017.

Kate Mullan,

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

[FR Doc. 2017–10059 Filed 5–17–17; 8:45 am]

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DEPARTMENT OF EDUCATION

Applications for New Awards; Jacob K. Javits Gifted and Talented Students Education Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for new awards for fiscal year (FY) 2017 for the Jacob K. Javits Gifted and Talented Students Education (Javits) program, Catalog of Federal Domestic Assistance (CFDA) number 84.206A.

DATES:

Applications Available: May 18, 2017.

Deadline for Transmittal of Applications: June 22, 2017.

Deadline for Intergovernmental Review: August 21, 2017.

FOR FURTHER INFORMATION CONTACT: Theda Zawaiza, U.S. Department of Education, 400 Maryland Avenue SW., Room number 3E310, Washington, DC 20202–6200. Telephone: (202) 205–3783.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Javits program supports evidence-based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary and secondary schools nationwide to identify *gifted and talented* (as defined in this notice) students and meet their special educational needs.

Application Requirements: The following application requirements apply. Application requirements (1) through (4) and (5)(b) through (5)(d) are from section 4644 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA). We are establishing application requirements (5)(a) and (6) in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(1). These requirements apply to the FY 2017 competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

Each application must describe how—

(1) The proposed project will—

(a) Implement evidence-based activities that are supported by *promising evidence* (as defined in this notice); or

(b) Develop new information that—

(i) Improves the capability of schools to plan, conduct, and improve programs to identify and serve *gifted and talented* students; or

(ii) Assists schools in the identification of, and provision of services to, *gifted and talented* students (including economically disadvantaged individuals, individuals who are *English learners* (as defined in this notice), and children with disabilities) who may not be identified and served through traditional assessment methods;

(2) The proposed identification methods, as well as gifted and talented services, materials, and methods, can be adapted, if appropriate, for use by all students;

(3) The proposed programs can be evaluated;

(4) The proposed project will, where appropriate, provide for the equitable participation of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in professional development programs serving such students;

(5) The funds awarded under this program will be used to carry out one or more of the following activities:

(a) Conducting evidence-based research (as described in paragraph (6)(e)), supported by promising evidence, on methods and techniques for identifying and teaching *gifted and talented* students and for using gifted and talented programs and methods to serve all students, particularly low-income and at-risk students;

(b) Establishing and operating model projects and exemplary programs for serving *gifted and talented* students, including innovative methods and strategies (such as summer programs, mentoring programs, peer tutoring programs, service learning programs, and cooperative learning programs involving business, industry, and education) for identifying and educating students who may not be served by traditional gifted and talented programs;

(c) Providing technical assistance and disseminating information, including assistance and information regarding how gifted and talented programs and methods, where appropriate, may be adapted for use by all students, particularly low-income and at-risk students; or

(d) Training of personnel in the identification and education of *gifted and talented* students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students; and

(6) The proposed project will *scale up* (as defined in this notice) and evaluate the effectiveness of a model designed to increase the number of students from underrepresented groups who, through gifted and talented education programs, perform at high levels of academic achievement. To meet this requirement, applicants must include all of the following in their applications:

(a) Promising evidence from one or more evidence-based research and evaluation studies (as described in paragraph (6)(e)) indicating that the proposed intervention, or *project component* (as defined in this notice), has raised the achievement of students from one or more underrepresented

groups in one or more core subject areas;

(b) Promising evidence from one or more evidence-based research and evaluation studies (as described in paragraph (6)(e)) that the proposed intervention has resulted in the identification of, and provision of services to, increased numbers of students from underrepresented groups who participate in gifted and talented education programs;

(c) A detailed description of the professional qualifications of each member of the applicant's leadership team, including an explanation of how the leadership team has significant expertise in each of the following areas: Gifted and talented education, research and program evaluation, content knowledge in one or more core academic subject areas, and experience working with underrepresented groups;

(d) A sound plan for implementing the model in multiple settings or with multiple populations; and

(e) A research and evaluation plan that employs an *experimental study* (as defined in this notice) or *quasi-experimental design (QED) study* (as defined in this notice) to measure the impact of the intervention on the achievement of students from underrepresented groups, including students who are economically disadvantaged, *English learners,* and students who have disabilities, and on the number of these students who are identified as *gifted and talented* and served through gifted and talented programs.

Evaluation methods using an experimental design are best for determining program effectiveness. Thus, when feasible, the project must use an experimental design under which participants (*e.g.,* students, teachers, classrooms, or schools) are randomly assigned to participate in the project activities being evaluated or to a control group that does not participate in the project activities being evaluated.

If random assignment is not feasible, the project may use a *QED study* with carefully matched comparison conditions. This alternative design attempts to approximate a randomly assigned control group by matching participants with non-participants having similar pre-intervention characteristics.

In addition, successful applicants who accept this award must participate in a national evaluation study during the grant period.

Definitions: We are establishing definitions for *correlational study with statistical controls for selection bias, experimental study, What Works Clearinghouse (WWC) Evidence Standards with reservations, WWC Evidence Standards without reservations, project component, promising evidence,* and *relevant outcome,* in accordance with section 437(d)(1) of GEPA, 20 U.S.C. 1232(d)(1). The other definitions listed below are from section 8101 of the ESEA; 34 CFR 77.1; and the notice of final priority for this program that was published in the **Federal Register** on April 21, 2008 (73 FR 21329). These definitions apply to the FY 2017 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

Correlational study with statistical controls for selection bias means a study that (1) estimates how a *relevant outcome* varies with the receipt of a *project component,* and (2) uses sampling or analysis methods (*e.g.,* multiple regression) to account for at least some of the differences between the groups being compared.

English learner means an individual—

(a) Who is aged 3 through 21;

(b) Who is enrolled or preparing to enroll in an elementary school or secondary school;

(c)(1) Who was not born in the United States or whose native language is a language other than English;

(2)(i) Who is a Native American or Alaska Native, or a native resident of the outlying areas; and

(ii) Who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

(3) Who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(d) Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

(1) The ability to meet the challenging State academic standards;

(2) The ability to successfully achieve in classrooms where the language of instruction is English; or

(3) The opportunity to participate fully in society.

Experimental study means a study, such as a randomized controlled trial (RCT) that is designed to compare outcomes between two groups of individuals that are otherwise equivalent except for their assignment to either a treatment group receiving a *project component* or a control group that does not. In some circumstances, a finding from a regression discontinuity design study (RDD) or findings from a collection of single-case design studies (SCDs) may be considered equivalent to a finding from an RCT. RCTs, RDDs, and collections of SCDs, depending on design and implementation, can meet *WWC Evidence Standards without reservations.* Definitions of randomized controlled trials, RDDs, and SCDs can be found at the following link: *https://ies.ed.gov/ncee/wwc/Glossary.*

Gifted and talented, when used with respect to students, children, or youth, means students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities.

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project.

Promising evidence means the following conditions are met:

(a) There is at least one well-designed and well-implemented correlational study with a relevant finding, meaning the study is a *correlational study with statistical controls for selection bias* (*QED studies* or *experimental studies* may also qualify); and

(b) The relevant finding in the study described in paragraph (a) is of a statistically significant and positive (*i.e.,* favorable) effect of the *project component* on a student outcome or other *relevant outcome* with no statistically significant and overriding negative (*i.e.,* unfavorable) evidence on that *project component* from other findings on the intervention reviewed by and reported in the WWC that meet *WWC Evidence Standards with reservations* or *WWC Evidence Standards without reservations.*

Quasi-experimental design (QED) study means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. This type of study, depending on design and implementation, can meet *WWC Evidence Standards with reservations* (but not *WWC Evidence Standards without reservations*).

Relevant outcome means the student outcome(s) (or the ultimate outcome if not related to students) the proposed *project component* is designed to improve, consistent with the specific goals of a program.

Scale up means to expand a program with demonstrated effectiveness on a small scale for use with *gifted and talented* students in broader settings (such as in multiple schools, grade levels, or districts, or in other

educational settings) or with different populations of *gifted and talented* students (based on differences such as the socioeconomic, racial, ethnic, geographic, and linguistic backgrounds of the students and their families).

What Works Clearinghouse (WWC) Evidence Standards with reservations means the second-highest rating for a group design study reviewed by the WWC. Studies receiving this rating provide a reasonable degree of confidence that an estimated effect was caused by the *project component* studied. Both *experimental studies* (such as RCTs with high rates of sample attrition) and *QED studies* may receive this rating if they establish the equivalence of the treatment and comparison groups in key baseline characteristics. These standards are described in the WWC Procedures and Standards Handbooks, Version 3.0, which can be accessed at *http://ies.ed.gov/ncee/wwc/Handbooks.*

What Works Clearinghouse (WWC) Evidence Standards without reservations means it is the highest possible rating for a study finding reviewed by the WWC. Studies receiving this rating provide the highest degree of confidence that an estimated effect was caused by the *project component* studied. *Experimental studies* may receive this highest rating. These standards are described in the WWC Procedures and Standards Handbooks, Version 3.0, which can be accessed at *http://ies.ed.gov/ncee/wwc/Handbooks.*

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed requirements and definitions. Section 437(d)(1) of GEPA, however, allows the Secretary to exempt from rulemaking requirements, regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition for this program under section 4644 of the ESEA (20 U.S.C. 7294) and, therefore, it qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forgo public comment on the requirements and definitions under section 437(d)(1) of GEPA. The requirements and definitions in this notice will apply to the FY 2017 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

Program Authority: Section 4644 of the ESEA (20 U.S.C. 7294).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474. (d) The regulations in 34 CFR part 299.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes. In addition, the regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $5,000,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: $300,000 to $500,000.

Estimated Average Size of Awards: $425,000.

Estimated Number of Awards: 9–12.

Note: The Department is not bound by any estimates in this notice.

Project Period: 60 months.

III. Eligibility Information

1. *Eligible Applicants:* State educational agencies; local educational agencies; the Bureau of Indian Education; IHEs; other public agencies; and other private agencies and organizations.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the internet, from the Education Publications Center (ED Pubs), or from the program office.

To obtain a copy via the internet, use the following address: *www2.ed.gov/fund/grant/apply/grantapps/index.html.*

To obtain a copy from ED Pubs, write, fax, or call: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a TDD or a TTY, call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this program as follows: CFDA number 84.206A.

To obtain a copy from the program office, contact: Theda Zawaiza, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E310, Washington, DC 20202–6200. Telephone: (202) 205–3783 or by email: *Javitsapplication@ed.gov.* If you use a TDD or TTY, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content and form of an application, together with the form you must submit, are in the application package for this competition.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 35 pages, and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- *Use one of the following fonts:* Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, resumes, bibliography, or letters of support. However, the recommended page limit does apply to all of the application narrative section.

3. *Submission Dates and Times:*

Applications Available: May 18, 2017.

Deadline for Transmittal of Applications: June 22, 2017.

Applications for grants under this competition must be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*). For information

(including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: August 21, 2017.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site: *http://fedgov.dnb.com/webform.* A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov.*

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a *SAM.gov* Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined at the following *Grants.gov* Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:*

Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Javits program, CFDA number 84.206A, must be submitted electronically using the Governmentwide *Grants.gov* Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Javits program at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.206, not 84.206A).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov.*
- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this competition to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News

and Events on the Department's G5 system home page at *www.G5.gov.* In addition, for specific guidance and procedures for submitting an application through *Grants.gov*, please refer to the *Grants.gov* Web site at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• *You must submit all documents electronically, including all information you typically provide on the following forms:* The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a read-only, flattened Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, flattened PDF (*e.g.,* Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the application narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF.

• After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov*, the Department will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov*, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only, flattened PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

• You do not have access to the internet; or

• You do not have the capacity to upload large documents to the *Grants.gov* system;

and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Theda Zawaiza, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E310, Washington, DC 20202–6200. FAX: (202) 260–8969.

Your paper application must be submitted in accordance with the mail or hand-delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, *Attention:* CFDA Number 84.206A, LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, *Attention:* CFDA Number 84.206A, 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210. The maximum possible score for addressing all criteria is 100 points. The maximum possible score for addressing each criterion is indicated in parentheses. The selection criteria for this competition are as follows:

(a) *Quality of the Project Design* (40 points)

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the extent to which—

(1) The goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable;

(2) The design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs; and

(3) The proposed project represents an exceptional approach for meeting statutory purposes and requirements.

(b) *Quality of Project Personnel* (20 points)

The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors—

(1) The qualifications, including relevant training and experience, of the project director or principal investigator; and

(2) The qualifications, including relevant training and experience, of key project personnel.

(c) *Quality of the Management Plan* (20 points)

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(d) *Quality of the Project Evaluation* (20 points)

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the project evaluation, the Secretary considers the extent to which—

(1) The methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project;

(2) The methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible; and

(3) The evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a

Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report (APR) that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

4. *Performance Measures:* Pursuant to the Government Performance and Results Act of 1993, the Department has developed the following two measures for evaluating the overall effectiveness of projects funded under this competition: (1) The quality of project designs, based on an expert panel review; and (2) significant gains in academic achievement among target student populations.

For the first measure, the Department collects data twice over the life of the grant (mid-term and final) by convening an expert panel of scientists and practitioners to review information from a sample of APRs and self-evaluations prepared by grantees.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 15, 2017.

Jason Botel,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2017–10086 Filed 5–17–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0068]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for the Centers for International Business Education (CIBE) Program

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before June 19, 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–0068. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Timothy Duvall, 202–453–7521.

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

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

Title of Collection: Application for the Centers for International Business Education (CIBE) Program.

OMB Control Number: 1840–0616.

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

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 50.

Total Estimated Number of Annual Burden Hours: 5,000.

Abstract: This collection contains the application forms and instructions for the Centers for International Business Education (CIBE) Program, which provides funding to institutions of higher education in the United States on issues of importance to U.S. trade and competitiveness. Eligible institutions of higher education use the information to develop and submit grant applications to the Department of Education (ED). Applicants' submissions are used by peer reviewers during the grant competition to evaluate and score the proposed projects.

Dated: May 15, 2017.

Kate Mullan,

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

[FR Doc. 2017–10070 Filed 5–17–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years, an information collection request with the Office of Management and Budget (OMB). Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before July 17, 2017. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent to Bill McArthur, U.S. Department of Energy, Office of Health, Safety and Security, AU–11, 1000 Independence Avenue SW., Washington, DC 20585, by fax at 202–586–8548, or by email at: *bill.mcarthur@hq.doe.gov,* or information about the collection instruments may be obtained at: *https://energy.gov/ehss/information-collection.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Bill McArthur, U.S. Department of Energy, Office of Health, Safety and Security, AU–11, 1000 Independence Avenue SW., Washington, DC 20585, or by fax at 202–586–8548, or by email at *bill.mcarthur@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB Control No.:* 1910–5112; (2) *Information Collection Request Title:* Final Rule: Chronic Beryllium Disease Prevention Program; (3) *Type of Review:* Renewal; (4) *Purpose:* This collection provides the Department with the information needed to continue reducing the number of workers currently exposed to beryllium in the course of their work at DOE facilities managed by DOE or its contractors; minimize the levels and potential exposure to beryllium; to provide information to employees, to provide medical surveillance to ensure early detection of disease; and to permit oversight of the programs by DOE management; (5) *Annual Estimated Number of Respondents:* 5,936 (22 DOE sites and 5,914 workers affected by the rule); (6) *Annual Estimated Number of Total Responses:* 16,971; (7) *Annual Estimated Number of Burden Hours:* 25,399; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $1,441,230; (9) *Response Obligation:* Mandatory.

Statutory Authority: Atomic Energy Act of 1954, 42 U.S.C. 2201, and the Department of Energy Organization Act, 42 U.S.C. 7191 and 7254.

Dated: May 3, 2017.

Stephanie K. Martin,

Director, Office of Resource Management, Office of Environment, Health, Safety and Security.

[FR Doc. 2017–10045 Filed 5–17–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notification of the Availability of the "e810" Electronic Database

AGENCY: National Nuclear Security Administration, Department of Energy (DOE).

ACTION: Notice.

SUMMARY: DOE/NNSA is providing notice that ''e810,'' an electronic database for processing applications, reporting, and requests for determination for nuclear technology exports, is now available for use. The Web site is: *e810.energy.gov.* This is necessary so that public stakeholders are aware this Web site is now available for their use.

DATES: *Effective:* May 18, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Katie Strangis, Policy Advisor, Office of Nonproliferation and Arms Control (NPAC), National Nuclear Security Administration, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Katie.Strangis@nnsa.doe.gov,* Telephone 202–586–8623.

SUPPLEMENTARY INFORMATION:

Background

Section 57b.(2) of the Atomic Energy Act of 1954, as amended, is implemented through the DOE/NNSA regulations under Title 10 of the Code of Federal Regulations (CFR) Part 810 (Part 810) governing exports of unclassified nuclear technology and assistance. Applicants seeking specific authorizations to transfer or provide any such technology or assistance must make an application to DOE, and those who are transferring or providing such technology or assistance must provide regular reports to DOE. In response to public comment, DOE/NNSA is pursuing a number of efforts to improve the Part 810 authorization process collectively known as a Process Improvement Plan (PIP) to make the Part 810 authorization process more transparent, orderly, and efficient. One of the main components of the PIP was to develop an electronic application and reporting database (which DOE has called ''e810''). e810 was designed to ease the application and reporting burden on industry, streamline the review process for specific authorization applications, and provide greater transparency into the authorization process and timelines. The e810 database is now available for use. The Web site is: *e810.energy.gov.* Prospective users may register for an account at that site. Use of the e810 site for Part 810 communications is strictly optional; the email and paper communication options listed at 10 CFR 810.4 remain available. However, we encourage its use as continued upgrades to the e810 database will further enhance and streamline the Part 810 authorization process. Early use will allow users to take full advantage of those features as they come on line.

Dated: April 21, 2017.

For the Department of Energy.

Kasia Mendelsohn,

Associate Deputy Administrator, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, Department of Energy.

[FR Doc. 2017–10049 Filed 5–17–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Agency Information Collection Extension

AGENCY: Western Area Power Administration, Department of Energy (DOE).

ACTION: Notice and request for comments.

SUMMARY: The Western Area Power Administration (WAPA), an element of the Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years without change, an information collection request with the Office of Management and Budget (OMB). The current OMB control number 1910–5136 for WAPA's Applicant Profile Data (APD) form expires September 30, 2017. WAPA intends to extend the APD form under the OMB control number to September 30, 2020. WAPA is seeking comments on this proposed information collection extension.

DATES: Comments regarding this proposed information collection must be received on or before the end of the comment period that closes on July 17, 2017. WAPA must receive comments by the end of the comment period to ensure consideration.

ADDRESSES: Written comments may be sent to Mr. Brent Osiek, Vice President of Power Marketing, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111, or by email to *osiek@wapa.gov.* Please refer to ''Paperwork Reduction Act Information Collection'' as the subject of your comments.

FOR FURTHER INFORMATION CONTACT: Please contact Mr. Brent Osiek, Vice President of Power Marketing, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111, telephone (801) 524–5495, or email *osiek@wapa.gov.* The APD form is available on WAPA's Web page at *www.wapa.gov/PowerMarketing/Pages/applicant-profile-data.aspx.*

SUPPLEMENTARY INFORMATION: This information collection request relates to: (1) OMB No. 1910–5136; (2) Information Collection Request Title: Western Area Power Administration Applicant Profile Data; (3) Type of Review: Renewal; (4) Purpose: The proposed collection of information is necessary for the proper performance of WAPA's power marketing functions. WAPA markets a limited amount of Federal hydropower. WAPA has discretion to determine who will receive an allocation of Federal hydropower. Due to the limited quantity and high demand for WAPA's hydropower available under established marketing plans, WAPA may need to be able to collect information using the APD to evaluate the entities that apply to receive allocations of Federal hydropower; (5) Annual Estimated Number of Respondents: 33.3; (6) Annual Estimated Number of Total Responses: 33.3; (7) Annual Estimated Number of Burden Hours: 266.7; and (8) Annual Estimated Reporting and Recordkeeping Cost Burden: $34,063.44.

I. Statutory Authority

Reclamation Laws are a series of laws arising from the Desert Land Act of 1877 and include, but are not limited to, the Desert Land Act of 1877, Reclamation Act of 1902, Reclamation Project Act of 1939, and the Acts authorizing each individual project such as the Central Valley Project Authorizing Act of 1937.[1] The Reclamation Act of 1902 established the Federal reclamation program.[2] The basic principle of the Reclamation Act of 1902 was that the United States, through the Secretary of the Interior, would build and operate irrigation works from the proceeds of public land sales in the sixteen arid Western states (a seventeenth was later added). The Reclamation Project Act of 1939 expanded the purposes of the reclamation program and specified certain terms for contracts that the Secretary of the Interior enters into to furnish water and power.[3] Congress enacted the Reclamation Laws for purposes that include enhancing navigation, protection from floods, reclaiming the arid lands in the Western United States, and for fish and wildlife.[4] Congress intended the production of power would be a supplemental feature of the multi-purpose water projects authorized under the Reclamation Laws.[5] No contract entered into by the United States for power may, in the judgment of the Secretary, impair the efficiency of the project for irrigation purposes.[6] Section 5 of the Flood Control Act of 1944 is read *in pari materia* with Reclamation Laws with respect to the WAPA.[7] In 1977, the Department of Energy Organization Act transferred the power marketing functions of the Department of the Interior to the Secretary of Energy, acting by and through a separate Administrator for WAPA.[8] Pursuant to this authority, WAPA markets Federal hydropower. As part of WAPA's

[1] *See,* Ch. 107, 19 stat. 377 (1877), Ch. 1093, 32 Stat. 388 (1902), Ch. 418, 53 Stat. 1187 (1939), Ch. 832, 50 Stat. 844, 850 (1937), all as amended and supplemented.

[2] *See,* Ch. 1093, 32 Stat. 388 (1902), as amended and supplemented.

[3] *See,* Ch. 418, 53 Stat. 1187 (1939), as amended and supplemented.

[4] *See, e.g.,* Ch. 832, 50 Stat. 844, 850 (1937), as amended and supplemented.

[5] *See, e.g.,* Ch. 832, 50 Stat. 844, 850 (1937), as amended and supplemented.

[6] *See,* 43 U.S.C. 485h(c).

[7] *See,* Act of December 22, 1944, Ch. 665, 58 Stat. 887, as amended and supplemented.

[8] *See,* 42 U.S.C. 7152(a)(1)(E).

marketing authority, WAPA needs to obtain information from interested entities who desire an allocation of Federal power using the APD form. The Paperwork Reduction Act of 1995 requires WAPA to obtain a clearance from OMB before collecting this information through the APD form.[9]

II. This Process Determines the Format of the APD and Is Not a Call for Applications

This public process and the associated **Federal Register** notice only determine the information that WAPA will collect from an entity desiring to apply for a Federal power allocation. This public process is a legal requirement that WAPA must comply with before WAPA can request information from potential preference customers. This public process is not the process whereby interested parties request an allocation of Federal power. The actual allocation of power is outside the scope of this proceeding. Please do not submit a request for Federal power in this process. Later, through a separate process, WAPA will issue a call for applications, as part of its project-specific marketing plans. When WAPA issues a call for applications, the information WAPA proposes to collect is voluntary. WAPA will use the information collected, in conjunction with its project-specific marketing plans, to determine an entity's eligibility and ultimately which entity will receive an allocation of Federal power.

III. Invitation for Comments

WAPA intends to extend and reuse the APD form under the OMB control number to September 30, 2020. Comments are invited on: (1) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated electronic, mechanical or other collection techniques or other forms of information technology.

[9] *See,* 44 U.S.C. 3501, *et seq.*

Dated: April 21, 2017.

Mark A. Gabriel,

Administrator.

[FR Doc. 2017–10046 Filed 5–17–17; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:11 a.m. on Tuesday, May 16, 2017, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate, and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Thomas M. Hoenig, seconded by Director Richard Cordray (Director, Consumer Financial Protection Bureau), concurred in by Director Keith A. Noreika (Acting Comptroller of the Currency), and Chairman Martin J. Gruenberg, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10).

Dated: May 16, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–10196 Filed 5–16–17; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 6, 2017.

A. *Federal Reserve Bank of San Francisco* (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *Basswood Capital Management, LLC; Basswood Opportunity Partners, LP, Basswood Financial Fund, LP, and Basswood Financial Long Only Fund, LP, funds for which Basswood Partners, LLC, serves as General Partner and Basswood Capital Management, LLC, serves as Investment Manager; Basswood Opportunity Fund, Inc., and Basswood Financial Fund, Inc., funds for which Basswood Capital Management, LLC, serves as Investment Manager; Basswood Capital Management, LLC, as investment adviser to three managed accounts; and Bennett Lindenbaum and Matthew Lindenbaum, as Managing Members of Basswood Partners, LLC, and of Basswood Capital Management, LLC; all of New York, New York;* to acquire voting shares of CommerceWest Bank, Irvine, California.

Board of Governors of the Federal Reserve System, May 15, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–10069 Filed 5–17–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Supplemental Evidence and Data Request on Noninvasive, Nonpharmacological Treatment for Chronic Pain

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for supplemental evidence and data submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public. Scientific information is being solicited to inform our review of *Noninvasive, Nonpharmacological*

Treatment for Chronic Pain, which is currently being conducted by the AHRQ's Evidence-based Practice Centers (EPC) Program. Access to published and unpublished pertinent scientific information will improve the quality of this review.

DATES: *Submission Deadline* on or before June 19, 2017.

ADDRESSES: *Email submissions: SEADS@epc-src.org.*

Print submissions:

Mailing Address: Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, PO Box 69539, Portland, OR 97239.

Shipping Address (FedEx, UPS, etc.): Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, 3710 SW U.S. Veterans Hospital Road, Mail Code: R&D 71, Portland, OR 97239.

FOR FURTHER INFORMATION CONTACT: Ryan McKenna, Telephone: 503–220–8262 ext. 51723 or Email: *SEADS@epc-src.org.*

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the Evidence-based Practice Centers (EPC) Program to complete a review of the evidence for *Noninvasive, Nonpharmacological Treatment for Chronic Pain.* AHRQ is conducting this systematic review pursuant to Section 902(a) of the Public Health Service Act, 42 U.S.C. 299a(a).

The EPC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (*e.g.,* details of studies conducted). We are looking for studies that report on *Noninvasive, Nonpharmacological Treatment for Chronic Pain,* including those that describe adverse events. The entire research protocol, including the key questions, is also available online at: *https://www.effectivehealthcare.ahrq.gov/search-for-guides-reviews-and-reports/?pageaction=displayproduct&productID=2470.*

This is to notify the public that the EPC Program would find the following information on *Noninvasive, Nonpharmacological Treatment for Chronic Pain* helpful:

- A list of completed studies that your organization has sponsored for this indication. In the list, please indicate whether results are available on *ClinicalTrials.gov* along with the *ClinicalTrials.gov* trial number.
- For completed studies that do not have results on *ClinicalTrials.gov*, please provide a summary, including the following elements: Study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.
- A list of ongoing studies that your organization has sponsored for this indication. In the list, please provide the *ClinicalTrials.gov* trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.
- Description of whether the above studies constitute ALL Phase II and above clinical trials sponsored by your organization for this indication and an index outlining the relevant information in each submitted file.

Your contribution will be very beneficial to the EPC Program. The contents of all submissions will be made available to the public upon request. Materials submitted must be publicly available or able to be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the EPC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EPC Program Web site and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the EPC email list at: *https://www.effectivehealthcare.ahrq.gov/index.cfm/join-the-email-list1/.*

The systematic review will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions.

The Key Questions

I. In adults with chronic low back pain:

A. What are the benefits and harms of noninvasive nonpharmacological therapies compared with sham treatment, no treatment, waitlist, attention control, or usual care?

B. What are the benefits and harms of noninvasive nonpharmacological therapies compared with pharmacological therapy (*e.g.,* opioids, NSAIDS, acetaminophen, anti-seizure medications, antidepressants)?

C. What are the benefits and harms of noninvasive nonpharmacological therapies compared with exercise?

II. In adults with chronic neck pain:

A. What are the benefits and harms of noninvasive nonpharmacological therapies compared with sham treatment, no treatment, waitlist, attention control, or usual care?

B. What are the benefits and harms of noninvasive nonpharmacological therapies compared with pharmacological therapy?

C. What are the benefits and harms of noninvasive nonpharmacological therapies compared with exercise?

III. In adults with osteoarthritis-related pain:

A. What are the benefits and harms of noninvasive nonpharmacological therapies compared with sham treatment, no treatment, waitlist, attention control, or usual care?

B. What are the benefits and harms of noninvasive nonpharmacological therapies compared with pharmacological therapy?

C. What are the benefits and harms of noninvasive nonpharmacological therapies compared with exercise?

IV. In adults with fibromyalgia:

A. What are the benefits and harms of noninvasive nonpharmacological therapies compared with sham treatment, no treatment, waitlist, attention control, or usual care?

B. What are the benefits and harms of noninvasive nonpharmacological therapies compared with pharmacological therapy?

C. What are the benefits and harms of noninvasive nonpharmacological therapies compared with exercise?

V. In adults with chronic tension headache:

A. What are the benefits and harms of noninvasive nonpharmacological therapies compared with sham treatment, no treatment, waitlist, attention control, or usual care?

B. What are the benefits and harms of noninvasive nonpharmacological therapies compared with pharmacological therapy?

C. What are the benefits and harms of noninvasive nonpharmacological therapies compared with biofeedback?

VI. Do estimates of benefits and harms differ by age, sex, or presence of comorbidities (*e.g.,* emotional or mood disorders)?

PICOTS (Populations, Interventions, Comparators, Outcomes, Timing, Settings)

Population(s): Adults with the following chronic pain (defined as pain lasting 12 weeks or longer or pain persisting past the time for normal tissue healing) conditions specified in the Key Questions:

Key Question 1: Nonradicular chronic low back pain
Key Question 2: Chronic neck pain without radiculopathy or myelopathy
Key Question 3: Pain related to primary or secondary osteoarthritis
Key Question 4: Fibromyalgia
Key Question 5: Primary chronic tension headache (defined as 15 or more headache days per month for at least 3 months)
Key Question 6: Patients with any of the five chronic pain conditions

Interventions (All Key Questions)

I. Exercise
II. Psychological therapies
III. Physical modalities
IV. Manual therapies
V. Mindfulness practices
VI. Mind-body practices
VII. Acupuncture
VIII. Functional restoration training
IX. Multidisciplinary/interdisciplinary rehabilitation

Comparators

I. For all Key Questions, subquestion ''a''
  A. Sham treatment
  B. Waitlist
  C. Usual care
  D. Attention control
  E. No treatment
II. For all Key Questions, subquestion ''b''
  A. Non-opioid pharmacological therapy (nonsteroidal anti-inflammatory drugs, acetaminophen, antiseizure medications, antidepressants)
  B. Opioid analgesics
III. Key Questions 1–4, 6, subquestion ''c'': Exercise
IV. Key Question 5, 6, subquestion ''c'': Biofeedback

Outcomes

I. Primary efficacy outcomes (in priority order); we will focus on outcomes from validated measures
  A. Function/disability/pain interference
  B. Pain
II. Harms and adverse effects
III. Secondary outcomes
  A. Psychological distress (including depression and anxiety)
  B. Quality of life
  C. Opioid use
  D. Sleep quality, sleep disturbance
  E. Health care utilization

Timing

I. Duration of followup: Short term (up to 6 months), intermediate term (6–12 months) and long term (at least 1 year); we will focus on longer-term (>1 year) effects where possible
II. Studies with <1 month followup after treatment will be excluded

Settings

I. Any nonhospital setting or setting of self-directed care
II. Exclusions: Hospital care, hospice care, emergency department care

Sharon B. Arnold,
Deputy Director.

[FR Doc. 2017–10067 Filed 5–17–17; 8:45 am]
BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''*TeamSTEPPS 2.0 Online Master Trainer Course.*''

DATES: Comments on this notice must be received by July 17, 2017.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@ahrq.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

TeamSTEPPS 2.0 Online Master Trainer Course

In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)), AHRQ invites the public to comment on this proposed information collection. As part of its effort to fulfill its mission goals, AHRQ, in collaboration with the U.S. Department of Defense's TRICARE Management Activity, developed TeamSTEPPS® (Team Strategies and Tools for Enhancing Performance and Patient Safety) to provide an evidence-based suite of tools and strategies for training teamwork-based patient safety to health care professionals. TeamSTEPPS includes multiple toolkits, which are all tied to, or are variants of, the core curriculum. TeamSTEPPS resources have been developed for primary care, rapid response systems, long-term care, and patients with limited English proficiency.

The main objective of the TeamSTEPPS program is to improve patient safety by training health care staff in various teamwork, communication, and patient safety concepts, tools, and techniques and ultimately helping to build national capacity for supporting teamwork-based patient safety efforts in health care organizations.

Created in 2007, AHRQ's National Implementation Program trains Master Trainers who have stimulated the use and adoption of TeamSTEPPS in health care delivery systems. These individuals were trained during two-day, in-person classes using the TeamSTEPPS core curriculum at regional training centers across the U.S. AHRQ has also provided technical assistance and consultation on implementing TeamSTEPPS and has developed user networks, various educational venues, and other channel of learning for continued support and the improvement of teamwork in health care. Since the inception of the National Implementation Program, AHRQ has trained more than 6,000 participants to serve as TeamSTEPPS Master Trainers.

Due to the success of the National Implementation Program, which resulted in increased requests for in-person training, AHRQ had been unable to match the demand for TeamSTEPPS Master Training, and wait lists for training at times exceeded 500 individuals.

To address this prevailing need, AHRQ developed TeamSTEPPS 2.0 Online Master Trainer course, which mirrors the TeamSTEPPS 2.0 core curriculum and provides equivalent training to the in-person classes offered through the National Implementation Program.

As part of this initiative, AHRQ seeks to continue to conduct an evaluation of the TeamSTEPPS 2.0 Online Master

Trainer program. This evaluation seeks to understand the effectiveness of TeamSTEPPS 2.0 Online Master Training and what revisions might be required to improve the training program.

This research has the following goals:

(1) Conduct a formative assessment of the TeamSTEPPS 2.0 Online Master Trainer program to determine what improvements should be made to the training and how it is delivered, and

(2) Identify how trained participants use and implement the TeamSTEPPS tools and resources.

The TeamSTEPPS 2.0 Online Master Trainer program is led by Reingold, Inc. This study is being conducted by Reingold's subcontractor, IMPAQ International (IMPAQ). This study is being conducted pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness, and value of health care services and with respect to quality measurement and improvement, 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve this project's goals, AHRQ will train participants using the TeamSTEPPS 2.0 Online Master Trainer program and then survey these participants six months post-training. Each activity is briefly described below.

1. *TeamSTEPPS 2.0 Online Master Trainer Course.* This training program, which includes 13 accredited hours of training, is based on the TeamSTEPPS 2.0 instructional materials and will be delivered online to 3,000 participants. The training will cover the core TeamSTEPPS tools and strategies, coaching, organizational change, and implementation science.

2. *TeamSTEPPS 2.0 Online Post-Training Survey.* This online instrument will be administered to all participants who complete the TeamSTEPPS 2.0 Online Master Training. The survey will be administered six months after participants complete the training program.

This data collection is for the purpose of conducting an evaluation of the TeamSTEPPS 2.0 Online Master Trainer program which was last approved by OMB on November 14th 2014 (OMB Control Number is 0935–0224), and will expire November 30th, 2017. The evaluation is primarily formative in nature as AHRQ seeks information to improve the delivery of the training.

This is a new data collection for the purpose of conducting an evaluation of TeamSTEPPS 2.0 Online Master Trainer program. The evaluation will be primarily formative in nature as AHRQ seeks information to improve the delivery of the training.

The OMB Control Number for the MEPS–HC and MPC is 0935–0118, which was last approved by OMB on December 20th, 2012, and will expire on December 31st, 2015.

To conduct the evaluation, the *TeamSTEPPS 2.0 Online Post-Training Survey* will be administered to all individuals who completed the TeamSTEPPS 2.0 Online Master Trainer program, six months after completing training. The purpose of the survey is to assess the degree to which participants felt prepared by the training and what they did to implement TeamSTEPPS. Specifically, participants will be asked about their reasons for participating in the program; the degree to which they feel the training prepared them to train others in and use TeamSTEPPS; what tools they have implemented in their organizations; and resulting changes they have observed in the delivery of care.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondent's time to participate in the study. The *TeamSTEPPS 2.0 Online Post-Training Survey* will be completed by approximately 3,000 individuals. We estimate that each respondent will require 20 minutes to complete the survey. The total annualized burden is estimated to be 1,000 hours.

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to participate in the study. The total cost burden is estimated to be $45,320.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Training participant questionnaire	3,000	1	20/60	1,000
Total	3,000	N/A	N/A	1,000

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Training participant questionnaire	3,000	1,000	$45.32	$45,320
Total	3,000	1,000	N/A	$45,320

* Based on the mean of the average wages for all health professionals (29–0000) and wages for medical and health services managers (11–9111) for the training participant questionnaire presented in the National Compensation Survey: Occupational Wages in the United States, May 2016, U.S. Department of Labor, Bureau of Labor Statistics (*https://www.bls.gov/oes/current/oes_nat.htm*).

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of

automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2017–10066 Filed 5–17–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Common Formats for Reporting on Health Care Quality and Patient Safety

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of availability—new common formats.

SUMMARY: As authorized by the Secretary of HHS, AHRQ coordinates the development of sets of common definitions and reporting formats (Common Formats) for reporting on health care quality and patient safety. The purpose of this notice is to announce the release of the Common Formats for Event Reporting—Hospital Version 2.0.

DATES: Ongoing public input.

ADDRESSES: The Common Formats for Event Reporting—Hospital Version 2.0 and the remaining Common Formats can be accessed electronically at the following Web site: *https://www.psoppc.org/psoppc_web/.*

FOR FURTHER INFORMATION CONTACT: Dr. Barbara Choo, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, Room 06N100B, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; Email: *pso@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. 299b–21 to b–26, (Patient Safety Act) and the related Patient Safety and Quality Improvement Final Rule, 42 CFR part 3 (Patient Safety Rule), published in the **Federal Register** on November 21, 2008, 73 FR 70732–70814, provide for the formation of Patient Safety Organizations (PSOs), which collect, aggregate, and analyze confidential information regarding the quality and safety of health care delivery. Information that is assembled and developed by providers for reporting to PSOs and the information received and analyzed by PSOs—called ''patient safety work product''—allows for the aggregation of data that help to identify and address underlying causal factors of patient safety and quality issues.

The Patient Safety Act and Patient Safety Rule establish a framework by which doctors, hospitals, skilled nursing facilities, and other health care providers may assemble information regarding patient safety events and quality of care. Information that is assembled and developed by providers for reporting to PSOs and the information received and analyzed by PSOs is privileged and confidential. Patient safety work product is used to conduct patient safety activities, which may include identifying events, patterns of care, and unsafe conditions that increase risks and hazards to patients. Definitions and other details about PSOs and patient safety work product are included in the Patient Safety Act and Patient Safety Rule which can be accessed electronically at: *http://www.pso.ahrq.gov/legislation/.*

Definition of Common Formats

The term ''Common Formats'' refers to the standardized reporting formats—using common language and definitions—that AHRQ has developed for reporting safety concerns from a variety of health care settings and throughout the quality improvement cycle. The Common Formats allow health care providers to collect and submit standardized information and facilitate aggregation of comparable data at local, PSO, regional, and national levels. The formats are not intended to replace any current mandatory reporting system, collaborative/voluntary reporting system, research-related reporting system, or other reporting/recording system; rather, the Common Formats are intended to enhance the ability of health care providers to report information that is standardized both clinically and electronically.

In collaboration with the interagency Federal Patient Safety Workgroup (PSWG), the National Quality Forum (NQF), and the public, AHRQ has developed Common Formats for three settings of care—acute care hospitals, skilled nursing facilities, and community pharmacies—in order to facilitate standardized data collection and analysis. The scope of the formats applies to all patient safety concerns including: incidents—patient safety events that reached the patient, whether or not there was harm; near misses or close calls—patient safety events that did not reach the patient; and unsafe conditions—circumstances that increase the probability of a patient safety event.

AHRQ's Common Formats for patient safety event reporting include:

- Event descriptions (definitions of patient safety events, near misses, and unsafe conditions to be reported);
- Delineation of data elements and algorithms to be used for collection of adverse event data to populate the reports; and
- Technical specifications for electronic data collection and reporting.

The technical specifications promote standardization of collected patient safety concerns by specifying rules for data collection and submission, as well as by providing guidance for how and when to create data elements, their valid values, conditional and go-to logic, and reports. These specifications will ensure that data collected by PSOs and other entities have comparable clinical meaning. They also provide direction to software developers, so that the Common Formats can be implemented electronically, and to PSOs, so that the Common Formats can be submitted electronically to the PSO Privacy Protection Center (PSOPPC) for non-identification and data transmission to the Network of Patient Safety Databases.

Common Formats Development

In anticipation of the need for Common Formats, AHRQ began its development by creating an inventory of functioning private and public sector patient safety reporting systems. This inventory provided an evidence base to inform construction of the Common Formats. The inventory included many systems from the private sector, including prominent academic settings, hospital systems, and international reporting systems (*e.g.,* from the United Kingdom and the Commonwealth of Australia). In addition, virtually all major Federal patient safety reporting systems were included, such as those from the Centers for Disease Control and Prevention (CDC), the Food and Drug Administration (FDA), the Department of Defense (DoD), and the Department of Veterans Affairs (VA).

Since February 2005, AHRQ has convened the PSWG to assist AHRQ with developing and maintaining the Common Formats. The PSWG includes major health agencies within HHS—CDC, Centers for Medicare & Medicaid Services, FDA, Health Resources and Services Administration, Indian Health

Service, National Institutes of Health, National Library of Medicine, Office of the National Coordinator for Health Information Technology, Office of Public Health and Science, and Substance Abuse and Mental Health Services Administration—as well as the DoD and VA.

Since the initial release of the Common Formats in August 2008, AHRQ has regularly revised the formats based upon public comment. First, AHRQ reviews existing patient safety practices and event reporting systems. Then, AHRQ works in collaboration with the PSWG and Federal subject matter experts to develop and draft the Common Formats. In addition, the PSWG assists AHRQ with assuring the consistency of definitions/formats with those of relevant government agencies. Next, AHRQ solicits feedback from private sector organizations and individuals. Finally, based upon the feedback received, AHRQ further revises the Common Formats.

Participation by the private sector in the development and subsequent revision of the Common Formats is achieved through work with the NQF. The Agency engages the NQF, a non-profit organization focused on health care quality, to solicit comments and advice regarding proposed versions of the Common Formats. AHRQ began this process with the NQF in 2008, receiving feedback on AHRQ's 0.1 Beta release of the Common Formats for Event Reporting—Hospital. After receiving public comment, the NQF solicits the review and advice of its Common Formats Expert Panel and subsequently provides feedback to AHRQ. The Agency then revises and refines the Common Formats and issues them as a production version. AHRQ has continued to employ this process for all subsequent versions of the Common Formats.

Common Formats for Event Reporting—Hospital Version 2.0

On April 8, 2016, AHRQ announced the availability of the Common Formats for Event Reporting—Hospital Version 2.0 for review and comment in the **Federal Register** (81 FR 20642–20643). At the time of the initial release of the formats, only the event descriptions—which define adverse events of interest in the inpatient hospital setting—were made available. Based on public comment and NQF Expert Panel advice, AHRQ updated the event descriptions and developed additional documentation for the Common Formats for Event Reporting—Hospital Version 2.0, including data element definitions, algorithms, and technical specifications. Beginning with this version, AHRQ will no longer publish aggregate report specifications, which were initially provided for versions 1.0, 1.1, and 1.2 as a local resource for providers, because the report specifications are no longer needed to guide providers regarding aggregating output.

The Common Formats for Event Reporting—Hospital Version 2.0 constitutes a major release of the AHRQ Common Formats and reflects these key changes:

- Data elements are designated as either 'core' or 'supplemental' for reporting purposes;
- Event descriptions for each module are condensed; and
- Module-specific paper forms are eliminated.

The formats have two tiers, or data sets. The first tier, or core data set, contains elements that are collected for submission at the national level to the PSOPPC. The second tier, or supplemental data set, is optional for use at the local level to support additional analyses, and is not required for transmission to the PSOPPC. All documentation for the Common Formats for Event Reporting—Hospital Version 2.0 is posted on the PSOPPC Web site. *https://www.psoppc.org/psoppc_web.*

More information on the Common Formats can be obtained through AHRQ's PSO Web site: *http://www.pso.ahrq.gov/.*

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2017–10068 Filed 5–17–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''*The AHRQ Safety Program for Enhancing Surgical Care and Recovery.*''

DATES: Comments on this notice must be received by July 17, 2017.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection. The AHRQ Safety Program for Enhancing Surgical Care and Recovery is a quality improvement project that aims to provide technical assistance to hospitals to help them implement evidence-based practices to improve outcomes and prevent complications among patients who undergo surgery. Enhanced recovery pathways are a constellation of preoperative, intraoperative, and postoperative practices that decrease complications and accelerate recovery. A number of studies and meta-analyses have demonstrated successful results. In order to facilitate broader adoption of these evidence-based practices among U.S. hospitals, this AHRQ project will adapt the Comprehensive Unit-based Safety Program (CUSP), which has been demonstrated to be an effective approach to reducing other patient harms, to enhanced recovery after surgery. The approach uses a combination of clinical and cultural (*i.e.,* technical and adaptive) intervention components, which include promoting leadership and frontline staff engagement, close teamwork among surgeons, anesthesia providers, and nurses, as well as enhancing patient communication and engagement. Interested hospitals will voluntarily participate.

This project has the following goals:

- Improve outcomes of surgical patients by disseminating and supporting implementation of evidence-based enhanced recovery practices within the CUSP framework
- Develop a bundle of technical and adaptive interventions and associated tools and educational materials to support implementation
- Provide technical assistance and training to hospitals for implementing enhanced recovery practices
- Assess the adoption, and evaluate the effectiveness of, the intervention among the participating hospitals

This project is being conducted by AHRQ through its contractor Johns Hopkins University; with subcontractors Westat, and the American College of Surgeons. The *AHRQ Safety Program for Enhancing Surgical Care and Recovery* is being undertaken pursuant to AHRQ's mission to enhance the quality, appropriateness, and effectiveness of health services, and access to such services, through the establishment of a broad base of scientific research and through the promotion of improvements in clinical and health systems practices, including the prevention of diseases and other health conditions. 42 U.S.C. 299.

Method of Collection

To achieve the goals of this project the following data collections will be implemented: (1) *Safety Culture Survey.* Hospitals will assess the impact of participation in the project on perioperative safety culture by having their staff members who will be part of the enhanced recovery program complete a survey from the AHRQ Surveys on Patient Safety Culture (SOPS) at the beginning and end of the program. The hospital's enhanced recovery project team will receive their survey results and then debrief their staff on their safety culture and identify opportunities for further improvement. The national project team will provide technical assistance for this effort. Participating hospitals will promote awareness of the survey among their staff, coordinate implementation of the survey, encourage and provide staff the time to complete the survey, and organize a local debrief of the reports of their hospital's results. The national project team will assist this effort by providing an electronic portal for hospital staff to anonymously complete the survey and by analyzing the data and sending a report to the hospital. Data will also be analyzed in aggregate across all participating hospitals to evaluate the impact of the overall quality improvement effort on measured safety culture.

(2) *Patient Experience Survey*—Hospitals will also assess the impact of participation in the project on patients' experience with care. This will be done via administration of a patient experience survey to patients discharged after a qualifying surgery. Patients will receive a pre-implementation assessment of patient experience after a qualifying surgery and a post-implementation assessment of patient experience will be administered to patients were treated in the enhanced recovery program at participating hospitals. The survey will be administered by the national project team. Hospitals will provide patient contact information to the project team after execution of a data use agreement. This information will be provided to the national project team to send the survey to patients on behalf of the hospital. The national project team will provide a summative report to each hospital with the hospital's results to promote additional local quality improvement work. Data will also be analyzed in aggregate across all participating hospitals to evaluate the impact of the overall quality improvement effort on patient experience of care.

(3) *Readiness and Implementation Assessments: Semi-structured qualitative interviews.* Semi-structured qualitative interviews will be conducted with key stakeholders at participating hospitals (*e.g.,* project leads, physician project champions, etc.). These include a readiness assessment conducted after a hospital's enrollment in the project and an implementation assessment conducted after a period of implementation. The readiness assessment will help identify which, if any, technical components of the enhanced recovery after surgery intervention already exist at the hospital, project management and resources, clinician engagement, leadership engagement and potential barriers and facilitators to implementation. The implementation assessment will evaluate what elements of the enhanced recovery practices have been adopted, resources invested, team participation, major barriers (*e.g.,* medications, equipment, trained personnel), and leadership participation. These assessments will help identify training needs of hospitals and inform the national team's approach. In addition, the results will inform the national team's understanding of local adaptations of the intervention and the degree to which intervention impacts changes in outcomes.

(4) *Site visits*—Semi-structured site visits will be conducted at a subset of participating hospitals. Findings will help inform the national project implementation strategy. Information from these visits will be critical in understanding if and how team and/or leadership issues may affect implementation of enhanced recovery after surgery practices, including how this may differ across surgical services. Interviews will help uncover and clarify misalignments in roles, needed time and resources, best practices, and potential enablers of and barriers to enhanced recovery after surgery implementation. Site visits will be conducted at approximately 4 hospitals per year, and each will be 1-day long. The types of hospital personnel anticipated to be involved in part or all of the site visit include senior leadership, perioperative leadership, and patient safety and quality staff. Participating hospitals will receive a structured debriefing and brief summary report at the end of the one-day visit.

Estimated Annual Respondent Burden

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Safety culture survey	12,000	1	0.25	3,000
Patient experience survey	1,800	1	0.37	666
Readiness and Implementation assessment	720	1	1	720
Site visits	40	1	8	320
Total	14,560	N/A	N/A	4,706

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Safety culture survey	6,000	1,500	[a] $101.04	$151,560
Safety culture survey	6,000	1,500	[b] 34.70	52,050
Patient experience survey	1,800	666	[d] 23.86	15,891
Readiness and Implementation assessment	360	360	[a] 101.04	36,374
Readiness and Implementation assessment	360	360	[c] 52.58	18,929
Site visits	20	160	[a] 101.04	16,166
Site visits	20	160	[c] 52.58	8,413
Total	14,560	4,706	N/A	299,383

National Compensation Survey: Occupational wages in the United States May 2016 "U.S. Department of Labor, Bureau of Labor Statistics:" *http://www.bls.gov/oes/current/oes_stru.htm.*

[a] Based on the mean wages for *29–1060 Physicians and Surgeons.*

[b] Based on the mean wages for *29–1141 Registered Nurse.*

[c] Based on the mean wages for *11–9111 Medical and Health Services Managers.*

[d] Based on the mean wages for *00–0000 All Occupations.*

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2017–10065 Filed 5–17–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–17ADT; Docket No. CDC–2017–0046]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the proposed information collection project titled ''*Who's at Risk: From Hazards to Communities—An Approach for Operationalizing CDC Guidelines to Determine Risks, and Define, Locate and Reach At-Risk Populations in Public Health Emergencies.*'' The data collection will include invitations to subject matter experts for public health and medical emergency planning. The data collection efforts will include a focus group format and also investigate at-risk population needs through an anonymous survey.

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

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0046 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information

collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Who's at Risk: From Hazards to Communities—An Approach for Operationalizing CDC Guidelines to Determine Risks, and Define, Locate and Reach At-Risk Populations in Public Health Emergencies—New—Office of Public Health Preparedness and Response (OPHPR), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Risk Assessment, Mapping, and Planning (RAMP) tool is currently being developed by CDC for public health and medical emergency planners (especially Public Health Emergency Preparedness and Hospital Preparedness Program awardees) to assess and quantify risk, identify and map at-risk populations, and to determine response objectives for hazard-specific public health emergency plans at all jurisdictional levels in the United States.

To assist in developing this tool, key informant interviews/focus groups will be conducted with public health and emergency management professionals from across the United States. And to understand the needs of at-risk populations, an anonymous survey will be conducted at Los Angeles County Department of Public Health clinics.

CDC is proposing an information collection to OMB to obtain subject matter expertise and feedback for pilot testing the RAMP tool and anonymous demographic information from LA County DPH clinic guests. CDC will use the data to develop the RAMP tool.

Public health and emergency manager respondents in pre-identified partner jurisdictions will participate in the interview and focus groups.

Los Angeles Department of Public Health Clinic guests will be offered an anonymous survey at the time of service registration.

All information will be collected on paper surveys and entered into a secured database. All paper surveys will be locked in the secure offices of the Los Angeles County Department of Public Health Emergency Preparedness and Response Program. All information will be disseminated and/or reported in aggregate form only.

It is anticipated that the focus group/interview and survey data collections will begin three months after OMB approval, beginning in the fall of 2017 and continuing for the duration of the project (through September 25, 2019). OMB approval is being requested for two years from the date of approval.

Cost Estimate

Public Health and Medical Emergency Planner Focus Group Questionnaire:

Information collection will involve approximately 100 surveys at approximately $20,000 (costs for convening workshops to engage survey respondents). There is no annual reporting or record-keeping burden. It is anticipated that participation in focus group questionnaires will occur as part (workshop, breakout group sessions) of pre-identified emergency preparedness/management meetings, conferences, and/or summits, in which participants will already be in attendance or participating in. As such, it is anticipated that participation in the focus group questionnaires will not result in any additional costs to, or burden on the vast majority of participants. For those few participants who may see an increased cost or burden on them through participation in focus group questionnaires, the proposed costs of participation are estimated at: $35.46 for one hour participation in a focus group questionnaire. Mean Hourly Wage of Emergency Management Directors (occupational code 11–9161): $35.46. (Source: U.S. Department of Labor, Bureau of Labor Statistics, Occupational Employment and Wages, May 2015).

LA County Public Health Clinic Guests:

Information collection will involve approximately 1,500 surveys and will be administered by DPH Staff and volunteers and will not require any costs to administer. It is anticipated that those individuals participating in the Public Health Client Surveys will do so while waiting for clinic services in clinic waiting rooms, and as such will not require any additional cost or burden to their participation. For those few participants who may see an increased cost or burden on them through participation in Public Health Client Surveys, the proposed costs of participation are estimated at: $0.90 for completing one five minute survey. California State Minimum Wage: $10.50 per hour. (Source: State of California, Department of Industrial Relations, Schedule for California Minimum Wage rate 2017–2023).

The total estimated burden is 225 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avgerage burden per response (in hours)	Total burden (in hours)
Public Health and Medical Emergency Planners.	Focus Group Questionnaire	100	1	60/60	100
LA County Public Health Clinic Guests.	Survey	1,500	1	5/60	125

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avgerage burden per response (in hours)	Total burden (in hours)
Total					225

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–10090 Filed 5–17–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10506]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by July 17, 2017.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10506 Conditions of Participation for Community Mental Health Centers and Supporting Regulations

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Conditions of Participation for Community Mental Health Centers and Supporting Regulations; *Use:* On June 17, 2011, we proposed for the first time new conditions of participation (CoPs) for community mental health centers (CMHCs). We finalized it in the final rule that published October 29, 2013 (78 FR 64604), with an effective date 12-months after publication of the final rule. These CoPs which are based on criteria prescribed in law and are standards designed to ensure that each facility has properly trained staff to provide the appropriate safe physical environment for patients. These particular standards reflect comparable standards developed by industry organizations such as the Joint Commission. The primary users of this information will be State agency surveyors, CMS and CMHCs for the purpose of ensuring compliance with Medicare CoPs as well as ensuring the quality of care provided by CMHCs to patients. *Form Number:* CMS–10506 (OMB Control number: 0938–1245); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit organizations; *Number of Respondents:* 68; *Total Annual Responses:* 18,586; *Total Annual Hours:* 2,091. (For policy questions regarding this collection contact Mary Rossi-Coajou at 410–786–6051.)

Dated: May 15, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–10085 Filed 5–17–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Scientific Registry of Transplant Recipients Information Collection Effort for Potential Donors for Living Organ Donation—New

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than July 17, 2017.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, pursuant to Section 3506(c)(2)(A), the Paperwork Reduction Act of 1995.

Information Collection Request Title: Scientific Registry of Transplant Recipients Information Collection Effort for Potential Donors for Living Organ Donation—New.

Abstract: The Scientific Registry of Transplant Recipients (SRTR) is administered under contract with HRSA, an agency of HHS. HHS is authorized to establish and maintain mechanisms to evaluate the long-term effects associated with living donations (42 U.S.C. 273a) and is required to submit to Congress an annual report on the long-term health effects of living donation (42 U.S.C. 273b). The SRTR contractor will establish a pilot living donor registry in which 14 transplant programs will register all potential living donors who provide informed consent to participate in the pilot registry. The SRTR's authority to collect information concerning potential living donors is set forth in the Organ Procurement and Transplantation Network final rule requiring Organ Procurement Organizations and transplant hospitals to submit to the SRTR, as appropriate, information regarding ''donors of organs'' and ''other information that the Secretary deems appropriate'' 42 CFR 121.11(b)(2).

Need and Proposed Use of the Information: The transplant programs will submit health information collected at the time of donation evaluation through a secure web-based data collection tool developed by the contractor. The SRTR contractor will maintain contact with registry participants and collect data on long-term health outcomes through surveys. The data collection will also include outcomes of evaluation including reasons for non-donation. The goal of the pilot registry is to develop data collection tools and survey instruments that can be used to expand the registry to include most, if not all, living donor transplant programs in the United States over time. Monitoring and reporting of long-term health outcomes of living donors post donation will provide useful information to transplant programs in their future donor selection process and will aid potential living donors in their decision to pursue living donation.

Likely Respondents: Potential living donors, transplant programs, medical and scientific organizations, and public organizations.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to: (1) Review instructions; develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; (2) train personnel to respond to a request for collection of information; (3) search data sources; (4) complete and review the collection of information; and (5) to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Average number of responses per respondent	Total number of responses	Average burden per response (in hours)	Total burden hours
Potential Living Donor Registration form	14	55	770	1	770
Potential Living Donor Follow-up form	776	1	776	.50	388
Total	*790		1,546		1,158

*Number of respondents for potential living donor registration forms is based on the number of programs participating in the pilot registry. Number of respondents for potential living donor follow-up forms is based on the number of potential living donors evaluated at the 14 participating programs in 2015.

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information

technology to minimize the information collection burden.

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–10040 Filed 5–17–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Ryan White HIV/AIDS Program Part F Dental Services Report, OMB No. 0915-0151—Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than June 19, 2017.

ADDRESSES: Submit your comments, including the ICR Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, in compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: Ryan White HIV/AIDS Program Part F Dental Services Report, OMB No. 0915–0151—Extension.

Abstract: The Dental Reimbursement Program (DRP) and the Community-Based Dental Partnership Program (CBDPP) under Part F of the Ryan White HIV/AIDS Program (RWHAP) offer funding to accredited dental schools and other accredited dental education programs to support the provision of oral health services for people living with HIV as well as the education and training of oral health providers in HIV oral health care. Institutions eligible for these RWHAP Part F funds are accredited schools of dentistry and other accredited dental education programs, such as dental hygiene programs or those sponsored by a school of dentistry, a hospital, or a public or private institution that offers postdoctoral training in the specialties of dentistry, advanced education in general dentistry, or a dental general practice residency. The Dental Services Report (DSR) collects data on program information, client demographics, oral health services, funding, and training. Awards are authorized under section 2692(b) of the Public Health Service Act (42 U.S.C. 300ff–111(b)).

Need and Proposed Use of the Information: The primary purpose of collecting this information annually is to verify applicant eligibility and determine reimbursement amounts for DRP applicants, as well as to document the program accomplishments of CBDPP grant recipients. This information also allows HRSA to learn about (1) the extent of the involvement of dental schools and programs in treating patients with HIV, (2) the number and characteristics of clients who receive RWHAP-supported oral health services, (3) the types and frequency of the provision of these services, (4) the non-reimbursed costs of oral health care provided to patients living with HIV, and (5) the scope of grant recipients' community-based collaborations and training of providers. In addition to meeting the goal of accountability to Congress, clients, public and community groups, and the general public, information collected in the DSR is critical for HRSA, state and local grantees, and individual providers to help assess the status of existing HIV-related health service delivery systems.

Likely Respondents: Accredited schools of dentistry and other accredited dental education programs, such as dental hygiene programs or those sponsored by a school of dentistry, a hospital, or a public or private institution that offers postdoctoral training in the specialties of dentistry, advanced education in general dentistry, or a dental general practice residency.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. As this ICR is an extension, the total burden hours are unchanged. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Dental Services Report	DRP	56	1	56	45	2,520
	CBDPP	12	1	12	35	420
Total		68		68		2,940

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–10061 Filed 5–17–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

[OMB No. 0906–xxxx–New]

Agency Information Collection Activities: Proposed Collection: Public Comment Request Information Collection Request Title: Assessing Client Factors Associated With Detectable HIV Viral Loads and Models of Care and the Ryan White HIV/AIDS Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than July 17, 2017.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, in compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: Assessing Client Factors Associated with Detectable HIV Viral Loads and Models of Care and the Ryan White HIV/AIDS Program OMB No. 0906–xxxx–New.

Abstract: The Ryan White HIV/AIDS Program (RWHAP), first authorized by the U.S. Congress in 1990, is administered by HRSA's HIV/AIDS Bureau (HAB). In 2015, 533,036 clients received services from RWHAP-funded providers; 97.0 percent were living with HIV. This information collection request covers two distinct evaluation studies with RWHAP provider sites that will share some data collection instruments. The sharing of data collection instruments will minimize the burden on RWHAP provider sites related to data collection, increase the sample size that could be used for data analysis resulting in greater generalizability of results, and provide richer and more robust data that may offer additional depth to the findings of each study.

The first evaluation study, *Assessing Client Factors Associated with Detectable HIV Viral Loads,* will explore clinical activities and barriers to achieving and sustaining viral suppression. Early and effective treatment for HIV has been shown to greatly reduce associated morbidity and mortality. In spite of the known benefit of treatment, many individuals remain out of care or access care only intermittently; the CDC estimated that, in 2013, approximately 45 percent of people living with HIV (PLWH) in the United States were not virally suppressed, indicating a significant gap in the percentage of PLWH who are being successfully engaged and retained in care. In spite of the increased attention on retention in care and the overarching goal of viral suppression, little data exist regarding the specific individual factors that are associated with sub-optimal viral suppression. Such information would be valuable in targeting programs to reach populations that are currently not achieving viral suppression.

The second evaluation study, *Models of Care and the Ryan White HIV/AIDS Program,* seeks to answer the critical questions of what individual and system-wide factors, including the models of care employed among RWHAP provider sites, contribute to better health outcomes for PLWH. While advances in treatment have improved survival in patients with HIV, longer lives are associated with increased prevalence of adverse effects of HIV infection and therapeutic complications, concurrent with medical conditions related to aging processes that would occur in the absence of HIV. These long-term complications amplify chronic disease management as a major issue for the HIV population and a challenge for the delivery of effective health care. These studies will inform HAB about how the method of health services delivery (the ''model of care'') contributes to better health outcomes, including HIV-related outcomes. Understanding the most effective models of care will be important for HIV specialists, primary care physicians, and other clinicians who care for PLWH as they design and coordinate a full array of primary care and support services for their HIV patients. These primary care and support services have a direct impact on viral suppression, which, in turn, improves life expectancy and quality of life, and prevents HIV transmission.

The two studies inform each other in that the degree to which clients are virally suppressed may be attributed partly to the model of care practiced at their clinic. Likewise, the degree to which its clients have achieved viral suppression may drive a clinic to practice a particular model of care. The two studies will collect several identical data elements through their individual collection instruments, allowing data to be aggregated across the two studies. The aggregation of data across the two studies will minimize the burden on RWHAP provider sites related to data collection, increase the sample size that could be used for data analysis resulting in greater generalizability of results, and provide richer and more robust data that may offer additional depth to the findings of each study.

Need and Proposed Use of the Information: The *Assessing Client Factors Associated with Detectable HIV Viral Loads* study will identify characteristics of RWHAP clients and health facilities that are associated with the ability to achieve and sustain an undetectable viral load as compared to the characteristics that are associated with sub-optimal viral suppression. This study will enable the development of better targeted services for improved viral suppression rates. The *Models of Care and the Ryan White HIV/AIDS Program* study will compare HIV and primary health outcomes across various models of care to determine which are most effective in responding to HIV to improve health outcomes for people living with HIV and to prevent HIV transmissions. The results from this study will enable improvements or redesigns of effective delivery of HIV care among Ryan White providers, which will, in turn, improve HIV clinical outcomes such as viral suppression.

In both studies, an analysis of the perceptions of providers and clients will further support the understanding of the impact of individual and system-wide factors on achieving health outcomes. The two studies will share data to inform both studies' objectives, allow

for a larger sample size from which to generalize conclusions, and reduce the overall burden of response on RWHAP providers and clients. The objectives of both studies will be achieved through collection of the following data:

- RWHAP provider interviews—Site staff interviewees (in person);
- RWHAP client surveys—Clients with detectable and undetectable viral load at each clinic;
- RWHAP client records abstraction—Medical chart and administrative records (*e.g.,* service utilization and health outcomes data);
- RWHAP site survey data—Site Director responses; and

RWHAP client semi-structured interviews—Clients with detectable and undetectable viral load.

These studies will build upon and complement HAB's study focusing on RWHAP outcomes within the context of the changing health care landscape; and will use the RWHAP site survey and chart abstraction instruments that were submitted as part of that study. The data will be collected by a contractor selected by HRSA.

Likely Respondents: RWHAP Administrators, RWHAP Care Providers, and RWHAP Clients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below. Both research studies are included in the table, with burden proportional to the number of RWHAP provider sites from which each study will collect data: 25 distinct facilities for *Assessing Client Factors Associated with Detectable HIV Viral Loads* and 50 distinct facilities for *Models of Care and the Ryan White HIV/AIDS Program.* The table below provides the level of burden inclusive of both studies.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Site Survey*	75	1	75	0.5	37.5
Medical Records Sample Selection Guide*	75	1	75	1	75
Provider Interview Guide	375	1	375	2	750
Focus Groups Guide	400	1	400	1.5	600
Client Survey	500	1	500	1	500
Client semi-structured interview	150	1	150	1	150
Total	1,575		1,575		2112.5

*The site survey and medical records sample selection instruments were submitted in March 2017 for OMB review as part of the Ryan White HIV/AIDS Program Outcomes and Expanded Insurance Coverage Information Collection Request.

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–10060 Filed 5–17–17; 8:45 am]

BILLING CODE 4165–15–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 meetings of the Board of Scientific Counselors for Basic Sciences, 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 Basic Sciences, National Cancer Institute.

Date: July 10, 2017.

Time: 9:00 a.m. to 3:00 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: Mehrdad Tondravi, Ph.D., Chief, Institute Review Office, Office of the Director, National Cancer Institute, National Institutes of Health, 9609 Medical Center Drive, Room 3W–302, Bethesda, MD 20892, 240–276–5664, *tondravim@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 12, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–10021 Filed 5–17–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Molecular Neuropharmacology and Signaling Study Section.
Date: June 12–13, 2017.
Time: 8:00 a.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Le Meridien Delfina Santa Monica, 530 Pico Boulevard, Santa Monica, CA.
Contact Person: Deborah L Lewis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4183, MSC 7850, Bethesda, MD 20892, 301–408–9129, *lewisdeb@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group; Vascular Cell and Molecular Biology Study Section.
Date: June 12–13, 2017
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Larry Pinkus, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214, *pinkusl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–17–004: Heart, Lung and Blood Diseases and Sleep Disorders.
Date: June 12–13, 2017.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.
Contact Person: Gniesha Yvonne Dinwiddie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3137, Bethesda, MD 20892, *dinwiddiegy@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Muscle and Exercise Physiology Study Section.
Date: June 12–13, 2017.
Time: 8:00 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn Arlington, Pentagon City, 550 Army Navy Drive, Arlington, VA 22202.
Contact Person: Richard Ingraham, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7814, Bethesda, MD 20892, 301–496–8551, *ingrahamrh@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Enabling Imaging Technologies.
Date: June 12, 2017.
Time: 8:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.
Contact Person: Ross D. Shonat, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6172, MSC 7892, Bethesda, MD 20892, 301–435–2786, *ross.shonat@nih.hhs.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neural Oxidative Metabolism and Death Study Section.
Date: June 12–13, 2017.
Time: 8:00 a.m. to 2:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Avenue NW., Washington, DC 20037.
Contact Person: Carol Hamelink, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7850, Bethesda, MD 20892, (301) 213–9887, *hamelinc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Education and Health: New Frontiers.
Date: June 12, 2017.
Time: 11:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: John H. Newman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3222, MSC 7808, Bethesda, MD 20892, (301) 435–0628, *newmanjh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Research related to Cancer Caregivers.
Date: June 12, 2017.
Time: 12:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Ellen K. Schwartz, EDD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3144, MSC 7770, Bethesda, MD 20892, 301–828–6146, *schwarel@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 12, 2017.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–10019 Filed 5–17–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Psychosocial Risk and Disease Prevention.
Date: June 6, 2017.
Time: 10:00 a.m. to 11:00 a.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.
Contact Person: Weijia Ni, Ph.D., Chief/Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3100, MSC 7808, Bethesda, MD 20892, 301–594–3292, *niw@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 16–304: Behavioral and Psychological Phenotypes Contributing to Obesity.
Date: June 6, 2017.
Time: 12:00 p.m. to 1:30 p.m.
Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Stacey FitzSimmons, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7808, Bethesda, MD 20892, 301–451–9956, *fitzsimmonss@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cardiovascular and Surgical Devices.

Date: June 12, 2017.

Time: 8:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Alexandria Old Town, 1900 Diagonal Road, Alexandria, VA 22314.

Contact Person: Jan Li, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, Bethesda, MD 20892, 301.402.9607, *Jan.Li@nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Virology—B Study Section.

Date: June 12–13, 2017.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Plaza Hotel, Ten Thomas Circle, Washington, DC 20005.

Contact Person: John C. Pugh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1206, MSC 7808, Bethesda, MD 20892, (301) 435–2398, *pughjohn@csr.nih.gov.*

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group; Bioengineering of Neuroscience, Vision and Low Vision Technologies Study Section.

Date: June 13–14, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Robert C. Elliott, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5190, MSC 7846, Bethesda, MD 20892, 301–435–3009, *elliotro@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Pathobiology of Kidney Disease Study Section.

Date: June 13–14, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, *sahaia@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Sensorimotor Integration Study Section.

Date: June 13, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005.

Contact Person: John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, *bishopj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Investigations on Primary Immunodeficiency Diseases.

Date: June 13, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jin Huang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095G, MSC 7812, Bethesda, MD 20892, 301–435–1230, *jh377p@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 16–216: Outcome Measures for Use in Treatment Trials of Individuals with Intellectual and Developmental Disabilities (R01).

Date: June 13, 2017.

Time: 2:30 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Maribeth Champoux, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, 301–594–3163, *champoum@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 12, 2017.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–10020 Filed 5–17–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Mental Health Services, Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration, (SAMHSA) Center for Mental Health Services (CMHS) National Advisory Council (NAC) will meet on May 30, 2017, from 3:00 p.m. to 4:00 p.m. (EDT) in a closed teleconference meeting.

The meeting will include discussion and evaluation of grant applications reviewed by SAMHSA's Initial Review Groups, and involve an examination of confidential financial and business information as well as personal information concerning the applicants. Therefore, the meeting will be closed to the public as determined by the Acting Deputy Assistant Secretary for Mental Health and Substance Use, in accordance with Title 5 U.S.C. 552b(c)(4) and (6) and 5 U.S.C. App. 2, Section 10(d).

Meeting information and a roster of Council members may be obtained either by accessing the SAMHSA Council Web site at *http://www.samhsa.gov/about-us/advisory-councils/cmhs-national-advisory-council* or by contacting Ms. Pamela Foote (see contact information below).

Committee Name: Substance Abuse and Mental Health Services Administration, Center for Mental Health Services National Advisory Council.

Dates/Time/Type: Tuesday, May 30, 2017, 3:00 p.m. to 4:00 p.m. EDT: CLOSED.

Place: SAMHSA, 5600 Fishers Lane, 14th Floor, Conference Room 14SEH02, Rockville, Maryland 20857.

Contact: Pamela Foote, Designated Federal Official, SAMHSA CMHS NAC, 5600 Fishers Lane, Room 14E53C, Rockville, Maryland 20857, Telephone: (240) 276–1279, Fax: (301) 480–8491, Email: *pamela.foote@samhsa.hhs.gov.*

Carlos Castillo,

SAMHSA, Committee Management Officer.

[FR Doc. 2017–10015 Filed 5–17–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of American Cargo Assurance, LLC, as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of American Cargo Assurance, LLC, as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that American Cargo Assurance, LLC, has been approved to gauge petroleum and petroleum products for customs purposes for the next three years as of April 28, 2016.

DATES: The approval of American Cargo Assurance, LLC, as commercial gauger became effective on April 28, 2016. The next triennial inspection date will be scheduled for April 2019.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that American Cargo Assurance, LLC, 3417–A Maplewood Drive, Sulphur, LA 70663, has been approved to gauge petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. American Cargo Assurance, LLC, is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging
7	Temperature Determination
8	Sampling
11	Physical Properties Data
12	Calculations
17	Maritime Measurements

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: May 11, 2017.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2017–10051 Filed 5–17–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of Intertek USA, Inc. as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Intertek USA, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc., has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of May 10, 2016.

DATES: The approval of Intertek USA, Inc., as commercial gauger became effective on May 10, 2016. The next triennial inspection date will be scheduled for May 2019.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that Intertek USA, Inc., 116 Bryan Road, Suite 101, Wilmington, NC 28412 has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Intertek USA, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
9	Density Determination.
12	Calculations.
17	Marine Measurement.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: May 11, 2017.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2017–10047 Filed 5–17–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[CBP Dec. 17–02]

Tuna-Tariff Rate Quota for Calendar Year 2017 for Tuna Classifiable Under Subheading 1604.14.22, Harmonized Tariff Schedule of the United States

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Announcement of the quota quantity of tuna in airtight containers for Calendar Year 2017.

SUMMARY: Each year, the tariff-rate quota for tuna described in subheading 1604.14.22, Harmonized Tariff Schedule of the United States (HTSUS), is calculated as a percentage of the tuna in airtight containers entered, or withdrawn from warehouse, for consumption during the preceding Calendar Year. This document sets forth the tariff-rate quota for Calendar Year 2017.

DATES: *Effective Dates:* The 2017 tariff-rate quota is applicable to tuna in airtight containers entered, or withdrawn from warehouse, for

consumption during the period January 1, 2017 through December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Melba Hubbard, Headquarters Quota Branch, Interagency Collaboration Division, Trade Policy and Programs, Office of Trade, U.S. Customs and Border Protection, Washington, DC 20229–1155, (202) 863–6560.

Background

It has been determined that 14,609,465 kilograms of tuna in airtight containers may be entered, or withdrawn from warehouse, for consumption at the rate of 6.0 percent *ad valorem* under subheading 1604.14.22, Harmonized Tariff Schedule of the United States (HTSUS) during the Calendar Year 2017. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 percent *ad valorem* under subheading 1604.14.30 HTSUS.

Dated: May 9, 2017.

Brenda B. Smith,

Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2017–10056 Filed 5–17–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of Robinson International (USA) Inc., as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Robinson International (USA) Inc., as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Robinson International (USA) Inc., has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of October 6, 2016.

DATES: The approval of Robinson International (USA) Inc., as commercial gauger became effective on October 6, 2016. The next triennial inspection date will be scheduled for October 2019.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that Robinson International (USA) Inc., 4400 S. Wayside Drive #107, Houston, TX 77087 has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Robinson International (USA) Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: May 11, 2017.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2017–10048 Filed 5–17–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–R–2017–N074; FXRS12610600000–178–FF06R00000]

Notice of Intent To Prepare a Comprehensive Conservation Plan for the National Bison Range, Moiese, Montana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Revised notice of intent; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are revising a previously published notice of intent to prepare a draft Comprehensive Conservation Plan (CCP) for the National Bison Range (NBR), with headquarters in Moiese, Montana. We are revising the original January 2017 **Federal Register** notice to provide an additional opportunity for input and to share with the public that we intend to move in a different direction than that indicated by the earlier notice. Specifically, due to the variety of information and perspectives received during the comment period and a change in policy direction, we will not proceed with evaluating a preferred alternative of legislative transfer of the NBR. With this notice, we request comments in order to obtain suggestions and information on a revised scope of issues to be considered in the planning process.

DATES: To ensure consideration, written comments must be received or postmarked on or before June 19, 2017.

ADDRESSES: If you wish to comment on the scope of the CCP/EIS, you may submit your comments by one of the following methods:

- *Email: scoping_NBR@fws.gov.*
- *U.S. Mail or Hand-Delivery:* Toni Griffin, Refuge Planner, NBR CCP, 134 Union Boulevard, Lakewood, CO 80228.

FOR FURTHER INFORMATION CONTACT: Toni Griffin, Refuge Planner, NBR CCP, 134 Union Boulevard, Lakewood, CO 80228, or by telephone (303) 236–4378.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), are revising the Notice of Intent to prepare a draft Comprehensive Conservation Plan (CCP) for the National Bison Range (NBR), with headquarters in Moiese, Montana. With a notice published in the **Federal Register** on January 18, 2017 (82 FR 5597), we initiated a process for developing a CCP for the NBR. We are revising the original notice of intent to provide an additional opportunity for input and to share with the public that we intend to move in a different direction than that indicated by the January 2017 notice. Specifically, due to the variety of information and perspectives received during the comment period and a change in policy direction, we will not proceed with evaluating a preferred alternative of legislative transfer of the NBR. With this notice, we request comments in order to obtain suggestions and information on a revised scope of issues to be considered in the planning process. The CCP will describe the desired future conditions of the refuge and provide long-range guidance and management direction on how best to achieve refuge purposes.

Introduction

The notice complies with our CCP policy to (1) advise other Federal and State agencies, Tribes, and the public of our intention to conduct planning on this refuge and (2) to obtain suggestions and information on the scope of additional issues to consider during development of the CCP. Through the CCP, we intend to evaluate how we will manage NBR. Participation in the planning process will be encouraged and facilitated by various means, including news releases and public meetings. Notification of all such meetings will be announced in the local press and on the NBR Web site.

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966, (Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee), requires us to develop a CCP for each national wildlife refuge. The purpose of a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System (NWRS), consistent with sound principles of fish and wildlife management, conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

Each unit of the NWRS was established for specific purposes. We use these purposes as the foundation for developing and prioritizing the management goals and objectives for each refuge within the NWRS mission, and to determine how the public can use each refuge. The planning process is a way for us and the public to evaluate management goals and objectives that will ensure the best possible approach to wildlife, plant, and habitat conservation, while providing for wildlife-dependent recreation opportunities that are compatible with each refuge's establishing purposes and the mission of the NWRS.

We will conduct environmental review pursuant to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), by preparing an environmental impact statement (EIS). The Service intends to invite the Confederated Salish and Kootenai Tribes (CSKT) to participate as a cooperating agency as provided by 40 CFR 1508.5.

We will prepare a CCP and EIS which will describe how we will manage NBR over the next 15 years. To facilitate sound planning and environmental assessment, we intend to gather information necessary for the preparation of the CCP/EIS and obtain suggestions and information from other agencies, municipalities, and the public on the scope of issues to be addressed in the CCP/EIS. We will separately consider CCPs for Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Lake County Wetland Management District and the waterfowl production areas therein, which are also part of the National Bison Range Complex.

The National Bison Range

In 1908, the first purchase of land for the exclusive protection of wildlife occurred when Congress appropriated money for the establishment of NBR. The overall mission of the NBR is to maintain a representative herd of bison, under reasonably natural conditions, to ensure the preservation of the species for continued public enjoyment. The NBR is 18,800 acres and supports between 350 and 500 bison. The National Bison Range lies entirely within the boundary of the Flathead Indian Reservation of the Confederated Salish and Kootenai Tribes (CSKT). Members of the CSKT have a cultural, historical, or geographic connection to the land and resources of the NBR.

Additional Information

The mission for NBR, and purposes for which it was established, are used to develop and prioritize management goals and objectives within the National Wildlife Refuge System mission, and to guide which public uses will occur on the Refuge. The planning process is a way for the Service and the public to evaluate management goals and objectives for the best possible conservation efforts of this important wildlife habitat while providing for wildlife-dependent recreation opportunities that are compatible with the Refuges' establishing purposes and the mission of the National Wildlife Refuge System. We will conduct a CCP process that will provide opportunity for tribal, State, and local governments; Federal and State agencies; organizations; and the public to participate in issue scoping and public comment. We are requesting input on issues, concerns, ideas, and suggestions for the future management of NBR.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: April 26, 2017.

Anna Munoz,

Acting Regional Director, U.S. Fish and Wildlife Service, Denver, Colorado.

[FR Doc. 2017–10110 Filed 5–17–17; 8:45 am]

BILLING CODE 4310–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–R–2017–N072; FXRS12610600000–178–FF06R00000]

Notice of Intent to Prepare a Comprehensive Conservation Plan; Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts, Montana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare a comprehensive conservation plan; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), intend to gather information necessary to prepare a draft Comprehensive Conservation Plan (CCP) and associated Environmental Assessment for Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts, all of which are units of the National Wildlife Refuge System. The three Refuges and Wetland Management Districts are all part of the National Bison Range Complex. Elsewhere in this **Federal Register**, we are also publishing a revised notice of intent to prepare a draft CCP for the National Bison Range. We are accepting comments on these two notices simultaneously.

DATES: To ensure consideration, written comments must be received or postmarked on or before June 19, 2017.

ADDRESSES: If you wish to comment on the scope of the Comprehensive

Conservation Plan/Environmental Assessment, you may submit your comments by any of the following methods:

- *Email: scoping_pablo_ninepipe@fws.gov.*
- *U.S. Mail or Hand-Delivery:* Toni Griffin, Refuge Planner, NBR CCP, 134 Union Boulevard, Lakewood, CO 80228.

FOR FURTHER INFORMATION CONTACT: Toni Griffin, Refuge Planner, by mail (see **ADDRESSES**), or by telephone at (303) 236–4378.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), intend to gather information necessary to prepare a draft Comprehensive Conservation Plan (CCP) and associated Environmental Assessment (EA) for Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts, all of which are units of the National Wildlife Refuge System. The three Refuges and Wetland Management Districts are all part of the National Bison Range Complex. Elsewhere in this **Federal Register**, we are also publishing a revised notice of intent to prepare a draft CCP for the National Bison Range. We are accepting comments on these two notices simultaneously.

Introduction

The CCP for Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts, will describe the desired future conditions of the units and provide long-range guidance and management direction to Refuge staff on how best to achieve refuge purposes. The notice complies with our CCP policy to (1) advise other Federal and State agencies, Tribes, and the public of our intention to conduct planning on this refuge complex, and (2) to obtain suggestions and information on the scope of additional issues to consider during development of the CCP. Through the CCP, the Service intends to evaluate how it will manage Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts.

This notice is in compliance with Service Refuge Planning policy to advise other agencies and the public of our intentions, and to obtain suggestions and information on the scope of issues to be considered in the planning process. Participation in the planning process will be encouraged and facilitated by various means, including news releases and public meetings. Notification of all such meetings will be announced in the local press and on the NBR Web site: *https://www.fws.gov/refuge/national_bison_range/.*

Background

The National Wildlife Refuge System Administration Act of 1966, (Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee), requires us to develop a CCP for each national wildlife refuge. The purpose of a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System (NWRS), consistent with sound principles of fish and wildlife management, conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

Each unit of the NWRS was established for specific purposes. We use these purposes as the foundation for developing and prioritizing the management goals and objectives for each refuge within the NWRS mission, and to determine how the public can use each refuge. The planning process is a way for us and the public to evaluate management goals and objectives that will ensure the best possible approach to wildlife, plant, and habitat conservation, while providing for wildlife-dependent recreation opportunities that are compatible with each refuge's establishing purposes and the mission of the NWRS.

We will conduct environmental review pursuant to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), by preparing an environmental assessment (EA). The Service intends to consult with the Confederated Salish and Kootenai Tribes (CSKT) during this process.

The Service will prepare a CCP and EA that will describe how it will manage the units over the next 15 years. To facilitate sound planning and environmental assessment, the Service intends to gather information necessary for the preparation of the CCP/EA and obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the CCP/EA.

History of the Refuges and Wetland Management Districts

Ninepipe and Pablo National Wildlife Refuges were each established as easement refuges in 1921 ''as a refuge and breeding ground for native birds,'' (Executive Order 3503, Ninepipe; Executive Order 3504, Pablo). Lost Trail National Wildlife Refuge was established on August 24, 1999, and became the 519th refuge in the National Wildlife Refuge System. It was established for use by migratory birds, conservation of fish and wildlife resources, fish and wildlife oriented recreation, and the conservation of endangered or threatened species. Finally, the Northwest Montana Wetland Management Districts are lands acquired ''as Waterfowl Production Areas'' subject to ''all of the provisions of [the Migratory Bird Conservation Act . . . except the inviolate sanctuary provisions'' (Migratory Bird Hunting and Conservation Stamp Act, 16 U.S.C. 718). Ninepipe and Pablo National Wildlife Refuges, and the portion of the Wetland Management District in Lake County, Montana, lie within the exterior boundaries of the Flathead Indian Reservation of the Confederated Salish and Kootenai Tribes (CSKT). Members of the CSKT have a cultural, historical, or geographic connection to the land and resources of the Range.

Additional Information

The mission and purposes for which the units were established are used to develop and prioritize management goals and objectives within the National Wildlife Refuge System mission, and to guide which public uses will occur on the units of the Complex. The planning process is a way for the Service and the public to evaluate management goals and objectives for the best possible conservation efforts of this important wildlife habitat, while providing for wildlife-dependent recreation opportunities that are compatible with the Refuges' establishing purposes and the mission of the National Wildlife Refuge System.

We will conduct a comprehensive conservation planning process that will provide opportunity for tribal, State, and local governments; Federal and State agencies; organizations; and the public to participate in issue scoping and public comment. We are requesting input for issues, concerns, ideas, and suggestions for the future management of Pablo, Lost Trail, and Ninepipe National Wildlife Refuges, and the Northwest Montana Wetland Management Districts.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: April 25, 2017.

Noreen Walsh,

Regional Director, U.S. Fish and Wildlife Service, Denver, Colorado.

[FR Doc. 2017–10111 Filed 5–17–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[178A2100DD/AAKC001030/A0A501010.999900253G]

Notice of Service Area Designation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces approval by the Bureau of Indian Affairs (BIA) of the designation of Kern County, California, as a service area for the Tejon Indian Tribe for purposes of operating the BIA financial assistance and/or social services programs as authorized under 25 Code of Federal Regulations (CFR) part 20.

DATES: This service area designation is effective as of May 18, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Evangeline Campbell, Chief, Division of Human Services, Office of Indian Services, Bureau of Indian Affairs, Telephone (202) 513–7622, email address: *evangeline.campbell@bia.gov.*

SUPPLEMENTARY INFORMATION: The Tejon Indian Tribe submitted to BIA a request with supporting documentation to designate Kern County, California, as its service area under 25 CFR 20.201. The Assistant Secretary—Indian Affairs has approved the request based on an evaluation of the information provided. This notice designates Kern County, in the State of California, as the service area appropriate for the provision of BIA financial assistance and/or social services for the Tejon Indian Tribe. The part 20 regulations have full force and effect when a tribe operates the BIA financial assistance and/or social services in the service area location. However, the Tejon Indian Tribe is not authorized to contract for or operate the Tribal Work Experience Program (TWEP) (25 CFR 20.320—20.323) and the Disaster Assistance program (25 CFR 20.327 and 20.328), as both programs remain unfunded by Congress.

Authority: 25 CFR 20.201.

Dated: May 1, 2017.

Michael S. Black,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 2017–10007 Filed 5–17–17; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–573–574 and 731–TA–1349–1358 (Preliminary)]

Carbon and Certain Alloy Steel Wire Rod From Belarus, Italy, Korea, Russia, South Africa, Spain, Turkey, Ukraine, United Arab Emirates, and the United Kingdom; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of wire rod from Belarus, Italy, Korea, Russia, South Africa, Spain, Turkey, Ukraine, United Arab Emirates, and United Kingdom, provided for in subheadings 7213.91.30, 7213.91.45, 7213.99.00, 7227.20.00, and 7227.90.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and imports of wire rod that are alleged to be subsidized by the government of Turkey.[2] The Commission also determines that an industry in the United States is threatened with material injury by reason of imports of wire rod that are alleged to be subsidized by the government of Italy.

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On March 28, 2017, Charter Steel, Saukville, Wisconsin; Gerdau Ameristeel US Inc., Tampa, Florida; Keystone Consolidated Industries, Inc., Peoria, Illinois; and Nucor Corporation, Charlotte, North Carolina filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of wire rod from Italy and Turkey and LTFV imports of wire rod from Belarus, Italy, Korea, Russia, South Africa, Spain, Turkey, Ukraine, United Arab Emirates, and United Kingdom. Accordingly, effective March 28, 2017, the Commission, pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)), instituted countervailing duty investigation Nos. 701–TA–573–574 and antidumping duty investigation Nos. 731–TA–1349–1358 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 3, 2017 (82 FR 16232). The conference was held in Washington, DC, on April 18, 2017, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner F. Scott Kieff not participating.

investigations on May 12, 2017. The views of the Commission are contained in USITC Publication 4693 (May 2017), entitled *Carbon and Certain Alloy Steel Wire Rod from Belarus, Italy, Korea, Russia, South Africa, Spain, Turkey, Ukraine, United Arab Emirates, and United Kingdom: Investigation Nos. 701 TA 573–574 and 731–TA–1349–1358 (Preliminary).*

By order of the Commission.

Issued: May 12, 2017.

Katherine M. Hiner,

Supervisory Attorney.

[FR Doc. 2017–10010 Filed 5–17–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0017]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Annual Firearms Manufacturing and Exportation Report

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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 proposed information collection was previously published in the **Federal Register**, on March 16, 2017, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until June 19, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any other additional information, please contact Jodie Trovinger, Federal Firearms Licensing Center, Firearms and Explosives Services Division either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at *Jodie.Trovinger@atf.gov,* or by telephone at 304–616–4673. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *The Title of the Form/Collection:* Annual Firearms Manufacturing and Exportation Report Under 18 U.S.C. Chapter 44, Firearms.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF F 5300.11.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: Federal Government, State, Local, or Tribal Government.

Abstract: The information collected is used to compile statistics on the manufacture and exportation of firearms. The furnishing of this information is mandatory under 18 U.S.C. 923(g)(5)(A). This form must be submitted annually for every Type 07 and Type 10 Federal Firearms License (FFL), even if no firearms were exported or distributed for commerce.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 12,000 respondents will complete the form, and it will take each respondent approximately 20 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 4,000 hours which is equal to (12,000 (total # of respondents * .3333 (20 mins).

(7) *An Explanation of the Change in Estimates:* The increase in respondents from 8,500 to 12,000 is due to an increase in licensed manufacturers. All Federal Firearms Licensees who hold either a Type 07 (manufacturer of firearms) or Type 10 (manufacturer of destructive devices) license must file an AFMER. The increase in burden hours from 2,833 to 4,000 is due to a spike in licensed manufacturers.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: May 15, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–10038 Filed 5–17–17; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0076]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Relief of Disabilities and Application for Restoration of Explosives Privileges (ATF Form 5400.29)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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 proposed information collection

was previously published in the **Federal Register**, on March 14, 2017, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until June 19, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any other additional information, please contact Explosives Relief of Disabilities Program, National Center for Explosives Training and Research (NCETR) either by mail at 3750 Corporal Road, Redstone Arsenal, AL 35898, by email at *FROD@atf.gov,* or by telephone at 256–261–7640. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):* Extension, of a currently approved collection.

2. *The Title of the Form/Collection:* Relief of Disabilities and Application for Restoration of Explosives Privileges.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 5400.29.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: Business or other for-profit.

Abstract: Persons who wish to ship, transport, receive, or possess explosive materials, but are prohibited from doing so, will complete this form. The form will be submitted to ATF to determine whether the person who provided the information is likely to act in a manner dangerous to public safety and that the granting of relief is not contrary to the public interest.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 300 respondents will utilize the form, and it will take each respondent approximately 30 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 150 hours which is equal to (300 (total # of respondents) * .5 (30 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: May 15, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–10037 Filed 5–17–17; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

Notice of Filing of Proposed Settlement Agreement Regarding Environmental Claims in Connection With Franklin Smelting/Slag Site, Safety Light Corp. Site, Cleancare Corp. Site, and Portland Harbor Site

On May 11, 2017, a Notice of Motion was filed in the Superior Court for the State of California for the County of Los Angeles in the proceeding entitled *Dave Jones, Insurance Commissioner of the State of California* v. *Mission Insurance Company, et al.,* Case No. C 572 724. The Motion will seek court approval of a Settlement Agreement between Dave Jones, Insurance Commissioner of the State of California, in his capacity as Trustee (the ''Trustee'') of the Mission Insurance Company Trust and the Mission National Insurance Company Trust (the ''Mission Trusts''), and the United States Department of the Interior (''DOI''), Environmental Protection Agency (''EPA''), and National Oceanic and Atmospheric Agency (''NOAA'') (collectively referred to as ''the Federal Claimants''), acting by and through the United States Department of Justice (''DOJ'').

The Settlement Agreement would resolve claims by the Federal Claimants under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9607, involving insured parties in connection with four Superfund Sites: (1) The Franklin Smelting and Franklin Slag Sites in Philadelphia, Pennsylvania (Franklin Smelting and Refining Company, et al.); the Safety Light Corporation Site in Bloomsburg, Pennsylvania (United States Radium Corp. and USR Industries, Inc., et al.); the CleanCare Corporation Site in Tacoma, Washington (Lilyblad Petroleum, Inc.); and the Portland Harbor Site (Linnton Plywood Association). The Federal Claimants filed proof of claims in the instant proceeding against the Mission Trusts arising from policies of insurance that Mission companies had issued to the parties liable for contamination at these four Sites.

Under the Settlement Agreement, the Mission Trusts will pay to the United States $28.6 million to be allocated to accounts respecting the four Superfund Sites as follows:

a. $11,914,658.58 shall be paid with respect to the Franklin Smelting Superfund Site and the Franklin Slag Superfund Site.

b. $7,113,598.90 shall be with respect to the Safety Light Corporation Superfund Site in Bloomsburg, PA.

c. $284,543.96 shall be paid with respect to the CleanCare Corporation Superfund Site in Tacoma, WA.

d. $9,287,198.56 shall be with respect to the Portland Harbor Superfund Site in Portland, OR. This amount shall be divided between EPA and DOI and NOAA as follows: $6,965,398.92 to EPA, and $2,321,799.64 to DOI and NOAA.

In consideration of this payment, upon approval of the Settlement Agreement the Federal Claimants covenant not to file a civil action against

the Trustee, the Mission Trusts and the various California courts involved in the liquidation proceeding involving the Mission Trusts. The Settlement Agreement is conditioned upon court approval for a super-priority release of the Trustee under 31 U.S.C. 3713, the Federal Priorities Statute. The Trustee will appear at a hearing to present the motion seeking approval the Settlement Agreement on June 22, 2017, at 8:30 a.m. in Department 50 of the Stanley Mosk Courthouse, 111 North Hill Street, Floor 5, Room 508, Los Angeles, California 90012.

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 *Dave Jones, Insurance Commissioner of the State of California* v. *Mission Insurance Company, et al.,* D.J. Ref. No. 90–11–3–10711. All comments must be submitted no later than twenty-one (21) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Settlement Agreement may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* Alternatively, a paper copy of the Settlement Agreement will be provided 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 $2.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–10013 Filed 5–17–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0029]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until July 17, 2017.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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 submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act as Amended and the Prison Rape Elimination Act for Applicants to the STOP Formula Grant Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0029. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: The affected public includes STOP formula grantees (50 states, the District of Columbia and five territories (Guam, Puerto Rico, American Samoa, Virgin Islands, Northern Mariana Islands). The STOP Violence Against Women Formula Grant Program was authorized through the Violence Against Women Act of 1994 and reauthorized and amended by the Violence Against Women Act of 2000, the Violence Against Women Act of 2005 and the Violence Against Women Act of 2013. The purpose of the STOP Formula Grant Program is to promote a coordinated, multi-disciplinary approach to improving the criminal justice system's response to violence against women. It envisions a partnership among law enforcement, prosecution, courts, and victim advocacy organizations to enhance victim safety and hold offenders accountable for their crimes of violence against women. The Department of Justice's Office on Violence Against Women (OVW) administers the STOP Formula Grant Program funds which must be distributed by STOP state administrators according to statutory. As a result of VAWA 2013 and the penalty provision of the Prison Rape Elimination Act (PREA), States are required to certify compliance with PREA. If States cannot certify compliance, they have the option of forfeiting five percent of covered funds or executing an assurance that five percent of covered funds will be used towards coming into compliance with PREA.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 56 respondents (state administrators from the STOP Formula Grant Program) 10 minutes to complete a Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act, as amended and the Prison Rape Elimination Act.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the Certification is less than 10 hours.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E, 405B, Washington, DC 20530.

Dated: May 17, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–10043 Filed 5–17–17; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act, Clean Air Act and Resource Conservation and Recovery Act

On May 12, 2017, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Puerto Rico in the lawsuit entitled *United States* v. *Homeca Recycling Center Co., Inc.,* Civil No.: 17–1618. The United States filed this lawsuit under the Clean Air Act, the Clean Water Act and the Resource Conservation and Recovery Act.

Homeca Recycling Center Co., Inc. (''Homeca'') operates three scrap metal recycling facilities in Caguas, Playa Ponce, and Hormigueros, Puerto Rico. At these facilities it crushes vehicles and white goods for shipment to metal refineries. The complaint alleges that Homeca violated the above statutes by, among other things: (a) Allowing liquids from the vehicles to leak onto and contaminate the bare ground; (b) allowing these liquids to flow off-site and into United States waters during storm events; and (c) improperly managing motor vehicle air conditioner (''MVAC'') refrigerants. The complaint seeks civil penalties for these past violations.

The proposed settlement requires Homeca to pay a $50,000 civil penalty and to establish and follow various practices that will ensure that it maintains compliance with the statutes and applicable regulations in the future. These include constructing bermed and covered concrete pads at its facilities, removing of all fluids from vehicles prior to crushing, implementing corrective action at its facilities, removing refrigerants from MVACs, and obtaining permit coverage under, and maintaining compliance with, a multi-sector general permit covering storm water discharges.

The Consent Decree will resolve the claims of the United States for the violations alleged in the complaint through the date of lodging of the consent decree.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Homeca Recycling Center Co., Inc.,* Civ. No. 17–1618, D.J. Ref. No. 90–7–1–10023. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed consent decree 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 proposed consent decree 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 $7.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert E. Maher, Jr.,

Assistant Section Chief, Environment and Natural Resources Division, Environmental Enforcement Section.

[FR Doc. 2017–10039 Filed 5–17–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On May 12 2017, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Nevada in the lawsuit entitled *United States* v. *Nevada Cement Company, Inc.,* Civil Action No. 17–302.

The Consent Decree resolves civil penalty and injunctive relief claims under Sections 113(b) and 167 of the Clean Air Act against the Nevada Cement Company (''NCC''). The settlement addresses six separate violations of the Prevention of Significant Deterioration (PSD) provisions of the Act in which the Complaint alleges the company upgraded five major parts of the cement plant and changed its manner of operations, without installing any pollution controls.

The proposed Decree, if approved by the Court, would require NCC to achieve substantial reductions of nitrogen oxides (''NO_X''), set a sulfur dioxide limit and perform two mitigation projects at its cement manufacturing plant located in Fernley, Nevada. To reduce NO_X emissions, the proposed Decree would require NCC to install a new stack on one kiln, modern pollution controls and monitoring on both kilns, optimize the operation of both kilns and set the final NO_X emission limit per kiln after extensive testing and optimized operations. The mitigation projects are to address prior NO_X emissions and involve the change out of older diesel engines.

NCC has also agreed to pay a civil penalty of $550,000.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Nevada Cement Company, Inc.,* D.J. Ref. No. 90–5–2–1–10458. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree 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 Consent Decree 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 $18.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry S. Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–10014 Filed 5–17–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

186th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 186th meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held on June 6–8, 2017.

The three-day meeting will take place at the U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210 in C5320 Room 6. The meeting will run from 9:00 a.m. to approximately 5:30 p.m. on June 6–7, with a one hour break for lunch each day, and from 9:00 a.m. to 12:00 p.m. on June 8. The purpose of the open meeting is for Advisory Council members to hear testimony from invited witnesses and to receive an update from the Employee Benefits Security Administration (EBSA). The EBSA update is scheduled for the morning of June 8, subject to change.

The Advisory Council will study the following topics: (1) Reducing the Burden and Increasing the Effectiveness of Mandated Disclosures with respect to Employment-Based Health Benefit Plans in the Private Sector, and (2) Mandated Disclosure for Retirement Plans—Enhancing Effectiveness for Participants and Sponsors. The Council will hear testimony on both topics on June 6 and 7. It will continue with discussions of its topics on June 8. Descriptions of these topics are available on the Advisory Council page of the EBSA Web site, at *https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/erisa-advisory-council.*

Organizations or members of the public wishing to submit a written statement may do so by submitting 35 copies on or before May 30, 2017, to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5623, 200 Constitution Avenue NW., Washington, DC 20210. Statements also may be submitted as email attachments in word processing or pdf format transmitted to *good.larry@dol.gov.* It is requested that statements not be included in the body of the email. Statements deemed relevant by the Advisory Council and received on or before May 30 will be included in the record of the meeting and made available through the EBSA Public Disclosure Room, along with witness statements. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. Written statements submitted by invited witnesses will be posted on the Advisory Council page of the EBSA Web site, without change, and can be retrieved by most Internet search engines.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or telephone (202) 693–8668. Oral presentations will be limited to 10 minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact the Executive Secretary by May 30.

Signed at Washington, DC, this 11th day of May, 2017.

Timothy D. Hauser,

Deputy Assistant Secretary for Program Operations, Employee Benefits Security Administration.

[FR Doc. 2017–10011 Filed 5–17–17; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Certification of Funeral Expenses

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) titled, ''Certification of Funeral Expenses,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 19, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201703-1240-003* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Certification of Funeral Expenses information collection. The OWCP administers the Longshore and Harbor Workers' Compensation Act (LHWCA). The Act provides benefits to workers injured in maritime employment on the navigable waters of the United States or in an adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel. LHWCA section 9(a) provides that reasonable funeral expenses be payable in the amount and to or for the benefit of the persons, not exceeding $3,000 in all compensable death cases. *See* 33 U.S.C. 939(a). The OWCP has developed Form LS–265 for use in submitting the funeral expenses for payment. LHWCA sections 13 and 39 authorize this information collection. *See* 33 U.S.C. 913 and 939.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0040.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on May 31, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 10, 2017 (82 FR 10410).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0040. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OWCP.

Title of Collection: Certification of Funeral Expenses.

OMB Control Number: 1240–0040.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 75.

Total Estimated Number of Responses: 75.

Total Estimated Annual Time Burden: 19 hours.

Total Estimated Annual Other Costs Burden: $34.

Dated: May 12, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–10025 Filed 5–17–17; 8:45 am]

BILLING CODE 4510–CF–P

NATIONAL CREDIT UNION ADMINISTRATION

Office of Small Credit Union Initiatives (OSCUI) Grant Program Access for Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of funding opportunity.

SUMMARY: The National Credit Union Administration (NCUA) is issuing a Notice of Funding Opportunity (NOFO) to invite eligible credit unions to submit applications for participation in the OSCUI Grant Program (a.k.a. Community Development Revolving Loan Fund (CDRLF)), subject to funding availability. The OSCUI Grant Program serves as a source of financial support, in the form of technical assistance grants, for credit unions serving predominantly low-income members. It also serves as a source of funding to help low-income designated credit unions (LICUs) respond to emergencies arising in their communities.

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A. Program Description

1. Purpose

The purpose of the OSCUI Grant Program is to assist low-income designated credit unions (LICU) in providing basic financial services to their low-income members to stimulate economic activities in their communities. Through the OSCUI Grant Program, NCUA provides financial support in the form of technical assistance grants to LICUs. These funds help improve and expand the availability of financial services to these members. The OSCUI Grant Program also serves as a source of funding to help LICUs respond to emergencies. The Grant Program consists of Congressional appropriations that are administered by OSCUI, an office of the NCUA.

This grant round will include initiatives [1] for Digital Services & Security, Leadership Development, Small LICU Capacity, and Underserved Outreach. NCUA will accept applications from credit unions for Digital Services & Security, Leadership Development, and Small LICU Capacity initiatives from July 1 through July 31, 2017.[2] Applications for the Underserved Outreach initiative will be accepted from July 1 through August 31, 2017. Each grant award may be used for a project intended to support the efforts of credit unions:

i. Providing basic financial and related services to residents in their communities; and

ii. Enhancing their capacity to better serve their members and the communities in which they operate.

Information about the OSCUI Grant Program, including more details regarding the 2017 grant round, other funding initiatives, amount of funds available, funding priorities, permissible uses of funds, funding limits, deadlines and other pertinent details, are periodically published in NCUA Letters to Credit Unions, in the OSCUI e-newsletter and on the NCUA Web site at *https://www.ncua.gov/services/Pages/small-credit-union-initiatives/grants-loans/grants.aspx.*

2. Regulation

Part 705 of NCUA's regulations implements the OSCUI Grant and Loan Program. 12 CFR 705. A revised Part 705 was published on November 25, 2016. 81 FR 85112. Additional requirements are found at 12 CFR 701 and 741. Applicants should review these regulations in addition to this NOFO. Each capitalized term in this NOFO is more fully defined in the regulations and grant guidelines. For the purposes of this NOFO, an Applicant is a Qualifying Credit Union that submits a complete Application to NCUA under the OSCUI Grant Program. NCUA will consider requests for funds consistent with the purpose of the OSCUI Grant Program. 12 CFR 705.1.

[1] Initiatives offered subject to change based on funds availability. See section H.

[2] Grant round opening and closing is subject to funds availability. See section H.

B. Federal Award Information

1. How much funding is available?

Subject to the availability of appropriations for Fiscal Years 2016–2017, NCUA anticipates awarding up to $2 million [3] under this NOFO. NCUA reserves the right to: (i) Award more or less than the amount appropriated; (ii) fund, in whole or in part, any, all, or none of the applications submitted in response to this NOFO; and (iii) reallocate funds from the amount that is anticipated to be available under this NOFO to other programs.

2. What is the award amount?

There is a different award cap for each grant initiative. NCUA expects to award grants ranging from $1,000 to $25,000.[4] Specific details are further described in the grant guidelines found on the NCUA Web site.

3. What is the award period?

The award period is between 7 and 12 months from the official approval of the grant, depending on the grant initiative and project.

C. Eligibility Information

1. What are the eligibility criteria?

This grant round is open to credit unions that meet the compliance requirements specified in 12 CFR 705.3 and 12 CFR 705.7. A credit union must have a Low-Income Credit Union (LICU) designation, or equivalent in the case of a Qualifying State-chartered Credit Union, in order to participate in the OSCUI Grant and Loan Program. Requirements for obtaining the designation are found at 12 CFR 701.34.

2. What are the cost sharing or matching requirements?

Cost sharing and matching requirements are not required under this announcement.

D. Application and Submission Information

1. Where can I request Application information?

The Application related documents can be found on NCUA's Web site at *https://www.ncua.gov/services/Pages/small-credit-union-initiatives/grants-loans/grants.aspx.*

2. How do I submit an Application?

Applicants must submit their Application electronically through NCUA's web-based application system CyberGrants at *www.cybergrants.com/ncua/applications.*

3. What must be included in the Application?

A complete Application will consist of different components for each grant initiative. At a minimum, each grant initiative will require a brief project description (this requirement may be waived for initiatives that NCUA determines to be satisfactory without a project description). Specific details are further described in the grant guidelines.

4. What other requirements do I need to submit an Application?

Applicants must obtain a Data Universal Number System (DUNS) number and be registered in the System for Award Management (SAM) before an Application is considered complete. Additionally, Applications must include a valid and current Employer Identification Number (EIN) issued by the U.S. Internal Revenue Service (IRS). If an Applicant does not fully comply with these requirements, NCUA may deem the Application incomplete and disqualify the Applicant.

Other submission requirements include disclosure agreements and mandatory clauses which are specified in the grant guidelines and web-based application system.

5. What is the DUNS number and how do I obtain it?

The DUNS number is a unique nine-character number used to identify your organization. The federal government uses the DUNS number to track how federal money is allocated.

Applicants can obtain a DUNS number by visiting the Dun & Bradstreet (D&B) Web site or calling 1–866–705–5711 to register or search for a DUNS number. Registering for a DUNS number is FREE.

6. What is the System for Award Management (SAM) and how do I register?

SAM is a web-based, government-wide application that collects, validates, stores, and disseminates business information about the federal government's trading partners in support of the contract awards, grants, and electronic payment processes.

Applicants can register by visiting the SAM Web site. An active SAM account status and CAGE number is required to apply for the OSCUI Grant Program. The SAM registration process is FREE.

7. When is the Application deadline?

The Application will be available beginning July 1 for all initiatives. However, the closing date is different for one initiative. Below is the application window for each initiative. Each initiative will close at 3 p.m. EST on the last day of the application window. Applications must be submitted online in NCUA's web-based application system, CyberGrants, by the deadline in order to be considered. Late Applications will not be considered under any circumstance.

Initiative	Application window
Digital Services and Security.	July 1 through July 31, 2017.
Leadership Development.	
Small LICU Capacity.	
Underserved Outreach.	July 1 through August 31, 2017.

E. Application Review Information

1. Criteria

Each grant initiative consists of unique criteria NCUA will use to evaluate Applications. The criteria is distinct from the eligibility criteria that are addressed before an Application is accepted for review. Specific details about the selection criteria are described further in the grant guidelines.

2. Review and Selection Process

i. *Eligibility and Completeness Review:* NCUA will review each Application to determine whether it is complete and that the Applicant meets the eligibility criteria described in the Regulations, this NOFO, and the grant guidelines. An incomplete Application or one that does not meet the eligibility criteria will be declined without further consideration.

ii. *Substantive Review:* After an Applicant is determined eligible and its Application is determined complete, NCUA will conduct a substantive review in accordance with the criteria and procedures described in the Regulations, this NOFO, and the grant guidelines. NCUA reserves the right to contact the Applicant during its review for the purpose of clarifying or confirming information contained in the Application. If so contacted, the Applicant must respond within the time specified by NCUA or NCUA, in its sole discretion, may decline the application without further consideration.

iii. *Evaluation and Scoring:* The evaluation criteria for each initiative will be more fully described in the grant guidelines.

[3] Subject to appropriation funding.

[4] Subject to appropriation funding—See section H.

iv. *Input from Examiners:* NCUA may not approve an award to a credit union for which it's NCUA regional examining office or State Supervisory Agency (SSA), if applicable, indicates it has safety and soundness concerns. If the NCUA regional office or SSA identifies a safety and soundness concern, OSCUI, in conjunction with the regional office or SSA, will assess whether the condition of the Applicant is adequate to undertake the activities for which funding is requested, and the obligations of the grant and its conditions. NCUA, in its sole discretion, may defer decision on funding an Application until the credit union's safety and soundness conditions improve.

v. *Award Selection:* NCUA will make its award selections based on a consistent scoring system where each Applicant will receive a ranking position. NCUA will also consider the impact of funding and rank Applications based on the factors listed in the grant guidelines.

3. Anticipated Announcement and Federal Award Dates

Applicants should expect to be notified by NCUA regarding the final determination of the grant application. Please see the periods NCUA anticipates sending out announcements below.

Initiative	Anticipated announcement period
Digital Services and Security.	By September 10, 2017.
Leadership Development.	
Small LICU Capacity.	
Underserved Outreach.	By October 27, 2017.

F. Federal Award Administration Information

1. Notice of Award

NCUA will notify each Applicant of its funding decision by email. In addition, NCUA will publish a press release that includes a list of the successful awardees. Additional instructions for post-award activities will be provided by email and in the reimbursement guidelines.

2. Administration and National Policy Requirements

The specific terms and conditions governing a grant will be established in the grant guidelines for each initiative.

3. Reporting and Reimbursement Requirements

Successful Applicants must submit a reimbursement request in order to receive the awarded funds. The reimbursement requirements are specific to each initiative. In general, the reimbursement request will require evidence of expenses, project related documentation, a summary of project accomplishments and outcomes, and a certification form signed by a credit union official (*e.g.,* CEO, manager, or Board Chairperson) authorized to request the reimbursement and make the certifications. NCUA, in its sole discretion, may modify these requirements. Successful Applicants are required to submit the reimbursement request within the expiration date specified in the approval letter.

G. Agency Contacts

1. Methods of Contact

Further information can be found at: *https://www.ncua.gov/services/Pages/small-credit-union-initiatives/grants-loans/grants.aspx.* For questions email: National Credit Union Administration, Office of Small Credit Union Initiatives at *OSCUIAPPS@ncua.gov.*

2. Information Technology Support

People who have visual or mobility impairments that prevent them from using NCUA's Web site should call (703) 518–6610 for guidance (this is not a toll free number).

H. Other Information

1. Program Changes Based on Availability of Funds

The Application open period, grant initiatives, award period, funding amounts, and deadline to submit applications are all subject to the availability of appropriations for Fiscal Year 2017. NCUA will not announce a new NOFO if changes are necessary to the Program elements covered in this announcement. All changes due to the availability of funding will be published on NCUA's Web site at *https://www.ncua.gov/services/Pages/small-credit-union-initiatives/grants-loans/grants.aspx.*

Authority: 12 U.S.C. 1756, 1757(5)(D), and (7)(I), 1766, 1782, 1784, 1785 and 1786; 12 CFR 705.

By the National Credit Union Administration Board on May 12, 2017.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2017–10087 Filed 5–17–17; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Office of Small Credit Union Initiatives (OSCUI) Loan Program Access for Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of funding opportunity.

SUMMARY: The National Credit Union Administration (NCUA) is issuing a Notice of Funding Opportunity (NOFO) to invite eligible credit unions to submit applications for participation in the OSCUI Loan Program (a.k.a. Community Development Revolving Loan Fund (CDRLF)), subject to funding availability. The OSCUI Loan Program serves as a source of financial support, in the form of loans, for credit unions serving predominantly low-income members. It also serves as a source of funding to help low-income designated credit unions (LICUs) respond to emergencies arising in their communities.

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A. Program Description

The purpose of the OSCUI Loan Program is to assist low-income designated credit unions (LICU) in providing basic financial services to their members to stimulate economic activities in their communities. Through the OSCUI Loan Program, NCUA provides financial support in the form of loans to LICUs. These funds help improve and expand the availability of financial services to these members. The OSCUI Loan Program also serves as a source of funding to help LICUs respond to emergencies. The Loan Program consists of Congressional appropriations that are administered by OSCUI, an office of the NCUA.

Permissible Uses of Funds: NCUA will consider requests for funds consistent with the purpose of the OSCUI Loan Program. 12 CFR 705.1. A non-exhaustive list of examples of permissible uses or projects of loan proceeds are contained in § 705.4 of the regulation, and include: (i) Development of new products or services for members, including new or expanded share draft or credit card programs; (ii) Partnership arrangements with community-based service organizations or government agencies; (iii) Loan

programs, including, but not limited to, microbusiness loans, payday loan alternatives, education loans, and real estate loans; (iv) Acquisition, expansion, or improvement of office space or equipment, including branch facilities, ATMs, and electronic banking facilities; and (v) Operational programs such as security and disaster recovery.

NCUA will consider other proposed uses of funds that in its sole discretion it determines are consistent with the purpose of the OSCUI Loan Program, the requirements of the regulations, and this NOFO.

Regulation: Part 705 of NCUA's regulations implements the OSCUI Grant and Loan Program. 12 CFR 705. A revised Part 705 was published on November 25, 2016. 81 FR 85112. Additional requirements are found at 12 CFR 701 and 741. Applicants should review these regulations in addition to this NOFO. Each capitalized term in this NOFO is more fully defined in the regulations, the loan application, and the loan agreement. For the purposes of this NOFO, an Applicant is a Qualifying Credit Union that submits a complete Application to NCUA under the OSCUI Loan Program.

B. Federal Award Information

OSCUI loans are made to LICUs that meet the requirements in the program regulation and this NOFO, subject to funds availability. OSCUI loans are generally made at lower than market interest rates.

Congress has not made an appropriation to the OSCUI Loan Program for Fiscal Years 2016–2017. NCUA anticipates that approximately $3.2 million will be available for loans under this NOFO, derived from prior-year appropriated and earned funds. Monies for additional loans come from scheduled loan amortizations. NCUA reserves the right to: (i) Award more or less than the amount cited above; (ii) fund, in whole or in part, any, all, or none of the applications submitted in response to this NOFO; and (iii) reallocate funds from the amount that is anticipated to be available under this NOFO to other programs, particularly if NCUA determines that the number of awards made under this NOFO is fewer than projected.

The specific terms and conditions governing a loan will be established in the loan documents each Participating Credit Union will sign prior to disbursement of funds. The following are the general loan terms under the program

1. *Maximum Loan Amount:* NCUA makes loans based on the financial condition of the credit union. The applicable regulation does not provide a maximum limit on loan applications for consideration, but in practice NCUA discourages loan applications of higher than $500,000 to mitigate risk. There is no minimum loan amount.

The amount of the loan will be based on the following factors:

- Funds availability.
- Credit worthiness of the credit union.
- Financial need.
- Demonstrated capability of credit union to provide financial and related services to its members.
- Concurrence from the Region and/or the applicable State Supervisory Authority (SSA).

2. *Dates:* The application period corresponds to the date of this NOFO and is open until funds are exhausted.

3. *Maturity:* Loans will generally mature in five years. A credit union may request a shorter loan period, but in no case will the term exceed five years.

4. *Interest:* The interest rate on loans is governed by the Loan Interest Rate Policy, which can be found on NCUA's Web site at *https://www.ncua.gov/services/Pages/small-credit-union-learning-center/services/grants-loans.aspx.*

5. *Repayment:* All loans must be repaid to NCUA regardless of how they are accounted for by the Participating Credit Union.

(a) *Principal:* The entire principal is due at maturity.

(b) *Interest:* Interest is due in semi-annual payments beginning six months after the initial distribution of the loan.

(c) Principal Prepayment: There is no penalty for principal prepayment. Principal prepayments may be made as often as monthly.

C. Eligibility Information

The regulations specify the requirements a credit union must meet in order to be eligible to apply for assistance under this NOFO. See 12 CFR 705. Following are additional requirements for participating in the Loan Program under this NOFO.

1. *Eligible Applicants:* A credit union must have a Low-Income Credit Union (LICU) designation, or equivalent in the case of a Qualifying State-chartered Credit Union, in order to participate in the OSCUI Grant and Loan Program. Requirements for obtaining the designation are found at 12 CFR 701.34.

2. *Matching Funds:* Part 705.5(g) of NCUA's regulations describe the overall requirements for matching funds. NCUA, in its sole discretion, may require matching funds of an Applicant, on a case-by-case basis depending on the financial condition of the Applicant. NCUA anticipates that most Applicants will not be required to obtain matching funds. However, each Applicant should address in the Application its strategy for raising matching funds if NCUA determines matching funds are required (see 12 CFR 705 and the Application for additional information).

(a) *Matching Funds Requirements:* The specific terms and covenants pertaining to any matching funds requirement will be provided in the loan agreement of the Participating Credit Union. Following, are general matching fund requirements. NCUA, in its sole discretion, may amend these requirements depending upon its evaluation of the Applicant, but in no case will the amended requirements be greater than the conditions listed below.

(i) The amount of matching funds required must generally be in an amount equal to the loan amount.

(ii) Matching funds must be from non-governmental member or nonmember share deposits.

(iii) Any loan monies matched by nonmember share deposits are not subject to the 20% limitation on nonmember deposits under § 701.32 of NCUA's regulations.

(iv) Participating Credit Unions must maintain the outstanding loan amount in the total amount of share deposits for the duration of the loan. Once the loan is repaid, nonmember share deposits accepted to meet the matching requirement are subject to § 701.32 of NCUA's regulations.

(b) *Criteria for Requiring Matching Funds:* NCUA will use the following criteria to determine whether to require an Applicant to have matching funds as a condition of its loan.

(i) CAMEL Composite Rating.
(ii) CAMEL Management Rating.
(iii) CAMEL Asset Quality Rating.
(iv) Regional Director Concurrence.
(v) Net Worth Ratio.

(c) *Documentation of Matching Funds:* NCUA may contact the matching funds source to discuss the matching funds and the documentation that the Applicant has provided. If NCUA determines that any portion of the Applicant's matching funds is ineligible under this NOFO, NCUA, in its sole discretion, may permit the Applicant to offer alternative matching funds as a substitute for the ineligible matching funds. In this case: (i) The Applicant must provide acceptable alternative matching funds documentation within 10 business days of NCUA's request.

3. *Other Eligibility Requirements:*

(a) *Financial Viability:* Applicants must meet the underwriting standards established by NCUA, including those pertaining to financial viability, as set

forth in the application and found in 12 CFR 705.7(c).

(b) *Compliance With Past Agreements:* In evaluating funding requests under this NOFO, NCUA will consider an Applicant's record of compliance with past agreements, including any deobligation of funds. NCUA, in its sole discretion, will determine whether to consider an Application from an Applicant with a past record of noncompliance, including any deobligation (*i.e.* removal of unused awards) of funds.

(i) *Default Status:* If an Applicant is in default of a previously executed agreement with NCUA, NCUA will not consider an Application for funding under this NOFO.

(ii) *Undisbursed Funds:* NCUA may not consider an Application if the Applicant is a prior awardee under the OSCUI Grant Program and has unused grant awards as of the date of Application.

D. Application and Submission Information

1. *Application Form:* The application and related documents can be found on NCUA's Web site at *https://www.ncua.gov/services/Pages/small-credit-union-learning-center/services/grants-loans.aspx.*

2. *Minimum Application Content:* Each Applicant must complete and submit information regarding the applicant and requested funding. In addition, applicants will be required to certify applications prior to submission.

(a) *DUNS Number:* NCUA will not consider an Application that does not include a valid Data Universal Numbering System (DUNS) number issued by Dun and Bradstreet (D&B). Such an Application will be deemed incomplete and will be declined. See Section 3 for additional information.

(b) *System for Award Management (SAM):* All Applicants are required by federal law to have an active registration with the federal government's System for Award Management prior to applying for funding. NCUA will not consider an Applicant that does not have an active SAM status. Such an Application will be deemed incomplete and will be declined. See Section 3 for additional information.

(c) *Employer Identification Number:* Each Application must include a valid and current Employer Identification Number (EIN) issued by the U.S. Internal Revenue Service (IRS). NCUA will not consider an application that does not include a valid and current EIN. Such an Application will be deemed incomplete and will be declined. Information on how to obtain an EIN may be found on the IRS's Web site at *www.irs.gov.*

(d) *Narrative Responses:* Each Application must include the narratives listed below. Applicants must adhere to character limitations contained in the Application. NCUA will not consider narrative comments beyond the limits specified. Additionally, NCUA will only review information requested in the Application and will not consider supplemental attachments that have not been requested in this NOFO or the Application.

(i) *Use of Funds:* A narrative describing how it intends to use the loan proceeds. The narrative should demonstrate that the loan will enhance the products and services the credit union provides to its members. It also should describe how those enhanced products and services will support the economic development of the community served by the credit union.

(ii) *Matching Funds:* A narrative describing its strategy for raising matching funds from non-federal sources if matching funds are required.

(e) *Large Loans:* An Applicant requesting a loan in excess of $300,000 is required to complete an online application form that contains additional narrative comments supporting such request. The additional narrative consists of a business plan.

(i) *Business Plan:* The business plan must: describe the community's need for financial products and services and the Applicant's need for funding; summarize the services, financial products, and services provided by the Applicant; describe the Applicant's involvement with other entities; describe the credit union's marketing strategy to reach members and the community; and include financial projections.

(f) *Non-Federally Insured Applicants:*

(i) *Additional Application Requirements:* Each Applicant that is a non-federally insured, state-chartered credit union must submit additional application materials. These additional materials are more fully described in § 705.7(b) (3) of NCUA's regulations and in the Application.

(ii) *Examination by NCUA:* Non-federally insured, state-chartered credit unions must agree to be examined by NCUA. The specific terms and covenants pertaining to this condition will be provided in the loan agreement of the Participating Credit Union.

3. *Dun and Bradstreet Universal Numbering System (DUNS) Number and System for Award Management (SAM):* In accordance with Office of Management and Budget, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (2 CFR Chapter I, Chapter II, part 200, et al.), credit unions are required to: (i) Be registered in the System for Award Management (SAM) before submitting its application; (ii) provide a valid Data Universal Numbering System (DUNS) number issued by Dun and Bradstreet (D&B); and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration. NCUA will not consider an Application that does not include a valid DUNS number and an active SAM status. Such an Application will be deemed incomplete and will be declined. Information on how to obtain a DUNS number may be found on D&B's Web site at *http://fedgov.dnb.com/webform* or by calling D&B, toll-free, at 1–866–705–5711. Information on how to register for SAM may be found on SAM's Web site at *https://www.sam.gov.*

4. *Submission Dates and Times:* The application period corresponds to the dates of this NOFO and is open until funds are exhausted.

5. *Other Submission Requirements:* Under this NOFO, Applications must be submitted online at *http://www.cybergrants.com/ncua.*

E. Application Review Information

1. *Review and Selection Process:*

(a) *Eligibility and Completeness Review:* NCUA will review each Application to determine whether it is complete and that the Applicant meets the eligibility requirements described in the Regulations and in this NOFO. An incomplete Application or one that does not meet the eligibility requirements will be declined without further consideration.

(b) *Substantive Review:* After an Applicant is determined eligible and its Application is determined complete, NCUA will conduct a substantive review in accordance with the criteria and procedures described in the Regulations and this NOFO. NCUA reserves the right to contact the Applicant during its review for the purpose of clarifying or confirming information contained in the Application. If so contacted, the Applicant must respond within the time specified by NCUA or NCUA, in its sole discretion, may decline the application without further consideration.

(c) *Evaluation:* The evaluation criteria are more fully described in § 705.7(c) of NCUA's regulations. NCUA will evaluate each Application that receives a substantive review on the four criteria described in the regulation: financial

performance, compatibility, feasibility, and examination information and applicable concurrence.

(i) *Assessment of Impact:* The Compatibility criteria will take into consideration the extent of community need and projected impact of the funding on the Applicant's members and community.

(ii) *Effective Strategy:* The Feasibility criteria will take into consideration the quality of the Applicant's strategy and its capacity to execute the strategy as demonstrated by its past performance, partnering relationships, and other relevant factors.

(iii) *Evaluating Prior Award Performance:* For prior participants of the OSCUI Grant and Loan Program, loans may not be awarded if the participant: (1) Is noncompliant with any active award; (2) failed to make timely loan payments to NCUA during fiscal years prior to the date of Application; and (3) had an award deobligated (*i.e.* removal of unused awarded funds) during fiscal years prior to the date of Application.

(d) *Examination Information and Applicable Concurrence:* NCUA will not approve an award to a credit union for which it's NCUA regional examining office or SSA, if applicable, indicates it has safety and soundness concerns. If the NCUA regional office or SSA identifies a safety and soundness concern, OSCUI, in conjunction with the regional office or SSA, will assess whether the condition of the Applicant is adequate to undertake the activities for which funding is requested, and the obligations of the loan and its conditions. NCUA, in its sole discretion, may defer decision on funding an Application until the credit union's safety and soundness conditions improve.

(e) *Funding Selection:* NCUA will make its funding selections based on a consistent scoring tier for each applicant. NCUA will consider the impact of the funding. In addition, NCUA may consider the geographic diversity of the Applicants in its funding decisions. When loan demand is high, applications will be ranked based on the aforementioned.

F. Federal Award Administration

1. *Federal Award Notices:* NCUA will notify each Applicant of its funding decision. Notification will generally be by email. Applicants that are approved for funding will also receive instructions on how to proceed with disbursement of the loan.

2. *Administrative and National Policy Requirements:* (a) *Loan Agreements:* Each Participating Credit Union approved for funding under this NOFO must enter into agreement with NCUA before NCUA will disburse loan funds. The agreement documents include, for example, a promissory note, loan agreement, amortization schedule, and security agreement (if applicable). The Loan Agreement will include the terms and conditions of funding, including but not limited to the: (i) Loan amount; (ii) interest rate; (iii) repayment requirements; (iv) accounting treatment; (v) impact measures; and (vi) reporting requirements.

3. *Administrative and National Policy Requirements:* (a) *Loan Agreements:* Each Participating Credit Union under this NOFO must enter into agreement with NCUA before NCUA will disburse loan funds. The agreement documents include, for example, a promissory note, loan agreement, repayment schedule, and security agreement (if applicable). The Loan Agreement will include the terms and conditions of funding, including but not limited to the: (i) Loan amount; (ii) interest rate; (iii) repayment requirements; (iv) accounting treatment; (v) impact measures; and (vi) reporting requirements.

(b) *Failure To Sign Agreement:* NCUA, in its sole discretion, may rescind a loan offer if the Applicant fails to return the signed loan documents and/or any other requested documentation, within the time specified by NCUA.

(c) *Multiple Disbursements:* NCUA may determine, in its sole discretion, to fund a loan in multiple disbursements. In such cases, the process for disbursement will be specified by NCUA in the Loan Agreement.

3. *Reporting:* The reporting requirements are more fully described in § 705.9 of NCUA's regulations. Annually, each Participating Credit Union will submit a report to NCUA. The report will address the Participating Credit Union's use of the loan funds; the impact of funding; and explanation of any failure to meet objectives for use of proceeds, outcome, or impact. NCUA, in its sole discretion, may modify these requirements. However, such reporting requirements will be modified only after notice to affected credit unions.

Report Form: Applicable credit unions will be notified regarding the submission of the report form. A Participating Credit Union is responsible for timely and complete submission of the report. NCUA will use such information to monitor each Participating Credit Union's compliance with the requirements of its loan agreement and to assess the impact of the OSCUI Loan Program.

G. Agency Contacts

1. *Methods of Contact:* Further information can be found at: *https://www.ncua.gov/services/Pages/small-credit-union-learning-center/services/grants-loans.aspx.* For questions email: National Credit Union Administration, Office of Small Credit Union Initiatives at *OSCUIAPPS@ncua.gov.*

2. *Information Technology Support:* People who have visual or mobility impairments that prevent them from using NCUA's Web site should call (703) 518–6610 for guidance (this is not a toll free number).

Authority: 12 U.S.C. 1756, 1757(5)(D), and (7)(I), 1766, 1782, 1784, 1785 and 1786; 12 CFR 705.

By the National Credit Union Administration Board on May 12, 2017.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2017–10088 Filed 5–17–17; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Extend a Current Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request renewal of this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for no longer than 3 years.

DATES: Written comments on this notice must be received by July 17, 2017 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230; telephone 703–292–7556; or send email to *splimpto@nsf.gov.* You also may obtain a copy of the data collection instrument and instructions from Ms. Plimpton. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION:

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title of Collection: Graduate Research Fellowship Application.

OMB Approval Number: 3145–0023.

Expiration Date of Approval: September 30, 2017.

Type of Request: Intent to seek approval to extend with revision an information collection for three years.

Abstract: Section 10 of the National Science Foundation Act of 1950 (42 U.S.C. 1861 *et seq.*), as amended, states that ''The Foundation is authorized to award, within the limits of funds made available * * * scholarships and graduate fellowships for scientific study or scientific work in the mathematical, physical, biological, engineering, social, and other sciences at accredited U.S. institutions selected by the recipient of such aid, for stated periods of time.''

The Graduate Research Fellowship Program has two goals:

- To select, recognize, and financially support, early in their careers, individuals with the demonstrated potential to be high achieving scientists and engineers;
- To broaden participation in science and engineering of underrepresented groups, including women, minorities, persons with disabilities, and veterans.

The list of GRFP Awardees recognized by the Foundation may be found via FastLane through the NSF Web site: *https://www.fastlane.nsf.gov/grfp/AwardeeList.do?method=loadAwardeeList.* The GRF Program is described in the Solicitation available at: *https://www.nsf.gov/pubs/2016/nsf16588/nsf16588.pdf.*

Estimate of Burden: This is an annual application program providing three years of support to individuals, usable over a five-year fellowship period. The application deadlines are in late October. It is estimated that each submission is averaged to be 16 hours per respondent, which includes three references (on average) for each application. It is estimated that it takes two hours per reference for each applicant.

Respondents: Individuals.

Estimated Number of Responses: 14,000.

Estimated Total Annual Burden on Respondents: 224,000 hours.

Frequency of Responses: Annually.

Dated: May 15, 2017.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2017–10042 Filed 5–17–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Mathematical and Physical Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Mathematical and Physical Sciences (#66).

Dates and Times:
June 15, 2017; 12:30 p.m.–5:00 p.m.
June 16, 2017; 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Meeting Information: https://www.nsf.gov/events/event_summ.jsp?cntn_id=191705&org=MPS.

Type of Meeting: Open.

Contact Person: John Gillaspy, National Science Foundation, 4201 Wilson Boulevard, Suite 505, Arlington, Virginia 22230; Telephone: 703–292–7173.

Purpose of Meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to mathematical and physical sciences programs and activities.

Agenda

Thursday, June 15, 2017

- Meeting opening, introductions, and approval of previous meeting minutes
- MPS update and follow up discussion
- Budget Discussion
- Discussion of Workload Issues and possibilities for addressing them
- Update on Transitions of Astronomy and DMR Facilities
- Prep for meeting with the NSF Director

Friday, June 16, 2017

- Opening of the day and FACA briefing
- NAS and other Surveys or Decadal Reports and the Role of the AC subcommittees, part I
- Communications with Congress and the Scientific Community
- Science Hors D'oeuvre: Update on LIGO and the Detection of Gravitational Waves
- Presentation from Director and Acting Chief Operations Officer, and feedback from the Advisory Committee
- Cyberinfrastructure Request for Information update
- NAS and other Surveys or Decadal Reports and the Role of the AC subcommittees, part II
- Future Role and Activities of the AC
- Wrap up and opportunity for public Q&A/Comments

Dated: May 15, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–10054 Filed 5–17–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–609; NRC–2013–0235]

Construction Permit Application for the Northwest Medical Isotopes, LLC, Medical Radioisotope Production Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental impact statement; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a final environmental impact statement (EIS) for the construction permit application submitted on February 5, 2014, by Northwest Medical Isotopes, LLC (NWMI) for the NWMI Medical Radioisotope Production Facility, NUREG–2209 (NWMI facility).

DATES: The final EIS for the NWMI Construction Permit is available as of May 18, 2017.

ADDRESSES: Please refer to Docket ID NRC–2013–0235 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–2013–0235. 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 final EIS for the NWMI Construction Permit is in ADAMS under Accession No. ML17130A862.

• *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: David Drucker, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6223; email: *David.Drucker@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with § 51.118 of title 10 of the *Code of Federal Regulations,* the NRC is making available the final EIS for the Construction Permit Application for the NWMI facility. The draft EIS was noticed by the NRC in the **Federal Register** on November 9, 2016 (81 FR 78865), and noticed by the Environmental Protection Agency on November 10, 2016 (81 FR 79019). The public comment period on the draft EIS ended on December 29, 2016, and the comments received are addressed in the final EIS. The final EIS is available as indicated in the **ADDRESSES** section of this document.

II. Discussion

As discussed in Chapter 6 of the final EIS, the NRC determined that after weighing the environmental, economic, technical, and other benefits against environmental and other costs, and considering reasonable alternatives, the NRC staff recommends the issuance of the construction permit to NWMI, unless safety issues mandate otherwise. This recommendation is based on (1) NWMI's Environmental Report, (2) the NRC's consultation with Federal, State, and local agencies, (3) the NRC's independent environmental review; and (4) the NRC's consideration of public comments.

Dated at Rockville, Maryland, this 11th day of May 2017.

For the Nuclear Regulatory Commission.

Jeffery J. Rikhoff,

Acting Chief, Environmental Review and Project Management Branch, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–10072 Filed 5–17–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–133; NRC–2017–0117]

Pacific Gas and Electric Company; Humboldt Bay Power Plant, Unit 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a partial exemption in response to a March 9, 2017, request from the Pacific Gas and Electric Company (PG&E or the licensee). The issuance of the exemption would grant the Humboldt Bay Power Plant, Unit 3 (HBPP–3), a partial exemption from regulations that require the retention of records for certain systems, structures, and components.

DATES: The exemption was issued on May 10, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0117 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–2017–0117. 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 available in ADAMS) is provided the first time that a document is referenced.

• *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: John Hickman, Office of Nuclear Material Safety and Safeguards; U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3017; email: *John.Hickman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The HBPP–3 facility is a decommissioning power reactor located in Humboldt County, California. The PG&E is the holder of HBPP–3 Facility Operating License No. DPR–7. On July 2, 1976, HBPP–3 was shut down for annual refueling and to conduct seismic modifications. In 1983, updated economic analyses indicated that restarting HBPP–3 probably would not be cost-effective, and on June 27, 1983, PG&E announced its intention to decommission the unit. In 1984, PG&E submitted the HBPP–3 SAFSTOR [1] Decommissioning Plan in support of the application to amend the HBPP–3 operating license to a possession-only license. On July 16, 1985, the NRC issued Amendment No. 19 to the HBPP Unit 3 Operating License (ADAMS Legacy No. 8507260040) to change the status to possess-but-not-operate, and the plant was placed into a SAFSTOR status. On December 11, 2008, PG&E completed the transfer of spent fuel from the HBPP–3 spent fuel pool (SFP) into the Humboldt Bay Independent Spent Fuel Storage Installation. PG&E then began decontamination and dismantlement of HBPP–3.

II. Request/Action

By letter dated March 9, 2017 (ADAMS Accession No. ML17068A095), PG&E filed a request for NRC approval of an exemption from the record retention requirements of: (1) Part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), appendix B, Criterion XVII, which requires certain records be retained consistent with other regulatory requirements; (2) 10 CFR 50.59(d)(3), which requires certain records be maintained until termination of a license issued pursuant to 10 CFR part 50; and (3) 10 CFR 50.71(c), which requires certain records be maintained

[1] ''SAFSTOR'' is a method of decommissioning in which a nuclear facility is placed and maintained in a condition that allows the facility to be safely stored and subsequently decontaminated (deferred decontamination) to levels that permit release for unrestricted use.

consistent with various elements of the NRC's regulations, facility technical specifications, and other licensing basis documents.

The PG&E proposed to eliminate these records for the nuclear power unit and associated systems, structures, and components (SSCs) that no longer exist, including SSCs that were associated with the decommissioning and storage of spent fuel under the 10 CFR part 50 license for HBPP–3. The licensee cites record retention exemptions granted to San Onofre Nuclear Generating Station, Units 1, 2 and 3 (ADAMS Accession No. ML15355A055), LaCrosse Boiling Water Reactor (ADAMS Accession No. ML15355A103), Vermont Yankee Nuclear Power Station (ADAMS Accession No. ML15344A243), and Zion Nuclear Power Station, Units 1 and 2 (ADAMS Accession No. ML111260266), as examples of the NRC granting similar requests.

Records associated with residual radiological activity and with programmatic controls necessary to support decommissioning, such as security and quality assurance, are not affected by the exemption request, and would be retained as decommissioning records until the termination of the HBPP–3 license. In addition, the licensee did not request an exemption from 10 CFR part 50, appendix A, Criterion 1, which requires certain records to be maintained ''throughout the life of the unit,'' because HBPP–3 is not a general design criteria facility. Nor did PG&E request an exemption associated with any record keeping requirements for storage of spent fuel at the HBPP–3 ISFSI under 10 CFR part 72, or for the other requirements of 10 CFR part 50 or Facility Operating License No. DPR–7 applicable to the decommissioning and dismantlement of the HBPP–3 plant.

III. Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security. However, the Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are described in 10 CFR 50.12(a)(2).

The March 9, 2017, exemption application states that the HBPP–3 is in an advanced state of decommissioning and that there are no HBPP–3 SSCs remaining at the site.

With all the SSCs removed from the site the need for the associated records is eliminated. Therefore, the licensee proposed that it be exempted from the records retention requirements for SSCs and historical activities associated with the HBPP–3 licensing basis requirements previously applicable to the nuclear power unit and storage of fuel in the SFP. The associated licensing bases are no longer effective, thereby eliminating the associated regulatory and economic burdens of creating alternative records storage locations, relocating records, and retaining irrelevant records.

The licensee states that the radiological and other necessary programmatic controls (such as security and quality assurance) for the facility and decommissioning activities are and will continue to be appropriately addressed through the license and current plant documents such as the updated Final Safety Analysis Report and Technical Specifications. These programmatic elements and their associated records would be unaffected by the requested exemption.

The Exemption Is Authorized by Law

The NRC has determined that granting the licensee's proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, other laws, or Commission regulations. Therefore, the exemption from the record keeping requirements of 10 CFR 50.71(c); 10 CFR part 50, appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) is authorized by law.

The Exemption Presents No Undue Risk to Public Health and Safety

Removal of the records for which PG&E has requested an exemption from record keeping requirements will not have an adverse public health and safety impact because the SSCs have been removed from the site. Elimination of records associated with the removed SSCs, therefore, would not present an undue risk to public health and safety.

The requested partial exemption from the record keeping requirements of 10 CFR 50.71(c); 10 CFR part 50, appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) for records associated with the HBPP–3 licensing basis requirements previously applicable to the nuclear power unit and associated systems, including SSCs that are no longer on site or part of the licensing basis, is administrative in nature and will have no impact on any remaining decommissioning activities or on radiological effluents. The exemption will only advance the schedule for disposition of the specified records, which would otherwise be retained until license termination and require the unnecessary expenditure of resources by the licensee.

The Exemption Is Consistent With Common Defense and Security

The elimination of the record keeping requirements does not involve information or activities that could potentially impact the common defense and security of the United States. Upon dismantlement of the affected SSCs, the records have no functional purpose relative to maintaining the safe operation of the SSCs, maintaining conditions that would affect the ongoing health and safety of workers or the public, or informing decisions related to nuclear security.

Rather, the exemption requested is administrative in nature and would only advance the current schedule for disposition of the specified records, which would otherwise be retained until license termination. This allows the licensee to not expend resources maintaining records that have no benefit or security purpose. Therefore, the partial exemption from the record keeping requirements of 10 CFR 50.71(c); 10 CFR part 50, appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) for the types of records associated with the HBPP–3 licensing basis requirements previously applicable to the nuclear power unit, and safe storage of fuel in the SFP and associated SSCs that no longer remain on site, is consistent with the common defense and security.

Special Circumstances

Section 50.12(a)(2) requires that special circumstances be present for the Commission to consider granting an exemption. Special circumstances include application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule, and compliance with the regulation would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted.

Criterion XVII of 10 CFR part 50, appendix B, requires that sufficient records shall be maintained to furnish evidence of activities affecting quality.

Section 50.59(d)(3) requires that the records of changes in the facility must be maintained until the termination of an operating license.

Section 50.71(c), mandates that records that are required by the regulations in part 50, by license condition, or by technical specifications

must be retained for the period specified by the appropriate regulation, license condition, or technical specification. Additionally, if a retention period is not otherwise specified, these records must be retained until the Commission terminates the facility license.

In the Statement of Considerations (SOC) for the final rulemaking, ''Retention Periods for Records'' (53 FR 19240; May 27, 1988), the NRC stated that records must be retained for the NRC to ensure compliance with the safety and health aspects of the nuclear environment and for the NRC to accomplish its mission to protect the public health and safety. Also in the SOC, the Commission explained that requiring licensees to maintain adequate records assists the NRC in judging compliance and noncompliance, to act on possible noncompliance, and to examine facts as necessary following any incident.

These regulations apply to licensees in decommissioning despite the fact that, during the decommissioning process, safety-related SSCs are retired or disabled and subsequently removed from NRC licensing basis documents by appropriate change mechanisms. Appropriate removal of an SSC from the licensing basis requires either a determination by the licensee or an approval from the NRC that the SSC no longer has the potential to cause an accident, event, or other problem, which would adversely impact public health and safety.

The records subject to removal under the requested exemption are those associated with SSCs that had been important to safety during power operation or operation of the SFP, but are no longer capable of causing an event, incident, or condition that would adversely impact public health and safety, given their appropriate removal from the licensing basis documents. If the SSCs no longer have the potential to cause these scenarios, then certain records associated with these SSCs would not be necessary to assist the NRC in determining compliance and noncompliance, taking action on possible noncompliance, and examining facts following an incident. Therefore, their retention would not serve the underlying purpose of the rule.

Retention of certain records associated with SSCs that are or will no longer be part of the facility serves no safety or regulatory purpose, nor does it serve the underlying purpose of the rule of maintaining compliance with the safety and health aspects of the nuclear environment in order to accomplish the NRC's mission. Accordingly, special circumstances are present which the NRC may consider, pursuant to 10 CFR 50.12(a)(2)(ii), to grant the requested exemption permitting the disposal of records associated with the HBPP–3 licensing basis requirements previously applicable to the nuclear power unit, safe storage of fuel in the SFP, and associated SSCs that no longer remain on site.

Records that continue to serve the underlying purpose of the rule, that is, to maintain compliance and to protect public health and safety in support of the NRC's mission, will continue to be retained pursuant to the regulations in 10 CFR part 50 and 10 CFR part 72. The retained records not subject to the exemption include those associated with programmatic controls, such as those pertaining to residual radioactivity, which continue to be required for decommissioning; security, emergency planning and quality assurance programs which remain in effect; as well as records associated with the Independent Spent Fuel Storage Installation and spent fuel assemblies.

The retention of records required by 10 CFR 50.71(c); 10 CFR part 50, appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) provides assurance that records associated with SSCs will be captured, indexed, and stored in an environmentally suitable and retrievable condition. Given the volume of records associated with the SSCs, compliance with the records retention rule results in a considerable cost to the licensee. Retention of the volume of records associated with the SSCs during the operational phase is appropriate to serve the underlying purpose of determining compliance and noncompliance, taking action on possible noncompliance, and examining facts following an incident, as discussed previously in this notice.

However, the cost of retaining operational phase records beyond the operations phase until the termination of the license may not have been fully considered when the records retention rule was put in place. As such, compliance with the record keeping requirements would result in an undue cost in excess of that contemplated when the regulation was adopted. Accordingly, special circumstances are present which the NRC may consider, pursuant to 10 CFR 50.12(a)(2)(iii), to grant the requested exemption.

Environmental Considerations

Pursuant to 10 CFR 51.22(b) and (c)(25), the granting of an exemption from the requirements of any regulation in Chapter I of 10 CFR is a categorical exclusion provided that (1) there is no significant hazards consideration; (2) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (3) there is no significant increase in individual or cumulative public or occupational radiation exposure; (4) there is no significant construction impact; (5) there is no significant increase in the potential for or consequences from radiological accidents; and (6) the requirements from which an exemption is sought are among those identified in 10 CFR 51.22(c)(25)(vi).

The NRC has determined that approval of the exemption request involves no significant hazards consideration because allowing the licensee exemption from the record keeping requirements of 10 CFR 50.71(c); 10 CFR part 50, appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) at the decommissioning HBPP–3 does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety (10 CFR 50.92(c)). Likewise, there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, and no significant increase in individual or cumulative public or occupational radiation exposure.

The exempted regulations are not associated with construction, so there is no significant construction impact. The exempted regulations do not concern the source term (*i.e.,* potential amount of radiation involved in an accident) or accident mitigation; therefore, there is no significant increase in the potential for, or consequences from, radiological accidents. Allowing the licensee partial exemption from the record retention requirements for which the exemption is sought involves record keeping requirements (10 CFR 51.22(c)(35)(vi)(A), as well as reporting requirements (10 CFR 51.22(c)(35)(vi)(B)).

Therefore, pursuant to 10 CFR 51.22(b) and (c)(25), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

IV. Conclusions

The NRC has determined that the requested partial exemption from the record keeping requirements of 10 CFR 50.71(c); 10 CFR part 50, appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) will not present an undue risk to the public health and safety. The destruction of the identified records will

not impact remaining decommissioning activities; plant operations, configuration, and/or radiological effluents; or nuclear security. The NRC has determined that the destruction of the identified records does not involve information or activities that could potentially impact the common defense and security of the United States.

The purpose for the record keeping regulations is to assist the NRC in carrying out its mission to protect the public health and safety by ensuring that the licensing and design basis of the facility is understood, documented, preserved and retrievable in such a way that will aid the NRC in determining compliance and noncompliance, taking action on possible noncompliance, and examining facts following an incident. Since the HBPP–3 SSCs that were safety-related or important to safety during operations have been removed from the licensing basis and removed from the plant, the staff finds that the records associated with the HBPP–3 licensing basis requirements previously applicable to the nuclear power unit, safe storage of fuel in the SFP and associated SSCs that no longer remain on site will no longer be required to achieve the underlying purpose of the records retention rule.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security, and that special circumstances are present. Therefore, the Commission hereby grants Pacific Gas and Electric Company a one-time partial exemption from the record keeping requirements of 10 CFR 50.71(c); 10 CFR part 50, appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) for the Humboldt Bay Power Plant, Unit 3, to allow removal of records associated with the HBPP–3 licensing basis requirements previously applicable to the nuclear power unit, safe storage of fuel in the SFP and associated SSCs that no longer remain on site.

Records associated with residual radiological activity and with programmatic controls necessary to support decommissioning, such as security, emergency planning, spent fuel management and quality assurance are not affected by the exemption request and are required to be retained consistent with existing requirements as decommissioning records until the termination of the HBPP–3 license.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 10th day of May 2017.

For the Nuclear Regulatory Commission.

John R. Tappert,

Director, Division of Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2017–10071 Filed 5–17–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–423; NRC–2017–0118]

Dominion Nuclear Connecticut, Inc.; Millstone Power Station, Unit No. 3; Use of AXIOM Fuel Rod Cladding Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to a June 30, 2016, request, as supplemented by letter dated March 27, 2017, from Dominion Nuclear Connecticut, Inc. (DNC or the licensee) in order to use AXIOM fuel rod cladding material at Millstone Power Station, Unit No. 3 (MPS–3).

DATES: The exemption was issued on May 10, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0118 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–2017–0118. 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: Richard V. Guzman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1030, email: *Richard.Guzman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Dominion Nuclear Connecticut, Inc. is the holder of Renewed Facility Operating License No. NPF–49, which authorizes operation of MPS–3, a pressurized-water reactor. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the NRC now or hereafter in effect. Millstone Power Station, Unit No. 3, shares the site with Millstone Power Station, Unit No. 1, a permanently defueled boiling water reactor nuclear unit, and Millstone Power Station, Unit No. 2, a pressurized-water reactor. The facility is located in Waterford, Connecticut, approximately 2.3 miles southwest of New London, Connecticut. This exemption applies to MSP–3 only. The other Millstone Power Station units, No. 1 and No. 2, are not covered by this exemption.

II. Request/Action

Pursuant to § 50.12 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Specific exemptions,'' the licensee requested, by letter dated June 30, 2016 (ADAMS Accession No. ML16189A104), as supplemented by letter dated March 27, 2017 (ADAMS Accession No. ML17090A428), an exemption from § 50.46, ''Acceptance criteria for emergency core cooling systems [ECCS] for light-water nuclear power reactors,'' and 10 CFR part 50, appendix K, ''ECCS Evaluation Models,'' to allow the use of fuel rod cladding with AXIOM alloy for future reload applications. The regulations in § 50.46 contain acceptance criteria for the ECCS for reactors fueled with Zircaloy or ZIRLO™ fuel rod cladding material. In addition, 10 CFR part 50, appendix K, requires that the Baker-Just equation be used to predict the rates of energy release, hydrogen concentration, and cladding oxidation from the metal/water reaction. The Baker-Just equation assumes the use of a zirconium alloy, which is a material different from AXIOM. Therefore, the strict application

of these regulations does not permit the use of fuel rod cladding material other than Zircaloy or ZIRLO™. Because the material specifications of AXIOM differ from the specificaitons for Zircaloy or ZIRLO™, and the regulations specify a cladding material other than AXIOM, a plant-specific exemption is required to allow the use of, and application of these regulations to, AXIOM at MPS–3.

The exemption request relates solely to the cladding material specified in these regulations (*i.e.,* fuel rods with Zircaloy or ZIRLO™ cladding material). This exemption would allow application of the acceptance criteria of § 50.46 and appendix K to 10 CFR part 50, for fuel assembly designs using AXIOM fuel rod cladding material. The licensee is not seeking an exemption from the acceptance and analytical criteria of these regulations. The intent of the request is to allow the use of the criteria set forth in these regulations for application of the AXIOM fuel road cladding material at MPS–3.

III. Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when: (1) The exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. Under § 50.12(a)(2), special circumstances include, among other things, when application of the specific regulation in the particular circumstance would not serve, or is not necessary to achieve, the underlying purpose of the rule.

A. Authorized by Law

This exemption would allow the use of AXIOM fuel rod cladding material for future reload applications at MPS–3. As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR part 50. The NRC staff has determined that special circumstances exist to grant the requested exemption and that granting the licensee's requested exemption would not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

B. No Undue Risk to Public Health and Safety

Section 50.46 requires that each boiling or pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical Zircaloy or ZIRLO™ cladding must be provided with an ECCS that must be designed so that its calculated cooling performance following a postulated loss-of-coolant accident (LOCA) conforms to the criteria set forth in § 50.46(b). The underlying purpose of § 50.46 is to establish acceptance criteria for adequate ECCS performance in response to LOCAs.

The licensee states that there will be up to eight lead test assemblies (LTAs) containing fuel rods fabricated with AXIOM cladding inserted into the core for MPS–3, Cycle 19. These LTAs will be placed in non-limiting locations. Westinghouse performed preliminary high temperature steam oxidation tests on AXIOM cladding and confirmed that AXIOM cladding exhibits a ductile response to ring compression tests for peak cladding temperature and equivalent cladding reacted values up to and beyond the §§ 50.46(b)(1) and (b)(2) acceptance criteria, therefore satisfying the underlying cladding performance metric used to judge ECCS performance. This evidence supports the use of the existing acceptance criteria for fuel rods fabricated with AXIOM cladding.

Paragraph I.A.5 of appendix K to 10 CFR part 50 states that the rates of energy, hydrogen concentration, and cladding oxidation from the metal-water reaction shall be calculated using the Baker-Just equation. Since the Baker-Just equation presumes the use of Zircaloy clad fuel, strict application of the rule would not permit use of the equation for AXIOM cladding. The Baker-Just equation predicts conservatively high oxidation rates compared with modern correlations (*i.e.,* Cathcart-Pawell) and has been shown to remain conservative and applicable for many modern zirconium alloys. The licensee provided the nominal alloying composition for ZIRLO™, Optimized ZIRLO™, and AXIOM cladding material. The licensee provided evidence that the Baker-Just equation conservatively predicts the rate of energy release, hydrogen generation, and cladding oxidation for the AXIOM material. Based upon similar material composition, the high temperature metal-water reaction rates are expected to be similar, and the continued use of the Baker-Just equation is judged by the NRC staff to be acceptable. Additionally, the licensee performs cycle-specific reload evaluations to assure that § 50.46 acceptance criteria are satisfied and will include the LTAs in such analysis. Therefore, the NRC staff determined that the application of paragraph I.A.5 of 10 CFR part 50, appendix K, related to cladding material is not necessary to achieve the underlying purpose of the rule in these circumstances. Since these evaluations demonstrate that the underlying purpose of the rule will be met, there will be no undue risk to the public health and safety. Based on the regulatory review of the exemption request, the NRC staff concludes that the intent of § 50.46 and 10 CFR part 50, appendix K, will continue to be satisfied for the planned operation of MPS–3 with Westinghouse AXIOM fuel cladding and fuel assembly material used for non-limiting LTAs.

C. Consistent With the Common Defense and Security

The licensee's exemption request is to allow the application of the aforementioned regulations to an improved fuel rod cladding material. In its letter dated June 30, 2016, the licensee stated that all the requirements and acceptance criteria will be maintained. The licensee is required to handle and control special nuclear material in these assemblies in accordance with its approved procedures. The use of LTAs with AXIOM fuel rod cladding in the MPS–3 core is not related to and does not raise security issues. Therefore, the NRC staff has determined that this exemption does not impact common defense and security.

D. Special Circumstances

Special circumstances, in accordance with § 50.12(a)(2)(ii), are present whenever application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The underlying purpose of § 50.46 and 10 CFR part 50, appendix K, is to establish acceptance criteria for ECCS performance to provide reasonable assurance of safety in the event of a LOCA. The regulations in § 50.46 and 10 CFR part 50, appendix K, are not directly applicable to AXIOM, even though the evaluations described in the following sections of this exemption show that the intent of the regulation is met. Therefore, since the underlying purposes of § 50.46 and 10 CFR part 50, appendix K, are achieved through the use of AXIOM fuel rod cladding material, the special circumstances required by § 50.12(a)(2)(ii) for the granting of an exemption exist.

E. Environmental Considerations

The NRC staff determined that the exemption discussed herein meets the eligibility criteria for the categorical exclusion set forth in § 51.22(c)(9) because it is related to a requirement concerning the installation or use of a facility component located within the

restricted area, as defined in 10 CFR part 20, and the granting of this exemption involves: (i) No significant hazards consideration, (ii) no significant change in the types or a significant increase in the amounts of any effluents that may be released offsite, and (iii) no significant increase in individual or cumulative occupational radiation exposure. Therefore, in accordance with § 51.22(b), no environmental impact statement or environmental assessment need to be prepared in connection with the NRC's consideration of this exemption request. The basis for the NRC staff's determination is discussed as follows with an evaluation against each of the requirements in § 51.22(c)(9).

Requirements in § 51.22(c)(9)(i)

The NRC staff evaluated the issue of no significant hazards consideration, using the standards described in § 50.92(c), as presented below:

1. Does the proposed exemption involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed exemption would allow DNC to insert up to eight LTAs with AXIOM fuel rod cladding at MPS–3. The proposed exemption from the requirements of § 50.46 and 10 CFR part 50, appendix K, to permit the use of the AXIOM cladding material in the MPS–3 core does not adversely affect any fission product barrier, nor does it alter the safety function of safety systems, structures, or components, or their roles in accident prevention or mitigation. AXIOM cladding material is not an accident initiator. The response of the fuel to an accident is analyzed using conservative techniques, and the results are compared to NRC-approved acceptance criteria. Reload specific analyses conducted by DNC and the fuel vendor demonstrate that the design limits of the fuel cladding are met. Station operation and analysis will continue to be in compliance with NRC regulations. Westinghouse will perform a cycle-specific analysis of the MPS–3 core using LOCA methods approved for the site to ensure that assemblies with AXIOM fuel rod cladding material meet the LOCA safety criteria. Therefore, the plant will continue to meet applicable design criteria and safety analysis acceptance criteria.

Consequently, permitting the insertion of up to eight LTAs with AXIOM fuel rod cladding in the MPS–3 core does not affect the probability of an accident or the consequences thereof.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed exemption create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed exemption from the requirements of § 50.46 and 10 CFR part 50, appendix K, does not impact the plant configuration or system performance. The proposed exemption does not modify any interfaces with existing equipment, change the equipment's function, or change the method of operating the equipment. Use of the AXIOM fuel rod cladding material in the MPS–3 core does not adversely affect any fission product barrier, nor does it alter the safety function of safety systems, structures, or components, or their roles in accident prevention or mitigation. Westinghouse will perform a cycle-specific analysis of the MPS–3 core using LOCA methods approved for the site to ensure that assemblies with AXIOM fuel rod cladding material meet the LOCA safety criteria. Prior to each cycle, the AXIOM LTAs will be evaluated to ensure that current design criteria are met for the projected burnup. Current NRC-approved models will be conservatively applied to bound AXIOM cladding material properties and expected behavior. If any current design criteria are not met, the LTAs with AXIOM fuel rod cladding will not be inserted into the core. The proposed exemption assures there is adequate margin available to meet safety analysis criteria and does not introduce any failure modes, accident initiators, or equipment malfunctions that would cause a new or different kind of accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed exemption involve a significant reduction in a margin of safety?

Response: No.

The proposed exemption from the requirements of § 50.46 and 10 CFR part 50, appendix K, does not impact the plant configuration or system performance, and use of the AXIOM cladding material in the MPS–3 core does not adversely affect any fission product barrier. Current NRC-approved models will be conservatively applied to bound AXIOM cladding material properties and expected behavior to ensure the plant continues to meet applicable design criteria and safety analysis acceptance criteria. The proposed exemption does not alter the manner in which safety limits, limiting safety system settings, or limiting conditions for operation are determined, and the dose analysis acceptance criteria are not affected. The proposed exemption does not result in plant operation in a configuration outside the analysis or design basis and does not adversely affect systems that respond to safely shut down the plant and maintain the plant in a safe shutdown condition. Westinghouse will perform a cycle-specific analysis of the MPS–3 core using LOCA methods approved for the site to ensure that assemblies with AXIOM fuel rod cladding material meet the LOCA safety criteria. Prior to each cycle, the AXIOM LTAs will be evaluated to ensure that current design criteria are met for the projected burnup. Current NRC-approved models will be conservatively applied to bound AXIOM cladding material properties and expected behavior. If any current design criteria are not met, the AXIOM cladding LTAs will not be inserted into the core.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, the NRC staff concludes that the proposed exemption presents no significant hazards consideration under the standards set forth in § 50.92(c), and, accordingly, a finding of no significant hazards consideration is justified (*i.e.,* satisfies the provisions of § 51.22(c)(9)(i)).

Requirements in § 51.22(c)(9)(ii)

The proposed exemption would allow the use of AXIOM fuel rod cladding material in the MPS–3 reactor. AXIOM material has essentially the same properties as the currently licensed Optimized ZIRLO™ cladding and standard ZIRLO™ alloys. The use of the AXIOM fuel rod cladding material will not significantly change the types of effluents that may be released offsite or significantly increase the amount of effluents that may be released offsite. Therefore, the provisions of § 51.22(c)(9)(ii) are satisfied.

Requirements in § 51.22(c)(9)(iii)

The proposed exemption would allow the use of AXIOM fuel rod cladding material in the reactors. AXIOM material has essentially the same properties as the currently licensed Optimized ZIRLO™ cladding and standard ZIRLO™ alloys. The use of the AXIOM fuel rod cladding material will not significantly increase individual occupational radiation exposure or significantly increase cumulative occupational radiation exposure. Therefore, the provisions of § 51.22(c)(9)(iii) are satisfied.

Conclusion

Based on the above, the NRC staff concludes that the proposed exemption meets the eligibility criteria for the categorical exclusion set forth in § 51.22(c)(9). Therefore, in accordance with § 51.22(b), no environmental impact statement or environmental assessment need to be prepared in connection with the NRC's proposed issuance of this exemption.

IV. Conclusion

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants DNC an exemption from the requirements of 10 CFR 50.46 and appendix K of 10 CFR part 50, to allow the use of AXIOM fuel rod cladding material at MPS–3. As stated above, this exemption relates solely to the cladding material specified in these regulations.

Dated at Rockville, Maryland, this 10th day of May 2017.

For the Nuclear Regulatory Commission.

MaryJane Ross-Lee,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–10073 Filed 5–17–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0156]

Information Collection: Solicitation of Non-Power Reactor Operator Licensing Examination Data

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on this proposed collection of information. The information collection is entitled, ''Solicitation of Non-Power Reactor Operator Licensing Examination Data.''

DATES: Submit comments by July 17, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0156. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–5 F53, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0156 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0156. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2016–0156 on this Web site.
- *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.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML17011A068. The supporting statement is available in ADAMS under Accession No. ML17011A063.
- *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.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@nrc.gov.*

B. Submitting Comments

Please include Docket ID NRC–2016–0156 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *http://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* Solicitation of Non-Power Reactor Operator Licensing Examination Data.

2. *OMB approval number:* An OMB control number has not yet been assigned to this proposed information collection.

3. *Type of submission:* New.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* Annually.

6. *Who will be required or asked to respond:* All holders of operating licenses for non-power reactors under the provision of part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities,'' except those that have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

7. *The estimated number of annual responses:* 31.

8. *The estimated number of annual respondents:* 31.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 31.

10. *Abstract:* The NRC is requesting a new clearance to annually request all non-power reactor licensees and applicants for an operating license to voluntarily send to the NRC: (1) Their projected number of candidates for initial operator licensing examinations and (2) the estimated dates of the examinations. This information is used to plan budgets and resources in regard to operator examination scheduling in order to meet the needs of the non-power nuclear community.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 12th day of May 2017.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017–10018 Filed 5–17–17; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80670; File No. SR–NYSE–2017–12]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of Longer Period for Commission Action on a Proposed Rule Change To Amend Section 102.01B of the NYSE Listed Company Manual To Modify the Requirements That Apply to Companies That List Without a Prior Exchange Act Registration and That Are Not Listing in Connection With an Underwritten Initial Public Offering

May 12, 2017.

On March 13, 2017, the New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Section 102.01B of the Manual to modify the provisions relating to the qualification of companies listing without a prior Exchange Act registration and an underwritten offering to permit the listing of such companies immediately upon effectiveness of an Exchange Act registration statement without a concurrent public offering registered under the Securities Act of 1933 provided the company meets all other listing requirements. The proposal also would eliminate the requirement to have a private placement market trading price if there is a valuation from an independent third-party of $250 million in market value of publicly-held shares. The proposed rule change was published for comment in the **Federal Register** on March 31, 2017.[3] The Commission received no comments on the proposed rule change.

Section 19(b)(2) of the Act [4] provides that, within 45 days of the publication of the notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates June 29, 2017, as the date by which the Commission should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change (File No. SR–NYSE–2017–12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–10017 Filed 5–17–17; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 34–80313 (March 27, 2017), 82 FR 16082 (March 31, 2017) (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80669; File No. SR–IEX–2017–15]

Self-Regulatory Organizations: Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Correct an Incorrect Internal Cross Reference in Rule 11.420(d)(2)(B).

May 12, 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 9, 2017, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 (''Act''),[4] and Rule 19b–4

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

thereunder,[5] Investors Exchange LLC (''IEX'' or ''Exchange'') is filing with the Commission a proposed rule change to correct an incorrect internal cross reference in Rule 11.420(d)(2)(B). The Exchange has designated this rule change as ''non-controversial'' under Section 19(b)(3)(A) of the Act[6] and provided the Commission with the notice required by Rule 19b–4(f)(6) thereunder.[7]

The text of the proposed rule change is available at the Exchange's Web site at *www.iextrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statement may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule filing is to correct an inadvertent incorrect internal cross reference in Rule 11.420(d)(2)(B). Rule 11.420(d)(2)(B) specifies that ''FINRA Rules 5320, 7440, and 7450 shall be construed as references to IEX Rules 10.6, 11.420(d), and 11.420(e), respectively.'' Due to a typographical error, the rule references IEX Rule 10.6 (which does not exist) rather than IEX Rule 10.160. Because of the reference to FINRA Rule 5320, IEX does not believe that the incorrect cross reference resulted in any confusion among IEX Members.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b)[8] of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act[9] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes it is consistent with the Act to correct the incorrect cross reference so that IEX's rules are accurate, avoiding any potential confusion among Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed correction does not impact competition in any respect since it is designed to correct a typographical error.

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

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A)[10] of the Act and Rule 19b–4(f)(6)[11] thereunder. Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[12] and subparagraph (f)(6) Rule 19b–4 thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6)[14] normally does not become operative for 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii)[15] 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 correct an inadvertent typographical error in its rules. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because it will, without undue delay, eliminate potential confusion caused by the incorrect reference in Rule 11.420(d)(2)(B) to an IEX rule that does not exist, and the proposed change does not introduce or raise any new or novel issues. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[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. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[17] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–IEX–2017–15 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–IEX–2017–15. This file number should be included in the subject line if email is used. To help the

[5] 17 CRF 240.19b–4.

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4.

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 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 as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] 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).

[17] 15 U.S.C. 78s(b)(2)(B).

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 will also be available for inspection and copying at the IEX's principal office and on its Internet Web site at *www.iextrading.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–IEX–2017–15 and should be submitted on or before June 8, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–10016 Filed 5–17–17; 8:45 am]

BILLING CODE 8011–01–P

[18] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 9997]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: "Divine Encounter: Rembrandt's Abraham and the Angels" Exhibition

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that certain objects to be included in the exhibition ''Divine Encounter: Rembrandt's Abraham and the Angels,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at The Frick Collection, New York, New York, from on or about May 30, 2017, until on or about August 20, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–10023 Filed 5–17–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 9999]

Notice of Meeting of Advisory Committee on International Law

A meeting of the Department of State's Advisory Committee on International Law will take place on Monday, June 5, 2017, from 9:30 a.m. to 5:00 p.m. at the George Washington University Law School, Michael K. Young Faculty Conference Center, 716 20th St. NW., 5th Floor, Washington, DC. Acting Legal Adviser Richard C. Visek will chair the meeting, which will be open to the public up to the capacity of the meeting room. It is anticipated that the meeting will include discussions on the interagency process for addressing questions of international law, the development and use of sanctions, the Department's efforts regarding the intersection between social media and countering violent extremism, and the situation in Syria.

Members of the public who wish to attend should contact the Office of the Legal Adviser by June 1 at *heathjb@state.gov* or 202–776–8315 and provide their name, professional affiliation, address, and phone number. A valid photo ID is required for admission to the meeting. Attendees who require reasonable accommodation should make their requests by May 29. Requests received after that date will be considered but might not be possible to accommodate.

J. Benton Heath,

Attorney-Adviser, Office of the Legal Adviser, Executive Director, Advisory Committee on International Law, Department of State.

[FR Doc. 2017–10074 Filed 5–17–17; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice: 9996]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: "Twists and Turns: the Story of Sokol" Exhibition

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that certain objects to be included in the exhibition ''Twists and Turns: The Story of Sokol,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the National Czech & Slovak Museum & Library, Cedar Rapids, Iowa, from on or about June 3, 2017, until on or about December 31, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State,

L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–10022 Filed 5–17–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0020; Notice 1]

Volkswagen Group of America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Volkswagen Group of America, Inc. (Volkswagen), has determined that certain model year (MY) 2013–2017 Volkswagen CC and MY 2012–2017 Volkswagen Tiguan motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 126, *Electronic Stability Control Systems for Light Vehicles.* Volkswagen filed a noncompliance report dated March 1, 2017. Volkswagen also petitioned NHTSA on March 2, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is June 19, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to 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 comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview

Volkswagen Group of America, Inc. (Volkswagen), has determined that certain model year (MY) 2013–2017 Volkswagen CC and MY 2012–2017 Volkswagen Tiguan motor vehicles do not fully comply with paragraph S5.3.3 of FMVSS No. 126, *Electronic Stability Control Systems for Light Vehicles.* Volkswagen filed a noncompliance report dated March 1, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Volkswagen also petitioned NHTSA on March 2, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of Volkswagen's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles Involved

Approximately 230,458 MY 2013–2017 Volkswagen CC motor vehicles, manufactured between January 19, 2012, and November 28, 2016, and MY 2012–2017 Volkswagen Tiguan motor vehicles, manufactured between January 9, 2012 and February 28, 2017, are potentially involved.

III. Noncompliance

Volkswagen explains that during an electronic stability control (ESC) malfunction in the subject vehicles, the ESC malfunction telltale illuminates as required by FMVSS No. 126 unless the steering angle sensor is the source of the malfunction. In the instance of a steering angle sensor malfunction the indicator telltale does not re-illuminate immediately after the vehicle ignition is reactivated as required by paragraph S5.3.3 of FMVSS No. 126. Specifically, the ESC malfunction telltale will only re-illuminate after the vehicle reaches a speed of 1.2 mph.

IV. Rule Text

Paragraph S5.3.3 of FMVSS No. 26 provides, in pertinent part:

S5.3.3 As of September 1, 2011, except as provided in paragraphs S5.3.4, S5.3.5, S5.3.8, and S5.3.10, the ESC malfunction telltale must illuminate only when a malfunction(s) of the ESC system exists and must remain continuously illuminated under the conditions specified in S5.3 for as long as the malfunction exists (unless the ''ESC malfunction'' and ''ESC off'' telltales are combined in a two-part telltale and the ''ESC off'' telltale is illuminated), whenever the ignition locking system is in the ''On'' (''Run'') position . . .

V. Summary of Volkswagen's Petition

Volkswagen submits that the condition described above is inconsequential as it relates to motor vehicle safety because the warning (ESC warning lamp) immediately re-illuminates when the vehicle starts to move and reaches 2 km/h or 1.2 mph.

Further, the particular condition is limited to an ESC system fault caused by the steering angle sensor. For all other potential ESC system faults, the warning lamp illuminates as required with the next ignition key in the ''On'' (''Run'') position.

Volkswagen concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

In a supplemental email from Volkswagen dated March 29, 2017, Volkswagen stated that the ESC warning light illuminates and stays on for the complete ignition cycle and does not turn off when the vehicle decelerates below 1.2 mph. However, the steering wheel warning light is constantly illuminated and is not turned off with ignition key cycle, which represents a substitutional warning. Volkswagen says that the 1.2 mph (2km/h) threshold was used to prevent triggering of warning lamps when workshops work on steering components and turn the wheels during repairs with non-attached components/sensors etc. during the repair and causing erratic signals during such repairs. This ''repair aid threshold'' is in conflict with the FMVSS. Volkswagen also says, to clarify, all Tiguan and CC vehicles are affected that were built since the updated regulation went into effect (regulation refers to the specific vehicle production date, *i.e.* 2011–09–01). All CC and Tiguan's are fitted with the same ABS/ESC system.

To view Volkswagen's petition analyses and any supplemental information in its entirety you can visit *https://www.regulations.gov* by following the online instructions for accessing the dockets and by using the docket ID number for this petition shown in the heading of this notice.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Volkswagen no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Volkswagen notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–10091 Filed 5–17–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF VETERANS AFFAIRS

Announcement of Public Meeting

AGENCY: Department of Veterans Affairs.

ACTION: Announcement of public meeting.

SUMMARY: The Department of Veterans Affairs (VA) is holding a public meeting to seek consultative advice in implementing section 3 of the Veterans Mobility Safety Act of 2016 (hereafter referred to as ''the Act''), as VA develops the comprehensive policy regarding quality standards for providers of modification services to veterans under VA's automobile adaptive equipment (AAE) program.

DATES: Written comments, statements, testimonies and supporting information will be accepted between June 13, 2017 and June 20, 2017, and considered with the same weight as oral comments and supporting information presented at the public meeting. VA will hold the public meeting on June 13, 2017, in Washington, DC. The meeting will start at 9:00 a.m. and conclude on or before 4:00 p.m. Check-in will begin at 8:00 a.m.

ADDRESSES: The meeting will be held at the VA Central Office at 810 Vermont Ave. NW., Washington, DC 20420. This facility is accessible to individuals with disabilities.

*In person attendance will be limited to 150 individuals. Advanced registration for individuals and groups is strongly encouraged (see registration instructions below). For listening purposes only (phone lines will be muted), the meeting will be available via audio which can be accessed by dialing 1–800–767–1750 access code: 74078.

Please submit all written comments no later than June 20, 2017, by any of the following methods:

- *Federal Rulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments. *Note:* Comments previously submitted in response to the February 2nd notice will be considered and resubmission is not required.
- *Mail, Hand Delivery, Courier:* Postmarked no later than June 20, 2017, to: Director of Regulations Management (00REG), Department of Veterans Affairs, 810 Vermont Ave NW., Room 1068, Washington, DC 20420. *Note:* Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal Holidays). Please call (202) 461–4902 (this is not a toll-free number) for an appointment.
- *Fax:* (202) 273–9026 ATTENTION: Director of Regulations Management (00REG).

All submissions must include the agency name and docket number. Note that all comments received will be posted and can be viewed online through the Federal Docket Management System at *http://www.regulations.gov.*

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Privacy Act Statement (5 U.S.C. 552, 552a, and 552b) or visit *https://www.gpo.gov/fdsys/pkg/FR-2005-09-20/pdf/05-18728.pdf.*

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Director of Regulations Management (00REG) at the address given under WRITTEN COMMENTS. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above. When you send a comment containing information claimed to be confidential business information, you should submit a cover letter setting forth the information specified in the privacy act statement section.

FOR FURTHER INFORMATION CONTACT: Shayla Mitchell, Ph.D., CRC, Rehabilitation and Prosthetic Services (10P4R), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420, *shayla.mitchell@va.gov or* (202) 461–0389 (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 2, 2017, VA published a notice in the **Federal Register** (FR), requesting information from interested parties

regarding AAE safety and quality standards in order to assist in the development of the policy required by section 3 of the Act. 82 FR 9114. Based on the information received, VA will hold a public meeting to further consult with AAE providers, installers, manufacturers and modifiers, and other stakeholders (*e.g.,* Veterans Service Organizations, Transportation/Traffic Researchers, State Rehabilitation Agencies, and Rehabilitation Organizations/Associations). The purpose of this public meeting is to continue to receive input regarding the safety and quality standards for AAE services for veterans and servicemembers under VA's AAE program. VA may choose to further contact attendees as necessary for the Department to develop its comprehensive policy regarding quality standards for VA's AAE program; if VA engages in any such consultations, a summary of these communications will be included in the public record for inspection. VA will use the information received through the February 2nd **Federal Register** notice, the public meeting, and any other related and necessary consultations to develop a policy that meets the requirements in section 3(b) of the Act. VA will then engage in rulemaking and solicit public comment articulating this policy. The resulting final rule and promulgated regulation will establish the policy required under section (3)(a) of the Act. Although section (3)(a) of the Act uses the term ''policy'', a regulation is required to establish the program required by section (3)(a) of the Act because of the effect this will have on veterans and servicemembers in receipt of benefits and services through the AAE program and upon private entities furnishing services through this program.

Registration: In person attendance and participation in this meeting is limited to 150 individuals. VA has the right to refuse registration for in person attendance once the maximum capacity of 150 individuals has been reached. Individuals interested in attending in person should request registration by emailing Shayla Mitchell at *Shayla.mitchell@va.gov* by May 31, 2017, 4:00 p.m. ET. A confirmation message will be provided within 1–2 business days after a request has been received, and individuals will be notified via email on June 2, 2017, confirming their attendance in person. Attendees wanting to offer oral comments, testimonies, and/or technical remarks should indicate their intentions upon registration.

Individual registration: VA encourages individual registrations for those not affiliated with or representing a group, association, or organization.

Group registration: Identification of the name of the group, association, or organization should be indicated in your registration request. Due to the meeting location's maximum capacity, VA may limit the size of a group's registration to no more than five (5) individuals to allow receipt of comments, testimonies, and/or technical remarks from a broad, diverse group of stakeholders. Oral comments, testimonies, and/or technical remarks may be limited from a group, association or organization with more than five (5) individuals representing the same group, association, or organization. In those instances, submission of written comments is strongly encouraged.

Efforts will be made to accommodate all attendees who wish to attend in person. However, VA will give priority for in person attendance to those who request registration before May 31, 2017, 4:00 p.m. ET, and wish to provide oral comments, testimonies, and/or technical remarks. The length of time allotted for attendees to provide oral comments, testimonies and/or technical remarks during the meeting may be subject to the number of in person attendees, and to ensure ample time is allotted to those registered attendees (see Supplementary Information section). There will be no opportunity for audio-visual presentations during the meeting. Written comments will be accepted by those attending in person (see below instructions for submitting written comments).

Audio (For listening purposes only): Limited to the first 500 participants, on a first come, first served basis. Advanced registration is not required. Audio attendees will not be allowed to offer oral comments, testimonies, and/or technical remarks as the phone line will be muted. Written comments will be accepted from those participating via audio (see below instructions for submitting written comments).

Note: Should it be necessary to cancel the meeting due to inclement weather or other emergencies, VA will take available measures to notify registered participants. VA will conduct the public meeting informally, and technical rules of evidence will not apply. VA will arrange for a written transcript of the meeting and keep the official record open for 15 days after the meeting to allow submission of supplemental information. You may make arrangements for copies of the transcript directly with the reporter, and the transcript will also be posted in the docket of the rule as part of the official record when the rule is published.

Agenda

08:00–09:00 Arrival/Check-In

09:00–12:00 Morning Public Meeting Session

12:00–13:00 Lunch Break

(*Note:* Meals will not be provided by VA.)

13:00–16:00 Afternoon Public Meeting Session

16:00 Adjourn

(**Note:** Time for adjourning may be subject to change depending on the discussion and comments offered.)

Public Meeting Topics: Pursuant to Public Law 114–256, section 3, VA is seeking input in regard to the following topics:

- VA-wide management of the AAE program;
- Standards for safety and quality of AAE, and installation of AAE, including defining the differentiations in levels of modification complexity;
- Certification of a provider by a manufacturer if VA designates the quality standards of such manufacturer as meeting or exceeding the standards developed under this program;
- Certification of a provider by a third party, nonprofit organization if the Secretary designates the quality standards of such organization as meeting or exceeding the standards developed under this program;
- Compliance of a provider with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) when furnishing AAE at the facility of the provider;
- Allowing, where technically appropriate, for veterans to receive modifications at their residence or location of choice, including standards that ensure such receipt and notification to veterans of the availability of such receipt;
- Consistent application of standards and compliance for safety and quality of both equipment and installation; and
- Education and training of personnel of the Department who administer the AAE program.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on May 12, 2017, for publication.

Dated: May 12, 2017.

Jeffrey Martin,

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

[FR Doc. 2017–10080 Filed 5–17–17; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 82 Thursday,

No. 95 May 18, 2017

Part II

The President

Proclamation 9611—Peace Officers Memorial Day and Police Week, 2017

Notice of May 16, 2017—Continuation of the National Emergency With Respect to the Stabilization of Iraq

Federal Register
Vol. 82, No. 95
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Presidential Documents

Title 3—

The President

Proclamation 9611 of May 15, 2017

Peace Officers Memorial Day and Police Week, 2017

By the President of the United States of America

A Proclamation

During Peace Officers Memorial Day and Police Week, we honor the men and women of law enforcement who have been killed or disabled in the course of serving our communities. Police officers are the thin blue line whose sacrifices protect and serve us every day, and we pledge to support them as they risk their lives to safeguard ours.

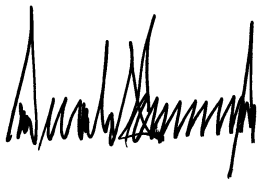
Last year, 118 officers died in the line of duty, and of those, 66 were victims of malicious attacks. These attacks increased by nearly 40 percent from 2015. This must end. That is why one of my first actions was to direct the Department of Justice to develop a strategy to better prevent and prosecute crimes of violence against our Federal, State, tribal, and local law enforcement officers.

In addition, my Administration will continue to further the efforts of the Department of Justice to improve the lives of law enforcement officers and their families. This includes supporting the Officer Safety and Wellness Group, which improves officer safety on the job, and accelerating the processing of benefits through the Public Safety Officers' Benefits Program, which provides vital resources to the families of fallen officers.

Our liberties depend on the rule of law, and that means supporting the incredible men and women of law enforcement. By a joint resolution approved October 1, 1962, as amended (76 Stat. 676), and by Public Law 103–322, as amended (36 U.S.C. 136 and 137), the President has been authorized and requested to designate May 15 of each year as ''Peace Officers Memorial Day'' and the week in which it falls as ''Police Week.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 15, 2017, as Peace Officers Memorial Day and May 14 through May 20, 2017, as Police Week. In humble appreciation of our hard-working law enforcement officers, Melania and I will light the White House in blue on May 15. I call upon all Americans to observe Peace Officers Memorial Day and Police Week with appropriate ceremonies and activities. I also call on the Governors of the States and Territories and officials of other areas subject to the jurisdiction of the United States, to direct that the flag be flown at half-staff on Peace Officers Memorial Day. I further encourage all Americans to display the flag at half-staff from their homes and businesses on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth 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.



[FR Doc. 2017–10313
Filed 5–17–17; 11:15 am]
Billing code 3295–F7–P

Presidential Documents

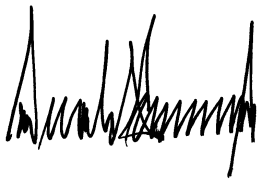
Notice of May 16, 2017

Continuation of the National Emergency With Respect to the Stabilization of Iraq

On May 22, 2003, by Executive Order 13303, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq.

The obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared in Executive Order 13303, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, Executive Order 13438 of July 17, 2007, and Executive Order 13668 of May 27, 2014, must continue in effect beyond May 22, 2017. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the stabilization of Iraq declared in Executive Order 13303.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,

May 16, 2017.

[FR Doc. 2017–10317

Filed 5–17–17; 11:15 am]

Billing code 3295–F7–P

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