AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 82 Friday,

No. 46 March 10, 2017

Pages 13225–13378

OFFICE OF THE FEDERAL REGISTER

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

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

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

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

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

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

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

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

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

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

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**

General online information **202–512–1530; 1–888–293–6498**

Single copies/back copies:

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

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

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

Printed on recycled paper.

Contents

Federal Register

Vol. 82, No. 46

Friday, March 10, 2017

Agriculture Department
See Rural Utilities Service

Bureau of Consumer Financial Protection
NOTICES
Requests for Information:
Consumer Credit Card Market, 13313–13315

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Guidance for Tribal TANF, 13351

Civil Rights Commission
NOTICES
Meetings; Sunshine Act, 13306–13307

Coast Guard
RULES
Safety Zones:
TICO Warbird Air Show; Indian River, Titusville, FL, 13225–13227

Commerce Department
See National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 13307–13309

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement List; Additions and Deletions, 13311–13313

Defense Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 13315

Education Department
RULES
Program Integrity:
Gainful Employment, 13227
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Veterans Upward Bound Program (VUB) Annual Performance Report, 13323–13324
Applications for New Awards:
Gaining Early Awareness and Readiness for Undergraduate Programs (Partnership grants), 13315–13323

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Meetings:
International Energy Agency, 13325–13326
Methane Hydrate Advisory Committee, 13324–13325
State Energy Advisory Board, Teleconference, 13326

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
California Air Plan Revisions; Ventura County Air Pollution Control District; Prevention of Significant Deterioration, 13243–13245
Kentucky; Redesignation of the Campbell County, 2010 1-Hour SO2 Nonattainment Area to Attainment; Air Plan Approval and Designation of Areas, 13227–13230
Minnesota; Air Plan Approval; Sulfur Dioxide; Particulate Matter, 13230–13235
Nevada, Lake Tahoe; Second 10-Year Carbon Monoxide Limited Maintenance Plan, 13235–13243
Illinois: Final Authorization of State Hazardous Waste Management Program Revision, 13256–13259
Pesticide Tolerances:
Flupyradifurone; Emergency Exemptions, 13251–13256
Pesticide Tolerances; Emergency Exemptions:
Oxytetracycline, 13245–13251
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
California—Antelope Valley Air Quality Management District, 13280–13282
Minnesota; Air Plan Approval; Sulfur Dioxide; Particulate Matter, 13278
Nevada, Lake Tahoe; Second 10-Year Carbon Monoxide Limited Maintenance Plan, 13269–13270
Nevada; Approval of Air Plan Revisions, Clark County Department of Air Quality and Washoe County Health District, 13278–13280
New Mexico; Albuquerque/Bernalillo County; New Source Review Preconstruction Permitting Program, 13270–13278
Completeness of the Department of Energy's Compliance Recertification Application for the Waste Isolation Pilot Plant, 13282–13285
NOTICES
Adequacy Status of Motor Vehicle Emissions Budgets for Transportation Conformity Purposes:
Knoxville, TN 1997 Annual PM2.5 Maintenance Plan, 13337–13338
Knoxville, TN 2006 24-hour PM2.5 Maintenance Plan, 13347
Certain New Chemicals:
Receipt and Status Information for December 2016, 13339–13345
Cross-Media Electronic Reporting:
Authorized Program Revision Approval, State of Montana, 13346–13347
Authorized Program Revision Approval, State of North Carolina, 13337
Mecklenburg County, NC; Program Revision Approval, 13338–13339
Delegation of Authority to the State of West Virginia to Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards, 13345–13346
Environmental Impact Statements; Availability, etc., 13338

Federal Communications Commission
RULES
List of Office of Management and Budget Approved Information Collection Requirements, 13260–13267
PROPOSED RULES
Authorizing Permissive Use of the ''Next Generation'' Broadcast Television Standard, 13285–13302
NOTICES
Privacy Act; Systems of Records, 13348–13350
Release of Version 2.1 of TVSTUDY:
Processing Construction Permit Applications Filed with the Media Bureau Implementing the Results of the Repacking Process, 13347–13348

Federal Deposit Insurance Corporation
NOTICES
Updates to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation has been Appointed Either Receiver, Liquidator, or Manager, 13350–13351

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 13326–13327, 13330–13336
Effectiveness of Exempt Wholesale Generator Status:
Grady Wind Energy Center, LLC; Innovative Solar 42, LLC, 13329
Environmental Assessments; Availability, etc.:
Gulf South Pipeline Co., LP, St. Charles Parish Expansion, 13328–13329
Spire STL Pipeline Co., LLC; Spire STL Pipeline Project, 13327–13328
Water Street Land, LLC, 13327
License Applications:
Somersworth Hydro Company, Inc.; City of Somersworth, NH, 13330
Meetings:
State Policies and Wholesale Markets Operated by ISO, New England Inc., New York Independent System, Operator, Inc., and PJM Interconnection, LLC; Technical Conference, 13331–13332

Federal Motor Carrier Safety Administration
NOTICES
Qualification of Drivers; Exemption Applications:
Epilepsy and Seizure Disorders, 13374–13375

Fish and Wildlife Service
NOTICES
Environmental Assessments; Availability, etc.:
Export Program for Certain Native Species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 13360–13361

Health and Human Services Department
See Children and Families Administration
See Health Resources and Services Administration
See National Institutes of Health
RULES
Select Agents and Toxins; CFR Correction, 13259
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 13352
Meetings:
National Committee on Vital and Health Statistics, Teleconference, 13352–13353

Health Resources and Services Administration
NOTICES
Meetings:
CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment, 13351–13352

Homeland Security Department
See Coast Guard
See U.S. Citizenship and Immigration Services
See U.S. Customs and Border Protection

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Equal Access Regardless of Sexual Orientation, Gender Identity, or Marital Status for HUD's Community Planning and Development Programs, Withdrawal, 13359
Implementation Phase Review of the Lesbian, Gay, Bisexual, Transgender and Queer Youth Homelessness Prevention Initiative; Withdrawal, 13359–13360

Interior Department
See Fish and Wildlife Service
See National Park Service
See Ocean Energy Management Bureau
See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
NOTICES
Requests for Nominations:
Electronic Tax Administration Advisory Committee, 13375–13376

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Hybrid Electric Vehicles and Components Thereof; Institution of Investigation, 13363–13364

National Archives and Records Administration
NOTICES
Records Schedules; Availability, 13364–13365

National Institutes of Health
NOTICES
Meetings:
Eunice Kennedy Shriver National Institute of Child Health and Human Development, 13355
National Heart, Lung, and Blood Institute, 13354–13355
National Institute of Allergy and Infectious Diseases, 13353
National Institute of Arthritis and Musculoskeletal and Skin Diseases, 13353–13354
National Institute of Environmental Health Sciences, 13355–13356
National Institute on Drug Abuse, 13355
Office of AIDS Research Advisory Council, 13353

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
Sablefish Managed Under the Individual Fishing Quota Program, 13267

PROPOSED RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
Integrating Electronic Monitoring into the North Pacific Observer Program; Public Hearing, 13302–13304
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Reporting of Sea Turtle Entanglement in Fishing Gear or Marine Debris, 13309
Meetings:
Fisheries of the Gulf of Mexico; Southeast Data, Assessment and Review, 13311
Gulf of Mexico Fishery Management Council, 13310
North Pacific Fishery Management Council, 13309–13310

National Park Service
NOTICES
National Register of Historic Places:
Pending Nominations and Related Actions, 13361–13363

National Science Foundation
NOTICES
Meetings:
Proposal Review Panel for the Division of Physics, 13365–13366

Nuclear Regulatory Commission
NOTICES
Facility Operating Licenses:
Aerotest Operations, Inc.; Aerotest Radiography and Research Reactor, 13366–13369

Ocean Energy Management Bureau
NOTICES
Environmental Impact Statements; Availability, etc.:
Outer Continental Shelf, Gulf of Mexico, 2017–2022 Oil and Gas Lease Sales 249, 250, 251, 252, 253, 254, 256, 257, 259, and 261, 13363

Rural Utilities Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 13305–13306

Securities and Exchange Commission
NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
NASDAQ BX, Inc., 13369–13370
NASDAQ PHLX LLC, 13371–13372

Small Business Administration
NOTICES
Texas Disaster #TX–00478, 13372

Social Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 13372–13374

State Department
NOTICES
Culturally Significant Objects Imported for Exhibition:
Gauguin: Artist as Alchemist, 13374
Revoliutsiia! Demonstratsiia!: Soviet Art Put to the Test, 13374

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Pennsylvania Regulatory Program, 13268–13269

Transportation Department
See Federal Motor Carrier Safety Administration
NOTICES
Exploring Industry Practices on Distribution and Display of Airline Fare, Schedule, and Availability Information, 13375

Treasury Department
See Internal Revenue Service

U.S. Citizenship and Immigration Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Waiver of Rights, Privileges, Exemptions and Immunities, 13358–13359

U.S. Customs and Border Protection
NOTICES
Country of Origin Determinations:
KC–390 Military Cargo Airplane Converted to a Fire-Fighting Aircraft, 13356–13358

Veterans Affairs Department
NOTICES
Meetings:
Research Advisory Committee on Gulf War Veterans' Illnesses, 13376–13377

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

30 CFR
Proposed Rules:
938 13268

33 CFR
165 13225

34 CFR
668 13227

40 CFR
52 (4 documents) 13227, 13230, 13235, 13243
81 13227
180 (2 documents) 13245, 13251
271 13256
Proposed Rules:
52 (5 documents) 13269, 13270, 13278, 13280
194 13282

42 CFR
73 13259

47 CFR
0 13260
Proposed Rules:
15 13285
73 13285

50 CFR
679 13267
Proposed Rules:
679 13302

Rules and Regulations

Federal Register
Vol. 82, No. 46
Friday, March 10, 2017

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

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

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0130]

RIN 1625–AA00

Safety Zone, TICO Warbird Air Show; Indian River, Titusville, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on certain waters of the Indian River in Titusville, Florida during the 2017 TICO Warbird Air Show. This safety zone is necessary to provide for the safety of life on the navigable waters surrounding the event. This regulated area will prohibit persons and vessels from entering in, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port (COTP) Jacksonville or a designated representative.

DATES: This rule is effective from 3 p.m. until 5 p.m. on March 10 through March 12, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0130 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Allan Storm, Sector Jacksonville, Waterways Management Division, U.S. Coast Guard; telephone (904) 714–7616, email *Allan.H.Storm@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency, for good cause, finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard did not receive the information about the air show until February 2, 2017, and the air show would occur before the rulemaking process would be completed. Because of the potential safety hazards to the public during the aerial flight demonstrations, the safety zone is necessary to provide for the safety of event participants, spectators, spectator craft, and other vessels transiting the event area. For those reasons, it would be impracticable and contrary to the public interest to publish an NPRM.

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

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP Jacksonville has determined that a safety zone is necessary to protect the general public from hazards associated with aerial flight demonstrations. This rule is necessary to ensure the safety of vessels and persons in the navigable waters within the safety zone during the air show in Titusville, Florida.

IV. Discussion of the Rule

This rule establishes a safety zone from March 10 through March 12, 2017 which will be enforced daily from 3 p.m. until 5 p.m. The safety zone will cover all navigable waters within an area approximately one half nautical mile by one third nautical mile, directly offshore from Space Coast Regional Airport, on the Indian River in Titusville, Florida. The duration of the zone is intended to ensure the safety of the public and these navigable waters during the aerial flight demonstrations. No vessel or person will be permitted to enter, transit through, anchor in, or remain within the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone, which would impact a small designated area of the Indian River for two hours on each of the three days the air show is occurring. Moreover, the Coast Guard will issue a Local Notice to Mariners and Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within a one half nautical mile by one third nautical mile regulated area during a three day air show lasting two hours daily. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION ARES AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T07–0130 to read as follows:

§ 165. T07–0130 Safety Zone; TICO Warbird Air Show, Indian River, Titusville, FL.

(a) *Regulated area.* The following regulated area is a safety zone located on the Indian River in Titusville, Florida. All waters of the Indian River encompassed within an imaginary line connecting the following points: Starting at Point 1 in position 28°31′24.79″ N., 080°46′54.21″ W.; thence east to Point 2 in position 28°31′25.15″ N., 080°46′32.72″ W.; thence south to Point 3 in position 28°30′55.41″ N., 080°46′32.75″ W.; thence west to Point 4 in position 28°30′55.19″ N., 080°46′55.36″ W.; thence following the shoreline back to origin. These coordinates are based on North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Jacksonville in the enforcement of the regulated area.

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

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Jacksonville by telephone at 904–714–

7557, or a designated representative via VHF–FM radio on channel 16, to request authorization. If authorization is granted by the Captain of the Port Jacksonville or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Jacksonville or a designated representative.

(3) The Coast Guard will provide notice of the safety zone through Local Notice to Mariners, Broadcast Notice to Mariners via VHF–FM channel 16, and by on-scene designated representatives.

(d) *Enforcement period.* This rule is will be enforced from 3 p.m. until 5 p.m. daily from March 10 through March 12, 2017.

Dated: March 6, 2017.

L.C. Parrales,

Commander, U.S. Coast Guard, Acting Captain of the Port Jacksonville.

[FR Doc. 2017–04818 Filed 3–9–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Part 668

Program Integrity: Gainful Employment

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Announcement of applicable dates.

SUMMARY: On January 6 and January 19, 2017, the Department announced dates by which institutions subject to the Department's gainful employment (GE) regulations must comply with certain provisions of the GE regulations. This document announces that the Department allows additional time, until July 1, 2017, for institutions to submit an alternate earnings appeal and to comply with the disclosure requirements in the GE regulations.

DATES: The Department is allowing additional time—until July 1, 2017—for institutions to comply with the specified provisions in the GE regulations, as discussed in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: John Kolotos, U.S. Department of Education, 400 Maryland Ave. NW., Room 6W240, Washington, DC 20202. Telephone: (202) 453–7646 or by email at: *John.Kolotos@ed.gov.*

SUPPLEMENTARY INFORMATION: To permit the Department's further review of the GE regulations and their implementation, the Department is allowing institutions additional time—until July 1, 2017—to—

(a) Submit an alternate earnings appeal under 34 CFR 668.406 with respect to a program's final debt-to-earnings rates issued on January 9, 2017; and

(b) Provide a disclosure template or a link thereto on a GE program's Web pages, include the disclosure template or link thereto in a GE program's promotional materials, and deliver the disclosure template to a GE program's prospective students, under 34 CFR 668.412.

Accessible Format: Individuals with disabilities can obtain this document 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 Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at this 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 of this site, you can limit your search to documents published by the Department.

Dated: March 7, 2017.

Betsy DeVos,

Secretary of Education.

[FR Doc. 2017–04822 Filed 3–9–17; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R04–OAR–2016–0361; FRL–9959–10–Region 4]

Air Plan Approval and Designation of Areas; KY; Redesignation of the Campbell County, 2010 1-Hour SO_2 Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving two separate but related submissions (one of which includes multiple components) provided by the Commonwealth of Kentucky, through the Kentucky Division of Air Quality (KDAQ), in relation to attainment of the 2010 Sulfur Dioxide (SO_2) national ambient air quality standards (NAAQS) for the Kentucky portion of the Campbell-Clermont, Kentucky-Ohio 2010 1-hour SO_2 nonattainment area (hereafter referred to as the ''Campbell-Clermont, KY-OH Area'' or ''Area''). On March 31, 2015, KDAQ submitted a request for EPA to determine that the Campbell-Clermont, KY-OH Area attained the 2010 1-hour SO_2 NAAQS. Subsequently, on February 22, 2016, KDAQ submitted a request for EPA to redesignate the Campbell County portion of Kentucky that is within the Campbell-Clermont, KY-OH Area to attainment for the 2010 1-hour SO_2 NAAQS, and to approve a State Implementation Plan (SIP) revision containing a maintenance plan, base year inventory, and reasonably available control measures (RACM) determination for the Kentucky portion of the Area. EPA is approving the Commonwealth's RACM determination; the base year emissions inventory for the Kentucky portion of the Area; the Commonwealth's request for a clean data determination; and the Commonwealth's plan for maintaining attainment of the 2010 1-hour SO_2 NAAQS; and is redesignating the Kentucky portion of the Area to attainment for the 2010 1-hour SO_2 NAAQS.

DATES: This rule will be effective March 10, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2016–0361. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR**

FURTHER INFORMATION CONTACT section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Steven Scofield, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Scofield may be reached by phone at (404) 562–9034 or via electronic mail at *scofield.steve@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background for Final Actions

On June 2, 2010, EPA revised the primary SO_2 NAAQS, establishing a new 1-hour SO_2 standard of 75 parts per billion (ppb). *See* 75 FR 35520 (June 22, 2010). Under EPA's regulations at 40 CFR part 50, the 2010 1-hour SO_2 NAAQS is met at a monitoring site when the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations is less than or equal to 75 ppb (based on the rounding convention in 40 CFR part 50, appendix T). *See* 40 CFR 50.17. Ambient air quality monitoring data for the 3-year period must meet a data completeness requirement. A year meets data completeness requirements when all four quarters are complete, and a quarter is complete when at least 75 percent of the sampling days for each quarter have complete data. A sampling day has complete data if 75 percent of the hourly concentration values, including state-flagged data affected by exceptional events which have been approved for exclusion by the Administrator, are reported.[1]

Upon promulgation of a new or revised NAAQS, the Clean Air Act (CAA or Act) requires EPA to designate as nonattainment any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the NAAQS. At the time EPA conducted the initial round of designations for the 2010 1-hour SO_2 primary NAAQS, Campbell County contained an SO_2 monitor which registered violations of the standard based on the three most recent years of complete, quality assured, and certified ambient air quality data. Using 2009–2011 ambient air quality data, EPA designated the Area as nonattainment for the 2010 1-hour SO_2 NAAQS on August 5, 2013 (78 FR 47191), which became effective on October 4, 2013. This nonattainment designation established an attainment date five years after the October 4, 2013, effective date for areas designated as nonattainment for the 2010 1-hour SO_2 NAAQS. Therefore, the Campbell-Clermont, KY-OH Area's attainment date is October 4, 2018. KDAQ was also required to submit a SIP to EPA that meets the requirements of CAA sections 172(c) and 191–192 within 18 months following the October 4, 2013, effective date of designation (*i.e.,* April 4, 2015). As mentioned above, on March 31, 2015, KDAQ submitted a request for EPA to determine that the Campbell-Clermont, KY-OH Area has attained the 2010 1-hour SO_2 NAAQS per EPA's ''Clean Data Policy.'' Subsequently, on February 22, 2016, KDAQ submitted to EPA a request for redesignation of the Campbell-Clermont, KY-OH Area to attainment and a SIP revision containing a maintenance plan, base year inventory, and RACM determination for the Kentucky portion of the Area. In a notice of proposed rulemaking (NPRM) published on December 1, 2016, EPA proposed to take the following five separate but related actions regarding Kentucky's aforementioned requests and SIP submission: (1) To approve Kentucky's RACM determination for the Kentucky portion of the Campbell-Clermont, KY-OH Area pursuant to CAA section 172(c)(1) and incorporate it into the SIP; (2) to approve the base year emissions inventory for the 2010 1-hour SO_2 NAAQS for the Kentucky portion of the Area pursuant to CAA section 172(c)(3) and incorporate it into the SIP; (3) to approve the Commonwealth's March 31, 2015, request for EPA to determine that the Area attained the 2010 1-hour SO_2 NAAQS per EPA's ''Clean Data Policy;'' (4) to approve Kentucky's plan for maintaining the 2010 1-hour SO_2 NAAQS (maintenance plan) in the Area and incorporate it into the SIP; and (5) to redesignate the Kentucky portion of the Campbell-Clermont, KY-OH Area to attainment for the 2010 1-hour SO_2 NAAQS.[2] *See* 81 FR 86664. No comments were received on the December 1, 2016, proposed rulemaking. The details of Kentucky's submittal and the rationale for EPA's actions are further explained in the NPRM. *See* 81 FR 86664 (December 1, 2016).

II. Effects of These Actions

Approval of Kentucky's redesignation request changes the legal designation of the portion of Campbell County that is within the Campbell-Clermont, KY-OH Area, as found at 40 CFR 81.318, from nonattainment to attainment for the 2010 1-hour SO_2 NAAQS. Approval of Kentucky's associated SIP revision also incorporates a plan for maintaining the 2010 1-hour SO_2 NAAQS in the Campbell-Clermont, KY-OH Area through 2027 into the SIP as well as the State's section 172(c)(1) RACM determination. This maintenance plan includes an emissions inventory that satisfies the requirements of section 172(c)(3) and contingency measures to remedy any future violations of the 2010 1-hour SO_2 NAAQS.

III. Final Actions

EPA is taking five separate but related actions regarding Kentucky's aforementioned requests and SIP submission. First, EPA is approving Kentucky's RACM determination for the Kentucky portion of the Campbell-Clermont, KY-OH Area pursuant to CAA section 172(c)(1) and incorporating it into the SIP.

Second, EPA is approving the base year emissions inventory for the 2010 1-hour SO_2 NAAQS for the Kentucky portion of the Area pursuant to CAA section 172(c)(3) and incorporating it into the SIP.

Third, EPA is approving the Commonwealth's March 31, 2015, request for EPA to determine that the Area attained the 2010 1-hour SO_2 NAAQS per EPA's ''Clean Data Policy.''

Fourth, EPA is approving Kentucky's plan for maintaining the 2010 1-hour SO_2 NAAQS (maintenance plan) in the Area and incorporating it into the SIP. The maintenance plan demonstrates that the Area will continue to maintain the 2010 1-hour SO_2 NAAQS through 2027.

Fifth, EPA is redesignating the Kentucky portion of the Campbell-Clermont, KY-OH Area to attainment for the 2010 1-hour SO_2 NAAQS.

In accordance with 5 U.S.C. 553(d), EPA finds that there is good cause for these actions to become effective immediately upon publication. The immediate effective date for these actions is authorized under 5 U.S.C. 553(d)(3), which allows an effective date less than 30 days after publication as otherwise provided by the agency for good cause found and published with the rule. The immediate effective date for the redesignation action is also authorized under 5 U.S.C. 553(d)(1), which provides that rulemaking actions

[1] 40 CFR part 50, appendix T, section 3(b).

[2] On November 21, 2016, EPA published its final approval of the redesignation request and maintenance plan for the Ohio portion of the Area. *See* 81 FR 83158. As part of that final action, EPA determined that the entire Area has attained the 2010 1-hour SO_2 NAAQS.

may become effective less than 30 days after publication if the rule grants or recognizes an exemption or relieves a restriction. The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This rulemaking, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rules takes effect, and the redesignation will relieve the Area from certain CAA requirements that would otherwise apply to it. For these reasons, EPA finds good cause under 5 U.S.C. 553(d) for these actions to become effective on the date of publication of this action.

IV. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, these actions merely approve state law as meeting federal requirements and do not impose additional requirements beyond those imposed by state law. For these reasons, these actions:

- Are not significant regulatory actions subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- are not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- will not have disproportionate human health or environmental effects under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 9, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control.

Dated: January 20, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

40 CFR parts 52 and 81 are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart S—Kentucky

■ 2. Section 52.920(e) is amended by adding an entry for ''2010 1-hour SO_2 Maintenance Plan for the Kentucky Portion of the Campbell-Clermont, KY-OH Area'' at the end of the table to read as follows:

§ 52.920 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED KENTUCKY NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/effective date	EPA approval date	Explanations
* *	*	*	*	* *
2010 1-hour SO_2 Maintenance Plan for the Kentucky Portion of the Campbell-Clermont, KY-OH Area.	Campbell County portion of Campbell-Clermont, KY-OH Nonattainment Area.	2/22/2016	3/10/2017	This includes the 172(c)(1) RACM determination and the 172(c)(3) base-year emissions inventory.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

■ 4. In § 81.318, the table entitled ''Kentucky-2010 Sulfur Dioxide NAAQS (Primary)'' is amended under ''Campbell-Clermont Counties, KY-OH:'' by revising the entries for ''Campbell County (part)'' to read as follows:

§ 81.318 Kentucky.

* * * * *

KENTUCKY—2010 SULFUR DIOXIDE NAAQS

[Primary]

Designated area	Designation	
	Date	Type
Campbell-Clermont Counties, KY-OH: [1]	3/10/2017	Attainment.
Campbell County (part).		
That portion of Campbell County which lies south and west of the Ohio River described as follows: Beginning at geographic coordinates 38.9735 North Latitude, 84.3017 West Longitude (NAD 1983) on the edge of the Ohio River running southwesterly to KY Highway 1566; thence continuing running southwesterly along KY Highway 1566 to KY Highway 9 (AA Highway); thence running north westerly along KY Highway 9 (AA Highway) from Hwy 1566 to Interstate 275; thence running northeasterly along Interstate 275 to Highway 2345 (John's Hill Road), Hwy 2345 to US–27, US–27 to I–275, I–275 to the Ohio River; thence running southeasterly along the Ohio River from Interstate 275 to geographic coordinates 38.9735 North Latitude, 84.3017 West Longitude (NAD 1983).		
* * * * * * *		

[1] Excludes Indian country located in each area, if any, unless otherwise specified.

* * * * *

[FR Doc. 2017–04781 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0842; FRL–9958–15–Region 5]

Air Plan Approval; Minnesota; Sulfur Dioxide; Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the Minnesota sulfur dioxide (SO_2) and particulate matter of less than 10 microns (PM_{10}) State Implementation Plans (SIPs) as submitted on December 11, 2015. The revision will update the Rochester SO_2 and Olmsted County PM_{10} maintenance plans to reflect changes in available controls, operating practices, and cleaner fuel options that have resulted in significant reductions of SO_2 and PM_{10} emissions in the maintenance areas. EPA will also approve the removal of existing title I SO_2 SIP conditions for six facilities from the SO_2 SIP, and the state's evaluation that such changes ensure continued attainment of the SO_2 National Ambient Air Quality Standards (NAAQS).

DATES: This direct final rule will be effective May 9, 2017, unless EPA receives adverse comments by April 10, 2017. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2015–0842 at *http://www.regulations.gov* or via email to *blakley.pamela@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the Web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Control Strategies

Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6061, *acevedo.francisco@epa.gov.*

SUPPLEMENTARY INFORMATION:

Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is the background for this action?
A. Rochester SO_2 Maintenance Plan
B. Olmsted County PM_{10} Maintenance Plan
II. What changes have been made as part of the SIP revision?
III. What is EPA's analysis of the State's submittal?
IV. What action is EPA taking?
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. What is the background for this action?

A. Rochester SO_2 Maintenance Plan

A maintenance area is an area which at one time failed to meet one or more NAAQS, but is now in compliance and has an EPA approved plan for continued attainment. The City of Rochester was originally designated nonattainment for SO_2 on March 3, 1978 (43 FR 8962). On July 14, 1980, the Minnesota Pollution Control Agency (MPCA) submitted its original SO_2 SIP for the City of Rochester, which EPA approved on April 8, 1981 (46 FR 20996). The passage of the Clean Air Act (CAA) Amendments of 1990 mandated additional requirements for nonattainment area SIPs, and the MPCA worked with sources in the Rochester SO_2 nonattainment area to revise and update permits and develop dispersion modeling analyses to ensure attainment of the SO_2 NAAQS. In 1998, the MPCA submitted a SIP revision and redesignation request for the City of Rochester seeking a designation of attainment for the SO_2 NAAQS. This SIP revision included air quality permits for seven facilities in Rochester: Rochester Public Utilities (RPU) Silver Lake Plant (Silver Lake); RPU Cascade Creek Combustion Turbine (Cascade Creek); Associated Milk Producers; St. Mary's Hospital (St. Mary's); Olmsted Waste-to-Energy Facility (Olmsted WTE); Franklin Heating Station (Mayo); and IBM. Only the portions of the permits cited as title I SIP conditions for SO_2 were incorporated into the SIP.[1] The SIP also included modeling data demonstrating that the applicable areas in the City of Rochester had achieved and would maintain attainment of the SO_2 NAAQS with the control measures in the SIP. Ambient air monitoring results included in the 1998 redesignation request, actually demonstrated that the area had maintained the SO_2 NAAQS since 1979. The EPA approved the SO_2 attainment demonstration and maintenance plan SIP revision and redesignation request for the City of Rochester on May 8, 2001 (66 FR 14087).

Since the City of Rochester's redesignation to attainment, the seven facilities in the area have all considerably reduced their emissions of SO_2. The emissions reductions reflect changes in available controls, operating practices, and cleaner fuel options. On December 11, 2015, MPCA submitted to EPA a revision to the Rochester SO_2 SIP updating the Rochester SO_2 plan to reflect these changed conditions and reduced SO_2 emissions. The SIP revision specifically updates title I SO_2 SIP conditions for the RPU Silver Lake Plant, reflecting the facility's recent decommissioning of its coal-fired equipment and fuel switch to natural gas. The incorporation of these revised title I SO_2 SIP conditions alone, ensures enough SO_2 emissions reductions to offset the removal of the other six facilities from the SIP, and provide continued attainment of the SO_2 NAAQS. These facilities will continue to be regulated by the MPCA via its air quality permitting program.

B. Olmsted County PM_{10} Maintenance Plan

The MPCA also seeks to update the SIP conditions associated with the Olmsted County maintenance area for the 1987 PM_{10} NAAQS. The RPU Silver Lake Plant is the sole source in the Olmsted County PM_{10} maintenance area, which was redesignated to attainment July 31, 1995. (60 FR 28339) The SIP revision and associated permit action for the RPU Silver Lake Plant will update title I PM_{10} SIP conditions, similar to those for SO_2, reflecting the facility's fuel switch from coal to natural gas and will result in significant decrease in SIP-authorized PM_{10} emissions from the facility.

II. What changes have been made as part of the SIP revision?

Since the City of Rochester's redesignation to attainment in 2001, facilities in the SIP have reduced SO_2 emissions well beyond the levels of control envisioned when the maintenance plan SIP was approved. The EPA-approved SIP currently authorizes up to 10,535.4 tons per year (tpy) of SO_2 from all seven facilities. However, in 2014, the seven sources together emitted approximately 58.255 tons of SO_2. (See Table 1)

TABLE 1—ROCHESTER SIP (ACTUAL) SO_2 EMISSIONS 2014

Facility name	SIP approved permit No.	2014 SO_2 emissions (tons)
Associated Milk Producers	10900010–001	0.07
Franklin Heating Station (SIP requirements are in Mayo Medical Clinic Rochester 10900084)	1148–83–OT–1 [10900019]	12.65
IBM	10900006–001	0.07
Olmsted Waste-to-Energy Facility	10900005–002	9.91
Rochester Public Utilities—Cascade Creek	10900020–003	0.17

[1] In 1995, EPA approved into the Minnesota SIP Minnesota's consolidated permitting regulations. (60 FR 21447, May 2, 1995). The consolidated permitting regulations included the term ''Title I condition'' which was written, in part, to satisfy EPA requirements that SIP control measures remain permanent. A ''Title I condition'' is defined, in part, as ''any condition based on source specific determination of ambient impacts imposed for the purpose of achieving or maintaining attainment with a national ambient air quality standards and which was part of a [SIP] approved by the EPA or submitted to the EPA pending approval under section 110 of the act. . . .'' MINN. R. 7007.1011 (2013). The regulations also state that ''Title I conditions and the permittee's obligation to comply with them, shall not expire, regardless of the expiration of the other conditions of the permit.'' Further, ''any title I condition shall remain in effect without regard to permit expiration or reissuance, and shall be restated in the reissued permit.'' MINN. R. 7007.0450 (2007). Minnesota has initiated using the joint Title I/Title V document as the enforceable document for imposing emission limitations and compliance requirements in SIPs. The SIP requirements in the joint Title I/Title V document submitted by MPCA are cited as ''Title I conditions,'' therefore ensuring that SIP requirements remain permanent and enforceable. EPA reviewed the state's procedure for using joint Title I/Title V documents to implement site specific SIP requirements and found it to be acceptable under both Title I and Title V of the Clean Air Act (CAA) (July 3, 1997 letter from David Kee, EPA, to Michael J. Sandusky, MPCA).

TABLE 1—ROCHESTER SIP (ACTUAL) SO_2 EMISSIONS 2014—Continued

Facility name	SIP approved permit No.	2014 SO_2 emissions (tons)
Rochester Public Utilities—Silver Lake	10900011–004	0.005
St. Mary's Hospital	10900008–003	35.38
Total		58.255

The change in operations at RPU Silver Lake has been the most significant contributor to reduced SO_2 emissions in the City of Rochester. RPU Silver Lake was previously a 100-megawatt, coal-fired generating facility. Changes affecting energy generation nationwide, including coal prices, EPA requirements, and reduced energy demand, resulted in a 2012 decision by RPU to decommission the Silver Lake Plant as an energy generating unit. As of June 1, 2015, RPU Silver Lake is a steam-producing facility providing a contracted amount of steam to the Mayo Clinic campus for cogeneration needs. The fuel burned for steam production in the boilers is natural gas. In light of these emissions and operational changes, the MPCA analyzed options for reducing facility-specific SIP requirements in the City of Rochester maintenance area. The MPCA determined that title I SO_2 SIP permit conditions addressing the changed operations at RPU Silver Lake are stringent enough to ensure NAAQS compliance without continued inclusion of title I SO_2 SIP conditions for other facilities in the City of Rochester. For this reason, the MPCA is requesting that EPA approve a revision to Minnesota's SO_2 SIP for the City of Rochester, incorporating updated title I SO_2 SIP and certain PM_{10} SIP conditions for RPU Silver Lake and removing from the SIP all title I SO_2 SIP conditions associated with RPU Cascade Creek, Associated Milk Producers, St. Mary's, Olmsted WTE, Mayo, and IBM.

The previous RPU Silver Lake permit (No. 10900011–004) contained SIP requirements necessary to ensure compliance with SO_2 and PM_{10} NAAQS, and was approved into the SIP at 40 CFR 52.1220 on September 7, 2007. The most recent Major Amendment (DQ #5197) incorporates changes in operation and classification of the facility. Silver Lake was previously permitted to operate all four boilers (EU001–EU004) on coal and/or other fuels. The boilers were used for electrical generation and steam service. The facility ceased coal firing permanently in 2013. Two of the boilers (EU001 and EU004) have ceased operation and were officially retired at the end of 2015. Silver Lake will no longer produce electricity for sale and will operate its remaining units on natural gas only. Due to these changes, the MPCA seeks to remove all existing SO_2 SIP requirements from the Silver Lake permit and certain PM_{10} SIP requirements pertaining to coal-fired operations, and add new title I SIP conditions authorizing only natural gas as an acceptable fuel at the remaining boilers. Once approved by EPA, the SIP-allowable potential-to-emit (PTE) for Silver Lake will go from 6,220 tpy to 1.12 tpy of SO_2 and from 2,060 tpy to 14.2 tpy of PM_{10}. No construction or emissions increases are authorized by the permit action. The RPU Silver Lake permit (No. 10900011–005) was finalized and issued on November 25, 2015.

The MPCA also seeks to remove from the City of Rochester SO_2 maintenance SIP all incorporated title I SO_2 SIP conditions from 40 CFR part 52 subpart Y (52.1220) associated with the following facilities: RPU Cascade Creek (No. 10900020–003), Associated Milk Producers (No. 10900010–001), St. Mary's (No. 10900008–003), Olmsted WTE (No. 10900005–002), Mayo (No. 1148–83–OT–1 [10900019]), and IBM (No. 10900006–001).

III. What is EPA's analysis of the State's submittal?

Our primary consideration for determining the approvability of the Minnesota's revision to the Rochester SO_2 and Olmsted County PM_{10} maintenance plans in the SIP is whether these revisions comply with section 110(l) of the CAA. Section 110(l) of the CAA provides that EPA cannot approve a SIP revision if that revision interferes with any applicable requirement regarding attainment and reasonable further progress or any other requirement established in the CAA.

The EPA can, however, approve a SIP revision that removes or modifies control measures in the SIP once the state makes a ''noninterference'' demonstration that such removal or modification will not interfere with attainment of the NAAQS, or any other CAA requirement. Minnesota has evaluated the impacts of approving these revisions.

The current, SIP-limited PTE in the City of Rochester SO_2 maintenance area is 10,469.7 tpy. Table 2 shows the SIP-authorized PTE for the SIP facilities, as well as the unrestricted PTEs for the facilities proposed for removal. RPU Silver Lake is already operating in the capacity proposed for SIP approval (natural gas is currently approved as an allowable fuel in the SIP, and the facility is firing its two remaining boilers with natural gas), and as a result SO_2 emissions have dropped considerably. Emissions of SO_2 from 2013, the last year the RPU Silver Lake facility burned coal, were 554 tons; emissions from 2014 were less than 0.01 ton. Upon approval by EPA of the SIP revision and associated title I SO_2 SIP conditions, the facility's PTE will drop from 6,220 tpy SO_2 to 1.12 tpy SO_2.

A reduction of this magnitude (6218.88 tpy) more than offsets the amount of SIP-limited inventory from all other Rochester SIP facilities, with the current total SIP-limited PTE from all other SO_2 SIP sources totaling 4315.4 tpy. It is extremely unlikely that any of the remaining SIP facilities (or any facility in the City of Rochester) would ever seek to increase emissions to a level approaching that of the reduction resulting from the operational changes and SIP revision for RPU Silver Lake, even without title I SIP conditions included in their permits. Any facility seeking an increase in SO_2 emissions approaching the level of emissions reduced by RPU Silver Lake, would trigger Prevention of Significant Deterioration (PSD) requirements, presumably including modeling, ensuring protection of the NAAQS. Additionally, though an anti-backsliding demonstration must only ensure that the emissions reductions provided by the SIP revision are equivalent or greater to the emissions reductions originally provided by control being modified, *i.e.,* account for the ''SIP-creditable'' emissions reductions, Table I also shows that even the facilities' unrestricted PTE would not exceed the current SIP-limited

emissions inventory. In effect, it is not possible for the facilities to emit more SO_2 than is currently approved by the SIP. As noted in Table 1, in 2014 the seven current SIP sources together emitted approximately 58 tons of SO_2, with St. Mary's having the highest emissions of the seven, at just over 35 tons.

TABLE 2—ROCHESTER SIP POTENTIAL TO EMIT: SIP APPROVED AND UNRESTRICTED

Facility name	SIP approved permit No.	Current SIP-approved SO_2 PTE (tpy)	Unrestricted SO_2 PTE (tpy)
Associated Milk Producers	10900010–001	83.4	1,452
Franklin Heating Station (SIP requirements are in Mayo Medical Clinic Rochester 10900084).	1148–83–OT–1 [10900019]	3,867	3,947
IBM	10900006–001	99.0	425.2
Olmsted Waste-to-Energy Facility	10900005–002	102.3	137.2
Rochester Public Utilities—Cascade Creek	10900020–003	98.0	405
Rochester Public Utilities—Silver Lake	10900011–004	6,220	1.12 (facility remains in the SIP with new SIP-approved PTE).
St. Mary's Hospital	10900008–003	65.7	738.8
Total		10,535.4	7,106.32

The emissions demonstration above shows that emissions reductions from RPU Silver Lake are sufficient to ensure that the original SIP attainment/maintenance emissions inventory will not be exceeded by the facilities proposed for removal even operating at unrestricted PTE levels. The facilities proposed for removal from the Rochester SO_2 SIP however, will not operate at unrestricted PTE levels and will remain under the purview of the MPCA air quality permitting program, and as such, will be regulated at the state level. The NAAQS are an applicable requirement for all air emissions permits in Minnesota, and the MPCA maintains the authority in Minn. R. 7007.0500, subp. 1(E) and subp. 2(E), and 7007.0800, to require demonstrations of NAAQS compliance through permit actions.

Further, the facilities proposed for removal from the SIP have continued to reduce SO_2 emissions through the availability of cleaner fuels and efficiency improvements not required by the SIP. For example, IBM is constructing newer, more efficient boilers to replace certain boilers authorized under the SIP. This change will reduce their total facility limited PTE to 5.89 tpy SO_2. Additionally, Mayo has been authorized to use No. 6 fuel oil as a back-up fuel when natural gas was not available for three boilers; they now use No. 2 fuel oil as a backup for these boilers. The MPCA is currently processing a permit action to incorporate these changes, which will result in a new PTE of less than 127 tpy of SO_2—a significant reduction from their current SIP-authorized PTE of 3,867 tpy.

The SIP revision will result in an overall decrease of SIP-authorized emissions in the City of Rochester Maintenance area, and the most recent emission inventory data shows that actual emissions from the existing SIP sources are significantly lower than the SIP-authorized limits. This information, combined with the most recently available monitoring data [2] for the City of Rochester show that the SIP revision will not jeopardize continued attainment of the annual, 24-hour, and 3-hour SO_2 NAAQS addressed in the existing maintenance SIP, nor will it threaten attainment of the 2010 one-hour SO_2 NAAQS. The SIP revision will also result in a reduction of PM_{10} emissions in the existing PM_{10} maintenance SIP, thereby ensuring continued maintenance of the PM_{10} NAAQS.

EPA also examined whether the changes outlined in the SIP revision have interfered with attainment of other air quality standards. The City of Rochester is designated attainment for all other standards including ozone and nitrogen dioxide. EPA has no reason to believe that Minnesota's revision to the Rochester SO_2 and Olmsted County PM_{10} maintenance plans have caused or will cause the Rochester area to become nonattainment for any of these pollutants. In addition, EPA believes that the approval of Minnesota's revision to the Rochester SO_2 and Olmsted County PM_{10} maintenance plans will not interfere with the area's ability to meet any other CAA requirement. Based on the above discussion and the state's 110(l) demonstration, EPA believes that the updates to the Rochester SO_2 and Olmsted County PM_{10} maintenance plans will not interfere with attainment or maintenance of any of the NAAQS in the Rochester, MN area and would not interfere with any other applicable requirement of the CAA, and thus, is approvable under CAA section 110(l).

[2] In 2014, an SO_2 monitor was installed in the City of Rochester (EPA Air Quality System, or AQS no. 271–095–008). Monitoring data from 2014 captures the operational changes at RPU Silver Lake, and is generally reflective of the expected continued operation of the other SIP facilities in the City of Rochester. The low ambient air concentrations of SO_2 captured by the monitor indicate that the area is not likely to exceed any of the existing SO_2 NAAQS.

IV. What action is EPA taking?

EPA is approving a revision to the Rochester SO_2 and Olmsted County PM_{10} SIPs, as submitted by MPCA on December 11, 2015. The revision will consolidate existing permanent and enforceable SO_2 and PM_{10} SIP conditions into the RPU Silver Lake facility's joint title I/title V SIP document. In addition, the revision will simultaneously remove all existing title I SIP conditions from the remaining six facilities (RPU Cascade Creek, Associated Milk Producers, St. Mary's, Olmsted WTE, Mayo, and IBM) from the Rochester SO_2 SIP. We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective May 9, 2017 without further notice unless we receive relevant adverse written comments by April 10, 2017. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will

withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective May 9, 2017.

V. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Minnesota Regulations described in the amendments to 40 CFR part 52 set forth below. Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[3] EPA has made, and will continue to make, these documents generally available through *www.regulations.gov,* and/or at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 9, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Sulfur oxides, Particulate matter.

Dated: December 29, 2016.

Robert Kaplan,

Acting Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

■ 2. In § 52.1220, the table in paragraph (d) is amended by:

■ i. Removing the entries for ''Associated Milk Producers'' (10900010–001), ''Franklin Heating Station'' (1148–83–OT–1 [10900019]), ''International Business Machine Corp., IBM—Rochester'' (10900006–001), ''Olmsted County, Olmsted Waste-to-Energy Facility'' (10900005–002), ''Rochester Public Utilities, Cascade Creek Combustion'' (10900020–003), and ''St. Mary's Hospital'' (10900008–003).

■ ii. Revising the entry for ''Rochester Public Utilities, Silver Lake Plant'' to read as follows:

[3] 62 FR 27968 (May 22, 1997).

§ 52.1220 Identification of plan.

* * * * *

(d) * * *

EPA—APPROVED MINNESOTA SOURCE-SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Comments
*	*	*	*	* * *
Rochester Public Utilities, Silver Lake Plant.	10900011–005	11/25/15	3/10/17, [Insert **Federal Register** citation].	Only conditions cited as "Title I Condition: 40 CFR Section 50.4, SO_2 SIP; Title I Condition: 40 CFR pt. 52, subp. Y" and "Title I Condition: 40 CFR Section 50.6, PM_{10} SIP; Title I Condition: 40 CFR pt. 52, subp. Y".
*	*	*	*	* * *

* * * * *

[FR Doc. 2017–04694 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0399; FRL–9958–11–Region 9]

Air Plan Approval; Nevada, Lake Tahoe; Second 10-Year Carbon Monoxide Limited Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a state implementation plan (SIP) revision submitted by the State of Nevada ("State"). On April 3, 2012, the State of Nevada submitted to the EPA a second 10-year limited maintenance plan (LMP) for the Lake Tahoe Nevada Area ("Area") for the carbon monoxide (CO) national ambient air quality standards (NAAQS or "standards"). This LMP addresses maintenance of the CO NAAQS for a second 10-year period beyond the original 10-year maintenance period. On August 26, 2016, the State amended the 2012 submittal with a supplemental SIP submittal ("2016 supplement" or "supplement"). The EPA is also approving the 2011 emissions inventory, the 2024 projected emissions inventory and the revised alternative monitoring strategy included with the 2016 supplement. We are taking these actions under the Clean Air Act (CAA or "Act").

DATES: This rule is effective on May 9, 2017 without further notice, unless the EPA receives adverse comments by April 10, 2017. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2015–0399 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: John Kelly, Planning Office (Air-2), Air Division, Region IX, Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105, (415) 947–4151, *kelly.johnj@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us," and "our" refer to the EPA.

Table of Contents

I. Background
- A. Lake Tahoe Nevada Area's CO Limited Maintenance Plan
- B. Alternative CO Monitoring Strategy
- C. Adjacent Maintenance Areas in California
- D. Transportation Conformity

II. The EPA's Evaluation of Nevada's Submittal
- A. Ambient Air Quality Monitoring Data
- B. Alternative Monitoring Strategy
- C. Attainment Emissions Inventory
- D. Maintenance Demonstration
- E. Transportation Conformity
- F. Ambient Air Quality Monitoring Network
- G. Verification of Continued Attainment
- H. Contingency Plan

III. Public Comment and Final Action

IV. Statutory and Executive Order Reviews

I. Background

A. Lake Tahoe Nevada Area's CO Limited Maintenance Plan

Under the CAA Amendments of 1990, the Lake Tahoe Nevada Area was designated as nonattainment and classified as a "not classified" CO area. This was because the Area had been designated as nonattainment before November 15, 1990, the date of enactment, but had not violated the CO NAAQS in 1988 and 1989, prior to enactment. *See* 56 FR 56694 (November 6, 1991). On October 27, 2003, the State of Nevada submitted a request to the EPA to redesignate the Area from nonattainment to attainment for the CO NAAQS. Along with this request, the State submitted a CAA section 175A(a) LMP that demonstrated that the Area would maintain the CO NAAQS for 10 years following our approval of the redesignation request. A LMP is an option whereby an area's maintenance demonstration is considered to be satisfied for "not classified" areas if the monitoring data show the design value is at or below 7.65 parts per million (ppm), or 85 percent of the level of the 8-hour CO NAAQS.[1] We approved the

[1] *See* the EPA guidance memorandum, "Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas," from Joseph Paisie, Group Leader, Integrated Policy and Strategies Group, Office of Air Quality Planning and Standards (OAQPS), to Air Branch Chiefs, October 6, 1995

Continued

State's redesignation request and 10-year LMP on December 15, 2003, effective February 13, 2004. *See* 68 FR 69611 (December 15, 2003).

Eight years after the EPA redesignates an area to attainment, CAA section 175A(b) requires the state to submit to the EPA a subsequent maintenance plan covering a second 10-year period.[2] This second maintenance plan must demonstrate continued compliance with the NAAQS during this second 10-year period. To fulfill this requirement of the CAA, the State submitted to the EPA on April 3, 2012, the second 10-year update of the Area's CO maintenance plan titled ''2012 Revision to the Nevada State Implementation Plan: Updated Limited Maintenance Plan for the Nevada Side of the Lake Tahoe Basin, Including Douglas, Carson City and Washoe Counties'' (hereinafter, ''2012 plan'' or ''plan''). On August 26, 2016, the State amended the plan with a supplemental submittal. With this action, we are approving the 2012 plan, as amended by the 2016 supplement.

The 8-hour CO NAAQS of 9.0 ppm is attained when such value is not exceeded more than once a year. *See* 40 CFR 50.8(a)(1). The Lake Tahoe Nevada Area has attained the 8-hour CO NAAQS from 1979 to the present. According to the CO LMP guidance, areas that have design values (2nd highest maximum CO concentration) at or below 7.65 ppm (that is, at or below 85 percent of the 8-hour CO NAAQS) for eight consecutive quarters qualify to use the LMP option. The Area qualified for and used the EPA's CO LMP option for the first 10-year maintenance period. *See* 68 FR 69611. For the 2012 plan, the State again used the LMP option to demonstrate continued maintenance of the CO NAAQS in the Area. We have determined that the Area continues to qualify for the LMP option because the design value at the time the State adopted the plan was 3.1 ppm, based on eight consecutive quarters of certified data from 2010 and 2011.[3]

B. Alternative CO Monitoring Strategy

The State's 2012 plan included notification to the EPA that the State intended to discontinue monitoring for CO at the Stateline, Nevada location and that the State would submit a separate request to discontinue CO monitoring. The 2012 plan included the State's alternative monitoring strategy for monitoring continued attainment of the CO NAAQS in the Area. The State submitted the alternative monitoring strategy to enable it to conserve resources by discontinuing the only remaining gaseous CO ambient monitor in the Lake Tahoe basin (''basin''). The State's alternative monitoring strategy relies on vehicle counts collected from automatic traffic recorders in the Area. Gaseous CO ambient monitoring is triggered when a specified level of higher vehicle counts is exceeded.

Shortly after its submittal of the 2012 plan, the State submitted a request to discontinue the CO monitor located at Harvey's Resort and Hotel in Stateline, Nevada (hereinafter, the ''Harvey's monitor'').[4] This action does not address the State's request to discontinue the Harvey's monitor. The EPA intends to respond to the State's request in a future action. In 2016, the State submitted the supplement to include, among other things, a revised alternative CO monitoring strategy.

C. Adjacent Maintenance Areas in California

In addition to the Lake Tahoe Nevada Area, there are two adjacent CO maintenance areas to the west just over the Nevada-California state line. These two areas occupy the remainder of the basin on the California side. The Lake Tahoe North Shore area and the Lake Tahoe South Shore area are both California maintenance areas for CO. In 1998, the EPA redesignated both areas to attainment and approved maintenance plans for each as revisions to the California SIP. *See* 63 FR 15305 (March 31, 1998). At the conclusion of their initial 10-year maintenance period, the EPA approved second 10-year maintenance plans for each area as a revision to the California SIP, effective January 30, 2006. *See* 70 FR 71776 (November 30, 2005). The second 10-year maintenance plans for each of the two California areas demonstrated maintenance through 2018.

D. Transportation Conformity

Section 176(c) of the Act defines conformity as meeting the SIP's purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards. The Act further defines transportation conformity to mean that no federal transportation activity will: (1) Cause or contribute to any new violation of any standard in any area; (2) increase the frequency or severity of any existing violation of any standard in any area; or (3) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area. The federal transportation conformity rule (*i.e.,* 40 CFR part 93 subpart A) sets forth the criteria and procedures for demonstrating and assuring conformity of transportation plans, programs and projects that are developed, funded or approved by the U.S. Department of Transportation, and by metropolitan planning organizations or other recipients of federal funds under Title 23 U.S.C. or the Federal Transit Laws.

The transportation conformity rule applies within all nonattainment and maintenance areas for transportation-related criteria pollutants. *See* 40 CFR 93.102(b). As prescribed by the transportation conformity rule, once an area has an applicable SIP with motor vehicle emissions budgets (MVEBs or ''budgets''), the expected emissions from planned transportation activities must be consistent with such established budgets for that area.

II. The EPA's Evaluation of Nevada's Submittal

The following are the key elements of an LMP for CO: Attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment, contingency plan, and conformity determinations.[5] The 2012 plan contains the following sections to address these elements: (1) An introductory section containing a general discussion of plan approvals for the Area and its redesignation to attainment; (2) a maintenance plan section including subsections on monitoring data for the Area, air quality trends and background on the State's intention to discontinue monitoring CO at the Harvey's site; (3) a section titled ''Verification of Continued Attainment'' that addresses population change, traffic volumes, meteorology and the State's

(''CO LMP guidance''). Also note that the EPA uses the terms ''nonclassifiable'' and ''not classified'' interchangeably with respect to CO nonattainment areas. *See e.g.,* 57 FR 13498, 13535 (April 16, 1992).

[2] In this case, the initial maintenance period extended through 2014. Thus, the second 10-year period extends through 2024.

[3] *See* Table 2. Additionally, according to the CO LMP guidance, an area using the LMP option must continue to have a design value ''at or below 7.65 ppm until the time of final EPA action on the redesignation.'' *See* CO LMP guidance, page 2. Although this action is not a redesignation but merely approval of a second 10-year maintenance plan, we note that the Area would meet this requirement if it applied, even with the higher design value (*i.e.,* 5.4 ppm for 2011–2012) measured after the State submitted the 2012 plan to the EPA.

[4] The State's request to discontinue CO monitoring for the Lake Tahoe Nevada Area was submitted to the EPA on April 25, 2012. *See* letter from Rob Bamford, Chief, Bureau of Air Quality Planning, Division of Environmental Protection, Department of Conservation and Natural Resources, State of Nevada, to Matthew Lakin, Chief, Air Quality Analysis Office, Air Division, U.S. EPA Region 9, subject ''Discontinuation of the SLAMS CO Monitor at Harvey's Resort and Hotel, Stateline, Nevada (AQS ID #32–005–0009–4201–1).''

[5] *See* CO LMP guidance, pp. 3–5.

surrogate monitoring method; (4) contingency measures for the Area; and (5) transportation conformity requirements.

The 2016 supplement revises several sections of the 2012 plan and contains an emissions inventory. Below, we describe our evaluation of the 2012 plan and 2016 supplement as they pertain to each of the required LMP elements.

The EPA evaluation sections that follow appear generally in the order of appearance of each section in the State's 2012 plan. Exceptions include the monitoring data, which the EPA includes first to provide background and context for the State's submittal, and the emissions inventory. The inventory is the first element listed in the CO LMP guidance. It wasn't submitted as part of the 2012 plan but was included in the 2016 supplement.

A. Ambient Air Quality Monitoring Data

As noted previously, the primary NAAQS for CO are: 9 ppm (or 10 milligrams per cubic meter) for an 8-hour average concentration not to be exceeded more than once per year and 35 ppm (or 40 milligrams per cubic meter) for a 1-hour average concentration not to be exceeded more than once per year. *See* 40 CFR 50.8(a).

The 2012 plan includes a summary of 8-hour CO design values for the years 1975 to 2011, the year prior to the State's submittal of the plan. *See* 2012 plan, Table 2, pp. 5–6. Table 1 shows the complete, quality assured and certified ambient air monitoring design values for CO for the years 1998 to 2012.[6] The first maintenance plan for the Area covered the years 2004 to 2014. The 2012 plan covers the years 2014 to 2024. The year 2012 is the last year for which we have complete, quality assured and certified design values for CO in the Area.

Since 1984, no Lake Tahoe Nevada Area CO monitor has registered an 8-hour design value greater than 6.6 ppm,[7] which is 73 percent of the 9 ppm NAAQS, and since 2005, no monitor has registered a design value greater than 5.4 ppm, 60 percent of the NAAQS.[8] The EPA also notes that the Area never violated the 1-hour CO NAAQS.

TABLE 1—CARBON MONOXIDE DESIGN VALUES FOR LAKE TAHOE NEVADA AREA, 1998–2012

Years	Design value (ppm)	
	1-hour	8-hour
1998–99	9.5	4.3
1999–00	12.1	4.3
2000–01	12.1	4.2
2001–02	13.2	6.1
2002–03	13.2	6.5
2003–04	11.2	6.5
2004–05	9.4	4.4
2005–06	7.8	3.6
2006–07	7.5	3.7
2007–08	7.5	3.7
2008–09	7.6	2.6
2009–10	7.6	3.1
2010–11	6.8	3.1
2011–12	9.2	5.4

B. Alternative Monitoring Strategy

Citing the consistently low CO monitor values described above, and expressing a desire to conserve monitoring resources, the State requested in an April 25, 2012 letter that the EPA allow discontinuation of ambient air CO monitoring in the Lake Tahoe Nevada Area and instead use a surrogate monitoring method for monitoring maintenance of the CO NAAQS (''surrogate method'' or ''surrogate'').[9] This surrogate method was initially set forth in the 2012 plan. In its 2016 supplement, the State replaced the section on its surrogate monitoring method described in the 2012 plan. *See* 2012 plan, section 3.2.4 on page 14 titled ''Surrogate Monitoring Method,'' and 2016 supplement, section I, titled ''Revision to Section 3.2.4 of the 2012 CO LMP,'' on page 1.

Under the EPA's monitoring regulations, a State and Local Air Monitoring Station may be discontinued if the monitor in question has not measured violations of the applicable NAAQS in the previous five years, and the approved SIP provides for a specific, reproducible approach to representing the air quality of the affected county in the absence of actual monitoring data. *See* 40 CFR 58.14(c)(3). Accordingly, the EPA has evaluated whether the surrogate method constitutes a specific, reproducible approach to representing the air quality of the Lake Tahoe Nevada Area.[10] As noted previously, the State's surrogate method relies on vehicle counts in the Area. The State reasons that motor vehicles are the major contributor to CO pollution in the Area and that vehicle miles traveled (VMT) is an indicator of growth and can therefore be used as a surrogate for monitoring of CO.[11] In particular, the State points to the long-term downward trend in both CO design values and annual average daily traffic (AADT) over the 2001–2010 period.[12] Citing in the supplement the potential for high ambient air CO concentrations during winter months, the State presents a surrogate approach that uses monthly average daily traffic counts (MADT) during the CO ''season'' months (*i.e.,* October 1 to March 31).

Although both VMT and AADT are measures of traffic volume, AADT has the advantage in representing air quality in that it is measured in the Area on a daily basis and at two locations. While the State chose, in the 2012 plan, to use annual AADT as the measure of traffic volume, in the 2016 supplement the State chose to use the more narrowly focused MADT, calculated from traffic counts during the CO season. The State will perform an annual review utilizing MADT counts collected in the Area by the Nevada Department of Transportation's permanent automatic traffic recorders in Incline Village, NV to the north, and Stateline, NV to the south.

In the supplement, the State lists seasonal MADT levels measured at these two traffic monitors from 2008 to 2015. *See* Table 2. Baseline MADT levels for each site are calculated using the average of 2008–2009, 2009–2010 and 2010–2011 seasonal MADT levels. These baseline levels are 24,201 for Stateline and 10,260 for Incline Village. Each spring, the State will compare the latest rolling 3-year average MADT levels to those baselines and report the results to the EPA in the Area's annual monitoring network plan.[13]

[6] Design values were derived from EPA's Air Quality System. For 1-hour CO design values, see the Lake Tahoe Nevada 1-Hour CO 1975–2013 Maximum Values Report, dated September 26, 2016. For 8-hour CO design values, see the Lake Tahoe Nevada 8-Hour CO 1975–2013 Maximum Values Report, dated September 21, 2016. Design values for each two-year period were derived from the annual values shown in these reports.

[7] *See* 2012 plan, Table 2, pp. 5–6.

[8] *See* 2012 plan, Table 2, pp. 5–6. *See also* Table 1.

[9] *See* footnote 4.

[10] The EPA will evaluate whether the Harvey's monitor has measured violations of the applicable NAAQS in the previous five years when we take a separate action to approve or disapprove the State's request to discontinue the Harvey's monitor under 40 CFR 58.14(c).

[11] The 2001 emissions inventory prepared by NDEP for the original redesignation request and maintenance plan estimated actual emissions during the peak CO season (specifically, the month of January) from mobile sources, including on-road and non-road vehicles. Stationary and area sources were not included in the inventory but are considered *de minimis* considering the lack of industrial activity in the area and the small residential population. Therefore, the vehicle count is a reasonable surrogate for overall CO emissions in the area.

[12] *See* 2012 Lake Tahoe plan, pp. 11–12.

[13] The Nevada Division of Environmental Protection (NDEP) submitted AADT reports in a supplement to their ANPs for the initial maintenance years 2012, 2013 and 2014 in a letter. *See* letter, Phillip W. Shoopman, P.E., Chief, Bureau of Air Quality Planning, NDEP, to Meredith Kurpius, Chief, Air Quality Analysis Office, Air Division, U.S. EPA Region 9, dated July 22, 2015. Henceforth the NDEP commits to submit annual

Continued

TABLE 2—SEASONAL MADT COUNTS FOR LAKE TAHOE NEVADA AREA, 2008–2015

	Stateline, NV	Incline Village, NV
2008–2009 Season	24,791	10,276
2009–2010 Season	24,212	10,109
2010–2011 Season	23,600	10,396
2011–2012 Season	23,122	10,125
2012–2013 Season	22,848	10,154
2013–2014 Season	23,333	10,348
2014–2015 Season	24,319	10,618
Baseline (average of 2008–11)	24,201	10,260
Initial Trigger (baseline plus 25 percent)	30,251	12,825

As an initial matter, if the State's annual MADT report shows an average at either site that is 25 percent or more above the baseline at that site (that is, equal to or greater than 30,251 for Stateline and 12,825 for Incline Village), the State will conduct, concurrent with continued MADT counting, ambient CO monitoring at the Harvey's monitor during the following CO season. The State commits to retain the Harvey's monitor site intact so that ambient monitoring can be resumed soon after being triggered. *See* 2016 supplement, page 2. These levels (*i.e.,* 30,251 for Stateline and 12,825 for Incline Village) represent the initial ''trigger'' for ambient air quality monitoring. Once triggered, the State will determine whether to continue ambient air monitoring. The State has developed a matrix for this purpose. *See* Table 3.

After the initial trigger and upon discontinuation of the first instance of ambient air monitoring that it triggered, the State identifies subsequent, incrementally larger triggers for future ambient air monitoring that would then apply. These subsequent triggers would apply at incremental 5 percent MADT average levels above the first trigger. That is, after the initial trigger where MADT exceeds 25 percent of the baseline, ambient monitoring would be triggered a second time if the Area measured more than 30 percent above the MADT baseline, and then again at 35 percent, etc.

It is important to note that the trigger levels to initiate ambient air monitoring are independent of the matrix table for continued air monitoring, and that the triggering MADT level will be followed by a new rolling average MADT by the time monitoring of the subsequent CO season is complete. To illustrate, the initial MADT trigger in CO season 1 requires air monitoring in CO season 2. MADT monitoring continues during CO season 2 (and throughout the maintenance period). The State then has two possible triggers for ambient air monitoring in season 3. First, if the MADT level in season 2 is higher than baseline plus 25 percent, plus 5 percent, the State will monitor ambient air in season 3. Independent of that, however, the criteria in Table 3 could indicate *continued* air monitoring. To emphasize this point, we note that even a MADT level 20 percent above baseline can trigger continued ambient air monitoring in season 3 (or in any maintenance period CO season, where ambient air monitoring was performed in the prior season), if season 2 air monitoring yielded concentrations in excess of 75 percent of the CO NAAQS.

The decision matrix in Table 3 provides conditions for discontinuing ambient air monitoring, once such monitoring is triggered, in order to return to a surrogate-only approach. The matrix is structured such that, if the MADT rises above the baseline and the 2nd-high CO concentration also rises to approach the level of the standard, ambient air monitoring is continued during the next CO season. Conversely, as MADT and CO concentrations decline, the State would rely on the MADT surrogate method alone. This approach minimizes the amount of ambient air monitoring needed and State resources used in such monitoring when CO concentrations are low with respect to the standard, while ensuring that ambient air quality is directly monitored when conditions indicate that concentrations may be trending to elevated levels closer to the standard.

TABLE 3—DECISION MATRIX TO DETERMINE WHETHER TO CONTINUE CO MONITORING *

Percent change in 3-year rolling average seasonal MADT from the baseline	2nd-high 8-hour average CO concentration as percent of NAAQS			
	≤50	>50 but ≤65	>65 but ≤65	>75
≤20	S	S	S	M
>20 but ≤25	S	S	M	M
>25 but ≤30	S	M	M	M
>30	S	M	M	M

Source: *see* 2016 supplement, Table 6, page 3.

Key: S = surrogate method only; M = monitoring of ambient air continues in following CO season (in addition to ongoing MADT surrogate method).

* Assumes ambient air monitoring has been triggered. This matrix is used to determine whether the State will continue ambient air monitoring, once triggered.

If the MADT review or the decision matrix indicates that ambient air quality monitoring must be performed, the monitoring data will be submitted to the EPA's Air Quality System. *See* Supplement, page 2. The State will

AADT reports as part of their ANP for the Area. The July 2015 ANP supplement shows that three-year average AADT levels for 2009–2011, 2010–2012, 2011–2013 and 2012–2014 were all below the 2008–2010 baseline level at both AADT station (Stateline and Incline Village). Therefore ambient air monitoring was not triggered.

include in its Annual Network Plan (ANP) a report on MADT, as previously stated. After the initial CO season air monitoring is completed, the State will summarize the results of such monitoring in the next ANP.

Also, in each instance where ambient air monitoring has been triggered by MADT levels, once the ambient air monitoring has been performed during the next CO season, the State will also include in its ANP the results of its assessment of which conditions in the matrix apply so as to determine whether to continue ambient air monitoring. If such monitoring is indicated, the State would conduct the air monitoring and then again report in the following ANP the results of its assessment with regard to the air monitoring performed and which conditions of the matrix apply.

We note that the Area benefits from the adjacent Lake Tahoe North Shore and the Lake Tahoe South Shore maintenance areas on the CA side of the basin. In both of these areas, the State of California's ongoing motor vehicle program continues to be implemented, including the State's low-emission vehicles and clean fuels programs.[14]

The EPA finds that the Nevada Division of Environmental Protection's (NDEP) surrogate monitoring method constitutes a specific, reproducible approach to representing the air quality of the Area. Specific traffic volume targets are listed by the State, and comparison of future traffic volumes to the trigger volumes are reproducible in that the State is using data from permanent traffic counters and comparing that data to specific percent-above-baseline MADT trigger levels. If air monitoring is triggered, the matrix provides a specific set of conditions for the State to determine whether to continue air monitoring.

Given the long history of low CO concentrations in the Area, the relationship between CO levels and MADT and the triggers for both re-starting ambient air monitoring and, once re-started, to discontinue that monitoring, the EPA considers NDEP's surrogate to be adequate to represent CO concentrations in the Area. We also note that the EPA has previously approved similar traffic volume-based monitoring alternatives for CO in other LMPs.[15] Accordingly, the EPA is approving the surrogate monitoring method into the Nevada SIP.

C. Attainment Emissions Inventory

For maintenance plans, a state should develop a comprehensive, accurate inventory of actual emissions for an attainment year to identify the level of emissions that are sufficient to maintain the NAAQS. A state should develop this inventory consistent with the EPA's most recent guidance on emissions inventory development. For CO, the inventory should reflect typical wintertime conditions. Further, the EPA's CO LMP guidance recommends that an LMP include an attainment emissions inventory that represents emissions during the time period associated with the monitoring data showing attainment.[16] The NDEP submitted such an inventory for 2001 as part of the original Lake Tahoe Nevada Area redesignation request and maintenance plan that the EPA approved in 2003.[17] The NDEP did not include an attainment emissions inventory in the 2012 plan. They reasoned it wasn't needed because they provide CO point source emissions data to the EPA as part of the National Emission Inventory (NEI) process each year and submits emissions model inputs that enable EPA to develop a comprehensive emissions inventory every third year.

Subsequently however, in its 2016 supplement, the NDEP provided the EPA with a 2011 emissions inventory for the Area. The Area continued to maintain the NAAQS in 2011, immediately prior to submittal of the 2012 plan (*see* Table 1) and, as such, 2011 is an appropriate year for which to provide the EPA with an emissions inventory in support of the second maintenance plan.

The supplement also provided a projected emissions inventory for 2024, with a least conservative and most conservative projection. As noted in the supplement, mobile sources account for the vast majority of CO emissions in the Area. The State's initial 10-year maintenance plan included an emissions inventory for onroad and nonroad mobile sources.[18] Therefore, the supplement provides a similar inventory for the second 10-year maintenance plan.[19]

Starting with the NEI CO emissions in 2011 for Carson City, Douglas and Washoe counties, each of which accounts for a portion of the basin, the State developed a 2011 inventory for the Area. The NEI provides countywide annual emissions for both onroad and nonroad source categories. The State adjusted NEI annual emissions from the three counties to represent the Area's emissions by applying ratios of either county-to-area VMT (for onroad) or county-to-area population (for nonroad), and then adjusted the resulting Area annual emissions to seasonal emissions. In order to provide a sense of trending emissions over time, the State used the same methodology to provide emissions inventories for the Area for 2002, 2005 and 2008, and also presented the emissions for 2001 from the Area's first 10-year maintenance plan.

The State also prepared a future year inventory for 2024, the last year of the second 10-year maintenance plan. The State developed the projected inventory with input and data from the Tahoe Regional Planning Agency (TRPA). TRPA used a travel demand model to estimate both 2010 and 2020 AADT under five development scenarios. The State used the difference between the AADT for 2010 and 2020 to develop onroad emissions inventories from 2011 to 2024 for the five TRPA development scenarios, resulting in a ''least-conservative'' and a ''most-conservative'' projection of emissions in 2024.

Table 4 is the summary of mobile source emissions inventories between 2001 and 2024, contained in the 2016 supplement. *See* 2016 supplement, Appendix A, page A–6. As shown in Table 4, the State estimates both that emissions in 2011 were 23 percent lower than in 2001, and that emissions in 2024 are projected to be between 13 percent and 25 percent lower than in 2001. These declining emissions levels are consistent with the traffic-based methodology the State chose for its surrogate method to monitor air quality in the Area.

[14] *See* 2012 Lake Tahoe plan, p. 12.

[15] *See, e.g.,* final approval of LMP and alternative monitoring strategy for Billings, Montana CO maintenance area, 80 FR 16571 (March 30, 2015); final approval of LMP and alternative monitoring strategy for Great Falls, Montana CO maintenance area, 80 FR 17331 (April 1, 2015).

[16] *See* CO LMP guidance, page 3.

[17] *See* 68 FR 69611, 69614 (December 15, 2003).

[18] *See* 68 FR 69611, 69615 (December 15, 2003).

[19] The State included an attachment to its 2016 supplement titled ''Mobile Source Emissions Inventory and Future Year Projections for the 2012 Lake Tahoe Basin Carbon Monoxide Limited Maintenance Plan,'' and requested that the EPA append the attachment to its 2012 plan. *See* 2016 Supplement, page 4 and Attachment A.

TABLE 4—LAKE TAHOE NEVADA AREA CO SEASON MOBILE EMISSIONS INVENTORY

[Tons per year]

Year	2001	2002	2005	2008	2011	2024_{LC}	2024_{MC}
Onroad Emissions	5,832	5,832	5,766	3,496	4,529	4,396	5,089
Nonroad Emissions	375	375	323	252	207	178	190
Total Emissions	6,207	6,207	6,089	3,748	4,736	4,574	5,279

Key: LC = least conservative; MC = most conservative.
Source: 2016 supplement, page A–6.

The EPA finds that the attainment emissions inventory in the 2012 plan, as amended by the 2016 supplement, is adequate.

D. Maintenance Demonstration

We consider the maintenance demonstration requirement to be satisfied for areas that qualify for and use the LMP option.[20] As mentioned above, a maintenance area is qualified to use the LMP option if that area's maximum 8-hour CO design value for eight consecutive quarters does not exceed 7.65 ppm (85 percent of the CO NAAQS). EPA maintains that if an area begins the maintenance period with a design value no greater than 7.65 ppm, the combination of prevention of significant deterioration permit requirements, the control measures already in the SIP, and federal measures should provide adequate assurance of maintenance over the 10-year maintenance period. Therefore, the EPA does not require areas using the LMP option to project emissions over the maintenance period. Because CO design values in the Lake Tahoe Nevada Area are consistently well below the LMP threshold (*see* Table 1), the EPA finds that the State has adequately demonstrated that the Area will continue to maintain the CO NAAQS in the future.

E. Transportation Conformity

Transportation conformity is required by section 176(c) of the CAA. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS. *See* CAA section 176(c)(1)(B). The EPA's conformity rule at 40 CFR part 93, subpart A requires that transportation plans, programs and projects conform to SIPs and establish the criteria and procedures for determining whether or not they conform. To effectuate its purpose, the conformity rule generally requires a demonstration that emissions from the Regional Transportation Plan (RTP) and the Transportation Improvement Program (TIP) are consistent with the MVEB contained in the control strategy SIP revision or maintenance plan. *See* 40 CFR 93.101, 93.118, and 93.124. An MVEB is defined as the level of mobile source emissions of a pollutant relied upon in the attainment or maintenance demonstration to attain or maintain compliance with the NAAQS in the nonattainment or maintenance area.[21]

However, under the CO LMP guidance and the EPA's conformity rule, budgets are treated as essentially not constraining for the length of the maintenance period. While the guidance does not exempt an area from the need to determine conformity, it explains that the area may demonstrate conformity without submitting a MVEB because it is unreasonable to expect that an LMP area will experience so much growth in that period that a violation of the CO NAAQS would result.[22] Therefore, for the Lake Tahoe Nevada Area, all actions that require conformity determinations for CO under our conformity rule provisions are considered to have already satisfied the regional emissions analysis and budget test requirements in 40 CFR 93.118.[23] However, since LMP areas are still maintenance areas, certain aspects of transportation conformity determinations still will be required for transportation plans, programs and projects. Specifically, for such determinations, RTPs, TIPs and projects must still demonstrate that they are fiscally constrained (*see* 40 CFR 93.108) and that they meet the criteria for consultation and Transportation Control Measure implementation (*see* 40 CFR 93.112 and 40 CFR 93.113, respectively). In addition, projects in LMP areas are required to meet the applicable criteria for CO hot spot analyses to satisfy project level conformity determinations (*see* 40 CFR 93.116 and 40 CFR 93.123), which must also incorporate the latest planning assumptions and models available (*see* 40 CFR 93.110 and 40 CFR 93.111, respectively).[24]

Our approval of the 2012 plan, as amended by the 2016 supplement, effectively affirms our adequacy finding[25] such that no regional emissions analyses for future transportation CO conformity determinations are required for the CO LMP period and beyond. The other transportation conformity requirements listed above continue to apply.

F. Ambient Air Quality Monitoring Network

As noted previously, the EPA is approving the State's surrogate monitoring method for the Lake Tahoe Nevada Area as part of this action. We conclude that this method is adequate to verify continued attainment of the CO NAAQS in the Lake Tahoe Nevada Area. Accordingly, we find that the 2012 plan contains adequate monitoring provisions.

Prior to making their submittal of the 2012 plan, the State ran a CO monitoring network that consisted of the Harvey's monitor. The State provided ANPs to the EPA according to requirements in 40 CFR part 58.[26] The EPA approved these ANPs.[27] The EPA also performed Technical System

[20] *See* CO LMP guidance, page 3.

[21] Further information concerning the EPA's interpretations regarding MVEBs can be found in the preamble to the EPA's November 24, 1993, transportation conformity rule. *See* 58 FR 62193—62196 (November 24, 1993).

[22] *See* CO LMP guidance, p. 4. *See also* 69 FR 40004, page 40063 (July 1, 2004), explaining revisions to make the conformity rule consistent with the EPA's existing limited maintenance plan policies.

[23] *See* 40 CFR 93.109(e).

[24] *See* 40 CFR 93.109(b), Table 1.

[25] *See* 68 FR 69611 (December 15, 2003).

[26] There are four ANPs relevant to this action, covering each of the three years prior to submittal of the 2012 plan, as well as the year 2012, the last year that the State monitored CO in the Area. *See* NDEP's ANPs for years 2009, 2010, 2011 and 2012.

[27] The EPA sent NDEP approval letters pertaining to 2009, 2010, 2011 and 2012 ANPs. *See* letters from Joseph Lapka, Acting Chief, Air Quality Analysis Office, U.S. EPA Region 9 Air Division, to Leo Drozdoff, Administrator, NDEP, dated October 30, 2009; from Matthew Lakin, Air Quality Analysis Office, U.S. EPA Region 9 Air Division, to Greg Remer, Chief, Bureau of Air Quality Planning, NDEP, dated November 1, 2010; from Matthew Lakin, Air Quality Analysis Office, U.S. EPA Region 9 Air Division, to Rob Bamford, Chief, Bureau of Air Quality Planning, NDEP, dated November 1, 2011; and from Matthew Lakin, Air Quality Analysis Office, U.S. EPA Region 9 Air Division, to Rob Bamford, Chief, Bureau of Air Quality Planning, NDEP, dated February 28, 2013, respectively.

Audits (TSAs) on a periodic basis. The last TSA the EPA performed for NDEP that included CO was in 2011 (''2011 TSA Report'').[28] In the 2011 TSA Report, the EPA made no findings specific to CO.[29]

G. Verification of Continued Attainment

The CO LMP guidance indicates that an LMP should contain provisions for continued operation of ''an appropriate, EPA-approved air quality monitoring network'' in the maintenance area, in accordance with 40 CFR part 58 (the EPA's air quality monitoring regulations). The guidance explains that verifying continued maintenance is especially important for an LMP since the area will not have a cap on emissions.[30]

The Lake Tahoe Nevada Area has discontinued air quality monitoring for CO. In today's action, the EPA is approving, in accordance with part 58, a surrogate CO monitoring method that relies on traffic counts. Since 2012, when air quality monitoring was discontinued, reports for traffic counts in the Area have shown no significant (25 percent or greater) increase. The State commits to maintaining readiness of the Harvey's monitoring site during the maintenance period, in case air monitoring is triggered by traffic counts. The State further has provided a decision matrix for continued operation of the monitor, in the event that either CO concentrations or traffic counts are elevated, in order to ensure both that any violation of the CO NAAQS is monitored directly, as well as to ensure that contingency measures are implemented at the level approved in the first 10-year maintenance plan, at 85 percent of the NAAQS. The State has already commenced, and commits to continue during the maintenance period, reporting annually to the EPA the traffic counts in north and south portions of the Area. The EPA therefore determines that the LMP satisfies this element of the CO LMP guidance.

H. Contingency Plan

Section 175A(d) of the CAA requires that a maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of an area. Under 175A(d), contingency measures do not have to be fully adopted at the time of redesignation. However, the contingency plan is considered to be an enforceable part of the SIP and should ensure that the contingency measures are adopted expeditiously once they are triggered by a specific event. The EPA's CO LMP guidance recommends that, to meet the contingency plan requirement, a state should identify appropriate contingency measures along with a schedule for the development and implementation of such measures.[31]

The State's contingency plan for the Area was approved in the first 10-year LMP. Section 4 of the 2012 plan addresses a contingency plan for the Area for the second 10-year maintenance period. However, the 2016 supplement requests that the EPA replace section 4 of the 2012 plan with a paragraph in section II of the 2016 supplement. Section II, ''Revision to Section 4 of the 2012 CO LMP,'' indicates that the contingency plan in the first 10-year maintenance plan will apply for the second 10-year maintenance period.

The contingency plan in the first 10-year maintenance plan contains a detailed, multi-step process for addressing any potential CO NAAQS violations. First, the plan provides a triggering mechanism through which NDEP will determine when a pre-violation action level is reached. Second, the plan spells out the procedures that will be followed if the pre-violation action level is reached, including activation of a multi-agency Conformity Task Force, analysis of monitoring data and development of recommendations for action. Finally, the plan provides for these recommendations to be implemented by NDEP and/or the appropriate local jurisdictions in the Area, all of which have committed to implementing expeditiously any and all measures necessary to achieve emissions reductions needed to maintain the CO NAAQS.[32]

We find that the contingency plan the EPA approved in the first 10-year LMP, which the State indicates in the 2016 supplement will continue to apply during the second 10-year maintenance period, is sufficient to meet the requirements of section 175A(d) of the CAA and the CO LMP guidance.

III. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, the EPA is fully approving the State of Nevada's second 10-year maintenance plan for the Area, titled ''2012 Revision to the Nevada State Implementation Plan: Updated Limited Maintenance Plan for the Nevada Side of the Lake Tahoe Basin, Including Douglas, Carson City and Washoe Counties,'' submitted to the EPA on April 3, 2012, and as amended by a submittal on August 26, 2016, titled ''2016 Supplement to Nevada's 2nd 10-Year Maintenance Plan at Lake Tahoe.''

Consistent with the State's request in the 2016 supplement, we are approving two sections of the 2016 supplement as revisions to the 2012 plan and therefore take no action on the original, 2012 versions of those sections. First, we are not acting on section 3.2.4 of the 2012 plan, containing the State's alternative CO monitoring strategy and contingency plan, because we are instead approving into the SIP the revised section 3.2.4 included in the 2016 supplement, still titled ''3.2.4 Surrogate Method for Tracking CO Concentrations.'' Second, we are not acting on section 4 of the 2012 plan, titled ''4. Contingency Measures,'' because we are instead approving into the SIP the revised section 4 included in the 2016 supplement, titled ''II. Revision to Section 4 of the 2012 CO LMP.''

Other parts of the 2016 supplement that we are approving are the 2011 emissions inventory and 2024 projected emissions inventory (*i.e.,* Attachment A, titled ''Mobile Source Emissions Inventory and Future Year Projections for the 2012 Lake Tahoe Basin Carbon Monoxide Limited Maintenance Plan''), evidence of public participation (*i.e.,* Attachment B, titled ''Evidence of Public Participation'') and revised table of contents for the 2012 submittal (*i.e.,* Attachment F, titled ''Replacement for 2012 CO LMP Contents Page'').

Also consistent with the State's request in the 2016 supplement, our approval takes no action on the 2016 supplement's Attachments C, D and E, titled respectively ''Statistical Support for Criteria Used to Determine Whether to Continue CO Monitoring,'' ''Surrogate Method Report for Tracking Carbon Monoxide at Lake Tahoe, Nevada, 2011–2015,'' and ''Inventory Preparation Plan for the Mobile Source Emissions Inventory and Future Year Projections for the 2012 Lake Tahoe Basin Carbon

[28] The EPA's final TSA prior to CO monitor discontinuation was performed in 2011. *See* letter and 2011 TSA Report enclosure from Deborah Jordan, Director, U.S. EPA Region 9 Air Division, to Colleen Cripps, Administrator, NDEP, dated August 1, 2013.

[29] *Ibid,* p. 24.

[30] *See* CO LMP guidance, p. 4, section c, ''Monitoring Network/Verification of Continued Attainment.''

[31] *See* CO LMP guidance, p. 4, section d, ''Contingency Plan.''

[32] As we noted in our approval of the first 10-year maintenance plan, the following local jurisdictions have passed resolutions promising to adhere to the provisions of the contingency plan in the 2003 Lake Tahoe Nevada Limited Maintenance Plan: The Tahoe Metropolitan Planning Organization, the Washoe County District Health Department and the State of Nevada Department of Transportation, which is a participant in the Interagency Consultation Procedures established by the Tahoe Metropolitan Planning Organization. *See* 68 FR 69611, 69615, footnote 4.

Monoxide Limited Maintenance Plan.'' These three attachments each have header text that includes the statement ''Not for inclusion in Nevada's SIP.''

We do not think anyone will object to these approvals, so we are finalizing them without proposing them in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted plans. If we receive adverse comments by April 10, 2017, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on May 9, 2017.

This action incorporates the 2012 plan, as amended by the 2016 supplement, and specific portions of the 2016 supplement itself, into the federally enforceable SIP. Together, these two submittals meet the applicable CAA requirements, and the EPA has determined they are sufficient to provide for maintenance of the CO NAAQS over the course of the second 10-year maintenance period through 2024.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. *See* 42 U.S.C. 7410(k) and 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (*see* 58 FR 51735, October 4, 1993) and 13563 (*see* 76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (*see* 44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (*see* 5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (*see* Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (*see* 64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (*see* 62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (*see* 66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (*see* 15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (*see* 59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175. *See* 65 FR 67249 (November 9, 2000).

The Congressional Review Act (*see* 5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 9, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that the EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. *See* CAA section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: December 22, 2016.

Deborah Jordan,

Acting Regional Administrator, Region IX.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart DD—Nevada

■ 2. In § 52.1470, paragraph (e) is amended by adding, under the table heading ''Air Quality Implementation Plan for the State of Nevada,'' two entries ''2012 Revision to the Nevada State Implementation Plan for Carbon Monoxide, April 2012'' and ''2016 Supplement to Nevada's 2nd 10-Year CO Limited Maintenance Plan at Lake Tahoe, August 26, 2016'' after the entry ''Addendum to the October 27, 2003 letter of transmittal of the redesignation request and maintenance plan,'' to read as follows:

§ 52.1470 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
Air Quality Implementation Plan for the State of Nevada [1]				
*	*	*	*	*
2012 Revision to the Nevada State Implementation Plan for Carbon Monoxide, April 2012.	Nevada portion of Lake Tahoe Basin—portions of Carson City, Douglas and Washoe counties.	4/3/2012	[Insert **Federal Register** citation] 3/10/2017).	Adopted on 4/3/2012. Approval excludes sections 3.2.4 and 4. With 2016 supplement, fulfills requirement for second ten-year maintenance plan.
2016 Supplement to Nevada's 2nd 10-Year CO Limited Maintenance Plan at Lake Tahoe, August 26, 2016.	Nevada portion of Lake Tahoe Basin—portions of Carson City, Douglas and Washoe counties.	8/26/2016	[Insert **Federal Register** citation] (3/10/2017).	Adopted on 8/26/2016. Approval includes revised sections 3.2.4 and 4 (alternative CO monitoring strategy and contingency plan), 2011 emissions inventory and 2024 projected emissions inventory (Attachment A), evidence of public participation (Attachment B) and revised table of contents for 2012 submittal (Attachment F). Excludes Attachments C, D and E.
*	*	*	*	*

* * * * * * *

[1] The organization of this table generally follows from the organization of the State of Nevada's original 1972 SIP, which was divided into 12 sections. Nonattainment and maintenance plans, among other types of plans, are listed under Section 5 (Control Strategy). Lead SIPs and Small Business Stationary Source Technical and Environmental Compliance Assistance SIPs are listed after Section 12 followed by nonregulatory or quasi-regulatory statutory provisions approved into the SIP. Regulatory statutory provisions are listed in 40 CFR 52.1470(c).

[FR Doc. 2017–04771 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0305; FRL–9956–52–Region 9]

Approval of California Air Plan Revisions, Ventura County Air Pollution Control District; Prevention of Significant Deterioration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the Ventura County Air Pollution Control District (VCAPCD or District) portion of the California State Implementation Plan (SIP). The State of California (State) is required under the Clean Air Act (CAA or Act) to adopt and implement a SIP-approved Prevention of Significant Deterioration (PSD) permit program. We are approving SIP revisions that would incorporate a PSD rule for the VCAPCD into the SIP to establish a PSD permit program for pre-construction review of certain new and modified major stationary sources in attainment and unclassifiable areas within the District.

DATES: This rule will be effective on April 10, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2016–0305. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Ya-Ting (Sheila) Tsai, EPA Region IX, (415) 972–3328, *Tsai.Ya-Ting@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
III. EPA's Final Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Proposed Action

Table 1 lists the two VCAPCD rules addressed by our proposed action and this final action. On September 23, 2016, the EPA proposed to approve VCAPCD Rule 26.13 into the California SIP and to remove VCAPCD Rule 26.10 from the California SIP. (See 81 FR 65595.)

TABLE 1

Rule No.	Rule title	Action
26.10	New Source Review—Prevention of Significant Deterioration	Remove.
26.13	New Source Review—Prevention of Significant Deterioration (PSD)	Approve.

We proposed these actions because we determined that they complied with the relevant CAA requirements. Our proposed action contains more information on the rules and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA's Final Action

No comments were submitted on the EPA's proposed action. Therefore, as authorized by section 110(k)(3) of the Act, the EPA is approving VCAPCD Rule 26.13 into the California SIP and removing VCAPCD Rule 26.10 from the California SIP, consistent with our proposed action.

This SIP revision will be codified in 40 CFR 52.220 by incorporating by reference Rule 26.13 as listed in Table 1 and deleting without replacement Rule 26.10 as listed in Table 1. We are also revising 40 CFR 52.270 to reflect that upon the effective date of this final rule, the VCAPCD will have a SIP-approved PSD program and will no longer be subject to the Federal Implementation Plan (FIP) at 40 CFR 52.21 for the PSD program. This SIP revision provides a federally approved and enforceable mechanism for the VCAPCD to issue pre-construction PSD permits for certain new and modified major stationary sources subject to PSD review within the District.

As discussed in our proposal, the VCAPCD requested approval to exercise its authority to administer the PSD program with respect to those sources located in the District that have existing PSD permits issued by the EPA, including authority to conduct general administration of these existing permits, authority to process and issue any and all subsequent PSD permit actions relating to such permits (*e.g.,* modifications, amendments, or revisions of any nature), and authority to enforce such permits. Pursuant to the criteria in section 110(a)(2)(E)(i) of the CAA, we have determined that the VCAPCD has the authority, personnel, and funding to implement the PSD program within the District for existing EPA-issued PSD permits and therefore are transferring authority for such permits to the VCAPCD concurrent with the effective date of our approval of the VCAPCD's PSD program into the SIP. Our revisions to 40 CFR 52.270 will reflect this transfer of authority for existing PSD permits. The EPA intends to provide a copy of each such permit to the VCAPCD.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the VCAPCD rules described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 9, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: December 2, 2016.

Deborah Jordan,

Acting Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(255)(i)(G)(*2*) and (c)(474)(i)(D) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(255) * * *

(i) * * *

(G) * * *

(*2*) Previously approved on December 7, 2000, in paragraph (c)(255)(i)(G)(*1*) of this section and now deleted without replacement Rule 26.10.

* * * * *

(474) * * *

(i) * * *

(D) Ventura County Air Pollution Control District.

(*1*) Rule 26.13, ''New Source Review—Prevention of Significant Deterioration (PSD),'' revised on November 10, 2015.

* * * * *

■ 3. Section 52.270 is amended by adding paragraph (b)(17) to read as follows:

§ 52.270 Significant deterioration of air quality.

* * * * *

(b) * * *

(17) The PSD program for the Ventura County Air Pollution Control District (VCAPCD), as incorporated by reference in § 52.220(c)(474)(i)(D)(*1*), is approved under part C, subpart 1, of the Clean Air Act. For PSD permits previously issued by EPA pursuant to § 52.21 to sources located in the VCAPCD, this approval includes the authority for the VCAPCD to conduct general administration of these existing permits, authority to process and issue any and all subsequent permit actions relating to such permits, and authority to enforce such permits.

[FR Doc. 2017–04680 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0539; FRL–9959–19]

Oxytetracycline; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for residues of oxytetracycline in or on fruit, citrus, group 10–10. This action is in response to EPA's granting of an emergency exemption under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide in citrus production. This regulation establishes a maximum permissible level for residues of oxytetracycline in or on the commodities in this crop group. The time-limited tolerance expires on December 31, 2019.

DATES: This regulation is effective March 10, 2017. Objections and requests for hearings must be received on or before May 9, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0539, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael L. Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under section 408(g) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0539 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 9, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0539, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you considered to be CBI or other information whose disclosure is restricted by statute.

• *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/where-send-comments-epa-dockets.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with FFDCA sections 408(e) and 408(l)(6) of 21 U.S.C. 346a(e) and 346a(1)(6), is establishing a time-limited tolerance for combined residues of oxytetracycline, including its metabolites and degradates, expressed as only oxytetracycline, (4S,4aR,5S,5aR,6S,12aS)-4-(dimethylamino)-1,4,4a,5,5a,6,11,12a-octahydro-3,5,6,10,12,12a-hexahydroxy-6-methyl-1,11-dioxo-2-naphthacenecarboxamide, in or on fruit, citrus, group 10–10, at 0.4 parts per million (ppm). The time-limited tolerance expires on December 31, 2019.

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on FIFRA section 18-related time-limited tolerances to set binding precedents for the application of FFDCA section 408 and the safety standard to other tolerances and exemptions. Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, *i.e.,* without having received a petition from an outside party.

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for Oxytetracycline on Citrus and FFDCA Tolerances

The Florida Department of Agriculture and Consumer Services (FDACS) asserted that an emergency situation existed in accordance with the criteria for approval of an emergency exemption and requested the use of two oxytetracycline products on citrus to suppress *Candidatus Liberibacter asiaticus* (*C*Las) bacterium that causes Huanglongbing (HLB) also known as citrus greening. One product contains oxytetracycline calcium, and the other contains oxytetracycline hydrochloride. HLB was recently introduced to the US, is vectored by the invasive insect, the Asian citrus psyllid, and is the most serious disease of citrus worldwide. This disease has rapidly spread throughout Florida's citrus production area, causing severe losses with an overall decrease in production of more than 60% primarily due to HLB. Significant losses have occurred, many producers have gone out of business, and FDACS asserts that the long-term economic viability of the citrus industry in Florida is threatened by this disease. The bacteria reside in the phloem (the circulatory system of the tree), disrupting circulation of water and nutrients, which ultimately leads to death of the infected tree. Currently there is no cure. FDACS has submitted data that indicates that some treatments, including nutritional supplementation and use of pesticides like oxytetracycline, may help improve the health of infected trees. After reviewing the submission, EPA determined that an emergency situation exists for Florida, and that the criteria for approval of an emergency exemption are met. EPA has authorized a specific exemption under FIFRA section 18 for the use of oxytetracycline on citrus in Florida for management of the *C*Las bacterium that causes HLB (citrus greening) disease.

Oxytetracycline is part of the tetracycline class, and is a broad-spectrum antibiotic produced from the actinomycete *Streptomyces rimosus.* Two salts of oxytetracycline, oxytetracycline hydrochloride and oxytetracycline calcium, are the forms of oxytetracycline registered as pesticides for use against bacteria, fungi and mycoplasma-like organisms (there are no active registrations for oxytetracycline *per se*). The toxicity of all three forms of oxytetracycline is similar and they are considered equivalent for the purposes of assessing toxicity and establishing tolerances. Hereafter this document will use 'oxytetracycline' to refer to all three of these materials. As part of its evaluation of the emergency exemption application, EPA assessed the potential risks presented by dietary exposure through residues of oxytetracycline in or on citrus fruit. All commodities in the crop group 10–10, citrus fruit were included in the dietary exposure estimates used. In assessing potential risks, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment as provided in FFDCA section 408(l)(6). Although this time-limited tolerance expires on December 31, 2019, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on commodities of fruit, citrus, group 10–10 after that date will not be unlawful, provided the pesticide was applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by this time-limited tolerance at the time of that application. EPA will take action to revoke this time-limited tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because the time-limited tolerance is being approved under emergency

conditions, EPA has not made any decisions about whether oxytetracycline meets FIFRA's registration requirements for use on fruit, citrus, group 10–10, or whether permanent tolerances for this use would be appropriate. Under these circumstances, EPA does not believe that this time-limited tolerance decision serves as a basis for registrations of oxytetracycline by a State for special local needs under FIFRA section 24(c). Nor does the tolerance by itself serve as the authority for persons in any State other than Florida to use this pesticide on the applicable crops under FIFRA section 18 absent the issuance of an emergency exemption applicable within that State. For additional information regarding the emergency exemption for oxytetracycline, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. Aggregate Risk Assessment and Determination of Safety

Consistent with the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure expected as a result of this emergency exemption use and the time-limited tolerance for residues of oxytetracycline in or on fruit, citrus, group 10–10, at 0.4 ppm. EPA's assessment of exposures and risks associated with establishing the time-limited tolerance follows.

A. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern (LOC) to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/ safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks.*

The information available on the effects of oxytetracycline in humans from pharmaceutical uses, supplemented with the data available on the toxicity of oxytetracycline in laboratory animals is sufficient to evaluate the toxicity of oxytetracycline. Based on the information from these sources, the toxicity and exposure databases for oxytetracycline are considered complete, and exposure estimates are conservative. The emergency exemption allows use of two oxytetracycline compounds: Oxytetracycline hydrochloride and oxytetracycline calcium.

Previously the endpoint for chronic dietary exposures to oxytetracycline was based on the NOAEL of 0.05 milligram/ kilogram/day (mg/kg/day) from a special dog study, which demonstrated a change in intestinal flora at the LOAEL of 0.25 mg/kg/day, with a shift from a predominantly drug-susceptible population of enteric lactose-fermenting organisms to a multiple-antibiotic-resistant population. However in 2011, the EPA changed its endpoint selection as recommended by the National Academy of Sciences (NAS) report, *Toxicity Testing in the 21st century: a vision and a strategy.* NAS Press (2007). This report advised selecting toxicity endpoints for assessing human health risk estimates based upon biological perturbations of toxicity pathways that can lead to adverse health outcomes under conditions of human exposure. Based on this NAS report, in the absence of a demonstrable adverse human health outcome, EPA no longer considers the changes in intestinal flora to be an appropriate basis for regulating dietary exposure to antibiotics.

Instead, using a weight-of-the-evidence approach, EPA adopted an NOAEL of 100 mg/kg/day based on minor (toxicologically insignificant) effects seen in two chronic feeding studies in the rat (NOAELs = 50 and 150 mg/kg/day) and two chronic toxicity studies in the dog (NOAELs = 250 mg/ kg/day for both, the highest dose tested in these studies), and taking into account a National Cancer Institute rat chronic carcinogenicity study, with an LOAEL of 1250 mg/kg/day (lowest dose tested) based on hyperplasia of the adrenal medulla, and fatty metamorphosis and increases in accessory structures of the liver. To this 100 mg/kg/day NOAEL, EPA applied the customary 100× UF for both interspecies and intraspecies variability resulting in a chronic reference dose (cRfD) of 1.0 mg/kg/day for adults. EPA has applied an additional 10× ''Food Quality Protection Act (FQPA) safety factor'' to provide an additional margin of protection for assessing risks to infants and children, resulting in a chronic population-adjusted dose (cPAD) of 0.1 mg/kg/day. This is further discussed in unit IV.C. of this document.

A summary of the oxytetracycline toxicology data used for human health risk assessment is given in the Table of this unit.

TABLE—OXYTETRACYCLINE TOXICOLOGICAL ENDPOINTS FOR HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	POD, UFs, and FQPA SF	RfD, PAD, and LOC for risk assessment	Study and toxicological effects
Acute dietary (All populations)	NA	NA	No endpoint was attributable to a single exposure.
Chronic dietary (All populations)	NOAEL = 100 mg/kg/day UF_A = 10× UF_H = 10× FQPA SF = 10×	cRfD = 1 mg/kg/day cPAD = 0.1 mg/kg/day Chronic dietary exposure LOC ≥100% of cPAD.	The NOAEL of 100 mg/kg/day was derived using a weight of evidence (WOE) approach based on 3 rat and 2 dog chronic studies. No specific LOAEL was established.

TABLE—OXYTETRACYCLINE TOXICOLOGICAL ENDPOINTS FOR HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/scenario	POD, UFs, and FQPA SF	RfD, PAD, and LOC for risk assessment	Study and toxicological effects
Risk assessments for occupational scenarios are not required because no adverse effects were observed from dermal or inhalation exposures. Evaluation of residential scenarios was not required because there are no registered residential oxytetracycline uses.			
Cancer (Oral, dermal, inhalation) ..	The Agency's Peer Review Committee has classified oxytetracycline as a "Group D" carcinogen ("Not Classifiable as to Human Carcinogenicity").		

NA = Not Applicable. RfD = reference dose. PAD = population adjusted dose (a = acute, c = chronic). LOC-level of concern; mg/kg/day = milligram of pesticide per kilogram of body weight per day. NOAEL = no observed adverse effect level. LOAEL = lowest observed adverse effect level. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). FQPA SF = Food Quality Protection Act Safety Factor. WOE = weight of evidence. NCI = National Cancer Institute.

The complete human health risk assessment for this action may be found at *http://www.regulations.gov* in the following three documents ''*Oxytetracycline. Section 18 Emergency Exemption for Citrus Grown in Florida,*'' and ''*Oxytetracycline. Update to Section 18 Emergency Exemption for Citrus Grown in Florida to Consider 10X FQPA,*'' in the docket for ID number EPA–HQ–OPP–2016–0539.

B. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to oxytetracycline, EPA considered exposure under the time-limited tolerances established by this action as well as all existing oxytetracycline tolerances in 40 CFR 180.337. EPA assessed dietary exposures from oxytetracycline in food as follows:

i. *Acute exposure.* No acute dietary effects were identified in the toxicological studies or literature for oxytetracycline; therefore, a quantitative acute dietary exposure assessment is unnecessary and was not conducted.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used 2003–2008 food consumption data from the US Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey (NHANES). For residue levels in food, EPA assumed one hundred percent crop treated (PCT) and tolerance-level residues for all registered uses plus the subject tolerance of 0.4 ppm in or on all commodities of fruit, citrus, group 10–10. In addition, default processing factors were used for all processed commodities except citrus juice, oil, and peel, since concentration of oxytetracycline was not observed in these commodities. EPA's exposure assessment also included tolerance level residues for livestock commodities owing to use of oxytetracycline as an animal drug. No anticipated residue or PCT refinements were used.

iii. *Cancer.* Based on the information referenced in Unit IV.A., EPA has concluded that oxytetracycline does not pose a cancer risk to humans. No evidence of carcinogenicity was found in a literature search of toxicity in animals. There was no evidence of carcinogenicity for male or female mice fed oxytetracycline at 1,875 mg/kg/day for two years. In the rat carcinogenicity study, there was equivocal evidence for carcinogenicity based upon increased incidences of pheochromocytomas of the adrenal gland at the highest doses tested for males of 2,500 and increased incidences of adenomas of the pituitary gland in females at 1,875 mg/kg/day; both doses are extremely high as compared to expected human exposure and above the limit dose. The mutagenicity assays were all negative except for the mouse lymphoma forward mutation assay which was positive only with metabolic activation. Based upon this information and the weight of the evidence as a whole, the EPA has classified oxytetracycline as a ''Group D'' carcinogen (''Not Classifiable as to Human Carcinogenicity''). A review of the same data by the National Toxicology Program's (NTP) Peer Review Committee was in agreement with this classification. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary and was not conducted.

iv. *Anticipated residue and PCT information.* EPA did not use anticipated residue or PCT information in the dietary assessment for oxytetracycline. Tolerance level residues and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models to derive estimated water concentrations for dietary exposure analysis of oxytetracycline exposures through drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of oxytetracycline. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/models-pesticide-risk-assessment#aquatic.*

Based on the Surface Water Calculator, using Pesticide Root Zone Model 5+ and the Variable Volume Water Body Model, the estimated drinking water concentration (EDWC) of oxytetracycline for non-cancer risk assessment due to chronic exposure was 149 parts per billions (ppb) for surface water, based on the highest registered rate for application to peach and nectarine. The PRZM-Ground Water model estimated that no residues of oxytetracycline would result in groundwater in any of the six standard scenarios (use modelled for 100 years), presumably due to the chemical's strong soil sorption. The highest EDWC for surface water of 149 ppb was therefore used to assess chronic dietary exposure contribution from drinking water and was directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Oxytetracycline is not registered or proposed for any specific use patterns that would result in residential exposure (non-dietary), and therefore this risk assessment was not performed. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at*: https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that when considering whether to establish, modify, or revoke a tolerance, the Agency consider

''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA has not found oxytetracycline to share a common mechanism of toxicity with any other substances, and oxytetracycline does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that oxytetracycline does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

C. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10×) margin of safety for infants and children in the case of threshold effects, to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure, unless EPA determines, based on reliable data, that a different margin of safety will be safe for infants and children. This additional margin of safety, required under the Food Quality Protection Act, is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10×, or uses a different additional SF when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* Considering the toxicity database for oxytetracycline, the mouse prenatal development study did not identify adverse effects up to the highest dose tested (HDT), 2100 mg/kg/day. In addition, the effects seen in the rat prenatal development study occurred only at levels above the limit dose. However, clinical use of tetracyclines administered to pregnant women, infants and children have resulted in discoloration of the teeth, enamel hypoplasia, and bone developmental effects in fetuses and children. A decrease in fibula growth in premature infants has been observed after an oral dose of 25 mg/kg every six hours, equivalent to a total dose of 100 mg/kg/day (though these effects reversed quickly after discontinuation of dosing). For these reasons, the FDA recommends not administering oral doses of tetracycline to children under 8 years of age. In addition, tetracyclines cross the placenta and should not be taken during the last half of pregnancy. The effect in premature infants dosed with tetracycline was observed at 100 mg/kg/day, the same level as that used as the POD for chronic risk assessment (derived from laboratory animal toxicity data). Thus, EPA concluded that some uncertainty remains regarding the potential sensitivity to infants, children under 8 years of age, and pregnant women based upon the literature database for therapeutic uses of oxytetracycline, and decided to retain the 10× FQPA SF to assure adequate protection for these populations.

3. *Conclusion.* The existing database, together with the extensive literature and study reports available on oxytetracycline, including studies submitted to and reviewed by the EPA, the National Toxicology Program, and World Health Organization, the FDA and open literature studies, are adequate for characterizing toxicity and quantification of risk from the proposed and existing uses of oxytetracycline. EPA has determined that reliable data indicate that retaining the 10× FQPA SF will adequately protect the safety of infants and children. That decision is based on the following findings:

i. The toxicity database for oxytetracycline is complete and there are no data gaps.

ii. There is no indication that oxytetracycline is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. Although the guideline toxicity studies did not suggest an increased lifestage sensitivity/susceptibility (no effects at the highest doses tested or effects only above the limit dose), data from the pharmaceutical literature suggests that infants and children may be more susceptible to oxytetracycline side-effects than adults, and FDA does not recommend administering oral doses of tetracycline to children under 8 years of age or pregnant women. Therefore, a 10× FQPA SF has been retained.

iv. There are no residual uncertainties with regard to the exposure databases. The dietary assessment overestimates actual exposures to oxytetracycline because it assumed 100% crop treated, and incorporated tolerance-level residues and default processing factors (PFs). EPA also made conservative (protective, high-end) assumptions in the environmental water modeling used to estimate potential levels of oxytetracycline in drinking water. All of the assumptions used for the exposure and risk estimates are likely to overestimate exposures that may actually occur. Therefore, these assessments will not underestimate the exposure and risks posed by oxytetracycline.

D. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified (no acute dietary endpoint was determined). Therefore, oxytetracycline is not expected to pose an acute risk and no acute risk assessment was necessary.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to oxytetracycline from food and water will utilize 40% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. There are no residential uses for oxytetracycline. Although exposure may occur through therapeutic use of oxytetracycline as a drug, such pharmaceutical use is not included in this aggregate exposure assessment for agricultural uses of oxytetracycline as a pesticide. However, potential exposure through clinical drug use of oxytetracycline was considered and compared to the exposure estimates from the agricultural use, which is further discussed in Unit IV.D.6. below.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential (non-dietary, non-occupational) exposure plus chronic exposure to food and water (considered to be a background exposure level). Oxytetracycline is not registered for any use patterns that would result in short-term residential exposure. Further, because no short-term adverse effect was identified, oxytetracycline is not expected to pose a short-term risk and the chronic risk assessment will be protective for any short-term exposures.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term

residential (non-dietary, non-occupational) exposure plus chronic exposure to food and water (considered to be a background exposure level). Oxytetracycline is not registered for any use patterns that would result in intermediate-term residential exposure. Further, because no intermediate-term adverse effect was identified, oxytetracycline is not expected to pose an intermediate-term risk and the chronic risk assessment will be protective for any intermediate-term exposures.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, oxytetracycline is not expected to pose a cancer risk to humans and no cancer risk assessment was necessary.

6. *Pharmaceutical Aggregate Risk.* Section 408 of the FFDCA requires EPA to consider potential sources of exposure to a pesticide and related substances in addition to the dietary sources expected to result from a pesticide use subject to the tolerance. In order to determine whether to issue or maintain a pesticide tolerance, EPA must ''determine that there is a reasonable certainty of no harm'' resulting from the pesticide use subject to the tolerance. Under FFDCA section 505, the Food and Drug Administration reviews human drugs for safety and effectiveness and may approve a drug notwithstanding the possibility that some users may experience adverse side effects. EPA does not believe that, for purposes of the section 408 dietary risk assessment, it is compelled to assume that combined exposures to pesticide and pharmaceutical residues that lead to a physiological effect in the user necessarily constitutes ''harm'' under the meaning of section 408 of FFDCA.

Rather, EPA believes the appropriate way to consider the pharmaceutical use of oxytetracycline in its risk assessment is to examine the impact that the additional nonoccupational pesticide exposures would have to a pharmaceutical user exposed to the same, or a related chemical substance. Where the additional pesticide exposure has no more than a minimal impact on the pharmaceutical user, EPA can make a reasonable certainty of no harm finding for the pesticide tolerances of that compound under section 408 of the FFDCA. If the potential impact on the pharmaceutical user as a result of co-exposure from pesticide use is more than minimal, then EPA would not be able to conclude that dietary residues were safe and would need to discuss with FDA appropriate measures to reduce exposure from one or both sources.

EPA's pesticide exposure assessment has taken into consideration the appropriate population, exposure route, and exposure duration for comparison with exposure to the pharmaceutical use of oxytetracycline. The typical pharmaceutical oxytetracycline dose for children is 25 mg/kg/day. This dose is approximately 1,262 times greater than the dietary exposure estimate of 0.019809 mg/kg/day, the food and water exposure estimate for children 6–12 years old. This group represents the potential highest exposed population group, in terms of considering therapeutic use of oxytetracycline (children under 8 yrs old are not given therapeutic oxytetracycline). Therefore, because the pesticide exposure has no more than a minimal impact on the total dose to a pharmaceutical user, EPA believes that there is a reasonable certainty that no harm will result from the potential dietary pesticide exposure of a user being treated therapeutically with oxytetracycline.

7. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to oxytetracycline.

V. Other Considerations

A. Analytical Enforcement Methodology

The analytical method used to derive the citrus residue data for determining the appropriate tolerance levels was based on Method STM2028.06, which was found to be scientifically acceptable for enforcement of tolerances of oxytetracycline on apple, pear and peach. This method employs liquid chromatography with tandem mass spectrometry (LC/MS/MS) using turbo ion spray in the positive ion mode, monitoring two ion transitions for confirmation of oxytetracycline, and was adequately validated for the quantitation and confirmation of ion transitions using samples of apple and nectarine. A successful independent laboratory validation was performed as well using samples of apple, pear, peach, and nectarine. Since the method used for citrus was similar to this and provided adequate recoveries for citrus fruits, it is considered adequate to support the emergency exemption use and enforce the tolerance expression of oxytetracycline in or on commodities of fruit, citrus, group 10–10. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established a MRL for oxytetracycline.

VI. Conclusion

Therefore, a time-limited tolerance is established for residues of oxytetracycline and its metabolites and degradates, expressed as only oxytetracycline, (4S,4aR,5S,5aR,6S,12aS)-4-(dimethylamino)-1,4,4a,5,5a,6,11,12a-octahydro-3,5,6,10,12,12a-hexahydroxy-6-methyl-1,11-dioxo-2-naphthacenecarboxamide, in or on fruit, citrus, group 10–10 at 0.4 ppm. This tolerance expires on December 31, 2019.

VII. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA sections 408(e) and 408(l)(6). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44

U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established in accordance with FFDCA sections 408(e) and 408(l)(6), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 23, 2017,

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.337 revise paragraph (b) to read as follows:

§ 180.337 Oxytetracycline; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances specified in the following table are established for residues of the fungicide/bactericide oxytetracycline, including its metabolites and degradates, in or on the commodities in the table in this paragraph. Compliance with the tolerance levels specified in this paragraph is to be determined by measuring only oxytetracycline, (4S,4aR,5S,5aR,6S,12aS)-4-(dimethylamino)-1,4,4a,5,5a,6,11,12a-octahydro-3,5,6,10,12,12a-hexahydroxy-6-methyl-1,11-dioxo-2-naphthacenecarboxamide, in or on the specified agricultural commodities, resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemptions. The tolerances expire on the dates specified in the table.

Commodity	Parts per million	Expiration/ revocation date
Fruit, citrus, group 10–10	0.40	12/31/2019

* * * * *

[FR Doc. 2017–04795 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0557; FRL–9958–75]

Flupyradifurone; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for residues of flupyradifurone [4-[[(6-chloro-3-pyridinyl)methyl](2,2-difluoroethyl)amino]-2(5*H*)-furanone] in or on sweet sorghum, forage and sorghum, syrup resulting from use of flupyradifurone in accordance with the terms of crisis exemptions issued under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This action is in response to the issuance of crisis emergency exemptions under FIFRA section 18 authorizing use of the pesticide on sweet sorghum. This regulation establishes maximum permissible levels for residues of flupyradifurone in or on sweet sorghum forage and sorghum syrup. These time-limited tolerances expire on December 31, 2019.

DATES: This regulation is effective March 10, 2017. Objections and requests for hearings must be received on or before May 9, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0557, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC),West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review

the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

Michael L. Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under section 408(g) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0557 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 9, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0557, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with FFDCA sections 408(e) and 408(l)(6) of, 21 U.S.C. 346a(e) and 346a(1)(6), is establishing time-limited tolerances for residues of flupyradifurone in or on sweet sorghum, forage at 30.0 parts per million (ppm) and sorghum, syrup at 90.0 ppm. There are no Canadian or Codex MRLs for residues of flupyradifurone in or on sweet sorghum, forage or sorghum, syrup at this time, so international harmonization is not an issue for these time-limited tolerances. These time-limited tolerances expire on December 31, 2019.

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement of a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under crisis exemptions issued under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on FIFRA section 18 related time-limited tolerances to set binding precedents for the application of FFDCA section 408 and the safety standard to other tolerances and exemptions. Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, *i.e.,* without having received any petition from an outside party.

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemptions for Flupyradifurone on Sweet Sorghum and FFDCA Tolerances

Crisis exemptions for use of flupyradifurone on sweet sorghum to control sugarcane aphids were issued to the Arkansas, Kentucky, Mississippi, North Carolina, and Tennessee Departments of Agriculture. Sweet sorghum growers in these states experienced severe and damaging infestations of sugarcane aphids.

The state agencies asserted that emergency conditions existed in accordance with the criteria for approval of an emergency exemption, and declared crisis exemptions under 40 CFR part 166, subpart C, to allow the use of flupyradifurone on sweet sorghum for control of sugarcane aphids. After having reviewed the emergency actions, EPA concurred on the crisis exemptions on July 21, 2016 in order to meet the needs of sweet sorghum growers in Arkansas, Kentucky, Mississippi, North Carolina, and Tennessee who faced significant economic loss resulting from sugarcane aphid damage. These crisis exemption programs expired on November 15, 2016.

As part of its evaluation of the proposed crisis exemptions, EPA assessed the potential risks presented by residues of flupyradifurone in or on sweet sorghum. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary time-limited tolerances under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on these emergency exemptions in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing these time-limited tolerances without notice and opportunity for public comment as provided in FFDCA section 408(l)(6). Although these time-limited tolerances expire on December 31, 2019 under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerances remaining in or on sweet sorghum, forage and sorghum, syrup after that date will not be unlawful, provided the pesticide was applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by these time-limited tolerances at the time of that application. EPA will take action to revoke these time-limited tolerances earlier if any experience with scientific data or other relevant information on this pesticide indicate that the residues are not safe.

Because these time-limited tolerances are being approved under emergency conditions, EPA has not made any decisions about whether flupyradifurone meets FIFRA's registration requirements for use on sweet sorghum or whether permanent tolerances for this use would be appropriate. Under these circumstances, EPA does not believe that these time-limited tolerance decisions serve as a basis for registration of flupyradifurone by a State for special local needs under FIFRA section 24(c), nor do these time-limited tolerances by themselves serve as the authority for persons in any State other than Arkansas, Kentucky, Mississippi, North Carolina, and Tennessee to use this pesticide on sweet sorghum under FIFRA section 18 absent the issuance of an emergency exemption applicable within that State. For additional information regarding the emergency exemptions for flupyradifurone, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure expected as a result of these emergency exemption requests and the time-limited tolerances for residues of flupyradifurone on sweet sorghum, forage and sorghum, syrup at 30.0 and 90.0 parts per million (ppm) respectively. EPA's assessment of exposures and risks associated with establishing these time-limited tolerances follows.

A. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the no observed adverse effect level or NOAEL) and the lowest dose at which adverse effects of concern are identified (the lowest observed adverse effect level or LOAEL). Uncertainty/ safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for flupyradifurone used for human risk assessment is discussed in Table 1 of Unit III B. of the final rule published in the **Federal Register** of January 23, 2015 (80 FR 3483) (FRL–9914–77).

B. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to flupyradifurone, EPA considered exposure under the time-limited tolerances established by this action as well as all existing flupyradifurone tolerances in 40 CFR 180.679. EPA assessed dietary exposures from flupyradifurone in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for flupyradifurone. In estimating acute dietary exposure, EPA used food consumption data from the United States Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA; 2003–2008), which it should be noted did not identify any individuals as consuming sweet sorghum. The flupyradifurone acute dietary exposure assessment was conducted using the Dietary Exposure Evaluation Model (DEEM, ver. 3.16). An unrefined acute dietary exposure analysis was performed for the established and requested uses of flupyradifurone that incorporated recommended tolerance-level residues, default and empirical processing factors, and assumed that 100% of the crops were treated.

ii. *Chronic exposure.* In conducting the chronic dietary (food and drinking water) exposure and risk assessment EPA used the food consumption data from the USDA's NHANES/WWEIA; 2003–2008, which did not identify any

individuals as consuming sweet sorghum. The flupyradifurone chronic dietary exposure assessment was conducted using the Dietary Exposure Evaluation Model (DEEM, ver. 3.16). An unrefined chronic dietary exposure analysis was performed for the established and requested uses of flupyradifurone that incorporated recommended tolerance-level residues, default and empirical processing factors, and assumed that 100% of the crops were treated.

iii. *Cancer.* Based on the data summarized in Table 1 of Unit III B. of the final rule published in the **Federal Register** of January 23, 2015 (80 FR 3483) (FRL–9914–77), EPA has concluded that flupyradifurone does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for flupyradifurone. Tolerance level residues and 100% CT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for flupyradifurone in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of flupyradifurone. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS), Tier 1 Rice Model and Pesticide Root Zone Model Ground Water (PRZM GW) model, the estimated drinking water concentrations (EDWCs) of flupyradifurone for acute exposures are estimated to be 112 parts per billion (ppb) for surface water and 352 ppb for ground water, and for chronic exposures are estimated to be 112 ppb for surface water and 307 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For the acute dietary risk assessment, the water concentration value of 352 ppb was used to assess the contribution to drinking water. For the chronic dietary risk assessment, the water concentration value of 307 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Flupyradifurone is not registered for any specific use patterns that would result in residential exposure. Residential exposure is not anticipated from the proposed section 18 use on sweet sorghum.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at: *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found flupyradifurone to share a common mechanism of toxicity with any other substances, and flupyradifurone does not appear to produce a toxic metabolite produced by other substances. For the purposes of this time-limited tolerance action, therefore, EPA has assumed that flupyradifurone does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

C. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act (FQPA) Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional SF when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is no evidence in the rat developmental study that developing animals have increased susceptibility to flupyradifurone. There is quantitative increase in susceptibility in the rabbit developmental and rat reproduction studies. In the rabbit developmental study, no maternal effect was seen at the highest tested dose (80 milligram/kilogram/day (mg/kg/day)), while there was an increase in fetal death and decrease fetal body weight at the same dose level. In the rat reproduction study, decreases in maternal body weight were seen at 137 mg/kg/day, whereas decreases in pup body weight were seen at the next lower dose, 38.7 mg/kg/day. However, the PODs selected for risk assessment are protective of the quantitative susceptibility seen in the rabbit fetuses and rat pups.

3. *Conclusion.* EPA has determined that reliable data show that the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1x. That decision is based on the following findings:

i. The toxicity database for flupyradifurone is complete.

ii. Although there is evidence that flupyradifurone has neurotoxic effects, EPA has a complete set of neurotoxicity studies (acute, subchronic, and developmental). The effects of those studies are well-characterized and indicate neurotoxic effects that occur at levels above the chronic POD that was selected for risk assessment. The NOAEL for the acute neurotoxicity study is being used for the acute POD. Therefore, there is no need to retain the 10X FQPA SF to account for any uncertainty concerning these effects.

iii. There is no evidence that flupyradifurone produces increased susceptibility in the prenatal developmental study in rats, but there is increased quantitative susceptibility in rabbit fetuses and in the rat pups. However, the PODs selected for risk assessment are protective of the quantitative susceptibility seen in the fetuses and rat pups.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to flupyradifurone in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children. These assessments will not underestimate the exposure and risks posed by flupyradifurone.

EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to flupyradifurone in drinking water. These assessments will not

underestimate the exposure and risks posed by flupyradifurone.

D. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to flupyradifurone will occupy 37% of the aPAD for children 1–2 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to flupyradifurone from food and water will utilize 86% of the cPAD for (children 1–2 years old) the population group receiving the greatest exposure. There are no residential uses for flupyradifurone and residential uses are not anticipated from the proposed section 18 on sweet sorghum.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

As there are no residential uses of flupyradifurone, flupyradifurone does not pose a short-term aggregate risk that differs from the chronic dietary risk addressed in Unit IV.D.2. Chronic dietary risks do not exceed the Agency's level for the U.S. population or any other population subgroups.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term non-dietary, non-occupational exposure plus chronic exposure to food and water (considered to be a background exposure level).

As there are no residential uses of flupyradifurone, flupyradifurone does not pose an intermediate-term aggregate risk that differs from the chronic dietary risk addressed in Unit IV.D.2. Chronic dietary risks do not exceed the Agency's level for the U.S. population or any other population subgroups.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, flupyradifurone is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to flupyradifurone residues.

V. Other Considerations

A. Analytical Enforcement Methodology

An adequate analytical method (Method RV–001–P10–03), which uses high-performance liquid chromatography with tandem mass spectrometry (HPLC/MS/MS) to quantitate residues of flupyradifurone and difluoroacetic acid (DFA) in various crops, is available for enforcement.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

There are currently no established Codex or Canadian MRLs for flupyradifurone residues in sweet sorghum commodities.

VI. Conclusion

Therefore, time-limited tolerances are established for residues of flupyradifurone, [4-[[(6-chloro-3-pyridinyl)methyl](2,2-difluoroethyl)amino]-2(5*H*)-furanone] in or on sweet sorghum, forage at 30.0 and sorghum, syrup at 90.0 parts per million (ppm).

VII. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA sections 408(e) and 408(l)(6). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established in accordance with FFDCA sections 408(e) and 408(l)(6), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or

contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA submitted a report containing a draft of this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 13, 2017.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.679, revise paragraph (b) to read as follows:

§ 180.679 Flupyradifurone; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for residues of flupyradifurone, including its metabolites and degradates in or on the specified commodities listed in the table below, resulting from use of the pesticide under section 18 emergency exemptions granted by EPA. The time-limited tolerances expire and are revoked on the date specified in the table. Compliance with the tolerance levels specified in the following table is to be determined by measuring only flupyradifurone, 4-[[(6-chloro-3-pyridinyl)methyl](2,2-difluoroethyl)amino]-2(5*H*)-furanone in or on the commodity.

Commodity	Parts per million (ppm)	Expiration date
sorghum, syrup	90.0	December 31, 2019.
sweet sorghum, forage	30.0	December 31, 2019.

* * * * *

[FR Doc. 2017–04794 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R05–RCRA–2015–0555; FRL–9958–05–Region 5]

Illinois: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is granting the State of Illinois Final Authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Agency published a proposed rule on March 18, 2016, and provided for public comment. EPA received no comments. No further opportunity for comment will be provided. EPA has determined that these changes satisfy all requirements needed to qualify for final authorization.

DATES: The final authorization will be effective on March 10, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R05–RCRA–2015–0555. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some of the information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *www.regulations.gov* or in hard copy. You may view and copy Illinois' application from 9:00 a.m. to 4:00 p.m. at the following addresses: U.S. EPA Region 5, LR–8J, 77 West Jackson Boulevard, Chicago, Illinois 60604, contact: Gary Westefer (312) 886–7450; or Illinois Environmental Protection Agency, 1021 North Grand Avenue, East, Springfield, Illinois, contact: Todd Marvel (217) 524–5024.

FOR FURTHER INFORMATION CONTACT: Gary Westefer, Illinois Regulatory Specialist, U.S. EPA Region 5, LR–8J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–7450, email *westefer.gary@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. Why are revisions to state programs necessary?

States which have received final authorization from EPA under RCRA Section 3006(b) of RCRA, 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the federal program. As the federal program changes, states must change their programs and request EPA to authorize the changes. Changes to state programs may be necessary when federal or state statutory or regulatory authority is modified or when certain other changes occur. Most commonly, states must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What decisions have we made in this rule?

We conclude that Illinois' application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we are granting Illinois final authorization to operate its hazardous waste program with the changes described in the authorization application. Illinois will have responsibility for permitting treatment, storage, and disposal facilities (TSDFs) within its borders (except in Indian Country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New federal requirements and prohibitions imposed by federal regulations that EPA

promulgates under the authority of HSWA take effect in authorized states before they are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Illinois, including issuing permits, until the state is granted authorization to do so.

C. What is the effect of this final rule?

This final rule requires all facilities in Illinois that are subject to RCRA to comply with the newly-authorized state requirements instead of the equivalent Federal requirements in order to comply with RCRA. Illinois has enforcement responsibilities under its state hazardous waste program for RCRA violations, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include among others, authorize EPA to:

1. Do inspections, and require monitoring, tests, analyses, or reports;
2. enforce RCRA requirements and suspend or revoke permits; and
3. take enforcement actions regardless of whether the state has taken its own actions.

This action will not impose additional requirements on the regulated community because the regulations that EPA is authorizing in this action are already in effect, and will not be changed by this action.

D. Proposed Rule

On March 18, 2016 (81 FR 14808), EPA proposed to authorize changes to Illinois' hazardous waste program and opened the decision to public comment. The Agency received no comments on this proposal. EPA found Illinois RCRA program to be satisfactory.

E. What RCRA authorization has EPA previously granted Illinois to implement?

Illinois initially received final authorization effective January 31, 1986 (51 FR 3778, January 30, 1986) to implement the RCRA hazardous waste management program. Subsequently the EPA granted authorization for changes to the Illinois program effective March 5, 1988 (53 FR 126, January 5, 1988); April 30, 1990 (55 FR 7320, March 1, 1990); June 3, 1991 (56 FR 13595, April 3, 1991); August 15, 1994 (59 FR 30525, June 14, 1994); May 14, 1996, (61 FR 10684, March 15, 1996); and October 4, 1996 (61 FR 40520, August 5, 1996).

F. What changes are we proposing with this action?

On October 19, 2015, Illinois submitted a final program revision application, seeking authorization of changes in accordance with 40 CFR 271.21. We have determined that Illinois' hazardous waste program revisions satisfy all of the requirements necessary to qualify for Final Authorization. Therefore we are granting Illinois Final Authorization for the following program changes (a table with the complete state analogues is provided in the March 18, 2016 proposed rule):

Universal Waste Rule, General Provisions, Checklist 142A, May 11, 1995, 60 FR 25492.

Universal Waste Rule, Specific Provisions for Batteries, Checklist 142B, May 11, 1995 60 FR 25492.

Universal Waste Rule, Specific Provisions for Pesticides, Checklist 142C, May 11, 1995 60 FR 25492.

Universal Waste Rule, Specific Provisions for Thermostats, Checklist 142D, May 11, 1995, 60 FR 25492.

Universal Waste Rule, Provisions for Petitions to Add a New Universal Waste, Checklist 142E, May 11, 1995, 60 FR 25492.

RCRA Expanded Public Participation, Checklist 148, December 11, 1995, 60 FR 63417.

Identification and Listing of Hazardous Waste, Amendments to Definition of Solid Waste, Checklist 150, March 26, 1996, 61 FR 13103.

Imports and Exports of Hazardous Waste, Checklist 152, April 12, 1996, 61 FR 16290.

Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments and Containers, Checklist 154, November 25, 1996, 61 FR 59931; as amended, Checklist 154.1, December 12, 1994, 59 FR 62896; as amended, Checklist 154.2, May 19, 1995, 60 FR 26828; as amended, Checklist 154.3, September 29, 1995, 60 FR 50426; as amended, Checklist 154.4, November 13, 1995, 60 FR 56952; as amended, Checklist 154.5, February 9, 1996, 61 FR 4903; as amended Checklist 154.6, June 5, 1996, 61 FR 28508.

Land Disposal Restrictions Phase III—Emergency Extension of the K088 Capacity Variance, Checklist 155, January 14, 1997, 62 FR 1992.

Land Disposal Restrictions: Phase IV Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining, Exemptions From RCRA for Certain Processed Materials and Miscellaneous Hazardous Waste Provisions, Checklist 157, May 12, 1997, 62 FR 25998.

Hazardous Waste Management System; Testing and Monitoring Activities, Checklist 158, June 13, 1997, 62 FR 32452.

Land Disposal Restrictions: Phase III—Emergency Extension of the K088 National Capacity Variance, Checklist 160, July 14, 1997, 62 FR 37694.

Organic Air Emission Standards for Tanks, Surface Impoundments and Containers; Clarification and Technical Amendment, Checklist 163, December 8, 1997, 62 FR 64636.

Kraft Mill Steam Stripper Exclusion, Checklist 164, April 15, 1998, 63 FR 18504.

Emergency Revisions of LDR Treatment Standards, Checklist 172, September 9, 1998, 63 FR 48124.

Land Disposal Restrictions Treatment Standards (Spent Potliners), Checklist 173, September 24, 1998, 63 FR 51254.

Universal Waste Rule; Technical Amendment (Conditionally Optional), Checklist 176, December 24, 1998, 63 FR 71225.

Organic Air Emission Standards, Checklist 177, January 21, 1999, 64 FR 3381.

Test Procedures for the Analysis of Oil and Grease and Non-Polar Material, Checklist 180, May 14, 1999, 64 FR 26315.

NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (MACT Rule), Checklist 182, September 30, 1999, 64 FR 52827; as amended, Checklist 182.1, November 19, 1999, 64 FR 63209.

Waste Water Treatment Sludges from Metal Finishing Industry; 180 Day Accumulation Time, Checklist 184, March 8, 2000, 65 FR 12378.

Organobromine Production Wastes, Checklist 185, March 17, 2000, 65 FR 14472.

NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors, Checklist 188, July 10, 2000, 65 FR 42292; as amended: Second Technical Correction, Checklist 188.1, May 14, 2001, 66 FR 24270; as amended: Checklist 188.2, July 3, 2001, 66 FR 35087.

Chlorinated Aliphatics Listing and LDRs for Newly Identified Wastes, Checklist 189, November 8, 2000, 65 FR 67068.

Deferral pf Phase IV Standards for PCBs as a Constituent Subject to Treatment in Soil, Checklist 190, December 26, 2000, 65 FR 81373.

Storage, Treatment, Transportation and Disposal of Mixed Waste, Checklist 191, May 16, 2001, 66 FR 27218.

Change of EPA Mailing Address, Additional Technical Amendments and Corrections, Checklist 193, June 28, 2001, 66 FR 34374.

Hazardous Air Pollutant Standards for Combustors: Interim Standards, Checklist 197, February 13, 2002, 67 FR 6792.

Hazardous Air Pollutant Standards for Combustors; Corrections, Checklist 198, February 14, 2002, 67 FR 6968.

Land Disposal Restrictions: National Treatment Variance To Designate New Treatment Subcategories for Radioactively Contaminated Cadmium-, Mercury-, and Silver-Containing Batteries, Checklist 201, November 21, 2002, 67 FR 62618.

NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors—Corrections, Checklist 202, December 19, 2002, 67 FR 77687.

NESHAP: Surface Coating of Automobiles and Light Duty Trucks, Checklist 205, October 26, 2004, 69 FR 22601.

Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System, Checklist 207, March 4, 2005, 70 FR 10776; as amended, Checklist 207.1, June 16, 2005, 70 FR 35034.

Standardized Permit for RCRA Hazardous Waste Management Facilities, Checklist 210, September 8, 2005, 70 FR 53420.

NESHAP: Final Standards for Hazardous Waste Combustors (Phase I Final

Replacement Standards and Phase II), Checklist 212, October 12, 2005, 70 FR 59402.

G. Which revised State rules are different from the Federal rules?

Illinois has not applied for the federal requirements at 40 CFR 260.21, 264.149, 264.150, 265.149, 265.150, 268.5, 268.6, 268.42(b), 268.44, and 270.3. EPA will continue to implement those requirements.

More Stringent Rules

In 35 IAC 722.122 and 722.123(a)(4), Illinois requires more manifest copies than the Federal rules. In 35 IAC 724.213(d)(3) Illinois adds requirements to the contingent corrective measures plan found in 40 CFR 264.113(e)(4)(i). In 35 IAC 722.141, 724.175 and 725.175, Illinois requires an annual report instead of the biennial report required in 40 CFR 262.22, 264.75 and 265.75. Illinois has added 35 IAC 724.156(i) to facilitate State notification. In 35 IAC 725.245, Illinois does not allow the extension of time to submit the financial test and corporate guarantee documents to the agency as federally allowed in 40 CFR 265.145(e)(4). In 35 IAC 725.414, Illinois prohibits all liquids in landfills; the federal rules allow for exceptions in 40 CFR 265.314(f)(1) and (2). Illinois' 35 IAC Part 729 prohibits disposal of certain hazardous wastes in landfills. This part has no direct equivalent Federal part, but is a counterpart of the land ban regulations at 40 CFR part 268 and the landfill requirements at 40 CFR parts 264 and 265. In 35 IAC 728.106(e) Illinois requires at least a 90 day notice when a facility wants to make changes to unit design; EPA in 40 CFR 268.6(e) only requires a 30 day notice. In 35 IAC 703.271(e) Illinois adds some additional cases where a permit must be modified.

Broader in Scope Rules

In 35 IAC 721.103(g), Illinois does not allow the exemption allowed in the federal rules at 40 CFR 261.3(g)(4). In 35 IAC 739.146, Illinois adds subsection (a)(6) which covers special waste (35 IAC Part 808). This special waste is not regulated in the RCRA subtitle C program. 35 IAC 739.146(a)(6) adds information requirements. The same requirements are also added in 35 IAC 739.156, 739.165, and 739.174.

Universal Waste Lamps Rules Not Authorized

Illinois allows Lamp Crushing under its current version of the Universal Waste Rule (35 IAC 733.105, 733.113(d), 733.133(d), and 733.134(e)), and has not applied for authorization of the Universal Waste Lamps Rule. In the future, EPA will determine whether to prohibit crushing of lamps, or decide under what conditions lamp crushing may be permitted. Until the issue is resolved, no state that allows crushing may be authorized for the Universal Waste Lamps rule and the Illinois version of the Universal Waste Lamps Rule is not part of the Illinois authorized program.

H. Who handles permits after the final authorization takes effect?

Illinois will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which EPA issues prior to the effective date of the proposed authorization until they expire or are terminated. We will not issue any more new permits or new portions of permits for the provisions listed in Section F above after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which Illinois is not yet authorized.

I. How does this action affect Indian country (18 U.S.C. 1151) in Illinois?

Illinois is not authorized to carry out its hazardous waste program in ''Indian Country,'' as defined in 18 U.S.C. 1151. Indian Country includes:

1. All lands within the exterior boundaries of Indian Reservations within or abutting the State of Illinois;
2. Any land held in trust by the U.S. for an Indian tribe; and
3. Any other land, whether on or off an Indian reservation that qualifies as Indian Country.

Therefore, this action has no effect on Indian Country. EPA retains the authority to implement and administer the RCRA program on these lands.

J. How does proportionate share liability affect Illinois' RCRA program?

Illinois' RCRA authorities are not impacted by the proportionate share liability (PSL) provision of the Illinois Environmental Protection Act, 415 ILCS 5/58.9(a)(1). Section 58.9(a)(1) provides, in pertinent part:

''Notwithstanding any other provisions of this Act to the contrary, . . . in no event may the Agency, the State of Illinois, or any person bring an action pursuant to this Act or the Groundwater Protection Act to require any person to conduct remedial action or to seek recovery of costs for remedial activity conducted by the State of Illinois or any person beyond the remediation of releases of regulated substances that may be attributed to being proximately caused by such person's act of omission or beyond such person's proportionate degree of responsibility for costs of the remedial action of releases of regulated substances that were proximately caused or contributed to by 2 or more persons.''

Section 58.9 is part of Title XVII (Site Remediation Program) of the Illinois Environmental Protection Act. Title XVII does not apply to a particular site if '' . . . (ii) the site is a treatment, storage, or disposal site for which a permit has been issued, or that is subject to closure requirements under federal or state solid or hazardous waste laws'' (415 ILCS 5/58.1(a)(2)(ii)). Hazardous waste treatment, storage, and disposal facilities under Subtitle C of RCRA fall within the exclusion at Section 58.1(a)(2)(ii). These facilities are subject to closure and post-closure care requirements under the Act (415 ILCS 5/22.17) and Illinois program rules that are identical in substance to federal rules at 40 CFR part 264 (35 Ill. Adm. Code 724). The Illinois Appellate Court has held that the PSL does not apply to sites that are outside the scope of Title XVII. *People of the State of Illinois* v. *State Oil,* 822 NE. 2d 876 (Ill. App. 2004). Therefore the exclusion at Section 58.1(a)(2)(ii) renders Title XVII, including Section 58.9, inapplicable to sites upon which RCRA regulated facilities are located. Based on this exclusion, and as indicated by the Illinois Attorney General in the Attorney General Statement included in the State's October 19, 2015 final program revision application, the PSL provision does not impact the adequacy of Illinois' RCRA authorities.

K. What is codification and is EPA codifying Illinois' hazardous waste program as authorized in this rule?

Codification is the process of placing the state's statutes and regulations that comprise the state's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized state rules in 40 CFR part 272. Illinois' authorized rules, up to and including those revised June 3, 1991, have previously been codified through the incorporation-by-reference effective March 31, 1992 (57 FR 3722, January 31, 1992). EPA is not codifying the authorization of Illinois' changes at this time. We reserve the amendment of 40 CFR part 272, subpart O, for the codification of Illinois' program changes until a later date.

L. Statutory and Executive Order Reviews

This rule only authorizes hazardous waste requirements pursuant to RCRA 3006 and imposes no requirements other than those imposed by state law (see Supplementary Information, Section A. Why are Revisions to State Programs Necessary?). Therefore, this rule complies with applicable executive orders and statutory provisions as follows:

1. Executive Order 18266: Regulatory Planning and Review and Executive Order 13563: Improving Regulations and Regulatory Review

The Office of Management and Budget has exempted this rule from its review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821 January 21, 2011).

2. Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

3. Regulatory Flexibility Act

This rule authorizes state requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those required by state law. Accordingly, I certify that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

4. Unfunded Mandates Reform Act

Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

5. Executive Order 13132: Federalism

Executive Order 13132 (64 FR 43255, August 10, 1999) does not apply to this rule because it will not have federalism implications (*i.e.,* 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).

6. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175 (65 FR 67249, November 9, 2000) does not apply to this rule because it will not have tribal implications (*i.e.,* substantial direct effects on one or more Indian tribes, or on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes).

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

This rule is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant as defined in Executive Order 12866 and because the EPA does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

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

This rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action as defined in Executive Order 12866.

9. National Technology Transfer Advancement Act

EPA approves state programs as long as they meet criteria required by RCRA, so it would be inconsistent with applicable law for EPA, in its review of a state program, to require the use of any particular voluntary consensus standard in place of another standard that meets the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply to this rule.

10. Executive Order 12988

As required by Section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct.

11. Executive Order 12630: Evaluation of Risk and Avoidance of Unanticipated Takings

EPA has complied with Executive Order 12630 (53 FR 8859, March 18, 1988) by examining the takings implications of the rule in accordance with the Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings issued under the executive order.

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

Because this rule proposes authorization of pre-existing state rules and imposes no additional requirements beyond those imposed by state law and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994).

13. Congressional Review Act

EPA will submit a report containing this rule and other information required by the Congressional Review Act (5 U.S.C. 801 *et seq.*) to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until sixty (60) days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This final authorization will be effective March 10, 2017.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: December 23, 2016.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2017–04785 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 73

Select Agents and Toxins

CFR Correction

In Title 42 of the Code of Federal Regulations, Parts 1 to 399, revised as of October 1, 2016, on page 580, in § 73.13, at the end of paragraph (a)(2), the expression ''ng/kg body weight.'' is added.

[FR Doc. 2017–04799 Filed 3–9–17; 8:45 am]

BILLING CODE 1301–00–D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[DA 17–75]

List of Office of Management and Budget Approved Information Collection Requirements

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document revises the Commission's list of Office of Management and Budget (OMB) approved public information collection requirements with their associated OMB expiration dates. This list will provide the public with a current list of public information collection requirements approved by OMB and their associated control numbers and expiration date as of January 31, 2017.

DATES: Effective March 10, 2017.

FOR FURTHER INFORMATION CONTACT: Walter Boswell at (202) 418–2178 or by email to *walter.boswell@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, DA 17–75, adopted on February 27, 2017 and released on February 28, 2017. The full text of this document is available for public inspection during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. It is available on the Commission's Web site at *https://apps.fcc.gov/edocs_public/attachmatch/DA-17-75A1.pdf.*

Synopsis

1. Section 3507(a)(3) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(3), requires agencies to display a current control number assigned by the Director of the Office of Management and Budget (''OMB'') for each agency information collection requirement.

2. Section 0.408 of the Commission's rules displays the OMB control numbers assigned to the Commission's public information collection requirements that have been reviewed and approved by OMB.

3. Authority for this action is contained in section 4(i) of the Communications Act of 1934 (47 U.S.C. 154(i)), as amended, and section 0.231(b) of the Commission's rules. Since this amendment is a matter of agency organization procedure or practice, the notice and comment and effective date provisions of the Administrative Procedures Act do not apply. See 5 U.S.C. 553(b)(A)(d). For this reason, this rulemaking is not subject to the Congressional Review Act and will not be reported to Congress and the Government Accountability Office. See 5 U.S.C. 801.

4. Accordingly, *it is ordered,* that section 0.408 of the rules is *revised* as set forth in the revised text, effective upon publication in the **Federal Register**.

5. Persons having questions on this matter should contact Walter Boswell at (202) 418–2178 or send an email to *walter.boswell@fcc.gov.*

List of Subjects in 47 CFR Part 0

Reporting and recordkeeping requirements.

Federal Communications Commission.

Mark Stephens,

Managing Director, Office of Managing Director.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 0 as follows:

PART 0—COMMISSION ORGANIZATION

■ 1. The authority citation for part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

■ 2. Section 0.408 is revised to read as follows:

§ 0.408 OMB control numbers and expiration dates assigned pursuant to the Paperwork Reduction Act of 1995.

(a) *Purpose.* This section displays the OMB control numbers and expiration dates for the Commission information collection requirements assigned by the Office of Management and Budget (''OMB'') pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. The Commission intends that this section comply with the requirement that agencies ''display'' current OMB control numbers and expiration dates assigned by the Director, OMB, for each approved information collection requirement. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number. The expiration dates shown in this section are accurate as of January 31, 2017. New, revised, or extended information collections approved by OMB after that date can be found at *https://www.reginfo.gov/public/do/PRAMain.* Questions concerning the OMB control numbers and expiration dates should be directed to the Associate Managing Director—Performance Evaluation and Records Management, (PERM), Office of Managing Director, Federal Communications Commission, Washington, DC 20554 by sending an email to *PRA@fcc.gov.*

(b) *Display.*

OMB control No.	FCC form No. or 47 CFR section or part, docket No., or title identifying the collection	OMB expiration date
3060–0004	Secs. 1.1307 and 1.1311	07/31/17
3060–0009	FCC 316	12/31/18
3060–0010	FCC 323	11/30/19
3060–0016	FCC 2100, Schedule C	07/31/19
3060–0017	FCC 2100, Schedule D	03/31/19
3060–0027	FCC 301 and FCC 2100, Schedule A	03/31/19
3060–0029	FCC 340	08/31/17
3060–0031	FCC 314 and FCC 315	09/30/18
3060–0053	FCC 702 and FCC 703	05/31/17
3060–0055	FCC 327	11/30/17
3060–0056	Part 68—Connection of Terminal Equipment to the Telephone Network	05/31/17
3060–0057	FCC 731	04/30/17
3060–0059	FCC 740	04/30/19
3060–0061	FCC 325	01/31/20
3060–0065	FCC 442	12/31/18
3060–0075	FCC 345	04/30/19

OMB control No.	FCC form No. or 47 CFR section or part, docket No., or title identifying the collection	OMB expiration date
3060–0076	FCC 395	06/30/19
3060–0084	FCC 323–E	11/30/19
3060–0093	FCC 405	09/30/17
3060–0095	FCC 395–A	05/31/17
3060–0110	FCC 303–S	12/31/19
3060–0113	FCC 396	11/30/18
3060–0120	FCC 396–A	06/30/18
3060–0126	Sec. 73.1820	08/31/17
3060–0132	FCC 1068A	01/31/18
3060–0139	FCC 854	11/30/18
3060–0149	Part 63—Application and Supplemental Information Requirements	12/31/18
3060–0157	Sec. 73.99	05/31/17
3060–0161	Sec. 73.61	12/31/17
3060–0166	Part 42, Secs. 42.5, 42.6 and 42.7	06/30/19
3060–0168	Sec. 43.43	09/30/18
3060–0169	Sec. 43.51	10/31/17
3060–0170	Sec. 73.1030	02/28/19
3060–0171	Sec. 73.1125	02/28/19
3060–0174	Secs. 73.1212, 76.1615, and 76.1715	07/31/18
3060–0175	Sec. 73.1250	10/31/19
3060–0176	Sec. 73.1510	05/31/17
3060–0178	Sec. 73.1560	01/31/20
3060–0179	Sec. 73.1590	07/31/19
3060–0180	Sec. 73.1610	01/31/19
3060–0182	Sec. 73.1620	08/31/18
3060–0185	Sec. 73.3613	10/31/17
3060–0188	Call Sign Reservation and Authorization System	02/28/19
3060–0190	Sec. 73.3544	04/30/18
3060–0192	Sec. 87.103	09/30/19
3060–0204	Sec. 90.20(a)(2)(v) and 90.20(a)(2)(xi)	09/30/17
3060–0207	Part 11—Emergency Alert System (EAS)	10/31/19
3060–0208	Sec. 73.1870	01/31/18
3060–0213	Sec. 73.3525	11/30/17
3060–0214	Secs. 73.3526, 73.3527, 73.1212, 76.1701, and 73.1943	05/31/19
3060–0216	Secs. 73.3538 and 73.1690(e)	05/31/19
3060–0221	Sec. 90.155	10/31/19
3060–0222	Sec. 97.213	02/28/18
3060–0228	Sec. 80.59 and FCC 806, 824, 827 and 829	08/31/18
3060–0233	Part 54—High Cost Loop Support Reporting	10/31/18
3060–0248	Sec. 74.751	05/31/19
3060–0249	Secs. 74.781, 74.1281, and 78.69	03/31/18
3060–0250	Secs. 73.1207, 74.784 and 74.1284	04/30/17
3060–0259	Sec. 90.263	04/30/18
3060–0261	Sec. 90.215	05/31/19
3060–0262	Sec. 90.179	03/31/17
3060–0264	Sec. 80.413	05/31/18
3060–0265	Sec. 80.868	04/30/19
3060–0270	Sec. 90.443	02/28/19
3060–0281	Sec. 90.651	02/28/19
3060–0286	Sec. 80.302	12/31/18
3060–0288	Sec. 78.33	05/31/17
3060–0289	Secs. 76.601, 76.1704, 76.1705, and 76.1717	04/30/17
3060–0291	Sec. 90.477(a), (b)(2), (d)(2) and (d)(3)	05/31/17
3060–0292	Part 69 and Sec. 69.605	06/30/19
3060–0295	Sec. 90.607	01/31/19
3060–0297	Sec. 80.503	06/30/18
3060–0298	Part 61, Tariffs (Other than Tariff Review Plan)	09/30/19
3060–0310	FCC 322	11/30/17
3060–0311	Sec. 76.54	03/31/17
3060–0316	Secs. 76.1700, 76.1702, 76.1703, 76.1707, and 76.1711	05/31/19
3060–0320	Sec. 73.1350	05/31/18
3060–0325	Sec. 80.605	06/30/17
3060–0329	Sec. 2.955	01/31/18
3060–0331	FCC 321	10/31/17
3060–0332	Secs. 76.614 and 76.1706	04/30/19
3060–0340	Sec. 73.51	04/30/18
3060–0341	Sec. 73.1680	10/31/17
3060–0346	Sec. 78.27	04/30/18
3060–0347	Sec. 97.311	07/31/17
3060–0349	Secs. 73.2080, 76.73, 76.75, 76.79, and 76.1702	12/31/18
3060–0355	FCC 492 and FCC 492A	02/28/19
3060–0357	Sec. 63.701	11/30/18
3060–0360	Sec. 80.409	01/31/20

OMB control No.	FCC form No. or 47 CFR section or part, docket No., or title identifying the collection	OMB expiration date
3060–0370	Part 32—Uniform System of Accounts for Telecommunications Companies	08/31/17
3060–0384	Secs. 64.901, 64.904 and 64.905	06/30/19
3060–0386	Secs. 1.5, 73.1615, 73.1635, 73.1740, 73.3598, 74.788, and FCC 337	03/31/19
3060–0387	Secs. 15.201(d), 15.209, 15.211, 15.213 and 15.221	03/31/18
3060–0390	FCC 395–B	08/31/17
3060–0391	Parts 54 and 36—Program to Monitor the Impacts of the Universal Service Support Mechanisms	06/30/17
3060–0392	Part 1, Subpart J—Pole Attachment Complaint Procedures	03/31/19
3060–0394	Sec. 1.420	11/30/19
3060–0398	Secs. 2.948, 2.949, and 15.117(g)(2)	09/30/19
3060–0400	Tariff Review Plan (TRP)	09/30/19
3060–0404	FCC 350	05/31/19
3060–0405	FCC 349	12/31/18
3060–0411	FCC 485	11/30/17
3060–0414	Terrain Shielding Policy	04/30/18
3060–0419	Secs. 76.94, 76.95, 76.105, 76.106, 76.107, and 76.1609	02/28/19
3060–0422	Sec. 68.5	03/31/19
3060–0423	Sec. 73.3588	11/30/19
3060–0430	Sec. 1.1206	01/31/18
3060–0433	FCC 320	04/30/17
3060–0439	Sec. 64.201	06/30/19
3060–0441	Secs. 90.621 and 90.693	06/30/18
3060–0463	Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities.	06/30/17
3060–0466	Secs. 73.1201, 74.783 and 74.1283	09/30/19
3060–0470	Secs. 64.901 and 64.903, and RAO Letters 19 and 26	08/31/17
3060–0473	Sec. 74.1251	11/30/19
3060–0474	Sec. 74.1263	06/30/17
3060–0484	Secs. 4.9	01/31/20
3060–0489	Sec. 73.37	04/30/18
3060–0496	FCC Report 43–08	04/30/19
3060–0500	Sec. 76.1713	07/31/19
3060–0501	Secs. 73.1942, 76.206 and 76.1611	09/30/17
3060–0506	FCC 302–FM	09/30/17
3060–0508	Part 1 and Part 22 Reporting and Recordkeeping Requirements	04/30/18
3060–0512	FCC Report 43–01	02/28/18
3060–0519	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991	09/30/18
3060–0526	Sec. 69.123	04/30/17
3060–0531	Secs. 101.1011, 101.1325(b), 101.1327(a), 101.527, 101.529, and 101.103	06/30/18
3060–0532	Secs. 2.1033 and 15.121	06/30/17
3060–0537	Secs. 13.9(c), 13.13(c), 13.17(b), 13.211(e), and 13.217	06/30/19
3060–0546	Sec. 76.59	02/28/19
3060–0548	Secs. 76.1708, 76.1709, 76.1620, 76.56 and 76.1614	06/30/17
3060–0550	FCC 328	08/31/18
3060–0560	Sec. 76.911	08/31/18
3060–0562	Sec. 76.916	01/31/19
3060–0565	Sec. 76.944	01/31/18
3060–0568	Secs. 76.970, 76.971 and 76.975	03/31/18
3060–0569	Sec. 76.975	10/31/17
3060–0573	FCC 394	03/31/18
3060–0580	Sec. 76.1710	07/31/18
3060–0584	FCC 44 and FCC 45	02/28/18
3060–0589	FCC 159, FCC 159–B, FCC 159–C, FCC 159–E and 159–W	05/31/17
3060–0594	FCC 1220	12/31/18
3060–0599	Secs. 90.187, 90.425 and 90.627	09/30/19
3060–0600	FCC 175	06/30/19
3060–0601	FCC 1200	12/31/18
3060–0607	Sec. 76.922	11/30/17
3060–0609	Sec. 76.934(e)	12/31/18
3060–0625	Sec. 24.103	02/28/19
3060–0626	Sec. 90.483	11/30/19
3060–0627	FCC 302–AM	09/30/17
3060–0633	Secs. 73.1230, 74.165, 74.432, 74.564, 74.664, 74.765, 74.832 and 74.1265	04/30/18
3060–0634	Sec. 73.691	05/31/18
3060–0636	Secs. 2.906, 2.909, 2.1071, 2.1075, 2.1076, 2.1077 and 15.37	05/31/18
3060–0645	Secs. 17.4, 17.48 and 17.49	05/31/18
3060–0647	FCC 333	09/30/18
3060–0649	Secs. 76.1601, 76.1617, 76.1697 and 76.1708	03/31/19
3060–0652	Secs. 76.309, 76.1602, 76.1603 and 76.1619	07/31/17
3060–0653	Sec. 64.703(b) and (c)	01/31/20
3060–0655	Requests for Waivers of Regulatory and Application Fees	11/30/19
3060–0665	Sec. 64.707	06/30/19
3060–0667	Secs. 76.630, 76.1621 and 76.1622	01/31/20
3060–0668	Sec. 76.936	03/31/19

OMB control No.	FCC form No. or 47 CFR section or part, docket No., or title identifying the collection	OMB expiration date
3060–0669	Sec. 76.946	05/31/19
3060–0674	Sec. 76.1618	05/31/17
3060–0678	Part 25—Licensing of, and Spectrum Usage by, Commercial Earth Stations and Space Stations	08/31/19
3060–0685	FCC 1210 and FCC 1240	12/31/17
3060–0686	FCC 214, FCC 412FCN, FCC 214TC and FCC 214STA	02/28/18
3060–0687	Access to Telecommunications Equipment and Services by Persons with Disabilities	04/30/18
3060–0688	FCC 1235	02/28/19
3060–0690	Sec. 101.17	01/31/18
3060–0691	Sec. 90.665	04/30/19
3060–0692	Secs. 76.613, 76.802 and 76.804	02/28/19
3060–0695	Sec. 87.219	07/31/17
3060–0698	Secs. 25.203(i) and 73.1030(a)(2)	01/31/20
3060–0700	FCC 1275	05/31/19
3060–0703	FCC 1205	12/31/17
3060–0704	Secs. 42.10, 42.11 and 64.1900 and Section 254(g)	09/30/17
3060–0706	Secs. 76.952 and 76.990	01/31/20
3060–0707	Over-the Air Reception Devices (OTARD)	10/31/19
3060–0710	Parts 1 and 51—Implementation of Local Competition Provisions in the Telecommunications Act of 1996.	09/30/19
3060–0713	Alternative Broadcast Inspection Program (ABIP) Compliance Notification	02/28/17
3060–0715	Carriers' Use of Customer Proprietary Network Information and Other Customer Information	09/30/17
3060–0716	Secs. 73.88, 73.718, 73.685 and 73.1630	04/30/18
3060–0717	Secs. 64.703(a), 64.709 and 64.710	06/30/17
3060–0718	Part 101—Terrestrial Microwave Fixed Radio Service	02/28/19
3060–0719	Quarterly Report of IntraLATA Carriers Listing Payphone Automatic Number Identifications	06/30/19
3060–0723	Sec. 276—Public Disclosure of Network Information by Bell Operating Companies (BOCs)	07/31/18
3060–0725	Quarterly Filing of Nondiscrimination Reports by Bell Operating Companies (BOCs)	06/30/18
3060–0727	Sec. 73.213	04/30/18
3060–0737	Disclosure Requirements for Information Services Provided Under a Presubscription or Comparable Arrangement.	10/31/17
3060–0740	Sec. 95.1015	07/31/17
3060–0741	Technology Transitions	01/31/20
3060–0742	Secs. 52.21 through 52.36	09/30/19
3060–0743	Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996.	06/30/19
3060–0745	Local Exchange Carrier Tariff Streamlining Provisions of the Telecommunications Act of 1996	07/31/18
3060–0748	Secs. 64.1504, 64.1509 and 64.1510	02/28/19
3060–0750	Secs. 73.671 and 73.673	07/31/17
3060–0751	Sec. 43.51	09/30/19
3060–0754	FCC 2100, Schedule H	04/30/18
3060–0755	Secs. 59.1 through 59.4	01/31/18
3060–0760	272 Sunset Order and Access Charge Reform	10/31/17
3060–0761	Sec. 79.1	12/31/17
3060–0767	Secs. 1.2110, 1.2111 and 1.2112	04/30/17
3060–0768	28 GHz Band	02/28/18
3060–0770	Sec. 61.49	11/30/17
3060–0773	Sec. 2.803	06/30/17
3060–0775	Sec. 64.1903	07/31/19
3060–0779	Secs. 90.20(a)(1)(iii), 90.769, 90.767, 90.763(b)(l)(i)(a), 90.763(b)(l)(i)(B), 90.771(b) and 90.743	01/31/20
3060–0783	Sec. 90.176	12/31/17
3060–0787	Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996—Unauthorized Changes of Consumers' Long Distance Carriers.	07/31/17
3060–0788	DTV Showings/Interference Agreements	04/30/19
3060–0790	Sec. 68.110(c)	05/31/18
3060–0791	Sec. 32.7300	05/31/18
3060–0795	FCC 606	08/31/17
3060–0798	FCC 601	06/30/19
3060–0799	FCC 602	10/31/19
3060–0800	FCC 603	03/31/18
3060–0804	FCC 460, FCC 461, FCC 462, FCC 463, FCC 465, FCC 466, and FCC 467	09/30/19
3060–0805	Secs. 90.523, 90.527, 90.545 and 90.1211	07/31/17
3060–0806	FCC 470 and FCC 471	12/31/18
3060–0807	Sec. 51.803 and Supplemental Procedures for Petitions to Sec. 252(e)(5)	05/31/19
3060–0809	Communications Assistance for Law Enforcement Act	12/31/19
3060–0812	Exemption from Payment of Regulatory Fees When Claiming Non-Profit Status	02/28/18
3060–0813	Sec. 20.18	02/28/18
3060–0816	FCC 477	06/30/17
3060–0817	BOC Provision of Enhanced Services (ONA Requirements)	06/30/18
3060–0819	FCC 481, FCC 497, and FCC 555	09/30/19
3060–0823	Part 64, Pay Telephone Reclassification	05/31/17
3060–0824	FCC 498	11/30/18
3060–0837	FCC 2100, Schedule B	03/31/19
3060–0844	Cable Carriage of Television Broadcast Stations	03/31/19

OMB control No.	FCC form No. or 47 CFR section or part, docket No., or title identifying the collection	OMB expiration date
3060–0848	Deployment of Wireline Services Offering Advanced Telecommunications Capability	03/31/18
3060–0849	Commercial Availability of Navigation Devices	07/31/17
3060–0850	FCC 605	05/31/17
3060–0853	FCC 479, FCC 486 and FCC 500	12/31/19
3060–0854	Sec. 64.2401	09/30/18
3060–0855	FCC 499–A and FCC 499–Q	12/31/17
3060–0856	FCC 472, FCC 473 and FCC 474	06/30/19
3060–0859	Suggested Guidelines for Petitions for Ruling under Sec. 253	03/31/18
3060–0862	Handling Confidential Information	07/31/17
3060–0863	Satellite Delivery of Network Signals to Unserved Households	05/31/17
3060–0865	Universal Licensing System Recordkeeping and Third-Party Disclosure Requirements	02/28/17
3060–0874	Consumer Complaint Portal	07/31/19
3060–0876	Sec. 54.703 and Secs. 54.719 through 54.725	10/31/18
3060–0881	Sec. 95.861	05/31/17
3060–0882	Sec. 95.833	07/31/17
3060–0888	Secs. 76.7, 76.9, 76.61, 76.914, 76.1001, 76.1003, 76.1302 and 76.1513	01/31/18
3060–0895	FCC 502	07/31/19
3060–0896	Broadcast Auction Form Exhibits	09/30/17
3060–0905	Sec. 18.213	06/30/17
3060–0906	FCC 2100, Schedule G	10/31/17
3060–0910	Ensure Compatibility with Enhanced 911 Emergency Calling Systems	05/31/18
3060–0912	Secs. 76.501, 76.503 and 76.504	01/31/18
3060–0917	FCC 160	02/28/17
3060–0918	FCC 161	02/28/17
3060–0920	FCC 318	03/31/19
3060–0922	FCC 397	11/30/18
3060–0927	Auditor's Annual Independence and Objectivity Certification	01/31/18
3060–0928	FCC 2100, Schedule F and Sec. 73.3572(h), 73.3700(b)(3) and 73.3700(h)(2)	03/31/19
3060–0931	Sec. 80.103	08/31/18
3060–0932	FCC 2100, Schedule E and Secs. 73.3700(b)(1)(i)–(v) and (vii), (b)(2)(i) and (ii), and 74.793(d)	03/31/19
3060–0936	Secs. 95.1215, 95.1217, 95.1223, and 95.1225	10/31/19
3060–0937	Establishment of a Class A Television Service	05/31/19
3060–0938	FCC 319	12/31/17
3060–0942	Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long Distance Users, Federal-State Joint Board on Universal Service.	05/31/19
3060–0944	Secs. 1.767 and 1.768, FCC 220, and Executive Order 10530	02/28/18
3060–0950	Bidding Credits for Tribal Lands	04/30/19
3060–0951	Sec. 1.1204(b) Note, and Sec. 1.1206(a) Note 1	08/31/19
3060–0952	Proposed Demographic Information and Notifications,	02/28/19
3060–0953	Secs. 95.1111 and 95.1113	08/31/19
3060–0960	Secs. 76.122, 76.123, 76.124 and 76.127	01/31/20
3060–0967	Sec. 79.2, 79.105, and 79.106	04/30/17
3060–0971	Sec. 52.15	05/31/17
3060–0972	Part 69 Filing Requirements for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers.	06/30/17
3060–0973	Sec. 64.1120(e)	06/30/19
3060–0975	Secs. 68.105 and 1.4000	08/31/19
3060–0979	License Audit Letter	11/30/18
3060–0980	Sec. 76.66	02/28/19
3060–0984	Secs. 90.35(b)(2) and 90.175(b)(1)	09/30/19
3060–0986	FCC 481, FCC 507, FCC 508, FCC 509, and FCC 525	03/31/17
3060–0987	Sec. 20.18(l)(1)(i)–(iii) and 20.18(l)(2)(i)–(iii)	08/31/17
3060–0989	Secs. 63.01, 63.03 and 63.04	04/30/17
3060–0991	AM Measurement Data	01/31/18
3060–0994	Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Band.	10/31/18
3060–0995	Sec. 1.2105(c) and 1.2205	06/30/19
3060–0996	AM Auction Section 307(b) Submissions	05/31/17
3060–0997	Sec. 52.15(k)	07/31/17
3060–0998	Sec. 87.109	04/30/19
3060–0999	Sec. 20.19, Hearing Aid Compatibility Status Report, FCC 655	11/30/18
3060–1000	Sec. 87.147	08/31/19
3060–1003	Communications Disaster Information Reporting System	07/31/18
3060–1004	Commission Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems	06/30/18
3060–1005	Numbering Resource Optimization—Phase 3	04/30/17
3060–1008	Secs. 27.50 and 27.602	08/31/17
3060–1013	Mitigation of Orbital Debris	02/28/18
3060–1015	Part 15—Ultra Wideband Transmission Systems	11/30/17
3060–1021	Sec. 25.139	11/30/19
3060–1022	Secs. 101.1403, 101.103(f), 101.1413, 101.1440 and 101.1417	05/31/17
3060–1028	International Signaling Point Code (ISPC)	11/30/18
3060–1029	Data Network Identification Code (DNIC)	11/30/18
3060–1030	Service Rules for Advanced Wireless Services (AWS) in the 1.7 GHz and 2.1 GHz Bands	01/31/18

OMB control No.	FCC form No. or 47 CFR section or part, docket No., or title identifying the collection	OMB expiration date
3060–1031	Commission's Initiative to Implement Enhanced 911 (E911) Emergency Services	01/31/19
3060–1033	FCC 396–C	10/31/18
3060–1034	FCC 335–AM and FCC 335–FM	02/28/19
3060–1035	FCC 309, FCC 310 and FCC 311	01/31/20
3060–1039	FCC 620 and FCC 621	10/31/17
3060–1042	Request for Technical Support—Help Request Form	03/31/19
3060–1044	Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers	05/31/19
3060–1045	FCC 324 and Sec. 76.1610	12/31/17
3060–1046	Part 64, Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996.	08/31/17
3060–1047	Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, FCC 03–112.	10/31/17
3060–1048	Sec. 1.929(c)(1)	11/30/18
3060–1050	Sec. 97.303	04/30/19
3060–1053	Two-Line Captioned Telephone Order and IP Captioned Telephone Service Declaratory Ruling, and Internet Protocol Captioned Telephone Service Reform Order.	03/31/18
3060–1054	FCC 422–IB	09/30/18
3060–1056	FCC 421–IB	07/31/18
3060–1057	FCC 420–IB	07/31/18
3060–1058	FCC 608	04/30/18
3060–1060	Wireless E911 Coordination Initiative Letter to State 911 Coordinators	12/31/19
3060–1063	Global Mobile Personal Communications by Satellite (GMPCS) Authorization, Marketing and Importation Rules.	09/30/18
3060–1064	Regulatory Fee Assessment True-Ups	07/31/17
3060–1065	Sec. 25.701	11/30/18
3060–1070	Allocation and Service Rules for the 71–76 GHz, 81–86 GHz and 92–95 GHz Bands	10/31/17
3060–1078	Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN–SPAM Act), CG Docket 04–53.	09/30/19
3060–1079	Sec. 15.240	12/31/19
3060–1080	Improving Public Safety Communications in the 800 MHz Band; TA–13.1 and TA–14.1	10/31/17
3060–1081	Secs. 54.202, 54.209, 54.307, 54.313, 54.314 and 54.809	09/30/17
3060–1084	Rules and Regulations Implementing Minimum Customer Account Record Obligations on All Local and Interexchange Carriers, CG Docket No. 02–386.	05/31/19
3060–1085	Sec. 9.5	07/31/18
3060–1086	Secs. 74.787, 74.790, 74.794, 74.796 and 74.798	03/31/19
3060–1087	Sec. 15.615	04/30/17
3060–1088	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991	05/31/19
3060–1089	Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, E911 Requirements for IP-Enabled Service Providers.	08/31/17
3060–1092	FCC 609–T and FCC 611–T	01/31/20
3060–1094	Licensing, Operation, and Transition of the 2500–2690 MHz Band	03/31/17
3060–1095	Surrenders of Authorizations for International Carrier, Space Station and Earth Station Licensees	01/31/18
3060–1096	Prepaid Calling Card Service Provider Certification	07/31/19
3060–1101	Children's Television Requests for Preemption Flexibility	12/31/18
3060–1103	Sec. 76.41	01/31/19
3060–1104	Sec. 73.682(d)	02/28/17
3060–1108	Consummations of Assignments and Transfers of Control of Authorization	02/28/18
3060–1113	Commercial Mobile Alert System (CMAS)	07/31/17
3060–1116	Submarine Cable Reporting	01/31/18
3060–1120	Service Quality Measurement Plan for Interstate Special Access and Monthly Usage Reporting Requirements.	09/30/17
3060–1121	Secs. 1.30002, 1.30003, 1.30004, 73.875, 73.1657 and 73.1690	02/28/17
3060–1122	Preparation of Annual Reports to Congress for the Collection & Expenditure of Fees or Charges for Enhanced 911 (E911) Services under the NET 911 Improvement Act of 2008.	03/31/18
3060–1124	Sec. 80.231	12/31/17
3060–1126	Sec. 10.350	04/30/18
3060–1127	First Responder Emergency Contact Information in the Universal Licensing System (ULS)	03/31/19
3060–1129	Broadband Speed Test and Unavailability Registry	04/30/19
3060–1131	Implementation of the NET 911 Improvement Act of 2008: Location Information from Owners and Controllers of 911 and E911 Capabilities.	06/30/19
3060–1133	FCC 308 and Secs. 73.3545 and 73.3580	07/31/18
3060–1138	Secs. 1.49 and 1.54	06/30/19
3060–1139	Consumer Broadband Services Testing and Measurement	05/31/17
3060–1142	Electronic Tariff Filing System (ETFS)	11/30/19
3060–1145	Structure and Practices of the Video Relay Service Program	08/31/17
3060–1146	Implementation of the 21st Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals, CG Docket No. 10–210.	06/30/18
3060–1147	Wireless E911 Phase II Location Accuracy Requirements	05/31/18
3060–1148	Sec. 79.3	01/31/20
3060–1149	Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery	06/30/17
3060–1150	Structure and Practices of the Video Relay Service Program, Second Report and Order, CG Docket No. 10–51.	05/31/18
3060–1151	Secs. 1.1420, 1.1422, and 1.1424	03/31/18

OMB control No.	FCC form No. or 47 CFR section or part, docket No., or title identifying the collection	OMB expiration date
3060–1154	Commercial Advertisement Loudness Mitigation (“CALM”) Act; Financial Hardship and General Waiver Requests.	06/30/18
3060–1155	Secs. 15.713, 15.714, 15.715, 15.717 and 27.1320	05/31/19
3060–1156	Sec. 43.62	02/28/18
3060–1157	Formal Complaint Procedures, Preserving the Open Internet and Broadband Industry Practices	09/30/17
3060–1158	Disclosure of Network Management Practices, Preserving the Open Internet and Broadband Industry Practices.	12/31/19
3060–1159	Part 25—Satellite Communications; and Part 27—Miscellaneous Wireless Communications Services in the 2.3 GHz Band.	10/31/19
3060–1161	Sec. 27.14(g)–(l)	10/31/17
3060–1162	Closed Captioning of Video Programming Delivered Using Internet Protocol, and Apparatus Closed Captioning Requirements.	09/30/18
3060–1163	Regulations Applicable to Common Carrier and Aeronautical Radio Licensees	10/31/18
3060–1165	Sec. 74.605	12/31/17
3060–1166	FCC 180	01/31/18
3060–1167	Accessible Telecommunications and Advanced Communications Services and Equipment	01/31/20
3060–1168	FCC 680	01/31/18
3060–1169	Part 11—Emergency Alert System (EAS), FCC 12–7	08/31/18
3060–1170	Sec. 90.209	04/30/18
3060–1171	Secs. 73.682(e) and 76.607(a)	06/30/18
3060–1174	Secs. 73.503, 73.621 and 73.3527	07/31/18
3060–1177	Sec. 74.800	06/30/19
3060–1178	FCC 2100, Schedule 399; and Sec. 73.3700(e)	03/31/19
3060–1180	Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions	08/31/18
3060–1181	Study Area Boundary Data Reporting in Esri Shapefile Format	06/30/19
3060–1183	Establishment of a Public Safety Answering Point Do-Not-Call Registry, CG Docket 12–129	02/28/19
3060–1184	Secs. 1.946(d), 27.10(d), 27.12, 27.14 and 27.17	07/31/19
3060–1185	FCC 690 and Record Retention Requirements	05/31/19
3060–1186	FCC 480	01/31/18
3060–1189	Secs. 1.1307(b)(1), 20.3, 20.21(a)(2), 20.21(a)(5), 20.21(e)(2), 20.21(e)(8)(i)(G), 20.21(e)(9)(i)(H), 20.21(f), 20.21(h), 22.9, 24.9, 27.9, 90.203, 90.219(b)(l)(i).	06/30/18
3060–1190	Sec. 87.287(b)	06/30/19
3060–1192	Survey for Urban Rates for Fixed Voice and Fixed Broadband Residential Services	08/31/19
3060–1194	FCC 338	01/31/19
3060–1195	US Telecom Forbearance FCC 13–69 Conditions	06/30/17
3060–1196	Inmate Calling Services Data Collection	06/30/17
3060–1197	Comprehensive Market Data Collection for Interstate Special Access Services	08/31/17
3060–1198	Secs. 90.525, 90.529 and 90.531	04/30/18
3060–1199	Sec. 15.407(j)	08/31/17
3060–1200	FCC 5610 and FCC 5620	09/30/18
3060–1201	Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities.	09/30/17
3060–1202	Improving 911 Reliability and Continuity of Communications Including Networks, Broadband Technologies.	10/31/17
3060–1203	Secs. 79.107, 79.108 and 79.110	08/31/19
3060–1204	Deployment of Text-to-911	04/30/18
3060–1205	Sec. 74.802	03/31/18
3060–1206	FCC 2100, Schedule 381	03/31/18
3060–1207	Secs. 25.701 and 25.702	05/31/19
3060–1208	Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies	05/31/18
3060–1209	Sec. 73.1216	02/28/19
3060–1210	Wireless E911 Location Accuracy Requirements	07/31/18
3060–1211	Secs. 96.17, 96.21, 96.23, 96.33, 96.35, 96.39, 96.41, 96.43, 96.45, 96.51, 96.57, 96.59, 96.61, 96.63, 96.67.	04/30/17
3060–1212	SDARS Political Broadcasting Requirements	11/30/18
3060–1213	FCC 177	06/30/19
3060–1214	Direct Access to Numbers Order, FCC 15–70, Conditions	07/31/19
3060–1215	Use of Spectrum Bands Above 24 GHz for Mobile Radio Services	01/31/20
3060–1216	Sections 73.3700(b)(4)(i)–(ii), (c), (d), (h)(5)–(6), (g)(4)	03/31/19
3060–1217	Ensuring Continuity of 911 Communications	03/31/19
3060–1218	Carriage of Digital Television Broadcast Signals	05/31/19
3060–1219	Connect America Fund-Alternative Connect America Cost Model Support	09/30/19
3060–1220	Transparency Rule Disclosures, FCC 15–24, Mobile Broadband Disclosures	12/31/18
3060–1221	Inmate Calling Services, One-Time Data Collection	01/31/20
3060–1222	Inmate Calling Services, Annual Reporting, Certification and Consumer Disclosure	01/31/20
3060–1223	Payment Instructions from the Eligible Entity Seeking Reimbursement from the TV Broadcaster Relocation Fund.	07/31/17
3060–1224	Reverse Auction (Auction 1001) Incentive Payment Instructions from Reverse Auction Winning Bidder.	07/31/17
3060–1225	National Deaf-Blind Equipment Distribution Program	01/31/20
3060–1226	Receiving Written Consent for Communication with Base Stations in Canada	01/31/20

[FR Doc. 2017–04768 Filed 3–9–17; 8:45 am]
BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 160920866–7167–02 and 161020985–7181–02]

RIN 0648–XF270

Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program

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

ACTION: Temporary rule; opening.

SUMMARY: NMFS is opening directed fishing for sablefish with fixed gear managed under the Individual Fishing Quota (IFQ) Program and the Community Development Quota (CDQ) Program. The season will open 1200 hours, Alaska local time (A.l.t.), March 11, 2017, and will close 1200 hours, A.l.t., November 7, 2017. This period is the same as the 2017 commercial halibut fishery opening dates adopted by the International Pacific Halibut Commission. The IFQ and CDQ halibut season is specified by a separate publication in the **Federal Register** of annual management measures.

DATES: Effective 1200 hours, A.l.t., March 11, 2017, until 1200 hours, A.l.t., November 7, 2017.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: Beginning in 1995, fishing for Pacific halibut and sablefish with fixed gear in the IFQ regulatory areas defined in 50 CFR 679.2 has been managed under the IFQ Program. The IFQ Program is a regulatory regime designed to promote the conservation and management of these fisheries and to further the objectives of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act. Persons holding quota share receive an annual allocation of IFQ. Persons receiving an annual allocation of IFQ are authorized to harvest IFQ species within specified limitations. Further information on the implementation of the IFQ Program, and the rationale supporting it, are contained in the preamble to the final rule implementing the IFQ Program published in the **Federal Register**, November 9, 1993 (58 FR 59375) and subsequent amendments.

This announcement is consistent with § 679.23(g)(1), which requires that the directed fishing season for sablefish managed under the IFQ Program be specified by the Administrator, Alaska Region, and announced by publication in the **Federal Register**. This method of season announcement was selected to facilitate coordination between the sablefish season, chosen by the Administrator, Alaska Region, and the halibut season, adopted by the International Pacific Halibut Commission (IPHC). The directed fishing season for sablefish with fixed gear managed under the IFQ Program will open 1200 hours, A.l.t., March 11, 2017, and will close 1200 hours, A.l.t., November 7, 2017. This period runs concurrently with the IFQ season for Pacific halibut announced by the IPHC. The IFQ halibut season will be specified by a separate publication in the **Federal Register** of annual management measures pursuant to 50 CFR 300.62.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of the sablefish fishery thereby increasing bycatch and regulatory discards between the sablefish fishery and the halibut fishery, and preventing the accomplishment of the management objective for simultaneous opening of these two fisheries. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 3, 2017.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.23 and is exempt from review under Executive Order 12866.

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

Dated: March 6, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–04702 Filed 3–9–17; 8:45 am]
BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 46
Friday, March 10, 2017

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

DEPARTMENT OF INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA–164–FOR, Docket ID: OSM–2016–0013; S1D1S SS08011000 DX064A000 178S180110; S2D2S SS08011000 SX064A000 17X501520]

Pennsylvania Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing receipt of a proposed amendment to the Pennsylvania program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Through this proposed amendment, Pennsylvania seeks to revise its program to further define the implementation process for the reclamation of alternative bonding system (ABS) ''Legacy Sites'', and to clearly identify the current list of Legacy Sites, as well as sites that may qualify in the future as Legacy Sites.

This document gives the times and locations that the Pennsylvania program and this proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4 p.m., Eastern Standard Time (EST), April 10, 2017. If requested, we will hold a public hearing on the amendment on April 4, 2017. We will accept requests to speak at a hearing until 4 p.m., EST. on March 27, 2017.

ADDRESSES: You may submit comments, identified by SATS No. PA–164–FOR; Docket ID: OSM–2016–0013 by any of the following methods:

- *Mail/Hand Delivery:* Mr. Ben Owens, Chief, Pittsburgh Field Division, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: In addition to obtaining copies of documents at *www.regulations.gov,* you may receive one free copy of the amendment by contacting OSMRE's Pittsburgh Field Division. For access to the docket to review copies of the Pennsylvania program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you may go to the address listed below during normal business hours, Monday through Friday, excluding holidays.

Mr. Ben Owens, Chief, Pittsburgh Field Division, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937–2827, Email: *bowens@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Ben Owens, Chief, Pittsburgh Field Division, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937–2827, Email: *bowens@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Pennsylvania Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Pennsylvania program on July 30, 1982.

You can find additional background information on the Pennsylvania program, including the Secretary's findings, the disposition of comments, and conditions of approval in the July 30, 1982, **Federal Register**, at 47 FR 33050. You can also find later actions concerning Pennsylvania's program and program amendments at 30 CFR 938.11, 938.12, 938.13, 938.15 and 938.16.

By letter dated August 1, 2008 (Administrative Record Number PA 802.43), Pennsylvania sent us a proposed program amendment that was intended to satisfy a required amendment that was imposed by OSMRE in a final rule published in the **Federal Register** on May 31, 1991, at 56 FR 24687, and codified in the Federal Regulations at 30 CFR 938.16(h). This proposed program amendment, hereinafter referred to as the ''ABS Program Amendment,'' was also intended to satisfy requirements of an October 1, 1991, letter sent to the state pursuant to the Federal regulations at 30 CFR 732.17. (the ''732 letter''). Among other things, the August 1, 2008, amendment proposed significant changes to the State's revenue raising mechanism for the treatment of pollutional discharges at ABS Legacy Sites. The term ''Legacy Sites'' is defined in Section II, below. On August 10, 2010, we published a **Federal Register** notice announcing our partial approval of the ABS program amendment. *See* 75 FR 48526.

II. Description of the Proposed Amendment

By letter dated November 14, 2016 (Administrative Record No. PA 897.00), Pennsylvania sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*).

Pennsylvania is providing this program amendment to further define how the Pennsylvania Department of Environmental Protection (''Department'') will implement its obligation under the approved ABS Program Amendment consistent with OSMRE oversight. As defined in 25 Pa. Code § 86.1, ''ABS Legacy Sites'' are ''[m]ine sites, permitted under the Primacy Alternate Bonding System

[ABS], that have a postmining pollutional discharge where the operator has defaulted on its obligation to adequately treat the discharge and, either the bond posted for the site is insufficient to cover the cost of treating the discharge, or a trust to cover the costs of treating the discharge was not fully funded and is insufficient to cover the cost of treating the discharge.''

A. The proposed program amendment contains a current list of ABS Legacy Sites.

B. The proposed program amendment provides a process for moving sites from the list of potential ABS Legacy Sites to the list of ABS Legacy Sites.

C. The proposed program amendment includes the mechanisms by which a site can be added to the list of ABS Legacy Sites if bond release was improperly granted.

D. The proposed amendment provides the criteria that must be met in order for a mine to be removed from the list of ABS Legacy Sites.

E. The proposed program amendment requires the Department to request concurrence from OSMRE consistent with its oversight authority when sites are being added or removed from the list of ABS Legacy Sites or from the list of potential ABS Legacy Sites. This concurrence will be requested in writing through a letter or email message to the Pittsburgh Field Division, Harrisburg Area Office. The concurrence request will include a justification of the action. After the concurrence is received, the Department will initiate the notice in the Pennsylvania Bulletin.

The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *www.regulations.gov.*

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Pennsylvania's State Program.

Electronic or Written Comments

If you submit written or electronic comments on the proposed rule during the 30-day comment period, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

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.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., e.s.t. on March 27, 2017. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak, and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSMRE for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 24, 2017.

Glenda H. Owens,

Acting Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 2017–04747 Filed 3–9–17; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0399; FRL–9958–09–Region 9]

Air Plan Approval; Nevada, Lake Tahoe; Second 10-Year Carbon Monoxide Limited Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of a State Implementation Plan (SIP) revision submitted by the State of Nevada (''State''). On December 15, 2003, the EPA redesignated the Lake Tahoe, Nevada area (area), consisting of the Nevada portion of the Lake Tahoe basin in Nevada's Washoe, Carson City and Douglas counties, from

nonattainment to attainment for the carbon monoxide (CO) national ambient air quality standards (NAAQS) and approved the State's plan addressing the area's maintenance of the CO NAAQS for ten years. On April 3, 2012, the State submitted to the EPA a second CO maintenance plan for the area that addressed maintenance of the CO NAAQS through 2024. On August 26, 2016, the State submitted a supplement to their 2012 submittal. The EPA is also proposing to approve an alternative CO monitoring strategy for the area, that the State included in their August 2016 submittal. We are making this proposal under the Clean Air Act.

DATES: Any comments on this proposal must arrive by April 10, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2015–0399 at *http://www.regulations.gov,* or via email to John Kelly, Air Planning Office, at *kelly.johnj@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: John Kelly, EPA Region IX, (415) 947–4151, *kelly.johnj@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA. This proposal addresses the following local plan, ''2012 Revision to the Nevada State Implementation Plan for Carbon Monoxide: Updated Limited Maintenance Plan, for the Nevada Side of the Lake Tahoe Basin, Including Douglas, Carson City and Washoe Counties.''

In the Rules and Regulations section of this **Federal Register**, we are approving this local plan in a direct final action without prior proposal because we believe this SIP revision is not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: December 22, 2016.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2017–04770 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2013–0615; FRL–9958–65–Region 6]

Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County; New Source Review (NSR) Preconstruction Permitting Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (the Act or CAA), the Environmental Protection Agency (EPA) is proposing to approve portions of revisions to the applicable New Source Review (NSR) State Implementation Plan (SIP) for the City of Albuquerque-Bernalillo County. Additionally, the EPA is proposing to conditionally approve the provisions establishing accelerated review and technical permit revisions. The EPA is proposing to approve the following: The establishment of a new Minor NSR (MNSR) general construction permitting program; changes to the MNSR Public Participation requirements; and the addition of exemptions from MNSR permitting for inconsequential emission sources and activities.

DATES: Comments must be received on or before April 10, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2013–0615, at *www.regulations.gov* or via email to *wilson.aimee@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact Aimee Wilson, (214) 665–7596, *wilson.aimee@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Aimee Wilson, (214) 665–7596, *wilson.aimee@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Aimee Wilson or Mr. Bill Deese at 214–665–7253.

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

I. Background

The Clean Air Act (CAA or the Act) at section 110(a)(2)(C) requires states to develop and submit to the EPA for approval into the SIP, preconstruction review and permitting programs applicable to certain new and modified stationary sources of air pollutants for attainment/unclassifiable and nonattainment areas that cover both major and minor new sources and modifications, collectively referred to as the NSR SIP. The CAA NSR SIP program is composed of three separate

programs: Prevention of Significant Deterioration (PSD), Nonattainment New Source Review (NNSR), and Minor New Source Review (MNSR). The Minor NSR SIP program addresses construction or modification activities that do not emit, or have the potential to emit, beyond certain major source/major modification thresholds and thus do not qualify as ''major'' and applies regardless of the designation of the area in which a source is located. The EPA regulations governing the criteria that states must satisfy for EPA approval of the NSR programs as part of the SIP are contained in 40 CFR 51.160–51.166. Minor NSR regulations are contained at 40 CFR 51.160–51.164.

The SIP submittal under review in this action contains proposed changes to each of the current SIP-approved sections contained in 20.11.41 of the New Mexico Administrative Code (NMAC) and includes the proposed addition of seven new sections. All changes are identified in Table 4 of this rulemaking. These changes are discussed in more detail in the Technical Support Document (TSD) contained in the docket for this action.

II. What did City of Albuquerque-Bernalillo County submit?

Our proposed action today addresses the revisions to the City of Albuquerque-Bernalillo County's (the ''County'') Minor NSR SIP which were submitted to EPA on July 26, 2013 as well as the letters submitted to the EPA dated April 21, 2016, July 5, 2016, September 19, 2016, and December 20, 2016.

III. EPA's Evaluation

The current County SIP includes the EPA approved Part 41 provisions (*see,* 69 FR 78312, December 30, 2004), which form the basis of the County's Minor NSR SIP program implemented by the City of Albuquerque Environmental Health Department (the ''Department''). The following sections of this proposed action and the accompanying TSD analyze the proposed revisions to the Construction Permits regulation found in Part 41 to determine whether the submitted revisions and the Department's letters dated April 21, 2016; July 5, 2016; September 19, 2016; and December 20, 2016, as a whole, meet the requirements of the CAA and the EPA's regulations, policy, and guidance for NSR permitting. As noted in the TSD, the revisions made to 20.11.41 sections 1, 3, 4, 5, 6, 9, 10, 11, 12, 18, 19, 20, 26, 27, and 29 NMAC are non-substantive, and thus will not be analyzed in detail below. A line by line comparison of these non-substantive submitted changes is found in the TSD in the docket for this action.

a. What are the requirements for the EPA's evaluation of a preconstruction permitting program SIP submittal?

In addition to the preconstruction permitting program requirements of section 110(a)(2), our evaluation must ensure that the submittal complies with section 110(l) of the CAA before it can be approved into the SIP. Section 110(l) states that the EPA shall not approve a revision of the SIP if it would interfere with any applicable requirement concerning attainment of the National Ambient Air Quality Standards (NAAQS), reasonable further progress, or any other applicable requirement of the Act. Thus, under CAA section 110(l), the proposed MNSR SIP revision must not interfere with attainment, reasonable further progress, or any other applicable requirement of the Act. As part of the 110(l) analysis, we have evaluated the proposed MNSR SIP revisions for any potential interference with attainment and reasonable further progress for all NAAQS pollutants. Bernalillo County is designated attainment for all NAAQS pollutants.

b. Technical Review of Albuquerque/Bernalillo County's SIP Revisions Submittals

As detailed in the TSD, the July 26, 2013 SIP submittal meets the completeness criteria established in 40 CFR 51, Appendix V. In addition to the completeness review, the revisions contained in the SIP submittal were evaluated against the applicable requirements contained in the Act and 40 CFR 51.

Section 2 of the County's submittal governs the scope of the Minor NSR program. 40 CFR 51.160(e) requires that the plan identify the ''types and sizes of facilities, buildings, structures, or installations which will be subject to review.'' The County's current SIP requires stationary sources with emissions in excess of the limits listed in this section to obtain a construction permit. In its submittal, the County revised this section to include source or activity based exemptions. The emissions from the new exemptions are expected to be inconsequential, and these sources and activities have historically been commenced and operated without coverage by an air permit.

As required by section 110(l) of the CAA, we analyzed the addition of these exemptions to ensure that they do not interfere with any applicable requirement for attainment of the NAAQS, reasonable further progress (RFP), or any other CAA requirement. The Department has been carrying out the Minor NSR program as revised since January 1, 2014. Since then, there has been no indication that these exempted sources have interfered with attainment, RFP, or any other requirement of the Act. The EPA took into consideration the following factors when making the decision to propose that the exemptions be approved into the SIP;

- Compliance with the 8-hour ozone standard has improved county-wide with ozone pollutant concentrations trending downward since the late 1980's. The 8-Hour and 1-Hour ozone trends are listed in Table 1: [1]

TABLE 1—OZONE DATA

Year	Maximum 8-hr value	Maximum 1-hr value	Number exceedances of 8-hr std (for all monitors combined)	Number exceedances of 1-hr std (for all monitors combined)	Number of monitors in Bernalillo County
2000	0.084	0.1	10	0	7
2005	0.084	0.131	7	1	8
2010	0.078	0.094	1	0	7

[1] Table showing more data points is available in the Technical Support Document for the proposed SIP approval.

TABLE 1—OZONE DATA—Continued

Year	Maximum 8-hr value	Maximum 1-hr value	Number exceedances of 8-hr std (for all monitors combined)	Number exceedances of 1-hr std (for all monitors combined)	Number of monitors in Bernalillo County
2015	0.073	0.081	0	0	5

• Compliance with the 8-hour CO standard has improved county-wide with CO pollutant concentrations trending downward since the late 1980's. The 8-Hour and 1-Hour CO trends are listed in Table 2:

TABLE 2—CO MONITORING DATA

Year	Maximum 8-hr value	Maximum 1-hr value	Number exceedances of 8-hr std	Number exceedances of 1-hr std	Number of monitors in Bernalillo County
1995	9.1	14	0	0	6
2000	4.3	9.2	0	0	6
2005	4.3	4.6	0	0	6
2010	3.1	3.5	0	0	5
2015	1.4	2.5	0	0	2

• Compliance with the 1-hour NO_2 standard has improved county-wide with NO_2 pollutant concentrations trending downward since the late 1990's. The 1-Hour NO_2 trends are listed in the Table 3:

TABLE 3—NO_2 DATA

Year	Maximum 1-hr value	Annual mean (maximum value out of all monitors)	Number exceptional events	Number of monitors in Bernalillo County
1990	118	17.7	0	1
1995	124	17.6	0	2
2000	135	17.23	0	2
2005	57	15.74	0	3
2010	81	12.07	0	1
2015	48	11.074	0	1

Section 7 of the County's SIP provides definitions for the terms used throughout 20.11.41 NMAC. The submitted revisions provide updated definitions for several terms. The revisions either made the definitions align more closely with those provided in 40 CFR 51.100 or they were updated to match those that were approved by the EPA in the most recent New Mexico Minor NSR SIP revision at 20.2.72 NMAC. We are proposing to approve the majority of the definitions with the exception of the following: ''conflict of interest'' listed in 20.11.41.7.J, ''technical permit revision,'' listed in 20.11.41.7.RR, and the reference to technical permit revisions found in 20.11.41.7.EE. We are proposing to conditionally approve these definitions since they only apply to sections 20.11.41.32 and 20.11.41.28.B which we are also proposing to conditionally approve in this action.

Section 13 of the County's SIP contains the requirements for the permit application that must be filed with the Department by any person seeking a permit. The revisions include the addition of provisions related to the changing, supplementing, or correcting a previously submitted permit application and provisions detailing what must be included before an application is considered complete. The revision also establishes a new abbreviated public participation process in 20.11.41.13B that applies to technical permit revisions. This abbreviated process does not meet the requirements for prominent advertisement in the area affected as required by 40 CFR 51.161. Rather, it allows the applicant to send notification letters to neighborhood organization within half a mile of the source seeking the technical permit revision. The County has committed to revising this abbreviated process to include the necessary public notice requirements as listed in 40 CFR 51.161. We are therefore proposing to conditionally approve 20.11.41.13.B.[2]

With the exception of the public participation process found in 20.11.41.13B., we are proposing to approve section 13 as it includes more stringent requirements for permit applicants with respect to the contents of permit applications that are not present in the current SIP. We propose to find section 13 meets the applicable federal requirements, including 40 CFR 51.160 which contains federal requirements regarding information an owner or operator of a new or modified source must submit to the State or local agency.

[2] Letter dated December 20, 2016 to Ron Curry, Regional Administrator, EPA Region 6, from Mary Lou Leonard, Director Environmental Health Department, City of Albuquerque. Copy of this letter and copies of all others referenced in this proposal are in the docket for this rulemaking.

Section 14 of the County's SIP contains the public notice requirements. Federal requirements for public participation for Minor NSR programs can be found at 40 CFR 51.160 and 51.161. The revised regulations allow the Department to publish its notice in a newspaper of general circulation in Bernalillo County, whereas the current SIP requires that it be published in a newspaper of general circulation in the area closest to the location of the source seeking a permit. The revision also shortens the comment period. Previously, commenters had 45 days to submit comments; under the new regulation they have 30 days to comment on the permit application. The requirement to publish the notice in a newspaper of general circulation in Bernalillo County meets the requirement found in 40 CFR 51.161(b)(3) to publish a notice by ''prominent advertisement in the area affected.'' Though the revision to 20.11.41.14 results in a reduction of the length of time the public can comment on the permit application, it still meets federal requirements since the new time period is equivalent to the federal minimum requirement found in 40 CFR 51.161(b)(2).

The revised provisions provide that only those who submit comments during the 30-day comment period will be notified when the Department's analysis is available. As clarified in the County's July 5, 2016 letter, those who wish to provide comments on the analysis will have 30 days to do so once it becomes available. The proposed revisions also require a person to comment in writing on the permit application in order to be allowed to comment on the Department's Analysis. We believe that this is a minimal burden placed on the public to express written interest on the permit application in order to have the opportunity to comment on the Department's Analysis. This additional requirement does not undermine federal public participation requirements, nor does it interfere with any other requirement of the CAA. Therefore, we propose approval of this revision into the SIP.

In addition, the County has revised the language in 20.11.41.14(B)(8) NMAC which requires that public notices be automatically sent to the Region 6 EPA office; the revised provision now provides that public notices be sent to the EPA only if requested by the EPA. 40 CFR 51.161(d) requires that a state send a copy of all public notices to the EPA via the Regional Office, without qualifying whether a request by the EPA is necessary. To ensure that all public notices are received by the EPA pursuant to 40 CFR 51.161(d), Region 6 has formally requested copies of each public notice be provided to the EPA.[3] Therefore, the Department will provide a copy of all public notices for construction permits to the EPA meeting the federal requirement in 40 CFR 51.161(d).

Section 15 of the County's SIP contains the provisions governing the public information hearing process. The proposed regulation clarifies that the Department shall hold a public information hearing (PIH) for a permit application if the Department determines there is significant interest and a significant air quality issue. Section 15 requires the Department to hold a hearing, if needed, no fewer than 30 days before the deadline for the Department to make a final decision on the permit application and to publish a public notice of the hearing no fewer than 10 days before it occurs. This is a new requirement that is not in the current SIP. The replacement regulation also clarifies that the applicant is to present their permit proposal and answer questions from the attendees. It also requires that the PIH is recorded and the recording be included in the administrative record. There are no federal requirements for Minor NSR permits to have an opportunity for a hearing, therefore, the proposed section 20.11.41.15 is more stringent than federal requirements and we are proposing its approval into the SIP.

Section 16 in the County's SIP governs the permit decisions process. It specifies the numbers of days within which the Department shall either grant, grant subject to conditions, or deny a permit or permit revision after the Department deems a permit application administratively complete. The revision reduces the number of days the Department has to review the application from 180 days to 90 days. It also reduces the days in which the Department must hold a hearing, if one is required, from 90 days to 60 days. The Department provided supplemental information to the EPA regarding the number of Minor NSR permits that have been issued since the reduction in the amount of time the Department has to review an application has been implemented. The Department has been implementing this reduction in time for the Department's review of Minor NSR permits for over 10 years. The Department has issued approximately 892 new MNSR permits since January 20, 2000.[4]

Bernalillo County is designated attainment for all NAAQS pollutants, and the air quality trends provided in the section 2 analysis support that the air quality is improving in the county. The reduction of time for the Department's review of Minor NSR permit applications has therefore not interfered with attainment, reasonable further progress, or any other applicable requirement of the Act and we are proposing its approval into the SIP.

Section 17 of the County's SIP provides the basis for which a permit may be denied. The revision removes a provision that refers to ambient air standards that are unique to the Air Board. There are no standards that are unique to the Air Board, the County incorporates the federal standards by reference.[5] We are proposing to approve removal of this provision from the current SIP. The proposed replacement regulation includes a new provision at 20.11.41.17.F. that allows the Department to deny a permit application if the Department determines that a conflict of interest existed or exists regarding an application that was submitted during accelerated review as authorized by 20.11.41.32 NMAC. We are proposing to conditionally approve this provision in 20.11.41.17F. since it applies only to permits processed through the accelerated review process established in 20.11.41.32 NMAC, which we are also proposing for conditional approval. We are proposing to approve the rest of section 17.

Section 20 of the County's SIP provides the basis for which a permit may be cancelled, suspended, or revoked. The proposed replacement regulation includes a new provision that provides that a violation of a requirement of the State Act, a board regulation, or a condition of a permit that has been issued pursuant to 20.11.41 NMAC may result in suspension or revocation of the permit. This provision makes the SIP more stringent and we are proposing its approval into the SIP.

Section 21 of the County's submittal addresses the permittee's obligation to notify the Department in various instances. This section adds a new

[3] Copies of public notices were requested via letter from Mr. Jeffrey Robinson, Section Chief, Air Permits, EPA, Region 6 to Ms. Mary Lou Leonard, Director, City of Albuquerque Environmental Health Department on June 6, 2016. City of Albuquerque responded to EPA's request via letter dated July 5, 2016 from Ms. Mary Lou Leonard, Director, City of Albuquerque Environmental Health Department, to Mr. Jeffrey Robinson, EPA, and agreed to provide copies of the notices to EPA.

[4] Historical new Minor NSR permit issuance data was provided via letter dated April 21, 2016, from Isreal Tavarez, City of Albuquerque, to Aimee Wilson, EPA, Region 6.

[5] *See,* 20.11.8.11

requirement for the permittee to notify the Department of the date a portable source leaves or returns to the County. The permittee must also notify the Department of any permit update or correction no more than 60 days after the permittee knows or should have known about the condition that requires updating or correction of the permit. In addition, the permittee must submit an annual emissions inventory to the Department as required by 20.11.47 NMAC. The revised section also states the timeframes in which the required notifications must be completed in a clearer manner than the current SIP. These revisions assist in ensuring that sources are not engaging in acts that will result in an exceedance of one of the NAAQS and in clarifying when each notification must be provided to the Department. We are proposing to approve this section into the SIP.

The County wishes to remove the current section 22—Emergency Permits from its current SIP. The July 26, 2013 SIP Submittal renumbered section 22 to section 24. The County, in its technical support document, and subsequently in its April 21, 2016 letter to the EPA, declared the provisions to be ''local only'' provisions, thus indicating an intention that they be removed from the SIP. The removal of the provision will not interfere with any applicable requirements of the CAA as it merely provided an avenue for permittees to obtain a permit at an expedited rate in the event of an emergency. The removal of such a provision will not interfere with any applicable requirement of the Act. Sources operating under emergency permits remain subject to federal enforcement.

The proposed replacement regulation for section 22 clarifies the performance testing requirements in the County. The proposed regulation clarifies the following: The permittee is responsible for the testing expenses, the permittee must submit a written report of the test results within 30 days of the completion of the testing, and the Department may require the permittee to repeat the testing or perform additional testing as frequently as the Department requires to ensure that the source demonstrates compliance with the permit. The revised regulation assists in ensuring that sources are in compliance with, and remain in compliance with, their permits. The revisions incorporate more stringent requirements for performance testing than what is currently in the SIP and we are proposing that these revisions be approved into the SIP.

Section 23 of the County's submittal addresses the temporary relocation of portable stationary sources in the County. The submittal adds clarifying language regarding the requirements applicants must meet in order to relocate a permitted portable source without obtaining a permit revision. It also includes the incorporation of additional recordkeeping and notification requirements that must be met in order for the portable source to relocate without undergoing a permit revision and identifies any sources that are exempt from the requirements listed in this section. Further, it requires that the application for relocation be submitted at least 45 days prior to the relocation date, that relocation applicants pay the fee required by 20.11.2 NMAC, and that applications include an EPA-approved air dispersion model showing the proposed new location will comply with the NAAQS and NMAAQS, include all information required by 20.11.41.13 NMAC and be signed certifying accuracy. The EPA is proposing to approve these revised provisions as they include more stringent requirements for portable source relocation to meet before qualifying for an exemption from preconstruction permitting. Section 23 meets the applicable federal requirements and we are proposing its approval into the SIP.

Section 25 of the County's submittal addresses the requirements for minor source modifications in nonattainment areas. The proposed regulation removed the reference to the State of New Mexico non-methane hydrocarbon standard in 20.11.44 NMAC, Emissions Trading, since the format of the standard is outdated and its withdrawal from the SIP was recommended by the EPA Region 6 office.[6] We are proposing to approve the removal of this reference. The proposed regulation also contains a requirement that an existing source that is subject to nonattainment permitting and is modifying shall demonstrate a net air quality benefit of at least a 20% reduction in ambient impact for each applicable contaminant. These revisions result in a more stringent SIP than currently approved, therefore we find that they meet federal requirements for SIP-approved permitting plans.

Section 28 of the County's submittal addresses administrative and technical permit revisions. The proposed replacement regulation includes details on what constitutes administrative and technical permit revisions, the requirements of the applicant when submitting an administrative or technical permit revision, and how the Department processes an administrative or technical permit revision. Each permit revision type has specific review and permit issuance procedures, applicable fees, and public notice requirements, as described below:

- Administrative permit revisions require that a form on the revision be submitted by the applicant to the Department. Upon receipt of the form, the Department determines whether the revision qualifies as an administrative revision. Administrative revisions are limited to administrative changes that do not have associated increases in permitted emissions and do not result in a change to a permit term or condition, such as: The correction of typographical errors, change in administrative information (*e.g.,* change in owner, facility address, or contact phone number), the incorporation of the retirement of a permitted source or the closing of a facility, or the incorporation of NMAC exempted sources.[7] Under this revision, administrative permit revisions now require a certified written notification of the revision be submitted by the applicant to the Department. Administrative revisions become effective upon receipt of the notification by the Department. The Department is not required to reissue the permit to incorporate an Administrative permit revision. Administrative revisions have applicable permit fees under 20.11.41.12 NMAC. These revisions are not subject to the public notice requirements contained in either section 13 or section 14.
- Technical permit revisions require that an application for a revision be submitted by the applicant to the Department. Technical permit revisions are used to accomplish changes that will not result in a significant emissions increase that cannot be accomplished using the administrative revisions provision in this section. The Department has 30 days after the receipt of a complete application to approve or deny the permit revisions or inform the applicant that the request must be submitted as a permit modification. This timeline for the Department's action on the permit application may be extended if the Department holds a public meeting in response to significant public interest regarding the permit revision. The technical permit

[6] Letter dated February 21, 2007 from Jeff Robinson, EPA to Neal Butt, Albuquerque Environmental Health Department.

[7] The incorporation of the 20.11.41.2 NMAC exempted sources into an existing permit is an administrative action and does not change the exempt status of these sources. These 20.11.41.2 NMAC exempt sources remain exempt from Minor NSR permitting requirements and their incorporation into an existing permit does not result in an increase in permitted emission rates or change a term or condition of the existing permit.

revision becomes effective upon written approval from the Department, and the Department is required to file the technical permit revision with the existing permit. Permit actions that qualify as technical revisions are required to follow the public notice requirements of 20.11.41.13 NMAC, and fees under 20.11.41.12. Permit actions that qualify as technical revisions are exempt from the public notice requirements provided for in 20.11.41.14 NMAC.

Federal Minor NSR Program requirements generally require a 30-day public review for all sources that are subject to Minor NSR; however, these requirements also allow a state to identify the types and sizes of facilities, buildings, structures, or installations, which will require full preconstruction review by justifying the basis for the state's determination of the proper scope of its program.[8] Importantly, our decision to approve a state's scope of its Minor NSR program must consider the individual air quality concerns of each jurisdiction, and therefore will vary from state to state. The EPA recognizes a state's ability to tailor the scope of its Minor NSR program as necessary to achieve and maintain the NAAQS.

The revised SIP rule is more stringent than the current SIP with respect to requiring written notification of the administrative revision be submitted by the applicant to the Department. The administrative permit revisions do not have any associated increases in permitted emissions and are truly inconsequential in nature. As these administrative revisions have no associated increases in emissions, we find that they will not interfere with any provision of the CAA or EPA regulations as required by section 110(l) of the CAA.

The Department began issuing technical permit revisions when the revised 20.11.41 NMAC, Construction Permits, became effective on January 1, 2014. Since 2014, the Department has issued 13 technical permit revisions in the County. The Department's implementation of the permit revision program, which allows for reduced public notice for administrative and technical revisions, has not resulted in a measured exceedance of the NAAQS and has not shown any interference with reasonable further progress.[9] Furthermore, a review of the technical permit revisions issued since 2014 shows that the total annual increases in permitted emissions is less than 1 ton per year for all NAAQS pollutants. In fact, most of the pollutants show no change or an overall decrease in annual emissions as a result of the technical permit revisions issued since 2014. This is consistent with our expectation that the permit revisions and associated public notice requirements will not have adverse impacts on air quality that interfere with attainment or reasonable further progress or any other applicable requirement of the Act.

However, since the technical permit provision potentially allows permittees to conduct changes that may potentially result in up to a one pound per hour increase of a NAAQS pollutant or NMAAQS pollutant, the County is required to follow the public notice requirements provided in 40 CFR 51.161, which requires that the County provide ''a notice by prominent advertisement in the area affected.'' As written, permittees seeking a technical permit revision are required to provide public notice by sending a letter to designated representatives of recognized neighborhood organizations and associations within one-half mile of the source requesting the modification. This does not meet the federal notice requirements specified in 40 CFR 51.161. The one-half mile radius is not sufficient to constitute a ''prominent advertisement'' in the ''area affected.'' The increase in emissions allowed under this provision has the potential to affect an area greater than one-half of a mile. Additionally, there is no way to ensure that all of the individuals living in areas that could be potentially affected by this increase are members of, or represented by, the recognized neighborhood organizations or associations which are required to be notified. For these reasons, we are proposing to conditionally approve the technical permit provision established in Section 28 under CAA section 110(k)(4). The County has committed to making the required changes to the public participation component of this provision within one year from the date this conditional approval becomes final.

Section 29 of the County's submittal addresses permit modification. The SIP previously defined ''Modification or To Modify'' in section 20.11.41.7(H). The submittal adds a new section entitled ''Permit Modification'' at 20.11.41.29 which explains that all proposed modifications must comply with all requirements of 20.11.41. Permit modifications must follow the same permitting procedures and meet the same permitting requirements as those required for newly issued Minor NSR permits. We find that the proposed revision clarifies the permit modification process and meets the federal requirements for SIP-approved permitting plans.

Section 30 of the County's submittal addresses permit reopening, revision, and reissuance. The revision gives the Department the authority to reopen, revise, or reissue a permit if any mistakes are found, additional requirements of the CAA or State act are found to apply, the reopening is necessary to ensure compliance with federal or state requirements, or the permittee failed to disclose a material fact to the Department. This revision ensures that the Department has the authority to prevent violations of the CAA in the event that any of the aforementioned events occur. Permit reopening, revision, and reissuance under section 20.1.41.30 would be initiated by the County and is not a permitting mechanism that the permittee can initiate. Therefore, we find that these revisions to section 30 will not affect the ability of the section, or Part 41 overall, to meet the federal requirements for SIP-approved permitting plans.

Section 31 of the County's submittal creates a new type of permit, a general construction permit, in the County's Minor NSR Program. A general construction permit developed by the Department must cover numerous similar sources. Sources allowed to register for coverage under a general permit must be homogenous in terms of operations, processes and emissions, subject to the same or substantially similar requirements, and not subject to case-by-case standards or requirements. As required in 20.11.41.31(B)(3)(a) NMAC, a general construction permit developed by the Department must describe the sources that qualify to register under the general permit. This requirement satisfies the federal requirement 40 CFR 51.160(e) which provides that the SIP must identify the types and sizes of facilities that will be subject to review. Section 31 states that this provision does not apply to major modifications or sources as defined by 20.11.60 NMAC. The Department further clarified in its letter dated April 21, 2016, that permits developed and issued under the general permits programs will not be issued to sources that are defined as major under federal rules and regulations.

[8] For example, under the federal Tribal NSR regulations, EPA did not require permits for sources with emissions below ''*de minimis*'' levels, and for sources in ''insignificant source categories''. 76 FR at 38755. In sum, under these Tribal NSR regulations, some sources are not required to obtain permits, and have no public notice requirements.

[9] Permit revisions data provided via letter dated April 21, 2016, from Isreal Tavarez, PE, Environmental Health Manager, Environmental Health Department, City of Albuquerque to Aimee Wilson, Air Permitting, EPA, Region 6.

The submitted regulation specifically requires that a general permit include monitoring, record keeping and reporting (MRR) requirements appropriate to the source and sufficient to ensure compliance with the general construction permit, ensuring that the provision will be enforceable as required by 40 CFR 51.160(a). The general permit also must contain sufficient terms and conditions to ensure that all sources operating under a general permit will meet all applicable requirements under the Federal Clean Air Act, *e.g.,* NSPS, NESHAPS, and MACT, and all requirements of the SIP. Sources operating under general permits are not allowed to cause or contribute to air contaminant levels in excess of any National or New Mexico Ambient Air Quality Standard. The provision clearly identifies the category of sources that qualify for coverage and provides that a source notifies the Department of its coverage under the program by submitting a complete application to register. The Department shall grant registration to a source only if it submits a complete application and meets the terms and conditions of the general permit. This provision meets all applicable federal requirements and will not interfere with any provision in the CAA or in the EPA regulations.

Section 32 of the County's submittal seeks to establish an accelerated review process. The accelerated review process allows the County to utilize contractors to perform technical review and the drafting of permits provided the applicant and contractor meet certain obligations. The permit applicant has to pay both an accelerated review processing fee and a permit review fee. The County still retains the authority to review the draft permit and ensure that it meets all of the necessary requirements before it is proposed as a draft permit. The permit however does not go through the same public notice procedures as other permits as outlined in 20.11.41.14.B. NMAC and does not meet the minimum requirements of 40 CFR 51.161(b)(1). 40 CFR 51.161 requires that the state or local agency make public the permittee's application and the state or agency's analysis of that application. Section 32 does not require that the application or analysis be posted in a public place. The County has stated that it inadvertently excluded this requirement, and that it is their practice to make the application and analysis available in accordance with 40 CFR 51.161. We are proposing to conditionally approve this section under 110(k)(4). The County has committed to updating this section within one year of this rule becoming final to reflect its practice of making these documents publicly available.[10]

IV. Proposed Action

We are proposing to approve the revisions to the City of Albuquerque—Bernalillo County Minor NSR program submitted on July 26, 2013, as supplemented on April 21, 2016; July 5, 2016; September 19, 2016; and December 20, 2016, that update the regulations to be consistent with federal requirements for Minor NSR permitting, remove a provision that refers to ambient air standards that are unique to the Air Board that no longer exist, and the reference to the State of New Mexico non-methane hydrocarbon standard in 20.11.44 NMAC, Emissions Trading. The EPA has made the preliminary determination that the revisions are approvable because the submitted rules are adopted and submitted in accordance with the CAA and are consistent with the laws and regulations for Minor NSR permitting.

We are proposing to conditionally approve the provisions submitted on July 26, 2013, as supplemented on April 21, 2016; July 5, 2016; September 19, 2016; and December 20, 2016, that establish the accelerated permitting procedures. Additionally, the EPA is proposing to conditionally approve the definition of ''conflict of interest'' at 20.11.410.7(J) NMAC, permit denial as it relates to conflict of interest at 20.11.41.17(F) NMAC, and Accelerated Review at 20.11.41.32 NMAC, as adopted on July 10, 2013 and submitted on July 26, 2013. We are also proposing to conditionally approve the technical permit revision procedures established in section 28.

Table 4 summarizes the changes made to the County's SIP that are contained in the SIP revisions submitted on July 26, 2013, as supplemented on April 21, 2016; July 5, 2016; September 19, 2016; and December 20, 2016. A summary of the EPA's evaluation of each section and the basis for this action is discussed in Section III of this preamble.

TABLE 4—SUMMARY OF THE SIP SUBMITTAL IN THIS ACTION

Section	Title	Submittal dates	Proposed action
20.11.41 NMAC—Construction Permits			
20.11.41.1 NMAC	Issuing Agency	07/26/2013	Approval.
20.11.41.2 NMAC	Scope	07/26/2013	Approval.
20.11.41.3 NMAC	Statutory Authority	07/26/2013	Approval.
20.11.41.4 NMAC	Duration	07/26/2013	Approval.
20.11.41.5 NMAC	Effective Date	07/26/2013	Approval.
20.11.41.6 NMAC	Objective	07/26/2013	Approval.
20.11.41.7 NMAC	Definitions	07/26/2013	Approved except for the following which we are conditionally approving: 20.11.41.7.J., 20.11.41.RR, and the reference to technical permit revisions in 20.11.41.EE.
20.11.41.8 NMAC	Variances	07/26/2013	Approval.
20.11.41.9 NMAC	Savings Clause	07/26/2013	Approval.
20.11.41.10 NMAC	Severability	07/26/2013	Approval.
20.11.41.11 NMAC	Documents	07/26/2013	Approval.
20.11.41.12 NMAC	Fees for Permit Application	07/26/2013	Approval.
20.11.41.13 NMAC	Application for Permit	07/26/2013	Approval.
20.11.41.14 NMAC	Public Participation	07/26/2013	Approval.
20.11.41.15 NMAC	Public Information Hearing	07/26/2013	Approval.

[10] Letter dated December 20, 2016 to Ron Curry, Regional Administrator, EPA Region 6, from Mary Lou Leonard, Director Environmental Health Department, City of Albuquerque.

TABLE 4—SUMMARY OF THE SIP SUBMITTAL IN THIS ACTION—Continued

Section	Title	Submittal dates	Proposed action
20.11.41.16 NMAC	Permit Decision and Air Board Hearing on the Merits	07/26/2013	Approval.
20.11.41.17 NMAC	Basis for Permit Denial	07/26/2013	Approved except for 20.11.41.17.F.
20.11.41.18 NMAC	Applicants' Additional Legal Responsibilities	07/26/2013	Approval.
20.11.41.19 NMAC	Permit Conditions	07/26/2013	Approval.
20.11.41.20 NMAC	Permit Cancellations, Suspension, or Revocation	07/26/2013	Approval.
20.11.41.21NMAC	Permittee's Obligations to Inform the Department and Deliver an Annual Emissions Inventory.	07/26/2013	Approval.
20.11.41.22 NMAC	Performance Testing	07/26/2013	Approval.
20.11.41.23 NMAC	Temporary Relocation of Portable Stationary Sources	07/26/2013	Approval.
20.11.41.24 NMAC	Emergency Permits	07/26/2013	Removed.
20.11.41.25 NMAC	Nonattainment Area Requirements	07/26/2013	Approval.
20.11.41.26 NMAC	Compliance Certification	07/26/2013	Approval.
20.11.41.27 NMAC	Enforcement	07/26/2013	Approval.
20.11.41.28 NMAC	Administrative and Technical Permit Revisions	07/26/2013	Approval for Administrative Revisions/Conditional Approval for Technical Permit Revisions.
20.11.41.29 NMAC	Permit Modification	07/26/2013	Approval.
20.11.41.30 NMAC	Permit Reopening, Revision and Reissuance	07/26/2013	Approval.
20.11.41.31 NMAC	General Construction Permits	07/26/2013	Approval.
20.11.41.32 NMAC	Accelerated Review of Application	07/26/2013	Conditional Approval.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. There is no burden imposed under the PRA because this action does not contain any information collection activities.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. There are no requirements or responsibilities added or removed from Indian Tribal Governments. Thus, Executive Order 13175 does not apply to this action. In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law

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

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

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This action proposes to approve state permitting provisions that are consistent with the CAA and disapprove state permitting

provisions that are inconsistent with the CAA.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 6, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

[FR Doc. 2017–04734 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0842; FRL–9958–14–Region 5]

Air Plan Approval; Minnesota; Sulfur Dioxide; Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Minnesota sulfur dioxide (SO_2) and particulate matter of less than 10 microns (PM_{10}) State Implementation Plans (SIPs) as submitted on December 11, 2015. The revision will update the Rochester SO_2 and Olmsted County PM_{10} maintenance plans to reflect changes in available controls, operating practices, and cleaner fuel options that have resulted in significant reductions of SO_2 and PM_{10} emissions in the maintenance areas. EPA is also proposing to approve the removal of existing title I SO_2 SIP conditions for six facilities from the SO_2 SIP, and the state's evaluation that such changes ensure continued attainment of the SO_2 National Ambient Air Quality Standards (NAAQS).

DATES: Comments must be received on or before April 10, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2015–0842 at *http://www.regulations.gov* or via email to *blakley.pamela@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6061, *acevedo.francisco@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: December 29, 2016.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2017–04691 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0653; FRL–9959–05–Region 9]

Approval of Nevada Air Plan Revisions, Clark County Department of Air Quality and Washoe County Health District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Clark County Department of Air Quality and Washoe County Health District portions of the Nevada State Implementation Plan. These revisions concern emissions of particulate matter from fugitive dust. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act. We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by April 10, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2016–0653 at *http://www.regulations.gov,* or via email to Andrew Steckel, Rulemaking Office Chief at *Steckel.Andrew@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from *Regulations.gov.* For either manner of submission, the Environmental Protection Agency (EPA) may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR**

FURTHER INFORMATION CONTACT section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, EPA Region IX, (415) 947–4125, *vineyard.christine@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

Table of Contents

I. The State's Submittal
A. What rules did the State submit?
B. Are there other versions of these rules?
C. What is the purpose of the submitted rule revisions?
II. The EPA's Evaluation and Action
A. How is the EPA evaluating the rules?
B. Do the rules meet the evaluation criteria?
C. EPA recommendations to further improve the rules
D. Public comment and proposed action
III. Incorporation by reference
IV. Statutory and Executive Order Reviews

I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules addressed by this proposal with the dates that they were adopted by the local air agencies, Washoe County Health District (WCHD) and Clark County Department of Air Quality (CCDAQ), and submitted by the Nevada Division of Environmental Protection (NDEP).

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Revised	Submitted
WCHD	010.000	Definitions	05/26/16	08/15/16
WCHD	040.051	Wood-Burning Devices	05/26/16	08/15/16
CCDAQ	26	Emission of Visible Air Contaminants	05/05/15	06/29/15

On September 16, 2016 and August 11, 2015, the EPA determined that the submittals for WCHD and CCDAQ, respectively, met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of these rules?

We approved an earlier version of Rule 010.000 into the State Implementation Plan (SIP) on February 01, 1972 (33 FR 15080) and Rule 040.051 into the SIP on June 18, 2007 (72 FR 33397). The WCHD adopted revisions to the SIP-approved versions on May 26, 2016 and NDEP submitted them to us on August 15, 2016. We approved an earlier version of Rule 26 into the SIP on August 27, 1981 (46 FR 43141). The CCDAQ adopted revisions to the SIP-approved version on December 30, 2008 and May 05, 2015, and NDEP submitted them to us on November 20, 2014 and June 29, 2015, respectively. While we can act on only the most recently submitted version of the rules, we have reviewed materials provided with previous submittals.

C. What is the purpose of the submitted rule revisions?

Particulate Matter (PM), including PM equal to or less than 2.5 microns in diameter ($PM_{2.5}$) and PM equal to or less than 10 microns in diameter (PM_{10}), contributes to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. Section 110(a) of the Clean Air Act (CAA or Act) requires states to submit regulations that control PM emissions. WCHD Rule 010.000 was revised to include new definitions, eliminate obsolete definitions and change some existing definitions applicable to Rule 040.051, Wood-Burning Devices. WCHD Rule 040.051 was revised to incorporate requirements from Rule 040.052 (rescinded) and the EPA's New Source Performance Standards (NSPS) for Wood Heaters. CCDAQ Rule 26 was revised to reference the use of EPA Test Method 9 to determine compliance with the visible emissions limits. The EPA's technical support documents (TSDs) have more information about these rules.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rules?

SIP rules must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193). CCDAQ and WCHD regulate areas that are classified as attainment for the 24-hour PM_{10} National Ambient Air Quality Standards (NAAQS) (see 40 CFR part 81.305). Rule CCDAQ Rule 26 is comparable to other district rules used to enforce a visible emissions limit of 20% opacity and WCHD Rules 040.010 and 040.051 fulfill relevant CAA Best Available Control Measures (BACM) requirements. For these reasons, we believe the rules will not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements.

Guidance and policy documents that we use to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' (57 FR 13498, April 16, 1992 and 57 FR 18070, April 28, 1992).
2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations'' (''the Bluebook,'' U.S. EPA, May 25, 1988; revised January 11, 1990).
3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies'' (''the Little Bluebook'', EPA Region 9, August 21, 2001).
4. ''State Implementation Plans for Serious PM–10 Nonattainment Areas, and Attainment Date Waivers for PM–10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' (59 FR 41998, August 16, 1994).
5. ''PM–10 Guideline Document'' (EPA 452/R–93–008, April 1993).

B. Do the rules meet the evaluation criteria?

We are proposing to approve these rules because they are consistent with the relevant policy and guidance regarding enforceability, and SIP relaxations. The TSDs have more information on our evaluation.

C. EPA Recommendations to Further Improve the Rules

The TSDs describe additional rule revisions that we recommend for the next time the local agency modifies the rules.

D. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rules because they fulfill all relevant requirements. We will accept comments from the public on this proposal until April 10, 2017. If we take final action to approve the submitted rules, our final action will incorporate these rules into the federally enforceable SIP.

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the CCQAD and WCHD rules described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely proposes to approve State law as meeting federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: January 19, 2017.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2017–04777 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0415; FRL–9959–44–Region 9]

Approval of California Air Plan Revisions, Antelope Valley Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Antelope Valley Air Quality Management District (AVAQMD) portion of the California State Implementation Plan (SIP). This revision concerns emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO_X) from passenger vehicles. We are proposing to approve a local rule to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by April 10, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2016–0415 at *http://www.regulations.gov,* or via email to *steckel.andrew@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the Web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting/-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Buss, EPA Region IX, (415) 947–4152, *buss.jeffrey@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

Table of Contents

I. The State's Submittal
A. What rule did the State submit?
B. Are there other versions of this rule?
C. What is the purpose of the submitted rule?
II. The EPA's Evaluation and Action
A. How is the EPA evaluating the rule?
B. Does the rule meet the evaluation criteria?
C. Public Comment and Proposed Action
III. Incorporation by Reference
IV. Statutory and Executive Order Reviews

I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the date that it was adopted by the local air agency and submitted by the California Air Resources Board.

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Adopted	Submitted
AVAQMD	2200	Transportation Outreach Program	07/20/99	10/29/99

On April 29, 2000, the submittal for AVAQMD Rule 2200 was deemed by operation of law to meet the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

There are no previous versions of Rule 2200 in the SIP, however, when the District succeeded the South Coast Air Quality Management District (SCAQMD) on July 1, 1997 as the air agency in the Antelope Valley, the SCAQMD rules in effect within the Antelope Valley on that date became AVAPCD Rules, including Rule 2202: ''On Road Motor Vehicle Mitigation Options.'' On January 20, 1998 the District rescinded Rule 2202 and subsequently replaced it with Rule 2200. While we can act on only the most recently submitted version, we have reviewed materials provided with previous submittals.

C. What is the purpose of the submitted rule?

Rule 2200 provides a mechanism for obtaining documentation of emission reductions resulting from trip reduction programs. According to the District, the rule is expected to help reduce volatile organic compound (VOC) and oxides of nitrogen (NO_X) emissions by encouraging individuals to select rideshare alternatives to driving alone and by educating employees and the public others about the health impacts of motor vehicle pollution. VOCs and NO_X help produce ground-level ozone, and PM, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC and NO_X emissions. The EPA's technical support document (TSD) has more information about this rule.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rule?

SIP rules must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193). Further, CAA section 182(d)(1)(B) permits states with severe or extreme nonattainment areas to ''submit a revision at any time requiring employers in such area[s] to implement programs to reduce work-related vehicle trips and miles travelled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to [the CAA] and may require that employers in such area[s] increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods.'' 42 U.S.C. 7511a.

Guidance and policy documents that we use to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:

''Guidance on Incorporating Voluntary Mobile Source Emission Reduction Programs in State Implementation Plans (SIPs),'' Memorandum from Richard D. Wilson, October 24, 1997.

B. Does the rule meet the evaluation criteria?

We believe this rule is consistent with CAA requirements and relevant guidance regarding enforceability, and SIP revisions. The rule, however, establishes a framework for documenting emissions reductions from trip reduction programs without requiring any specific trip reduction programs. In addition, the submittal does not contain a good faith estimate of emission reductions. For these two reasons, it is not appropriate to credit this rule with emission reductions in a SIP at this time. The TSD has more information on our evaluation.

C. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rule because we believe it fulfills all relevant requirements. We will accept comments from the public on this proposal until April 10, 2017. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate this rule into the federally enforceable SIP.

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the AVAQMD the rule described in Table 1 of this notice. The EPA has made, and will continue to make, these documents available electronically through *www.regulations.gov* and in hard copy at U.S. Environmental Protection Agency Region IX (Air-4), 75 Hawthorne Street, San Francisco, CA, 94105–3901.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely proposes to approve State law as

meeting federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: August 24, 2016.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2017–04689 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 194

[EPA–HQ–OAR–2014–0609; FRL–9958–69–OAR]

Notification of Completeness of the Department of Energy's Compliance Recertification Application for the Waste Isolation Pilot Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of completeness of recertification application and announcement of end of public comment period.

SUMMARY: The Environmental Protection Agency (EPA or ''the Agency'') has determined that the Department of Energy's (DOE) Compliance Recertification Application (CRA or ''application'') for the Waste Isolation Pilot Plant (WIPP) is complete. The EPA provided written notice of the completeness decision to the Secretary of Energy on January 13, 2017. The text of the letter is contained in the **SUPPLEMENTARY INFORMATION**.

The Agency has determined that the application is complete, in accordance with EPA regulations. The completeness determination is an administrative step that is required by regulation, and it does not imply in any way that the CRA demonstrates compliance with the Compliance Certification Criteria or the disposal regulations. The EPA is now engaged in the full technical review that will determine if the WIPP remains in compliance with the disposal regulations. As required by the 1992 WIPP Land Withdrawal Act and its implementing regulations, the EPA will make a final recertification decision within six months of issuing the completeness letter to the Secretary of Energy.

DATES: The EPA opened the public comment period upon receipt of the 2014 CRA (79 FR 61268, October 10, 2014). Comments must be received on or before April 10, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2014–0609, to the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information of which disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ray Lee, Radiation Protection Division, Center for Radiation Information and Outreach, Mail Code 6608T, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, Washington, DC 20460; telephone number: 202–343–9463; fax number: 202–343–2305; email address: *lee.raymond@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to the EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to the EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The Agency may ask you to respond to specific

questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

II. Background

The Waste Isolation Pilot Plant (WIPP) was authorized in 1980, under section 213 of the DOE National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96–164, 93 Stat. 1259, 1265), ''for the express purpose of providing a research and development facility to demonstrate the safe disposal of radioactive wastes resulting from the defense activities and programs of the United States.'' The WIPP is a disposal system for transuranic (TRU) radioactive waste. Developed by the DOE, the facility is located near Carlsbad in southeastern New Mexico. TRU waste is emplaced 2,150 feet underground in an ancient layer of salt that will eventually ''creep'' and encapsulate the waste containers. The WIPP has a total capacity of 6.2 million cubic feet for TRU waste.

The 1992 WIPP Land Withdrawal Act (LWA; Pub. L. 102–579) [1] limits radioactive waste disposal in the WIPP to TRU radioactive wastes generated by defense-related activities. TRU waste is defined as waste containing more than 100 nano-curies per gram of alpha-emitting radioactive isotopes, with half-lives greater than twenty years and atomic numbers greater than 92. The WIPP LWA further stipulates that radioactive waste shall not be TRU waste if such waste also meets the definition of high-level radioactive waste, has been specifically exempted from regulation with the concurrence of the Administrator, or has been approved for an alternate method of disposal by the Nuclear Regulatory Commission. The TRU radioactive waste proposed for disposal in the WIPP consists of materials such as rags, equipment, tools, protective gear and sludges that have become contaminated during atomic energy defense activities. The radioactive component of TRU waste consists of man-made elements created during the process of nuclear fission, chiefly isotopes of plutonium. Some TRU waste is contaminated with hazardous wastes regulated under the Resource Conservation and Recovery Act (RCRA; 42 U.S.C. 6901–6992k). The waste proposed for disposal at the WIPP derives from federal facilities across the United States, including locations in California, Colorado, Idaho, New Mexico, Nevada, Ohio, South Carolina, Tennessee and Washington.

The WIPP must meet the EPA's generic disposal standards at 40 CFR part 191, subparts B and C, for high-level and TRU radioactive waste. These standards limit releases of radioactive materials from disposal systems for radioactive waste, and require implementation of measures to provide confidence for compliance with the radiation release limits. Additionally, the regulations limit radiation doses to members of the public, and protect ground water resources by establishing maximum concentrations for radionuclides in ground water. To determine whether the WIPP performs well enough to meet these disposal standards, the EPA issued the WIPP Compliance Certification Criteria (40 CFR part 194) in 1996. The Compliance Certification Criteria interpret and implement the disposal standards specifically for the WIPP site. They describe what information the DOE must provide and how the Agency evaluates the WIPP's performance and provides ongoing independent oversight. The EPA implemented its environmental radiation protection standards, 40 CFR part 191, by applying the Compliance Certification Criteria to the disposal of TRU radioactive waste at the WIPP. For more information about 40 CFR part 191, refer to **Federal Register** documents published in 1985 (50 FR 38066–38089, Sep. 19, 1985) and 1993 (58 FR 66398–66416, Dec. 20, 1993). For more information about 40 CFR part 194, refer to **Federal Register** documents published in 1995 (60 FR 5766–5791, Jan. 30, 1995) and in 1996 (61 FR 5224–5245, Feb. 9, 1996).

Using the process outlined in the Compliance Certification Criteria, the EPA determined on May 18, 1998 (63 FR 27354), that the DOE had demonstrated that the WIPP facility will comply with the Agency's radioactive waste disposal regulations at subparts B and C of 40 CFR part 191. The Agency's certification determination permitted the WIPP to begin accepting transuranic waste for disposal, provided that other applicable conditions and environmental regulations were met. The DOE began disposing of TRU waste at the WIPP in March 1999.

Since the 1998 certification decision (and the 2006 and 2010 recertification decisions), the EPA has conducted ongoing independent technical review and inspections of all WIPP activities related to compliance with the Agency's disposal regulations. The initial certification decision identified the starting (baseline) conditions for the WIPP and established the waste and facility characteristics necessary to ensure proper disposal in accordance with the regulations. Section 8(f) of the amended WIPP LWA requires the EPA to determine every five years if the facility continues to comply with the Agency's disposal regulations. In accordance with that same section, this determination is not subject to standard rulemaking procedures or judicial review. The first recertification process (2004–2006) included a review of all of the changes made at the WIPP since the original 1998 EPA certification decision up until the receipt of the initial CRA in March 2004. Subsequently, the second recertification process (2009–2010) included a review of all the changes made at the WIPP since 2004 and up to the second CRA in March 2009. This third recertification process includes a review of all changes since 2009.

Recertification is not a reconsideration of the decision to open the WIPP, but a process to reaffirm that the facility meets all requirements of the disposal regulations. The recertification process will not be used to approve any new significant changes proposed by the DOE; any such proposals will be addressed separately by the EPA. Recertification will ensure that the WIPP is operated using the most accurate and up-to-date information available and provides documentation requiring the Department to operate to these standards.

In a letter dated January 13, 2017, from the EPA's Director of the Office of Radiation and Indoor Air to the Secretary of Energy (full text of letter provided at the end of this document), the Agency notified the Department that the 2014 CRA for the WIPP is complete. This determination is solely an administrative measure and does not reflect any conclusion regarding the

[1] The 1992 WIPP Land Withdrawal Act was amended by the ''Waste Isolation Pilot Plant Land Withdrawal Act Amendments,'' which were part of the National Defense Authorization Act for Fiscal Year 1997.

WIPP's continued compliance with the disposal regulations.

This determination was made using a number of the Agency's WIPP-specific guidances; most notably, the ''Compliance Application Guidance'' (CAG; EPA Pub. 402–R–95–014) and ''Guidance to the U.S. Department of Energy on Preparation for Recertification of the Waste Isolation Pilot Plant with 40 CFR parts 191 and 194'' (Docket A–98–49, Item II–B3–14; December 12, 2000). Both guidance documents include guidelines regarding: (1) Content of certification/recertification applications; (2) documentation and format requirements; (3) time frame and evaluation process; and (4) change reporting and modification. The Agency developed these guidance documents to assist the DOE with the preparation of any compliance application for the WIPP. They are also intended to assist in the EPA's review of any application for completeness and to enhance the readability and accessibility of the application for the Agency and for the public.

The EPA has been reviewing the 2014 CRA for ''completeness'' since its receipt. The Agency's review identified several areas of the application where additional information was necessary to perform a technical evaluation. The EPA sent a series of letters to the DOE requesting additional information, and the Department provided documents and analyses in response to these requests. This correspondence is summarized in the enclosure sent with the letter to the Secretary of Energy, and that letter—along with all other completeness-related correspondence—is available in the Agency's public dockets (*www.regulations.gov;* Docket ID: EPA–HQ–OAR–2014–0609). Links to the electronic docket and additional information are also available at the EPA's WIPP Web site (*http://www.epa.gov/radiation/wipp*).

Since receipt of the 2014 CRA, the Agency has received a number of public comments from stakeholder groups regarding both the completeness and technical adequacy of the recertification application. In addition to soliciting written public comments, the EPA held a series of public meetings in New Mexico (June 2015) as well as an informal webinar (January 2017) to discuss stakeholders' concerns and issues related to recertification. The Agency received a number of comments pertinent to the 2014 CRA, most notably related to the modeling parameters for performance assessment calculations, issues associated with the February 2014 radiological incident at the facility, and concerns regarding the reported WIPP waste inventory. These comments helped in developing the Agency's requests for additional information from the DOE.

The EPA will now undertake a full technical evaluation of the complete 2014 CRA to determine whether the WIPP continues to comply with the radiation protection standards for disposal. The Agency will also consider any additional public comments and other information relevant to the WIPP's compliance. The Agency is most interested in whether new or changed information has been appropriately incorporated into the performance assessment calculations for the WIPP and whether the potential long-term effects of changes are properly characterized.

If the Agency approves the application, it will set the parameters for how the WIPP will be operated by the DOE over the following five years. The approved CRA will then serve as the baseline for the next recertification. As required by the WIPP LWA, the EPA will make a final recertification decision within six months of issuing its completeness determination.

January 13, 2017

Honorable Dr. Ernest Moniz
Secretary
U.S. Department of Energy
1000 Independence Avenue SW.,
Washington, DC 20585

Dear Mr. Secretary:

Pursuant to Section 8(f) of the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act, as amended, and in accordance with the WIPP Criteria at 40 CFR § 194.11, I hereby notify you that the U.S. Environmental Protection Agency (EPA or ''Agency'') has determined that the U.S. Department of Energy's (DOE or ''Department'') 2014 Compliance Recertification Application (CRA) for the WIPP is complete. This completeness determination is an administrative determination required under the WIPP Compliance Criteria, which implements the Radioactive Waste Disposal Regulations at subparts B and C of 40 CFR part 191. While the completeness determination initiates the six-month evaluation period provided in section 8(f)(2) of the Land Withdrawal Act, it does not have any generally applicable legal effect. Further, this determination does not imply or indicate that the DOE's CRA demonstrates compliance with the Compliance Criteria or the Disposal Regulations.

Section 8(f) of the amended Land Withdrawal Act requires the EPA to determine every five years if the facility continues to comply with the EPA's disposal regulations. This third recertification process includes a review of all changes made at the WIPP for the five-year period of March 2009 through March 2014.

Under the applicable regulations, the EPA may recertify the WIPP only after the Department has submitted a complete application (see 40 CFR § 194.11). The DOE submitted the CRA on March 26, 2014. On September 29, 2014, the Agency began its official review to determine whether the application was complete. Shortly thereafter, the EPA began to identify areas of the 2014 CRA that required supplementary information and analyses. In addition, the Agency held informal public meetings on the CRA in Carlsbad and Albuquerque, NM in June 2015. As a result of these meetings, the Agency received public comments and identified areas where additional information was needed for the EPA's review. A final webinar relating to this completeness evaluation—accessible online by any interested individuals (and with hosting locations in Carlsbad and Albuquerque, NM)—was held on January 12, 2017.

The Agency identified completeness concerns in a series of letters and correspondence to successive managers and their staff at the DOE's Carlsbad Field Office (CBFO) during the completeness review period. This correspondence is summarized on the enclosed list.

All completeness-related correspondence has been placed in the public docket related to the 2014 CRA on *www.regulations.gov* (Docket ID#: EPA–HQ–OAR–2014–0609). This information also is available via the EPA's WIPP website (*https://www.epa.gov/radiation/certification-and-recertification-wipp*).

The Agency has been conducting a preliminary technical review of the CRA since its submittal and has provided the DOE with relevant technical comments on an ongoing basis. Though the EPA has made a determination of completeness, the Agency will continue its technical review of the 2014 CRA, and will convey further requests for additional information and analyses as needed. The EPA will issue its compliance recertification decision, in accordance with 40 CFR part 194 and part 191, subparts B and C, after it has thoroughly evaluated the complete CRA and considered relevant public comments. The public comment period on our completeness determination will remain open for 30 days following the publication of this letter in the **Federal Register**.

Thank you for your cooperation during our review process. Should your staff have any questions regarding this request, they may contact Tom Peake at (202) 343–9765 or *peake.tom@epa.gov.*

Sincerely,
Jonathan D. Edwards,
Director, Office of Radiation and Indoor Air.

Enclosure: List of EPA Completeness Correspondence and DOE Responses for the 2014 CRA

Dated: January 13, 2017.

Jonathan D. Edwards,

Director, Office of Radiation and Indoor Air.

[FR Doc. 2017–04800 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 73

[GN Docket No. 16–142; FCC 17–13]

Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission proposes to authorize television broadcasters to use the ''Next Generation'' broadcast television transmission standard associated with recent work of the Advanced Television Systems Committee on a voluntary, market-driven basis, while they continue to deliver current-generation digital television broadcast service, using the ATSC 1.0 standard, to their viewers. This new standard has the potential to greatly improve broadcast signal reception and will enable broadcasters to offer enhanced and innovative new features to consumers.

DATES: Comments for this proceeding are due on or before May 9, 2017; reply comments are due on or before June 8, 2017.

ADDRESSES: You may submit comments, identified by GN Docket No. 16–142, by any of the following methods:

▪ *Federal Communications Commission's Web site: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.

▪ *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

▪ *People With Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432.

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

FOR FURTHER INFORMATION CONTACT: For additional information, contact John Gabrysch, *John.Gabrysch@fcc.gov,* of the Media Bureau, Engineering Division, at (202) 418–7152, Sean Mirzadegan, *Sean.Mirzadegan@fcc.gov,* of the Media Bureau, Engineering Division, at (202) 418–7111, Evan Baranoff, *Evan.Baranoff@fcc.gov,* of the Media Bureau, Policy Division, (202) 418–7142, or Matthew Hussey, *Matthew.Hussey@fcc.gov,* of the Office of Engineering and Technology, (202) 418–3619.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, FCC 17–13, adopted and released on February 23, 2017. The full text is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., CY–A257, Washington, DC 20554. This document will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

This Notice of Proposed Rulemaking may result in new or revised information collection requirements. If the Commission adopts any new or revised information collection requirements, the Commission will publish a notice in the **Federal Register** inviting the public to comment on such requirements, as required by the Paperwork Reduction Act of 1995. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, the Commission will seek specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

Synopsis

I. Introduction

1. In this *Notice of Proposed Rulemaking* (*NPRM*), we propose to authorize television broadcasters to use the ''Next Generation'' broadcast television (Next Gen TV) transmission standard associated with recent work of the Advanced Television Systems Committee (ATSC 3.0) on a voluntary, market-driven basis, while they continue to deliver current-generation digital television (DTV) broadcast service, using the ''ATSC 1.0 standard,'' to their viewers. ATSC 3.0 is being developed by broadcasters with the intent of merging the capabilities of over-the-air (OTA) broadcasting with the broadband viewing and information delivery methods of the Internet, using the same 6 MHz channels presently allocated for DTV. According to a coalition of broadcast and consumer electronics industry representatives that has petitioned the Commission to authorize the use of ATSC 3.0, this new standard has the potential to greatly improve broadcast signal reception, particularly on mobile devices and television receivers without outdoor antennas, and it will enable broadcasters to offer enhanced and innovative new features to consumers, including Ultra High Definition (UHD) picture and immersive audio, more localized programming content, an advanced emergency alert system (EAS) capable of waking up sleeping devices to warn consumers of imminent emergencies, better accessibility options, and interactive services. With today's action, we aim to facilitate private sector innovation and promote American leadership in the global broadcast industry.

II. Background

2. On April 13, 2016, America's Public Television Stations, the Advanced Warning and Response Network Alliance, the Consumer Technology Association, and the National Association of Broadcasters filed a joint petition for rulemaking asking the Commission to allow local television stations to adopt the Next Gen TV broadcast transmission standard, ATSC 3.0, on a voluntary, market-driven basis, while continuing to deliver current-generation DTV broadcast service using the ATSC 1.0 transmission standard to their communities of license. Petitioners state that allowing broadcasters to use this additional broadcast transmission standard, the ''physical layer'' of ATSC 3.0, will make more efficient use of spectrum, allow consumers to enjoy new features and

higher quality picture and sound, and enable broadcasters to bring innovative new services and data delivery to homes and communities. They state that on top of this new physical layer, IP transport will allow new services and capabilities to be provided to consumers much more rapidly, and will permit seamless integration with other IP-based services and platforms. On April 26, 2016, the Media Bureau issued a Public Notice seeking comment on the Petition. The Commission received 35 comments and 14 replies to the Petition.

3. Commenters supporting the Petition include broadcasters, equipment manufacturers, and tower companies. These commenters agree that authorizing use of the Next Gen TV transmission standard associated with ATSC 3.0 will allow broadcasters to offer innovative technologies and services to consumers, such as UHD picture and immersive audio, improved over-the-air reception, IP-based transport streams, enhanced mobile capability, more localized content, better accessibility options, and advanced emergency alerting. The potentially life-saving advancements in emergency alerting will include geo-targeting of emergency alerts to tailor information for particular communities and enhanced datacasting to provide videos, photos, maps, floorplans, and other critical data to law enforcement, first responder, and emergency management organizations. Advanced emergency alerting will also include the capability to ''wake up'' receivers to alert consumers to sudden emergencies and disasters, such as tornadoes and earthquakes. Other industry stakeholders, including AT&T, CTIA, DISH, the National Cable & Telecommunications Association, and public interest groups, offer support for broadcaster innovation, but ask the Commission to ensure that multichannel video programming distributors (MVPDs) and their customers are not burdened with new carriage obligations or costs on account of the deployment of ATSC 3.0-based transmissions; that the deployment of ATSC 3.0-based stations does not have any impact on the broadcast television incentive auction, the post-auction repacking process, or the post-repacking 600 MHz frequency environment; and that broadcasters continue to meet their public interest obligations regardless of the technology used to deliver broadcast signals.

III. Discussion

A. Authorization of Voluntary Use of ATSC 3.0 Transmissions

4. As requested by the Petitioners, we propose to authorize the ATSC 3.0 transmission standard as an optional standard that can be used by television licensees on a voluntary basis while they continue to deliver current generation ATSC 1.0 service to their communities. We also propose to incorporate by reference into our rules ATSC A/321:2016 ''System Discovery and Signaling'' (A/321), which is one of the two components of the ''physical layer'' of the ATSC 3.0 standard. According to the Petitioners, this layer of the standard points to the RF characteristics of an ATSC 3.0 transmission, which ''determines interference and coverage.'' We seek comment on these proposals and on whether it is necessary to incorporate this or any other parts of the ATSC 3.0 standard aside from A/321 into our rules at this time.

5. According to the Petitioners, the ATSC 3.0 standard is split into multiple individual parts under a unifying parent standard. It is structured as three layers that roughly correspond to a subset of the layers found in the Open Systems Interconnection seven-layer model (OSI) commonly used to characterize and standardize telecommunications systems. The three layers of the ATSC 3.0 standard are (1) the physical layer, (2) the management and protocols layer, and (3) the applications and presentation layer. Each component of the standard fits into only one layer of the system, making it possible to develop and update each part independently. The physical layer is the portion of the system that includes the definition of the RF waveform used in ATSC 3.0, as well as the coding and error correction that determine the robustness of the signal to noise and interference. The management and protocols layer organizes data bits into streams and files and establishes the protocol for the receiver to direct those streams to the proper destinations. The applications and presentation layer includes audio and video compression technologies, captions and descriptive audio, emergency alerts, parental controls, interactive applications, and how the station is displayed to the viewers.

6. The Petitioners seek the approval only of the ATSC A/321 standard into our rules. They argue that A/321 is the only part of the ATSC 3.0 standard that needs to be approved by the Commission in order to assure a stable and predictable RF operating environment. If we decide to authorize television broadcasters to use ATSC 3.0, we propose that it is necessary to approve A/321 at a minimum and to incorporate it by reference into our rules. We seek comment on this proposal.

7. LG and others suggest that we also may need to incorporate A/322:2016 ''Physical Layer Protocol'' (A/322), the other component of the ATSC 3.0 physical layer, into our rules because it completes the description of the core RF waveform used by the standard. At the time that the Petition was filed, A/321 was the only part of the ATSC 3.0 physical layer that had been ratified by the ATSC. Subsequent to the Petition, the ATSC has also ratified the A/322 part of the ATSC 3.0 physical layer. As discussed below, LG requests the incorporation of A/322 into our rules in order to ensure that broadcasters will have the flexibility to operate certain types of single frequency networks. LG further notes that by addressing the entire physical layer (both ATSC A/321 and A/322) in one rulemaking, the Commission can avoid the need for a future, separate rulemaking to authorize use of A/322. We seek comment on whether we should incorporate A/322 into our rules. We also seek input on what the benefits or drawbacks would be to incorporating it into our rules. We also seek comment on whether the Commission should incorporate any additional details of the ATSC 3.0 technology into FCC regulations. If so, what specific components of the standard should we incorporate and why?

B. Local Simulcasting

8. Local simulcasting is a key component of the Petition's proposal for the voluntary use of the ATSC 3.0 transmission standard. ATSC 3.0 service is not backward-compatible with existing TV sets/receivers (which have only ATSC 1.0 and analog tuners). This means that consumers will need to buy new TV sets or converter equipment to receive ATSC 3.0 service. Local simulcasting would enable broadcasters to provide both ATSC 3.0 and ATSC 1.0 service to viewers (without the need for an additional allocation of spectrum to broadcasters), thereby reducing the disruption to consumers that may result from ATSC 3.0 deployment. Specifically, under the Petition's local simulcasting proposal, each television broadcaster choosing to broadcast its signal in ATSC 3.0 format from its current facility will arrange for another television station (*i.e.,* a ''host'' station) in its local television market to ''simulcast'' its video programming in

ATSC 1.0 format in order to mitigate disruption to over-the-air viewers. As discussed in more detail below, the Petition also seeks, for purposes of broadcast carriage rights, to use local simulcasting as an alternate means for Next Gen TV broadcasters to deliver a good quality ATSC 1.0 signal to MVPDs that cannot receive and process the broadcaster's ATSC 3.0 signal.

9. The Petition seeks one rule change to authorize its local simulcasting proposal. Under section 73.624(b) of the Commission's Rules, each television licensee must broadcast one free-to-air DTV signal in at least standard-definition (SD) quality. The Petition asks us ''to specify that this requirement may be accomplished by stations deploying Next Generation TV by (1) broadcasting at least one free-to-air Next Gen TV signal and (2) arranging for the simulcast of that signal in the current DTV standard on another broadcast facility . . . .'' The Petition also states that local simulcasting ''agreements would be subject to the Commission's existing rules and policies as to licensee responsibility and control.'' We address below a number of issues related to the Petitioner's proposal regarding local simulcasting. Among other things, we propose to require local simulcasting as a condition to offering ATSC 3.0, seek comment on whether simulcast channels should be separately licensed as second channels of the originating stations or treated as multicast streams of the host stations, and seek comment on whether we should adopt signal coverage or quality requirements for local simulcasts.

1. Requiring Next Gen TV Stations to Simulcast

10. We propose to require Next Gen TV broadcasters to simulcast their ATSC 3.0 stream in ATSC 1.0 format, as proposed in the Petition, to ensure that viewers maintain access to the station during the period when broadcasters are voluntarily implementing ATSC 3.0 service. We seek comment on this proposal, including whether such a mandate is necessary. We assume that, for purposes of the Petitioners' local simulcasting proposal, a ''simulcast'' means a stream with identical content to the video programming aired on the originating station's primary ATSC 3.0 stream, but we seek comment on this assumption and whether it is an appropriate definition for ''simulcast'' for purposes of our rules. If the simulcast content will not be identical to the originating station's primary video programming stream, we ask commenters to explain the reasons for any deviations in content and/or format (*i.e.,* high definition (HD) versus SD) and the impact of such deviations on television viewers and the regulatory implications. To what extent do broadcasters intend to simulcast their subchannels (in addition to their primary stream), so that consumers can continue to receive this programming?

11. We also propose to require that Next Gen TV broadcasters ensure that at least one free ATSC 3.0 video stream is available at all times throughout the ATSC 3.0 coverage area and, as discussed below, that such ATSC 3.0 signal be at least as robust as a comparable DTV signal to ensure that viewers within the protected coverage area continue to receive service at the current DTV protection levels. We seek comment on these proposals and whether any other requirements should be imposed on the ATSC 3.0 transmission stream as part of local simulcasting. Because ATSC 3.0 broadcasters will have the ability to broadcast more robust signals, which could effectively expand their consumer base beyond the current comparable DTV coverage area or provide coverage to areas that were previously unserved due to terrain-limited propagation conditions within the contour, we seek comment on how we should treat these expanded areas.

12. We seek comment on whether to require simulcasting agreements to be filed with the Commission, as proposed by the Petition. If so, should the Commission have a role in evaluating individual simulcasting agreements? We also seek comment on whether we should require certain provisions to be included in local simulcasting agreements and, if so, what requirements we should adopt.

13. Apart from the host station model set forth in the Petition, we ask commenters to address other potential deployment alternatives that might accelerate adoption of the ATSC 3.0 standard. For example, during the marketplace conversion to the new standard, should we consider allowing broadcasters to use vacant in-band channels remaining in a market after the incentive auction repack to serve as temporary host facilities for ATSC 1.0 or ATSC 3.0 programming by multiple broadcasters?

2. Methods for Licensing or Authorizing Simulcast Stations

14. We seek comment on what license modifications would be needed for a television broadcaster to convert its current ATSC 1.0 facility to a facility transmitting ATSC 3.0 signals. At a minimum, we believe that the broadcaster would need to modify its TV station service class for its broadcast facility so that we can track and make publicly available information about the type of broadcast service provided by stations during a potential Next Gen TV transition. We propose that these modifications be treated as minor modifications to the license. We seek comment on these issues. Are other facility changes required to convert a station from ATSC 1.0 to ATSC 3.0 transmissions?

15. Further, we seek comment on whether, as a regulatory matter, simulcasts should be separately licensed as second channels of the originating stations or treated as multicast streams of the host stations. Or should broadcasters be able to choose between the two approaches? Under a licensed simulcast approach, simulcast arrangements could be implemented via temporary channel sharing agreements (following the existing ''channel sharing'' model) between the licensee of the originating station and that of the host station. For example, a Next Gen TV broadcaster might choose to deploy ATSC 3.0 service by converting its current facility to broadcast in ATSC 3.0 and obtaining a temporary channel sharing license to share a host station's channel during a potential Next Gen TV transition period in order to broadcast its simulcast in ATSC 1.0 (from the host's facility). Similarly, a Next Gen TV broadcaster might choose to deploy ATSC 3.0 service by continuing to broadcast in ATSC 1.0 from its existing facility and obtaining a temporary channel sharing license to share a host station's channel during a potential Next Gen TV transition period in order to broadcast its simulcast in ATSC 3.0 (from the host's facility). Under this approach, the ATSC 1.0 and ATSC 3.0 signals would be two separately licensed channels of the originating station. This would be similar to the DTV transition, when both analog and digital signals were licensed by the Commission.

16. If we adopt a licensed simulcasting approach, we propose to adopt licensing procedures similar to those we adopted for channel sharing. Specifically, we propose to require a station whose program stream will be changing channels to file an application for a construction permit specifying the technical facilities of the host station. We also propose to treat such applications as minor modification applications. Although one of the originating station's program streams will be changing channels, which is a normally a major change under our rules, we believe that treating this change as minor is appropriate because

the originating station will be assuming the authorized technical facilities of the host station, meaning that compliance with our interference and other technical rules would have been addressed in licensing the host station. Should we instead issue a separate license for the simulcast stream? If so, should that license application be subject to competing applications? In addition, while a full power station seeking to change its channel normally must first submit a petition to amend the DTV Table of Allotments, we propose not to apply this process in the context of licensed simulcasting. Instead, we propose that, after the application for construction permit is approved, the Media Bureau will amend the Table on its own motion to reflect that shared channels (both ATSC 1.0 and ATSC 3.0) will be allotted to one or more communities. We invite comment generally on this approach and any alternatives we should consider.

17. A licensed simulcast approach appears to have several potential attributes on which we seek comment. First, a licensed approach implemented via temporary channel sharing could allow noncommercial educational television (NCE) stations to serve as hosts to commercial stations' simulcast programming. Because NCE licensees are prohibited by section 399B of the Communications Act, 47 U.S.C. 399B, from broadcasting advertisements, an NCE station would be prohibited from hosting the simulcast programming of a commercial station on a multicast stream under its NCE license. By contrast, it appears that an NCE station would be able to serve as a host to a commercial station if that commercial station is separately licensed. In addition, a licensed simulcast approach could provide certainty that the originating station (and not the host) is responsible for regulatory compliance regarding its simulcast signal, and therefore could give the Commission clear enforcement authority over the originating station in the event of a violation of our rules. A licensed simulcast approach also would allow us to monitor the deployment of ATSC 3.0 service. This information could be important to the Commission in managing the broadcasters' migration to ATSC 3.0 and informing the public about changes in their television broadcast service. If we decide to license simulcast channels as temporary shared channels, how should we implement such an approach? Should we apply existing rules from the channel-sharing context? How long should the terms be for temporary channel sharing licenses?

18. Alternatively, simulcast arrangements could be implemented without additional licensing (beyond conversion of the broadcaster's current facility to operate in ATSC 3.0). Under this approach, a Next Gen TV broadcaster could choose to deploy ATSC 3.0 service by converting its current facility to broadcast in ATSC 3.0 and entering into an agreement with a host station to simulcast its programming in ATSC 1.0 via one of the host's multicast streams or by continuing to broadcast in ATSC 1.0 and entering into an agreement with a host station to simulcast its programming in ATSC 3.0 via one of the host's multicast streams. Thus, under a multicast approach, some broadcasters would be licensed to operate only an ATSC 3.0 facility and others would be licensed to operate only an ATSC 1.0 facility.

19. This multicast approach to simulcasting may minimize administrative burdens and offer more flexibility to the broadcast industry. On the other hand, a multicast approach would appear to preclude NCE stations from serving as hosts to the simulcast programming of commercial stations due to the restrictions of section 399B. In this regard, we seek comment on whether the Commission has authority to waive the restrictions in section 399B. Also, as discussed below, because multicast signals are not entitled to carriage rights, treating simulcast signals as multicast channels under a host's license also raises questions about the carriage rights of such signals, whereas separately licensing such simulcast signals to the originating station would clarify the carriage rights of simulcast signals. In addition, under a multicast approach, the host station, not the originating station, would be subject to the Commission's enforcement authority with respect to the multicast stream.

20. Whether a simulcast signal is treated as a temporarily shared channel separately licensed to the originating station or as a multicast stream under the host's license will affect its regulatory treatment. We seek comment on the regulatory implications, as well as the advantages and disadvantages, of each approach and any others we should consider. Should we be concerned about the enforcement problems created by a multicast approach, particularly with respect to program-related requirements such as children's commercial limits and indecency? If we adopt a multicast approach, should we require stations to report to the Commission the status of their potential transition to ATSC 3.0? Under either the licensed simulcast or multicasting approach, are there circumstances under which the host station would be deemed an Emergency Alert System (EAS) Participant and thus have obligations under the Commission's EAS rules independent of the obligations of the originating station? Should host stations be permitted to satisfy their EAS requirements through the use of the originating station's EAS equipment?

21. We also seek comment on whether there are other procedures we could adopt to streamline the process of simulcasting. For example, to avoid administrative burdens, particularly during the post-incentive auction transition period, should we consider authorizing broadcasters to simulcast via a host station through grants of special temporary authority (STA)? If we were to adopt an approach based on STAs, it is not clear that NCE stations would be permitted to host the simulcast streams of commercial broadcasters or that simulcast transmissions authorized via an STA would have carriage rights. We seek comment on these issues. We observe that STA authorizations and subsequent extensions are limited by statute to 180-day terms. In light of this maximum six-month term for STAs, would an STA approach become too burdensome if a station's potential transition to ATSC 3.0 occurs over a period of several years? How would the use of STAs affect our ability to monitor deployment of ATSC 3.0 service and provide current information about broadcast service to the public through our licensing databases and Web site? Are there any other alternative approaches we should consider, including other approaches that would maintain broadcasters' existing carriage rights and allow NCE licensees to host commercial broadcasters?

3. Coverage and Signal Quality Issues Related to Local Simulcasting

22. *Impact on OTA Service Coverage of the ATSC 1.0 Signal.* We seek comment on the extent to which a Next Gen TV station should be permitted to partner with an ATSC 1.0 host simulcast station with a different service contour or community of license. Even with ATSC 1.0 simulcasting, it is possible, if not likely, that some over-the-air consumers will lose ATSC 1.0 service from stations that begin transmitting in ATSC 3.0. This is because a host simulcast station will have a different service area than the Next Gen TV (originating) station. Accordingly, we seek input on how we should ensure

that there is not a significant loss of ATSC 1.0 service by Next Gen TV stations as a result of local simulcasting arrangements. Petitioners argue that Next Gen TV stations should be permitted to arrange for the simulcast of their ATSC 1.0 signal on another broadcast facility ''serving a substantially similar community of license.'' We seek comment on this proposal. What does it mean to serve ''a substantially similar community of license''? Should we require that the ATSC 1.0 simulcast signal at a minimum cover the Next Gen TV station's entire community of license? Should we require the ATSC 1.0 simulcast signal to substantially replicate the Next Gen TV station's noise-limited service contour? If we adopt a ''substantial replication'' standard, what degree of existing ATSC 1.0 service loss should be permissible? We also seek comment on whether we should phase in more relaxed OTA ATSC 1.0 service restrictions as a potential transition progresses based on the possibility that, as ATSC 3.0 stations become more prevalent, it may become more difficult for Next Gen TV broadcasters to find suitable partners for local simulcasting.

23. We also seek comment on Next Gen TV broadcasters' incentives to maintain existing service coverage or quality to viewers. Should broadcasters be permitted to simulcast in a lower format than that in which they transmit today? What is the financial impact on stations that fail to maintain service coverage or quality?

4. Other Local Simulcast Issues

24. *Market-Wide Simulcasting Arrangements.* The Petition and other filings in the record appear to contemplate simulcasting arrangements between or among two or more stations in a market, and possibly even entire market deployment plans. We seek comment on such arrangements, and what effect they may have on consumers. Should we look more favorably at arrangements among many or all broadcasters in a market? Should we encourage broadcasters to coordinate and submit for Commission consideration a market-wide plan before starting on individual deployment and simulcasting plans? Do we have the authority to require market-wide simulcast arrangements? What are the potential advantages and disadvantages of a market-based simulcast approach versus simulcasting arrangements between individual stations?

25. *NCE/LPTV/Small/Rural Broadcasters.* We seek comment on whether small, rural, low-power, and NCE broadcasters would face unique circumstances with regard to the voluntary provision of ATSC 3.0 that we should consider in this proceeding. To what extent are these categories of stations interested in offering ATSC 3.0 services, and what challenges would they face in doing so? How might broadcasters that choose not to provide ATSC 3.0 service (and only provide ATSC 1.0 service) be negatively impacted by a potential Next Gen TV transition? Should we encourage participation by these types of stations in ATSC 3.0 deployment plans to ensure that all broadcasters are afforded an opportunity to participate as Next Gen TV broadcasters or simulcast hosts? Will such broadcasters have difficulty finding simulcast partners in a market? For example, LPTV and Class A stations may find it difficult to host a full power originating station because they must operate at lower power levels and may not be able to adequately prevent loss of service of the full power originating station's ATSC 1.0 simulcast signal. We seek comment on whether and how an LPTV station can be a host simulcast station for a full power originating station given its power limitations and secondary status. Because of difficulties they may face in serving as hosts for full power originating stations, we seek comment on whether to allow LPTV/Class A stations the option to deploy ATSC 3.0 service without simulcasting (*i.e.,* ''flash-cut'' to ATSC 3.0). If we were to permit LPTV/Class A stations to flash-cut to ATSC 3.0, what impact would the lack of simulcasting have on the viewing public? How should the prevalence of equipment that could receive an ATSC 3.0 signal among consumers in the viewing community affect the ability of LPTV/Class A stations to flash-cut? We also note that, unlike full power stations, LPTV/Class A stations do not have a community of license coverage requirement. If we were to require an LPTV station seeking to deploy ATSC 3.0 service to simulcast, what, if any, kind of community coverage requirement should we impose for the simulcast ATSC 1.0 stream? Instead of a simulcast coverage requirement, should we instead apply the existing 30-mile and contour overlap restrictions that apply to LPTV/Class A moves to LPTV/Class A stations that propose to move their ATSC 1.0 stream as part of their deployment of ATSC 3.0 service?

26. *Potential Simulcasting Sunset.* If we approve a voluntary, market-driven transition to ATSC 3.0 that implements a simulcast approach, we propose that the Commission decide in a future proceeding when it would be appropriate for broadcasters to stop simulcasting in ATSC 1.0. We seek comment on this proposal. We note that all parties to this proceeding appear to agree that this issue should be handled in a separate proceeding.

C. MVPD Carriage

27. We propose that MVPDs must continue to carry broadcasters' ATSC 1.0 signals, pursuant to their statutory mandatory carriage obligations, and that MVPDs will not be required to carry broadcasters' ATSC 3.0 signals during the period when broadcasters are voluntarily implementing ATSC 3.0 service. We seek comment on these proposals, the legal basis for according carriage rights in this manner, and how to implement such carriage rights. We also seek comment on issues related to the voluntary carriage of ATSC 3.0 signals through the retransmission consent process.

28. The Petitioners state that MVPDs ''should not be obligated to carry'' a Next Gen TV broadcaster's ATSC 3.0 signal and that MVPDs could satisfy their obligation to carry a Next Gen TV station's signal by carrying the station's ATSC 1.0 signal. In response to the Petition, MVPDs explain that they are not currently capable of receiving and retransmitting ATSC 3.0 signals and raise numerous questions about MVPD carriage of ATSC 3.0 signals, including the potentially significant costs and burdens associated with MVPD carriage of ATSC 3.0 signals. In particular, MVPDs observe that the ATSC's work on the new 3.0 standard is not yet complete, including the development of recommended standards for MVPD carriage of ATSC 3.0 signals, and that the record is scarce about the practical aspects of MVPD carriage of ATSC 3.0 signals. Therefore, MVPDs ask the Commission to consider the implications for MVPDs before authorizing broadcasters to use the new standard. In particular, MVPDs ask us to ensure that they do not bear the costs associated with carrying ATSC 3.0 signals and ATSC 1.0 simulcasts, even when such carriage occurs pursuant to retransmission consent negotiations.

29. The Communications Act establishes slightly different thresholds for mandatory carriage depending on whether the television station is full power or low-power, or commercial or noncommercial, and also depending on whether carriage is sought by a cable operator or satellite carrier. The must-carry rights of commercial stations on cable systems are set forth in section 614 of the Act, 47 U.S.C. 534. The must-carry rights of full power

noncommercial stations on cable systems are set forth in section 615 of the Act, 47 U.S.C. 535. The mandatory carriage rights of full power stations (both commercial and noncommercial) on satellite carriers are set forth in section 338 of the Act, 47 U.S.C. 338.

1. Mandatory Carriage Issues

30. Broadcasters and MVPDs appear to agree on the premise that MVPDs must continue to carry broadcasters' ATSC 1.0 signals, pursuant to their statutory mandatory carriage obligations, and that MVPDs should not be required to carry broadcasters' ATSC 3.0 signals at this time. The Petition, however, does not clearly explain the legal basis for achieving this result. In addition, our legal basis for according mandatory carriage rights to ATSC 1.0 simulcast streams may depend on whether, as discussed above in the Local Simulcasting section, such streams will be temporary shared channels separately licensed to the originating broadcaster, or, alternatively, will be multicast streams broadcast by a ''host'' licensee. We seek comment on how to implement carriage rights and obligations under both approaches, or under any other approach we should consider.

31. *ATSC 1.0 Simulcast Carriage Rights Under a Licensed Approach.* First, we seek comment on how to implement mandatory carriage rights of an ATSC 1.0 simulcast stream under a licensed simulcast approach. Under this approach, two stations that have a reciprocal simulcast arrangement would each have licenses for their ATSC 1.0 and ATSC 3.0 streams, but we would accord mandatory carriage rights only to the ATSC 1.0 stream for each station. This approach would be consistent with prior Commission proposals in the channel sharing context and precedent established in the DTV transition. We seek comment on whether these proposals and precedent should be applied in the context of a licensed simulcast approach. For channel sharing outside the context of the incentive auction, the Commission has tentatively concluded that both licensees of a shared channel would have carriage rights and that such carriage rights would be based on the shared location. In the DTV context, the Commission addressed whether cable operators were required under the Communications Act to carry both the digital and analog signals of a station (also referred to as ''dual carriage'') during the DTV transition when television stations were still broadcasting analog signals. With regard to licensees that were simultaneously broadcasting analog and digital signals, the Commission declined to establish ''dual carriage'' rights, deciding that analog signals would have mandatory carriage rights during the DTV transition and that digital signals would not. That is, a broadcaster would choose between must carry or retransmission consent for its analog signal but could only pursue carriage via retransmission consent for its digital signal.

32. Similarly, under the licensed simulcast approach, we could conclude that a broadcaster would choose between must carry or retransmission consent for its ATSC 1.0 signal but could only pursue carriage via retransmission consent for its ATSC 3.0 signal. By relying on the ATSC 1.0 signal for establishing mandatory carriage rights, this approach avoids having to address at this time issues associated with mandatory carriage of ATSC 3.0 signals. Under this approach, a broadcaster's mandatory carriage rights would track its relocated ATSC 1.0 simulcast channel. That is, if a broadcaster converts its current facility to ATSC 3.0 operation and enters a temporary channel sharing arrangement to simulcast its ATSC 1.0 stream at a new location, then the broadcaster's ATSC 1.0 carriage rights would be based on the new shared location. We seek comment on this approach, including its advantages and disadvantages. We also seek comment on the implications of mandatory carriage rights following the ATSC 1.0 simulcast to a new location, especially in situations involving a significant shift in the ATSC 1.0 coverage area or change in transmitter location or community of license. Alternatively, could we find that, although a licensed ATSC 1.0 stream is subject to mandatory carriage, carriage rights would be determined from the location of the originating station, rather than the location of the host station?

33. *ATSC 1.0 Simulcast Carriage Rights Under a Multicast Approach.* We also seek comment on whether, and if so how, we could implement mandatory carriage rights and obligations for a station's ATSC 1.0 signal under a multicast approach to simulcasting. We note that the Commission does not require cable operators to carry any more than one programming stream of a digital television station that multicasts. Accordingly, we seek comment on the legal basis for requiring mandatory carriage of a station's ATSC 1.0 simulcast stream if that stream is broadcast by a host station as one of its multicast streams. For purposes of this discussion, take the example of a reciprocal simulcast arrangement between two stations. That is, if Station A is licensed on channel 5 and Station B is licensed on channel 9, Station A would transmit on channel 5 two programming streams in ATSC 1.0 (its own and Station B's simulcast), while Station B would transmit on channel 9 two programming streams in ATSC 3.0 (its own and Station A's simulcast). There appears to be no question that Station A in this example would retain carriage rights for its ATSC 1.0 signal, however, there is a question as to whether Station B, which is transmitting in ATSC 3.0 on its licensed channel, would be entitled to must carry rights for its ATSC 1.0 simulcast stream, which is being transmitted as a multicast stream by Station A. This is because the Commission has determined that only a station's primary stream is entitled to mandatory carriage and that multicast streams are not entitled to mandatory carriage and because Station B's ATSC 1.0 stream is not being transmitted on its licensed channel.

34. We seek comment on whether we could accord carriage rights to an ATSC 1.0 simulcast that is being transmitted as a multicast stream of a host station. Is there is a legal basis for shifting the carriage obligation from the licensed ATSC 3.0 stream to the simulcast ATSC 1.0 stream? The record reflects that MVPDs may not have the technical capability to receive or retransmit ATSC 3.0 signals for some time during a potential transition to ATSC 3.0, and that ATSC 3.0 signals could occupy more bandwidth than ATSC 1.0 signals. Accordingly, as discussed below, we believe that carriage of ATSC 3.0 signals should be voluntary and driven by marketplace negotiations between broadcasters and MVPDs. Can we interpret the statute to require broadcasters to deliver their signals to MVPDs in a manner that minimizes burdens for MVPDs? Could we find that a Next Gen TV broadcaster must effectuate the carriage rights of its ATSC 3.0 signal by delivering an ATSC 1.0 signal to the MVPD via local simulcasting or some other means? Under this approach, do we need to define a ''good quality'' digital television signal at the cable system's principal headend for purposes of carriage? In order to use the ATSC 1.0 simulcast to effectuate the carriage rights of its ATSC 3.0 signal, should we require the ATSC 1.0 simulcast and the ATSC 3.0 signal to have identical content?

35. *Mandatory Carriage of ATSC 3.0 Signals.* We note that consideration of technical issues regarding cable carriage of the ATSC 3.0 signal is still ongoing at the ATSC Working Group. Given that

ATSC 3.0 signals would not be accorded mandatory carriage rights under our proposals, and because of the current uncertainty about how MVPDs would carry ATSC 3.0 signals as a technical matter, we tentatively conclude that it is premature to address questions related to the mandatory carriage of ATSC 3.0 streams at this stage. We seek comment on this tentative conclusion.

36. *Required Notice to MVPDs of ATSC 3.0 Deployment/ATSC 1.0 Simulcast.* We seek comment on the notice that Next Gen TV broadcasters that have elected must-carry rights must provide to MVPDs prior to deploying ATSC 3.0 service and arranging for an ATSC 1.0 simulcast. The Petition proposes that must-carry broadcasters should give notice to all MVPDs at least 60 days in advance of simulcasting in ATSC 1.0 format (*i.e.,* relocating ATSC 1.0 streams to another facility). MVPDs express concern about the adequacy of such notice. We seek comment on what appropriate notice would be.

37. We seek comment on what the notice to MVPDs should contain. We note that in the *Channel Sharing NPRM,* the Commission proposed a number of notice requirements on stations participating in channel sharing agreements (CSAs). We proposed that stations participating in CSAs must provide notice to those MVPDs that: (1) No longer will be required to carry the station because of the relocation of the station; (2) currently carry and will continue to be obligated to carry a station that will change channels; or (3) will become obligated to carry the station due to a channel sharing relocation. We also proposed that the notice contain the following information: (1) Date and time of any channel changes; (2) the channel occupied by the station before and after implementation of the CSA; (3) modification, if any, to antenna position, location, or power levels; (4) stream identification information; and (5) engineering staff contact information. In addition, we proposed that stations be able to elect whether to provide notice via a letter notification or provide notice electronically, if pre-arranged with the relevant MVPD. We seek comment on whether we should adopt requirements modeled on these proposals in this proceeding. If not, we seek comment on how the requirements we adopt should differ and why. We also seek comment on how broadcasters will deliver their signals to MVPDs that carry the station if the broadcaster's ATSC 1.0 simulcast does not deliver a good quality signal to the headend; for example, will they use some alternate means, such as fiber or microwave?

2. Retransmission Consent Issues

38. *Voluntary Carriage of ATSC 3.0 Signals Through Retransmission Consent.* We also seek comment on issues related to the voluntary carriage of ATSC 3.0 signals through the retransmission consent process. The Petitioners contemplate that, at some future time, MVPDs will want to negotiate for carriage of ATSC 3.0 signals via retransmission consent so that MVPDs can offer their customers the improved service and new features associated with ATSC 3.0 service. As discussed above, MVPDs claim that they are not prepared to carry ATSC 3.0 signals at this time. MVPDs, therefore, express concern that broadcasters may use the retransmission consent process to compel MVPDs to upgrade their equipment before they are ready to do so in order to carry ATSC 3.0 signals. They have expressed concern about the costs associated with carriage of ATSC 3.0 signals and that, even if ATSC 3.0 carriage is deemed ''voluntary,'' Next Gen broadcasters will use their ''leverage'' to require MVPD ATSC 3.0 carriage (such as by tying ATSC 3.0 carriage to ATSC 1.0 carriage). In response, broadcasters reassert that MVPDs will not be forced to carry ATSC 3.0 signals. Broadcasters also argue that larger MVPDs, such as AT&T, do not lack negotiating power in retransmission consent negotiations and that retransmission consent agreements for ATSC 3.0 signals should be left to marketplace negotiations. We seek comment on these MVPD concerns, including whether and/or how the good faith rules concerning retransmission consent should and/or could be applied and/or adapted to address them.

39. *Small, Rural, and Capacity-Constrained MVPDs.* We seek comment on whether small, rural, and capacity-constrained MVPDs would face unique circumstances with regard to the voluntary provision of ATSC 3.0 that we should consider in this proceeding. To what extent are these categories of MVPDs interested in offering ATSC 3.0 services, and what challenges would they face in doing so? In particular, to what extent, if any, could the retransmission consent process be used by broadcasters to compel MVPDs, particularly smaller MVPDs, to carry an ATSC 3.0 stream as a condition for obtaining carriage of a 1.0 feed? How, if at all, should the Commission's rules address situations in which a small or rural MVPD that receives a broadcast station over-the-air before deployment of ATSC 3.0 service can no longer do so during or after the deployment of ATSC 3.0 service? Will the higher-resolution carriage requirements of ATSC 3.0 come at the expense of channel placement for independent programmers?

40. We also seek comment on what other issues we may need to resolve with regard to the potential carriage of ATSC 3.0 signals given that MVPDs and broadcasters may negotiate such carriage privately via retransmission consent. For example, we seek comment on whether it is appropriate for us to address concerns ATVA has raised about patent royalties that may be associated with ATSC 3.0 service. What equipment would be necessary for an MVPD to carry an ATSC 3.0 stream on a voluntary basis, and should we take those equipment needs into consideration in this proceeding?

41. Alternatively, should we consider prohibiting MVPD carriage of ATSC 3.0 signals through retransmission consent negotiations until the ATSC Specialist Group on Conversion and Redistribution of ATSC 3.0 Service produces its initial report, which is expected later this year? What would be the benefits and detriments of such an approach? What would be the legal basis for such a restriction? Would such a prohibition be consistent with section 325(b), 47 U.S.C. 325(b), including the reciprocal good faith bargaining requirements, the First Amendment rights of MVPDs and broadcasters, and section 624(f), 47 U.S.C. 544(f)?

D. Service and Interference Protection

42. The proposed authorization of the ATSC 3.0 transmission standard raises three potential interference issues that we address in this section. First, we consider the issue of interference that ATSC 3.0 signals may cause to ATSC 1.0 (DTV) signals. Second, we consider the issue of interference that DTV or other ATSC 3.0 signals may cause to ATSC 3.0 signals. Next, we consider the issue of interference that ATSC 3.0 signals may cause to non-television services that operate within or adjacent to the TV band. As set forth below, with respect to all of these issues we propose to treat ATSC 3.0 signals as though they were DTV signals with identical technical parameters, largely consistent with the Petitioners' request. We seek comment on whether we should modify any technical parameters based on physical differences between the ways that broadcasters would deliver DTV and ATSC 3.0 signals. Finally, we propose to amend the Post-Transition DTV Station Interference Protection rule to allow updated population inputs in processing applications, consistent with the Commission's decision to use such inputs in the incentive auction and repacking process.

1. Interference Protection of ATSC 1.0 (DTV) Signals

43. The Petitioners submitted a study that includes laboratory measurements of ATSC 1.0 (DTV) and ATSC 3.0 interference signals into six DTV receivers. They claim that the study demonstrates the similarity between the two standards in terms of potential interference to DTV. The Petitioners state that the RF emission mask and effective radiated power limits for the ATSC 3.0 signal should remain unchanged and proposed that no changes be made to the OET Bulletin No. 69 planning factors which define service and interference to a DTV signal. Therefore, for purposes of determining whether an ATSC 3.0 signal interferes with any DTV signals, the Petitioners propose to calculate potential ATSC 3.0 interference to DTV signals using the same methodology and planning factors that the Commission presently uses for calculating potential DTV interference to other DTV signals, which are specified in OET Bulletin No. 69 in our rules.

44. We propose to apply the methodology and planning factors specified in OET Bulletin No. 69 to calculate interference from ATSC 3.0 to DTV signals. We seek comment on whether DTV operations would be sufficiently protected by the OET Bulletin No. 69 methodology and planning factors. Accordingly, we request specific comment and test measurement results that accurately reflect DTV receiver performance in the presence of an interfering ATSC 3.0 signal, either to support or refute the Petitioners' measurements and claims that these two standards may be considered equally in terms of the potential interference to DTV. Given the studies that we have before us, we tentatively conclude that it is appropriate to propose to calculate interference from ATSC 3.0 signals to DTV in accordance with sections 73.622, 73.623 and 74.703 of the Commission's rules and as implemented by OET Bulletin No. 69. We seek comment on this proposal.

2. Service and Interference Protection of ATSC 3.0 Signals

45. With respect to protection that ATSC 3.0 signals should receive from other signals, we propose to rely on OET Bulletin No. 69 as well, as Petitioners request. As discussed below, we propose to use the same methodology and planning factors defined for DTV to define the service area of an ATSC 3.0 signal. We also propose to define the ATSC 3.0 interference criteria for co- and adjacent channel interfering signals at the same levels as specified in OET Bulletin No. 69 for DTV signals. We seek comment below on how the Commission should consider implementing these service and interference protections for ATSC 3.0 signals.

46. The DTV transmission standard has fixed transmission and error correction parameters and a single associated minimum signal strength threshold (or SNR threshold) for service. The minimum SNR threshold is used as a basis for determining where a DTV broadcast television station's signal can be received. Whether a DTV broadcast television station is considered to have service and receive protection from interference is determined in part by this threshold. The minimum expected signal level for an ATSC 3.0 signal is much more dynamic. The ATSC 3.0 standard enables broadcasters to choose from multiple modulation and error correction parameters, which have the effect of allowing them to adjust their data rates and corresponding minimum SNR thresholds. Further, ATSC 3.0 enables broadcasters to transmit multiple streams with different parameters simultaneously. This means that, as a practical matter, the actual area where the signal of a television station broadcasting an ATSC 3.0 signal can be received may not necessarily match up to the same area defined by the single minimum SNR threshold of DTV. The signal-to-noise-ratio threshold for the ATSC 3.0 transmission standard will be variable and station-specific, enabling tradeoffs depending on each station's offerings and quality of service goals. In consideration of the dynamic nature of ATSC 3.0 transmission standard, our proposals seek to maintain the status quo with regard to interference protection and provide certainty with regard to calculating the coverage areas of ATSC 3.0 stations.

47. *Preservation of Service.* Because ATSC 3.0 signals contain multiple video streams each requiring a SNR threshold, we propose to require Next Gen TV broadcasters to provide at least one free stream comparable to a DTV signal to ensure viewers within the ''DTV-equivalent'' service area continue to receive programming service at the current DTV protection levels. The ATSC 3.0 transmission standard may enable Next Gen TV broadcasters to provide a programming service of a quality similar to DTV service at an SNR threshold lower than the level specified in OET Bulletin No. 69 for DTV service. We seek comment on how to objectively determine if a Next Gen TV programming stream is similar in quality to DTV. Thus a station should provide at least one ATSC 3.0 video stream that requires a SNR threshold equal or less than that needed for coverage at a level specified in OET Bulletin No. 69 for DTV service, where a lower SNR threshold indicates a possibly more robust transmission. In other words, a station providing a mobile video stream requiring a minimum SNR less than specified in OET Bulletin No. 69 would satisfy this requirement. We envision this to be a benefit to broadcasters who elect to offer mobile streams while avoiding potential redundancies in their overall data stream, by not penalizing those stations wishing to deploy mobile service without requiring provision of two identical program streams for both mobile and household reception in the same areas. We seek comment on this proposal and how to define which types of Next Gen TV signals could be considered comparable to DTV signals. Requiring one comparable free video stream will afford broadcasters the flexibility to devote remaining resources to enhanced services such as UHD without affecting their underlying coverage calculations, as requested by the Petitioners, while ensuring that all viewers predicted to receive Next Gen TV signals will have at least one free video stream available to them. We seek comment on what rules changes, if any, would be necessary to implement this proposal.

48. *Next Gen TV Service Area.* Considering the approach to broadly treat DTV and Next Gen TV interference equally, the Commission's convention would be first to define the area subject to calculation, which is the noise-limited contour of the station. Within this contour, the station's service area is determined considering terrain, existing interference, and population distribution above a minimum field strength threshold that is derived from the planning factors given in OET Bulletin No. 69. We propose to define a ''DTV-equivalent'' service area for a station transmitting in ATSC 3.0 using the methodology and planning factors defined for ATSC 1.0 in OET Bulletin No. 69. This means that for a UHF Next Gen TV station, the ''DTV-equivalent'' service area would be defined at 41 dBμV/m plus a dipole adjustment factor. We seek comment on the use of a single service threshold to define this ''DTV-equivalent'' service area. Should the definition of a ''DTV-equivalent'' service area specify both a minimum field strength and data rate or is the specification of a minimum field

strength sufficient to ensure an acceptable data rate?

49. To the extent that commenters propose alternative definitions of service area for stations transmitting in ATSC 3.0 signals, we specifically solicit technical justification of why the definition should differ from that of the existing ATSC 1.0 service and OET Bulletin No. 69. Manhattan Digital notes the lack of real world testing of coverage comparisons between ATSC 1.0 and ATSC 3.0 and questions whether the Commission would grant sufficient power increases to restore lost coverage. GatesAir and other equipment manufacturers submitted ATSC 3.0 field test results that showed equivalent coverage area thresholds as ATSC 1.0 when an ATSC 3.0 receiver was stationary and using comparable reception equipment.

50. Additionally, the service threshold set by OET Bulletin No. 69 is based on several planning factors that may not be applicable to newer Next Gen TV receivers and deployment characteristics. We seek comment on whether OET Bulletin No. 69 planning factors should be updated or supplemented as they pertain to Next Gen TV to reflect current broadcast reception equipment and conditions, particularly given the Petitioners' stated additional use cases of mobile and indoor reception. Generally, we seek comment on appropriate values for OET Bulletin No. 69 planning factors for Next Gen TV.

51. *Interference Protection.* We propose to define a protection threshold for Next Gen TV that would provide an equivalent level of protection as a DTV signal. Under this approach, an ATSC 3.0 signal would be protected as defined in OET Bulletin No. 69. As a practical matter, co-channel interference for DTV is presently a nonlinear function designed to approximate the performance of test receivers when the ATSC 1.0 standard was under development. We seek comment on whether this same nonlinearity would apply to Next Gen TV receivers in the presence of co-channel interference. Additionally, we acknowledge that Next Gen TV may have multiple video streams, some of which may not be sufficiently protected from interference at a single threshold which was designed specifically to protect DTV signals. Next Gen TV broadcasters that choose to offer higher capacity, *i.e.* less robust, programming within their ''DTV-equivalent'' coverage areas may not be protected from interference at this threshold. Next Gen TV broadcasters may also choose to offer lower capacity, *i.e.* more robust, programming that permits signal to noise ratio thresholds below the DTV threshold. This could effectively expand their consumer base beyond the current ''DTV-equivalent'' service area or provide coverage to areas that were previously unserved due to terrain-limited propagation conditions within the contour. Should these areas be given interference protection? We seek comment on this approach and alternative threshold protection approaches that could be better suited to ATSC 3.0.

52. Should ATSC 3.0 signals only be protected in areas where their signal strength reaches a single ''DTV-equivalent'' minimum level or should protections be provided for such signals within their ''DTV-equivalent'' service contour that fall below the single service threshold but offer a more robust service? Should interference protections be provided for Next Gen TV signals within the ''DTV-equivalent'' service contour which require alternative adjacent channel D/U ratios for interference protection? Have there been advancements in receiver performance that would warrant the Commission to consider alternative the adjacent channel D/U ratios for ATSC 3.0 receivers? Noting the ATSC A/73 standard for DTV receivers, should the Commission adopt a 33 dB, or some higher or lower threshold for adjacent channel interference, or is the existing 26 to 28 dB threshold for DTV (depending on whether upper- or lower-adjacent) prescribed in our rules more appropriate? If interference protection is to be afforded to Next Gen TV profiles other than the ''DTV-equivalent'' service, what should those interference protection levels be?

3. Interference Protection Affecting Other Services

53. The last interference issues that we must consider concern those related to interference between ATSC 3.0 transmissions and other services, such as non-broadcast services, that operate within or adjacent to the TV band. We seek comment on whether and how we should address the impact ATSC 3.0 signals could have on these other services and how these services could impact ATSC 3.0 signals.

54. *Other Services that Operate in the TV Band.* We seek comment on whether, in authorizing the ATSC 3.0 transmission standard, there would be any interference-related issues that arise with respect to services and operations in the TV Band other than full-power, Class A, LPTV and TV translator television stations. If so, what services are impacted and how should the Commission address such interference? To what extent would authorization of the ATSC 3.0 transmission standard raise interference concerns regarding Part 22 or Part 90 services? Would ATSC 3.0 transmissions cause any additional interference to these services, or alternatively should ATSC 3.0 transmissions receive any protections in addition to those afforded today to DTV? Under our existing rules, low-power auxiliary station (LPAS) devices and unlicensed wireless microphones must protect broadcasting operations (*i.e.,* those that transmit using ATSC 1.0), and are by rule limited to operations at locations at least 4 kilometers outside the protected contours of co-channel TV stations. Licensed wireless microphone operations are also permitted closer to TV stations, including inside the TV contours, if certain specified conditions are met. In addition, white-space devices are required to protect DTV operations by operating outside of DTV contours as specified in the rules. Are any clarifications or modifications to these rules required if we authorize the ATSC 3.0 transmission standard?

55. *Other Services that Operate in the Adjacent Bands—the 600 MHz Band and Channel 37.* CTIA expressed concern that the Petition's discussion of the ATSC 3.0 transmission standard contained no consideration of the potential interference impact that this new technology could have on wireless operations in the 600 MHz band. CTIA states that the development and enforcement of carefully drawn technical rules is necessary to prevent interference to 600 MHz band operations, and that the inter-service interference (ISIX) rules adopted by the Commission, which were based entirely on the technical characteristics of DTV signals, were developed to minimize interference between TV broadcasting and 600 MHz band operations. The Petitioners respond that it is not possible to test for this interference because the wireless industry has not revealed ''what technology wireless carriers will actually deploy in the 600 MHz band,'' and argue that there is ''no technical reason to believe that ATSC 3.0 creates a higher risk of potential inter-service interference'' than ATSC 1.0.

56. The ISIX rules referenced by CTIA were developed for the broadcast incentive auction in the event that some UHF broadcasters would remain in the re-purposed 600 MHz Band creating impairments for the new wireless licensees. At this point in the broadcast incentive auction, there are no impairments to 600 MHz Band wireless licenses that are projected to exist after

the post-auction transition period. Therefore, we tentatively conclude there is no need for rules to consider potential interference between Next Gen TV transmissions and the 600 MHz Band service. We seek comment on this tentative conclusion. Alternatively, are more studies needed to fully address any potential interference concerns? If we require broadcasters to ''provide interested parties with a clear understanding of how the change to ATSC 3.0 will impact the interference environment in the 600 MHz band'' as CTIA requests, what information would be necessary and sufficient to address any potential concerns?

57. We also seek comment on whether there are any potential interference concerns that adoption of ATSC 3.0 transmission standard may raise with respect to either RAS or WMTS operations in Channel 37. Finally, we seek comment on whether any of these issues related to interference to services that operate in adjacent bands would require us to clarify how interference issues between ATSC 3.0 transmissions and these other services would be addressed.

4. Station Interference Protection Population Inputs

58. We propose to update the Commission's rules regarding acceptable levels of interference resulting from a broadcaster's application for new or modified facilities. Specifically, we propose that, for purposes of evaluating such applications, the Media Bureau should use the latest official U.S. Census statistics, as these population statistics become available and when the Commission is able to incorporate them into the Commission's licensing processing systems. The Commission's rules currently require that in evaluating a broadcaster's application for new or modified facilities, the degree of permissible interference to populations served is to be predicted based on the 2000 census population data. For purposes of the incentive auction and repacking process, however, the Commission established updated inputs for purposes of evaluating interference, including use of the 2010 census population data. We now propose to further update our rules in a manner that is consistent with this approach by permitting the Media Bureau to use the most recent U.S. Census statistics. We propose that the Media Bureau will announce when updated census statistics have been incorporated into our licensing systems and the date upon which such updated inputs will be applied at least 60 days before they are used for application processing purposes. We further propose that the Commission use 2010 census population data after the repacking process for all application compliance evaluations until the Media Bureau announces the date that it will begin using census population data for a different year. Thus, even after the repacking process is complete, any broadcast television service or interference calculations would be based on 2010 U.S. Census statistics, until after 2020, when the next U.S. Census statistics become available and the Media Bureau announces the date of application of such data. We believe that this process and the use of the most current population data incorporated into the Commission's systems will provide more accurate predictions of populations served and benefit the public interest. We seek comment on this proposal.

E. Single Frequency Networks (SFN) and Distributed Transmission Systems (DTS)

59. We propose to authorize broadcast television stations to operate ATSC 3.0 Single Frequency Networks (SFN) under our existing Distributed Transmission Systems (DTS) rules with one amendment noted below. While a traditional broadcaster has a single transmission site, and any fill-in service is provided using a separately licensed secondary transmission site that likely uses a different RF channel, a broadcaster using DTS provides television service to its area by two or more transmission sites using an identical signal on the same RF channel, synchronized to manage self-interference. The rules established by the *DTS Report and Order* describe the authorized service area, maximum service area, station reference point, coverage determination, protection from interference and application requirements for DTS stations.

60. Multiple commenters claim that broadcasters that deploy ATSC 3.0 service will have the ability to efficiently form a SFN, which for the purposes of broadcast television is a term that is synonymous with DTS. Like the DTS network described above, an ATSC 3.0 SFN would provide television service by using two or more transmission sites, using an identical signal on the same RF channel, synchronized to manage self-interference. Accordingly, we tentatively conclude that the rules established to authorize a DTS station generally are adequate to authorize an ATSC 3.0 SFN station, and as such an ATSC 3.0 SFN should be considered a DTS station for the purposes of our rules. We seek comment on this tentative conclusion.

61. We also tentatively conclude that it is not necessary to adopt a specific synchronization standard in order to authorize an ATSC 3.0 SFN. In the *DTS Report and Order,* the Commission found that it was not necessary for a station to use a specific synchronization system as long as (1) the synchronization used by a station was effective in minimizing interference within the system, (2) otherwise provided service to the population within the station's service area consistent with FCC rules, and (3) complied with the ATSC standard adopted by the FCC. It further noted that this approach avoided implication of any specific intellectual property held by companies participating in the proceeding. Thus, although ATSC had developed the A/110 ''ATSC Standard for Transmitter Synchronization,'' the Commission determined that it was not necessary to adopt this as the synchronization standard for DTS, and as a result, DTS stations have flexibility with regard to transmitter synchronization. In this proceeding, one commenter, LG Electronics, notes that the standard that would enable an ATSC 3.0 SFN is ATSC A/322:2016 ''Physical Layer Protocol.'' LG claims that A/322 should be incorporated by reference into the rules along with A/321 to ensure that SFN is authorized. We seek comment above on whether A/322 should be incorporated into our rules. Consistent with our finding in the DTS proceeding, we tentatively conclude that as long as the synchronization used to implement an SFN/DTS minimizes interference within the network and provides adequate service, then there is no need to require a specific synchronization standard. We seek comment on this tentative conclusion.

62. We propose to amend our existing DTS rules to specify that, with regard to ATSC 3.0 transmissions, not only must each transmitter comply with the ATSC 3.0 standard ultimately adopted by the FCC, but all transmitters under a single license must follow the same standard. We tentatively find that a DTS implementation that mixes ATSC 3.0 and ATSC 1.0 would not meet the requirement to be ''synchronized'' as specified in section 73.626(a) of the Commission's rules, as it would not minimize interference within the system. We seek comment on this tentative conclusion.

F. ATSC 3.0 Transmissions as ''Television Broadcasting''

1. Definition of Television Broadcasting

63. We propose that television stations transmitting both an ATSC 1.0 and an ATSC 3.0 signal are ''television stations'' engaged in ''broadcasting'' as those terms are defined in the Communications Act. Although we do not propose to authorize broadcasters to transmit solely in ATSC 3.0 at this time, we also tentatively conclude that stations transmitting only an ATSC 3.0 signal would be ''television stations'' engaged in ''broadcasting'' under the Act.

64. The Petitioners request that the Commission ''specify that Next Generation TV transmission is 'television broadcasting' in parity with the current DTV standard.'' The Act imposes certain obligations and restrictions on stations engaged in ''broadcasting,'' including the restriction on foreign ownership and the requirements that they provide ''reasonable access'' to candidates for federal elective office and afford ''equal opportunities'' to candidates for any public office. Television broadcasters must also make certain disclosures in connection with advertisements that discuss a ''political matter of national importance'' and must disclose the identity of program sponsors. In addition, among other requirements, television broadcasters must air educational programming for children, limit the amount of commercial material they include in programming directed to children, restrict the airing of indecent programming, and comply with provisions relating to the rating of video programming. The Commission has determined that the definition of ''broadcasting'' in the Act applies to services intended to be received by an indiscriminate public and has identified three indicia of a lack of such intent: (1) The service is not receivable on conventional television sets and requires a licensee or programmer-provided special antennae and/or signal converter so the signal can be received in the home; (2) the programming is encrypted; and (3) the provider and the viewer are engaged in a private contractual relationship.

65. Based on the description of ATSC 3.0 transmissions in the Petition and in the record, and because we propose to require ATSC 3.0 stations to provide a free, over-the-air service, it appears that ATSC 3.0 transmissions would be intended to be received by all members of the public and therefore would meet the definition of ''broadcasting.'' Accordingly, as noted above, we tentatively conclude that Next Gen TV stations are ''television stations'' engaged in ''broadcasting'' as those terms are defined by the Act. No commenters in response to the Petition take a different position. We seek comment on this tentative conclusion and any alternative views. Is there any basis for determining that ATSC 3.0 transmissions are not ''broadcasting''? What would the implications be of such a determination in terms of regulatory obligations and Commission oversight?

2. Public Interest Obligations

66. Assuming we adopt our tentative conclusion that Next Gen TV stations are engaged in ''broadcasting'' under the Act, they—like all broadcast television licensees—would be public trustees with a responsibility to serve the ''public interest, convenience, and necessity.''

67. We propose to apply all of our broadcast rules to Next Gen TV stations including, but not limited to, our rules regarding foreign ownership, political broadcasting, children's programming, equal employment opportunities, public inspection file, main studio, indecency, sponsorship identification, contest rules, CALM Act, the EAS, closed captioning, and video description. Are there any public interest or programming rules that should not apply? Are there any changes to these rules that should be made to accommodate any ATSC 3.0-based services? To what extent will the additional capacity offered through the ATSC 3.0 standard provide opportunities for more diverse programming? While the Petition does not address broadcaster public interest obligations in detail, it states that ''[n]o changes are necessary in the Commission's programming-related policies and rules, as those requirements will attach to television licensees regardless of the authorized standard they use to transmit programming to their communities of license.'' The Petition further states that licensees implementing ATSC 3.0 technology will ''remain simply television broadcasters subject to the Commission's existing regulatory structure.'' We request comment generally on this view.

68. Although we decline to initiate a general reexamination of broadcaster public interest obligations at this time, we seek comment on specific consumer issues related to the enhanced capabilities that may be available through the use of ATSC 3.0 transmissions. The Petition claims that the advent of ATSC 3.0 (including the entire suite of ATSC 3.0-related standards and IP-based services that operate on top of the transmission standard) will enable improvements to certain services, including EAS, closed captioning, and video description, but that no changes to the relevant rules are needed to conform them to an environment in which television licensees will transmit in either the ATSC 1.0 or the ATSC 3.0 standard. With respect to EAS, Petitioners argue that ATSC 3.0 will offer significantly enhanced emergency alert capabilities, including the abilities to alert consumers of an emergency even when the receiver is powered off, tailor information for specific geographic areas, and provide enhanced datacasting to serve law enforcement, first responder, and emergency management organizations more efficiently. With respect to closed captioning, Petitioners state that the ATSC 3.0 transmission standard offers a different format for caption data from that used by DTV and that the Commission's rules already anticipate this technology and provide that data in this format is compliant. Finally, Petitioners state that the ATSC 3.0 standard has functionality for video description and additional language support, and can implement these requirements in compliance with the FCC's rules. We invite comment generally on these asserted benefits. We also seek input on the public interest issues discussed above and any others that may result from enhancements or other changes to television broadcasting that may result from the use of Next Gen TV transmissions.

69. Finally, we invite comment on which features of ATSC 3.0-based services will be provided over-the-air to consumers for free and what additional services or features will require a fee. Should broadcasters who choose to use their ATSC 3.0 transmission for a higher format, such as 4K resolution, be required to offer it over-the-air to consumers for free? What features of ATSC 3.0 service will be available only to those with an Internet connection? Which such services or features will be ''ancillary services'' within the meaning of our rules? If the majority of an ATSC 3.0 station's spectrum/bandwidth is devoted to paid services, are those services ''ancillary'' under our rules? Are there any services that Next Gen TV broadcasters might offer that would not be ancillary or supplementary services that serve the public interest? What is the potential regulatory significance of an ATSC 3.0-based service that is provided for free versus one that is not?

G. Transition and Consumer Issues

1. Next Gen TV Tuner Mandate

70. Television receivers manufactured today are not capable of receiving ATSC 3.0 signals. Pursuant to our current rules, however, if a broadcaster were to begin transmitting ATSC 3.0 signals, television receivers would need to include ATSC 3.0 tuners. Specifically, section 15.117(b), the rule implementing the Commission's authority under the 1962 All Channel Receiver Act, states that ''TV broadcast receivers shall be capable of adequately receiving all channels allocated by the Commission to the television broadcast service.'' We tentatively conclude that a Next Gen TV tuner mandate is not necessary at this time because a potential transition would be voluntary and market-driven, and under our proposal current-generation ATSC 1.0 broadcasting would continue indefinitely. Accordingly, we propose to revise section 15.117(b) to make clear that this rule does not apply to ATSC 3.0. We seek comment on this proposal.

71. Alternatively, we seek comment on whether we should require that new television receivers manufactured after a certain date include the capability to receive ATSC 3.0 signals and if so, when such a requirement should take effect. As a further alternative, we note that it may be possible to upgrade most, if not all, receivers currently being manufactured to allow them to receive ATSC 3.0 signals, but such upgrades would require over-the-air viewers to purchase additional equipment, such as a dongle or other equipment (*e.g.,* a set-top box or gateway device) that can be attached to the receiver's HDMI port, assuming that receiver has an HDMI port. What percentage, if any, of TV receivers manufactured today do not have an HDMI port and therefore are not easily upgradeable to receive ATSC 3.0 transmissions? To account for receivers that do not have HDMI ports, should we require that all TV receivers sold after a specified date have an HDMI port to permit attachment of an external tuner dongle or other equipment (*e.g.,* a set-top box or gateway device) that can receive signals from an OTA antenna? We tentatively conclude that such a requirement is not necessary at this time. The Petitioners assert that ''a market-driven approach will ensure that both broadcasters and receiver manufacturers adopt the new transmission standard in response to consumer demand.'' We seek comment on whether such a market-based approach will ensure that television receivers capable of receiving ATSC 3.0 signals are available to consumers. What would the costs be for manufacturers to ensure that all television receivers are easily upgradable to receive ATSC 3.0 transmissions, and how quickly could they do so?

2. On-Air Notice to Consumers About Deployment of ATSC 3.0 Service and ATSC 1.0 Simulcasting

72. We seek comment on whether broadcasters should be required to provide on-air notifications to educate consumers about their deployment of Next Gen TV service and simulcasting of ATSC 1.0 service. We seek comment on whether such a requirement could be useful for broadcasters to inform consumers that the stations they view will be changing channels, to encourage consumers to rescan their receivers for new channel assignments, and to educate them on steps they should take to resolve any potential reception issues. The Commission imposed viewer notification requirements during the DTV transition as well as in connection with the incentive auction. Should they be imposed in connection with the use of ATSC 3.0 transmissions? Does the Commission have legal authority to require such on-air notices in this context?

73. If we were to require broadcasters to notify consumers during a potential transition to ATSC 3.0, we invite comment on the requirements we should impose regarding these notifications. How far in advance should we require broadcasters to notify viewers before broadcasters shift their ATSC 1.0 signal to another station's broadcast channel? What form should this notice take—PSAs, crawls, or a combination of both? What information should stations be required to include in the notification?

74. We also seek comment on whether Commission outreach is necessary to those communities affected by a potential transition to ATSC 3.0. Should the FCC's existing call center provide consumer assistance over the phone on matters such as ''rescanning'' or to help resolve other reception issues? What guidance should the Commission provide through its Web site (*www.fcc.gov*)? Should the Commission staff prepare maps that would be available online to inform consumers about what station signals are affected by a potential transition to Next Gen TV signals, as it did for the digital transition? We seek comment also on other potential types of Commission outreach and the appropriate timing of such efforts.

3. Interplay With Post-Incentive Auction Transition/Repack

75. The Commission has stated that, following the completion of the incentive auction, it will establish a 39-month transition period (''post-auction transition period'') during which time all full power and Class A television stations that are changing frequencies as a result of the auction must cease operations in those portions of the current broadcast UHF television bands that are being repurposed to wireless use. The Media Bureau will establish a set of construction deadlines for stations that will relocate as a result of the auction, some of which will be given 36 months to complete construction and some of which will have shorter deadlines. The Commission previously determined that all stations must cease operating on their pre-auction channels at the end of the 39-month post-auction transition period regardless of whether they have completed construction of the facilities for their post-auction channel. We seek comment on the extent to which the repacking of stations after the incentive auction presents an opportunity for repacked stations that want to upgrade to ATSC 3.0. What steps should the Commission take to facilitate ATSC 3.0 deployment consistent with the repack and ensure consumers retain the television service they expect while more quickly enjoying the benefits of Next-Generation Television?

76. We also invite comment on how to ensure that the deployment of ATSC 3.0 does not negatively affect the post-incentive auction transition process. What steps should the broadcast industry take to address this issue?

77. CTIA asks that we clarify that ATSC 3.0 equipment is not eligible for reimbursement from the TV Broadcaster Relocation Fund (Reimbursement Fund). All requests for reimbursement from the Reimbursement Fund, including those for ATSC 3.0 capable equipment, will be evaluated consistent with the standards set forth in the *Incentive Auction Report and Order.* In that order, the Commission recognized that replacement equipment eligible for reimbursement from the Reimbursement Fund ''necessarily may include improved functionality,'' but stated ''[w]e do not . . . anticipate providing reimbursement for new, optional features in equipment unless the station or MVPD documents that the feature is already present in the equipment that is being replaced. Eligible stations and MVPDs may elect to purchase optional equipment capability or make other upgrades at their own cost, but only the

cost of the equipment without optional upgrades is a reimbursable expense.''

IV. Procedural Matters

A. Initial Regulatory Flexibility Act Analysis

78. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared this present Initial Regulatory Flexibility Analysis (IRFA) concerning the possible significant economic impact on small entities by the policies and rules proposed in the *Notice of Proposed Rulemaking* (*NPRM*). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the *NPRM.* The Commission will send a copy of the *NPRM,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *NPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

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

79. In the *NPRM,* we propose to authorize television broadcasters to use the ''Next Generation'' broadcast television (Next Gen TV) transmission standard associated with recent work of the Advanced Television Systems Committee (ATSC 3.0) on a voluntary, market-driven basis, while they continue to deliver current-generation digital television (DTV) broadcast service, using the ''ATSC 1.0 standard,'' to their viewers. ATSC 3.0 is being developed by broadcasters with the intent of merging the capabilities of over-the-air broadcasting with the broadband viewing and information delivery methods of the Internet, using the same 6 MHz channels presently allocated for DTV. According to a coalition of broadcast and consumer electronics industry representatives that has petitioned the Commission to authorize the use of ATSC 3.0, this new standard has the potential to greatly improve broadcast signal reception, particularly on mobile devices and television receivers without outdoor antennas, and it will enable broadcasters to offer enhanced and innovative new features to consumers, including Ultra High Definition picture and immersive audio, more localized programming content, an advanced emergency alert system capable of waking up sleeping devices to warn consumers of imminent emergencies, better accessibility options, and interactive services. With today's action, we aim to facilitate private sector innovation and promote American leadership in the global broadcast industry.

80. In this proceeding, we seek to adopt rules that will afford broadcasters flexibility to deploy ATSC 3.0-based transmissions, while minimizing the impact on, and costs to, consumers and other industry stakeholders. Among other matters, we seek public input on the following issues and proposals:

- *Voluntary Use.* We propose to authorize voluntary use of ATSC 3.0 transmissions and to incorporate by reference the relevant portions of the ATSC 3.0 standard into our rules. We seek comment on which components of the standard should be incorporated into our rules.
- *Local Simulcasting.* We propose to require ''local simulcasting'' for stations that choose to deploy Next Gen TV transmissions so that broadcasters will continue to provide their existing ATSC 1.0-based services to their viewers. We seek comment on a number of issues relating to the implementation of local simulcasting.
- *MVPD Carriage.* We propose that multichannel video programming distributors (MVPDs) be required to continue carrying broadcasters' ATSC 1.0 signals, but not be required to carry ATSC 3.0 signals during the period when broadcasters are voluntarily implementing ATSC 3.0 service. We also seek comment on issues related to the voluntary carriage of ATSC 3.0 signals through the retransmission consent process.
- *Service and Interference Protection.* We seek comment on whether Next Gen TV transmissions will raise any interference concerns for existing DTV operations or for any other services or devices that operate in the TV bands or in adjacent bands. We propose to calculate Next Gen TV interference to DTV signals using the methodology and planning factors specified in OET Bulletin 69 (OET–69). We also propose to define a ''DTV-equivalent'' service area for the Next Gen TV signal using the methodology and planning factors defined for DTV in OET–69 and to define a protection threshold for Next Gen TV signals that would be as robust as an equivalent DTV signal. Moreover, we seek comment on what, if any, additional interference protections are necessary with respect to other services and devices that operate in the TV bands or adjacent bands.
- *Public Interest Obligations and Consumer Protection.* We propose that television stations transmitting signals in ATSC 3.0 be subject to the public interest obligations currently applicable to television broadcasters. In addition, we seek comment on our tentative conclusion that it is unnecessary at this time to adopt an ATSC 3.0 tuner mandate for new television receivers. We seek comment on whether broadcasters should be required to provide on-air notifications to educate consumers about Next Gen TV service deployment and ATSC 1.0 simulcasting and on how to ensure that deployment of Next Gen TV-based transmissions will not negatively impact the post-incentive auction transition process.

C. Legal Basis

81. The proposed action is authorized pursuant to sections 1, 4, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 534, and 535 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 534, and 535.

D. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

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

83. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming

distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. Census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

84. *Cable Companies and Systems (Rate Regulation).* The Commission has developed its own small business size standards for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers nationwide. Industry data indicate that there are currently 4,600 active cable systems in the United States. Of this total, all but nine cable operators nationwide are small under the 400,000-subscriber size standard. In addition, under the Commission's rate regulation rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers. Current Commission records show 4,600 cable systems nationwide. Of this total, 3,900 cable systems have fewer than 15,000 subscribers, and 700 systems have 15,000 or more subscribers, based on the same records. Thus, under this standard as well, we estimate that most cable systems are small entities.

85. *Cable System Operators (Telecom Act Standard).* The Communications Act also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' There are approximately 52,403,705 cable video subscribers in the United States today. Accordingly, an operator serving fewer than 524,037 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate. Based on available data, we find that all but nine incumbent cable operators are small entities under this size standard. We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250 million, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

86. *Direct Broadcast Satellite (DBS) Service.* DBS Service is a nationally distributed subscription service that delivers video and audio programming via satellite to a small parabolic ''dish'' antenna at the subscriber's location. DBS is now included in SBA's economic census category ''Wired Telecommunications Carriers.'' By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry. The SBA determines that a wireline business is small if it has fewer than 1,500 employees. Census data for 2012 indicate that 3,117 wireline firms were operational during that year. Of that number, 3,083 operated with fewer than 1,000 employees. Based on that data, we conclude that the majority of wireline firms are small under the applicable standard. However, based on more recent data developed internally by the FCC, currently only two entities provide DBS service, which requires a great deal of capital for operation: DIRECTV and DISH Network. Accordingly, we must conclude that internally developed FCC data are persuasive that in general DBS service is provided only by large firms.

87. *Satellite Master Antenna Television (SMATV) Systems, also known as Private Cable Operators (PCOs).* SMATV systems or PCOs are video distribution facilities that use closed transmission paths without using any public right-of-way. They acquire video programming and distribute it via terrestrial wiring in urban and suburban multiple dwelling units such as apartments and condominiums, and commercial multiple tenant units such as hotels and office buildings. SMATV systems or PCOs are now included in the SBA's broad economic census category, Wired Telecommunications Carriers, which was developed for small wireline businesses. The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. Census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

88. *Home Satellite Dish (HSD) Service.* HSD or the large dish segment of the satellite industry is the original satellite-to-home service offered to consumers, and involves the home reception of signals transmitted by satellites operating generally in the C-band frequency. Unlike DBS, which uses small dishes, HSD antennas are between four and eight feet in diameter and can receive a wide range of unscrambled (free) programming and scrambled programming purchased from program packagers that are licensed to facilitate subscribers' receipt of video programming. Because HSD provides subscription services, HSD falls within the SBA-recognized definition of Wired Telecommunications Carriers. The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. Census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

89. *Open Video Services.* The open video system (OVS) framework was established in 1996, and is one of four statutorily recognized options for the provision of video programming services by local exchange carriers. The OVS framework provides opportunities for the distribution of video programming other than through cable systems. Because OVS operators provide subscription services, OVS falls within the SBA small business size standard covering cable services, which is Wired Telecommunications Carriers. The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. Census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small. In addition, we note that the Commission has certified some OVS operators, with some now providing service. Broadband service providers are currently the only significant holders of OVS certifications or local OVS franchises. The Commission does not have financial or employment information regarding the entities authorized to provide OVS, some of which may not yet be operational. Thus, again, at least some of the OVS operators may qualify as small entities.

90. *Wireless Cable Systems—Broadband Radio Service and Educational Broadband Service.* Wireless cable systems use the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) to transmit video programming to subscribers. In connection with the 1996 BRS auction, the Commission established a small business size standard as an entity that had annual average gross revenues of no more than $40 million in the previous three calendar years. The BRS auctions resulted in 67 successful bidders obtaining licensing opportunities for 493 Basic Trading Areas (BTAs). Of the 67 auction winners, 61 met the definition of a small business. BRS also includes licensees of stations authorized prior to the auction. At this time, we estimate that of the 61 small business BRS auction winners, 48 remain small business licensees. In addition to the 48 small businesses that hold BTA authorizations, there are approximately 392 incumbent BRS licensees that are considered small entities. After adding the number of small business auction licensees to the number of incumbent licensees not already counted, we find that there are currently approximately 440 BRS licensees that are defined as small businesses under either the SBA or the Commission's rules. In 2009, the Commission conducted Auction 86, the sale of 78 licenses in the BRS areas. The Commission offered three levels of bidding credits: (i) A bidder with attributed average annual gross revenues that exceed $15 million and do not exceed $40 million for the preceding three years (small business) received a 15 percent discount on its winning bid; (ii) a bidder with attributed average annual gross revenues that exceed $3 million and do not exceed $15 million for the preceding three years (very small business) received a 25 percent discount on its winning bid; and (iii) a bidder with attributed average annual gross revenues that do not exceed $3 million for the preceding three years (entrepreneur) received a 35 percent discount on its winning bid. Auction 86 concluded in 2009 with the sale of 61 licenses. Of the 10 winning bidders, two bidders that claimed small business status won four licenses; one bidder that claimed very small business status won three licenses; and two bidders that claimed entrepreneur status won six licenses.

91. In addition, the SBA's placement of Cable Television Distribution Services in the category of Wired Telecommunications Carriers is applicable to cable-based Educational Broadcasting Services. Since 2007, these services have been defined within the broad economic census category of Wired Telecommunications Carriers, which was developed for small wireline businesses. The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. Census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small. In addition to Census data, the Commission's internal records indicate that as of September 2012, there are 2,241 active EBS licenses. The Commission estimates that of these 2,241 licenses, the majority are held by non-profit educational institutions and school districts, which are by statute defined as small businesses.

92. *Incumbent Local Exchange Carriers (ILECs) and Small Incumbent Local Exchange Carriers.* Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. ILECs and small ILECs are included in the SBA's economic census category, Wired Telecommunications Carriers. The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. Census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

93. *Competitive Local Exchange Carriers (CLECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers.* Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. These entities are included in the SBA's economic census category, Wired Telecommunications Carriers. The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. Census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

94. *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. 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 are small.

95. *Audio and Video Equipment Manufacturing.* This industry comprises establishments primarily engaged in manufacturing electronic audio and video equipment for home entertainment, motor vehicles, and public address and musical instrument amplification. Examples of products made by these establishments are video cassette recorders, televisions, stereo equipment, speaker systems, household-type video cameras, jukeboxes, and amplifiers for musical instruments and public address systems. The SBA has established a size standard for this industry, in which all firms with 750 employees or less are small. According to U.S. Census data for 2012, 466 audio and video equipment manufacturers were operational in that year. Of that number, 465 operated with fewer than 500 employees. Based on this Census data and the associated size standard, we conclude that the majority of such manufacturers are small.

96. *Television Broadcasting.* This economic Census category ''comprises establishments primarily engaged in broadcasting images together with sound. These establishments operate television broadcasting studios and facilities for the programming and transmission of programs to the public.'' These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for Television Broadcasting firms: those having $38.5

million or less in annual receipts. The 2012 economic Census reports that 751 television broadcasting firms operated during that year. Of that number, 656 had annual receipts of less than $25 million per year. Based on that Census data we conclude that a majority of firms that operate television stations are small. We therefore estimate that the majority of commercial television broadcasters are small entities.

97. We note, however, that in assessing whether a business concern qualifies as small under the above definition, business (control) affiliations must be included. Our estimate, therefore, likely overstates the number of small entities that might be affected by our action because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, an element of the definition of ''small business'' is that the entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any television station from the definition of a small business on this basis and is therefore possibly over-inclusive to that extent.

98. In addition, the Commission has estimated the number of licensed noncommercial educational television stations to be 395. These stations are non-profit, and therefore considered to be small entities.

99. There are also 2,344 LPTV stations, including Class A stations, and 3689 TV translator stations. Given the nature of these services, we will presume that all of these entities qualify as small entities under the above SBA small business size standard.

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

100. The *NPRM* proposes to authorize television broadcasters to use the Next Gen TV transmission standard associated with ATSC 3.0 on a voluntary, market-driven basis, while they continue to deliver current-generation DTV broadcast service, using the ATSC 1.0 standard, to their viewers. Under the proposal, Next Gen TV broadcasters that have elected must-carry rights would be required to notify MVPDs prior to transitioning to ATSC 3.0 and arranging for an ATSC 1.0 simulcast. MVPDs would be required to continue carrying broadcasters' ATSC 1.0 signals, but would not be required to carry ATSC 3.0 signals, during the period when broadcasters are voluntarily implementing ATSC 3.0 service. Rather, MVPD carriage of ATSC 3.0 signals would be determined through retransmission consent negotiations. With regard to equipment, the Commission tentatively concludes that it is unnecessary at this time to adopt an ATSC 3.0 tuner mandate for new television receivers.

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

101. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): ''(1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such 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.''

102. *Broadcasters.* As stated above, the *NPRM* proposes that broadcaster use of Next Gen TV would be voluntary. We note additionally that the Commission is considering whether small, rural, low-power, and NCE broadcasters would face unique circumstances with regard to the voluntary provision of ATSC 3.0. In the event that a broadcaster chooses to use Next Gen TV, the Commission is considering how to handle issues related to interference that may occur with a voluntary transition to Next Gen TV. The Commission is considering whether to require broadcasters that choose to transition to notify MVPDs and television viewers about the transition via written and on-air notices, respectively. The Commission is also considering an alternative approach, under which simulcast arrangements could be implemented without additional licensing (beyond conversion of the broadcaster's current facility to operate in ATSC 3.0), whereby some broadcasters would be licensed to operate only an ATSC 3.0 facility and others would be licensed to operate only on ATSC 1.0 facility. The *NPRM* states that the multicast approach to simulcasting may minimize administrative burdens and offer more flexibility to the broadcast industry. On the other hand, it would appear to preclude NCE stations from serving as hosts to the simulcast programming of commercial stations due to the restrictions of section 399B.

103. *MVPDs.* The *NPRM* considers issues related to the voluntary carriage of ATSC 3.0 signals through the retransmission consent process. As stated in the *NPRM,* MVPDs have raised numerous questions about MVPD carriage of ATSC 3.0 signals, including the potentially significant costs and burdens associated with MVPD carriage of ATSC 3.0 signals. The *NPRM* specifically considers the alternative approach of prohibiting MVPD carriage of ATSC 3.0 signals through retransmission consent negotiations until the ATSC Specialist Group on Conversion and Redistribution of ATSC 3.0 Service produces its initial report, which would ease any burdens of the carriage of ATSC 3.0 signals on MVPDs.

104. *Equipment manufacturers.* Finally, with regard to equipment manufacturers, the Commission is considering whether to require television receivers manufactured after a certain date to include the capability to receive ATSC 3.0 signals. In the *NPRM,* the Commission reaches the tentative conclusion that it is unnecessary at this time to adopt an ATSC 3.0 tuner mandate for new television receivers. This approach of instead relying on the market potentially could minimize any impact of the new rules on equipment manufacturers, including smaller manufacturers. If the Commission decides not to adopt a Next Gen TV tuner mandate at this time, the Commission is considering whether it should revise section 15.117(b) of its rules to make clear that this rule does not apply to ATSC 3.0.

105. The *NPRM* seeks comment on the above issues, with the goal of easing the economic burdens of the new rules and policies on small entities.

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

106. None.

H. Initial Paperwork Reduction Act of 1995 Analysis

107. This *NPRM* may result in new or revised information collection requirements. If the Commission adopts any new or revised information collection requirements, the Commission will publish a notice in the **Federal Register** inviting the public to comment on such requirements, as required by the Paperwork Reduction Act of 1995. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, the Commission will seek specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

I. Ex Parte Rules

108. *Permit But Disclose.* The proceeding this Notice initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. Ex parte presentations are permissible if disclosed in accordance with Commission rules, except during the Sunshine Agenda period when presentations, ex parte or otherwise, are generally prohibited. 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. Memoranda must contain a summary of the substance of the ex parte presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. 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 section 1.1206(b) of the rules. In proceedings governed by section 1.49(f) of the rules 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.

J. Filing Procedures

109. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

110. *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).

111. *Availability of Documents.* Comments and reply comments will be publically available online via ECFS. These documents will also be available for public inspection during regular business hours in the FCC Reference Information Center, which is located in Room CY–A257 at FCC Headquarters, 445 12th Street SW., Washington, DC 20554. The Reference Information Center is open to the public Monday through Thursday from 8:00 a.m. to 4:30 p.m. and Friday from 8:00 a.m. to 11:30 a.m.

112. *Additional Information.* For additional information on this proceeding, contact John Gabrysch, *John.Gabrysch@fcc.gov,* of the Media Bureau, Engineering Division, at (202) 418–7152, Sean Mirzadegan, *Sean.Mirzadegan@fcc.gov,* of the Media Bureau, Engineering Division, at (202) 418–7111, Evan Baranoff, *Evan.Baranoff@fcc.gov,* of the Media Bureau, Policy Division, (202) 418–7142, or Matthew Hussey, *Matthew.Hussey@fcc.gov,* of the Office of Engineering and Technology, (202) 418–3619.

V. Ordering Clauses

113. *It is ordered* that, pursuant to the authority found in sections 1, 4, 7, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 534, and 535 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 157, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 534, and 535, the Notice of Proposed Rulemaking in GN Docket No. 16–142 *is adopted.*

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

List of Subjects in 47 CFR Parts 15 and 73

Communications equipment, Television.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 15 and 73 as follows:

PART 15—RADIO FREQUENCY DEVICES

■ 1. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, 544a, and 549.

■ 2. Section 15.117 is amended by revising paragraph (b) to read as follows:

§ 15.117 TV broadcast receivers.

* * * * *

(b) TV broadcast receivers shall be capable of adequately receiving all

channels allocated by the Commission to the television broadcast service that broadcast digital signals broadcast using the ATSC 1.0 standard, but need not be capable of receiving analog signals or signals using the ATSC 3.0 standard.

* * * * *

PART 73—RADIO BROADCAST SERVICES

■ 3. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 309, 310, 334, 336, and 339.

■ 4. Section 73.616 is amended by revising the first sentence of paragraph (e)(1) and adding paragraph (g) to read as follows:

§ 73.616 Post-transition DTV station interference protection.

* * * * *

(e) * * *

(1) For evaluating compliance with the requirements of this paragraph, interference to populations served is to be predicted based on the most recent official decennial U.S. Census population data as identified by the Media Bureau in a Public Notice issued not less than 60 days prior to use of the data for a specific year in application processing, and otherwise according to the procedure set forth in OET Bulletin No. 69: ''Longley-Rice Methodology for Evaluating TV Coverage and Interference'' (February 6, 2004) (incorporated by reference, see § 73.8000), including population served within service areas determined in accordance with § 73.622(e), consideration of whether F(50,10) undesired signals will exceed the following desired-to-undesired (D/U) signal ratios, assumed use of a directional receiving antenna, and use of the terrain dependent Longley-Rice point-to-point propagation model.

* * *

* * * * *

(g) The interference protection requirements contained in this section apply to television station operations under ATSC A/321:2016, ''System Discovery and Signaling'' (March 23, 2016) (incorporated by reference, see § 73.8000).

■ 4. Section 73.624 is amended by adding paragraph (b)(3) to read as follows:

§ 73.624 Digital television broadcast stations.

* * * * *

(b) * * *

(3) DTV licensees or permittees that transmit a signal as set forth in A/321:2016, ''System Discovery and Signaling'' (March 23, 2016) shall transmit at least one free video stream on that signal that requires at most the signal threshold of a comparable received DTV signal, and shall simulcast the video programming on that signal on another local broadcast facility using the current DTV standard.

* * * * *

■ 5. Section 73.626 is amended by adding paragraph (g) to read as follows:

§ 73.626 DTV Distributed Transmission Systems.

* * * * *

(g) All transmitters operating under a single DTS license must follow the same digital broadcast television transmission standard.

■ 6. Section 73.682 is amended by adding paragraph (f) to read as follows:

§ 73.682 TV transmission standards.

* * * * *

(f) Alternative digital broadcast television transmission standard authorized.

(1) *Next Gen TV service.* Effective [DATE], as an alternative to complying with the requirements set forth in paragraph (d) of this section, transmission of digital broadcast television (DTV) signals may comply with the standards for such transmissions set forth in ATSC A/321:2016, ''System Discovery and Signaling'' (March 23, 2016) (incorporated by reference, see § 73.8000).

(2) *Continuity of service.* The licensee of a DTV station operating pursuant to paragraph (f)(1) shall arrange for another DTV station operating in compliance with paragraph (d) of this section and substantially covering such station's community of license to simulcast such station's primary program stream. Agreements for simulcast under this paragraph (g) must be filed with the Commission.

■ 7. Section 73.8000 is amended by adding paragraph (b)(6) to read as follows:

§ 73.8000 Incorporation by reference.

* * * * *

(b) * * *

(6) A/321:2016, ''System Discovery and Signaling'' (March 23, 2016), IBR approved for §§ 73.616 and 73.682.

* * * * *

[FR Doc. 2017–04713 Filed 3–9–17; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

RIN 0648–BG54

Fisheries of the Exclusive Economic Zone Off Alaska; Integrating Electronic Monitoring Into the North Pacific Observer Program

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

ACTION: Notice of availability of fishery management plan amendments; request for comments; notice of public hearing.

SUMMARY: The North Pacific Fishery Management Council submitted Amendment 114 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and Amendment 104 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (collectively referred to as the FMPs) to the Secretary of Commerce (Secretary) for review. If approved, Amendments 114/104 would integrate electronic monitoring into the North Pacific Observer Program. This action is necessary to improve the collection of data necessary for the conservation, management, and scientific understanding of managed fisheries. Amendments 114/104 are intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMPs, and other applicable laws.

DATES: Comments must be received no later than May 9, 2017.

Per section 313 of the Magnuson-Stevens Act, NMFS will conduct public hearings to accept oral and written comments on the proposed rule in Oregon, Washington, and Alaska during the public comment period.

The first public hearing will be held in conjunction with the April meeting of the North Pacific Fishery Management Council on April 6, 2017, 6 p.m. to 8 p.m., Alaska local time, at the Hilton Hotel, 500 W 3rd Ave., Anchorage, AK 99501.

The second public hearing will be on April 18, 2017, 10 a.m. to 12 p.m., Pacific daylight time, at the International Pacific Halibut Commission office, 2320 West Commodore Way, Suite 300, Seattle, WA 98199.

The third public hearing will be held on April 19, 2017, 1 p.m. to 3 p.m., Pacific daylight time, at the Hatfield

Marine Science Center, Lavern Weber Room, 2030 SE Marine Science Drive, Newport, OR 97365.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2016–0154, by any of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0154,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

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

Electronic copies of Amendments 114 and 104 and the Draft Environmental Assessment/Regulatory Impact Review prepared for this action (collectively the ''Analysis'') may be obtained from *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Gretchen Harrington or Jennifer Watson, 907–586–7228.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each regional fishery management council submit any fishery management plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce. The Magnuson-Stevens Act also requires that NMFS, upon receiving a fishery management plan amendment, immediately publish a notice in the **Federal Register** announcing that the amendment is available for public review and comment. This notice announces that proposed Amendments 114/104 to the FMPs are available for public review and comment.

NMFS manages the groundfish fisheries in the exclusive economic zone under the FMPs. The North Pacific Fishery Management Council (Council) prepared the FMPs under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600 and 679.

Amendments 114/104 to the FMPs would amend the Council's fisheries research plan prepared under the authority of section 313 of the Magnuson-Stevens Act. NMFS published regulations implementing the plan on November 21, 2012 (77 FR 70062). The Council's fisheries research plan is implemented through the North Pacific Observer Program (Observer Program) and its purpose is to collect data necessary for the conservation, management, and scientific understanding of the groundfish and halibut fisheries off Alaska.

In December 2016, the Council adopted Amendments 114/104 to integrate electronic monitoring (EM) into the Observer Program. The Observer Program is an integral component in the management of North Pacific fisheries. The Observer Program provides the regulatory framework for NMFS-certified observers (observers) to be deployed onboard vessels to obtain information necessary for the conservation and management of the groundfish fisheries, and, although not managed under the FMPs, the halibut fisheries. The information collected by observers contributes to the best available scientific information used to manage the fisheries in furtherance of the purposes and national standards of the Magnuson-Stevens Act. Observers collect biological samples and information on total catch, including bycatch, and interactions with protected species. Managers use data collected by observers to manage groundfish catch and bycatch limits established in regulation and to document fishery interactions with protected resources. Managers also use data collected by observers to inform the development of management measures that minimize bycatch and reduce fishery interactions with protected resources. Scientists use observer-collected data for stock assessments and marine ecosystem research.

In 2013, the Council and NMFS restructured the Observer Program to address longstanding concerns about statistical bias of observer-collected data and cost inequality among fishery participants with the funding and deployment structure under the previous Observer Program (77 FR 70062, November 21, 2012). The restructured Observer Program established two observer coverage categories: Partial and full. All groundfish and halibut vessels and processors are included in one of these two categories. The partial coverage category includes fishing sectors (vessels and processors) that are not required to have an observer at all times. The partial coverage category includes catcher vessels, shoreside processors, and stationary floating processors when they are not participating in a catch share program with a transferrable prohibited species catch limit. Small catcher/processors that meet certain criteria are also in the partial coverage category. Proposed Amendments 114/104 are designed to integrate EM in the partial coverage category and would not change provisions in the FMP that apply to the full coverage category.

NMFS contracts with an observer provider and determines when and where observers are deployed, based on a scientific sampling design for the partial coverage category. The restructured Observer Program created a new observer funding system to fund observer deployment in the partial coverage category. Vessels and processors in the partial coverage category pay a fee equal to1.25 percent of the fishery ex-vessel value.

The restructured Observer Program includes vessel sectors (the halibut sector and the less than 60 ft. length overall (LOA) groundfish sector) that were not subject to any observer requirements under the previous program. Even before implementing the restructured Observer Program, many vessel owners and operators new to the Observer Program were opposed to carrying an observer (77 FR 70062, November 21, 2012). Vessel owners and operators explained that there is limited space on board for an additional person or limited space in the vessel's life raft. Some vessel owners, operators, and industry representatives advocated for the use of EM instead of having an observer on board their vessels. To address their concerns, the Council and NMFS have been actively engaged in developing EM as a tool to collect fishery data.

In 2013, NMFS developed, and the Council adopted, the Strategic Plan for Electronic Monitoring and Electronic Reporting in the North Pacific to guide integration of monitoring technologies into North Pacific fisheries management and provide goals and benchmarks to evaluate attainment of goals (available on the Alaska Fisheries Science Center Web site at *http://www.afsc.noaa.gov/Publications/AFSC-TM/NOAA-TM-AFSC-276.pdf*).

In 2014, the Council appointed an EM Workgroup to develop an EM program

to integrate into the Observer Program. The EM Workgroup provides a forum for stakeholders, including the commercial fishery participants, NMFS, Alaska Department of Fish and Game, and EM service providers, to cooperatively and collaboratively design, test, and develop EM systems, and to identify key decision points related to operationalizing and integrating EM systems into the Observer Program in a strategic manner. Amendments 114/104 reflect the design and recommendations of the EM Workgroup. Additional information on the work of the EM Workgroup is provided in the Analysis (see **ADDRESSES**).

The Council and NMFS developed EM for data collection for vessels that use nontrawl gear in the partial coverage category to address their desire for an alternative way to collect fisheries data in consideration of the operating requirements of these fisheries. Nontrawl gear fishery participants identified unique issues with carrying an observer. Vessel owners and operators explained that there is limited space onboard for an additional person or limited space in the vessel's life raft. EM has the potential to reduce economic and operational costs associated with deploying human observers throughout coastal Alaska. Through the use of EM, it may be possible to obtain at-sea data from a broader cross-section of the nontrawl gear fleet at lower cost and increase flexibility to respond to the scientific and management needs of these fisheries.

Proposed Amendments 114/104 would revise the FMPs to include provisions for the use of EM systems in the Executive Summary, Section 3.2.4, Section 3.9, and Appendix A. Under proposed Amendments 114/104, owners or operators of vessels using nontrawl gear in the partial coverage category would be able to choose to use an EM system instead of carrying an observer. An EM system uses cameras, a video storage devise, and associated sensors to passively record and monitor fishing activities. The video is reviewed by an analyst onshore at a later time to collect catch and effort information.

NMFS would contract with an EM service provider to install EM systems on vessels. NMFS would use a portion of the fee revenues to fund EM systems and EM deployment under proposed Amendments 114/104, as authorized by section 313 of the Magnuson-Stevens Act.

The EM service provider would work with the vessel owner or operator to develop the vessel monitoring plan. The vessel monitoring plan would describe how fishing operations on the vessel would be conducted and how the EM system and associated equipment would be configured to meet the data collection objectives and purpose of the EM program. The proposed rule to implement proposed Amendments 114/104 provides the details of the responsibilities of vessel owners or operators if they decide to participate in EM.

Owners or operators of vessels using nontrawl gear could request to be in the EM selection pool. During the fishing year, NMFS would randomly select vessels in the EM selection pool to use an EM system on a fishing trip according to the sampling design in the annual deployment plan (ADP). The ADP would describe how NMFS plans to deploy observers on vessels in the partial coverage category in the upcoming year, to determine the criteria for the EM selection pool and to deploy EM on fishing trips in the upcoming year. NMFS uses the sampling design to generate unbiased estimates of total and retained catch, and catch composition in the groundfish and halibut fisheries. NMFS would make adjustments to the ADP each year after NMFS conducts a scientific evaluation of data collected by observers and EM systems to evaluate the impact of changes in observer and EM system deployment and identify areas where improvements are needed to collect the data necessary to conserve and manage the groundfish and halibut fisheries. The Council and its Scientific and Statistical Committee (SSC) review the ADP each October, receive public comments on the ADP, and make additional recommendations for improvements. NMFS finalizes the ADP in December and releases it prior to the start of the fishing year. NMFS posts the ADP on the NMFS Alaska Region Web site (*http://alaskafisheries.noaa.gov*).

Each year, NMFS would also evaluate in the Annual Report how well various aspects of the Observer Program and the EM deployment are achieving program goals, identify areas where improvements are needed, and make recommendations to modify the sampling design in the upcoming ADP. The SSC and Council review the Annual Report each June, and receive public comments on the Annual Report, and make additional recommendations for improvements. NMFS posts the Annual Report on the NMFS Alaska Region Web site (*http://alaskafisheries.noaa.gov*).

NMFS is soliciting public comments on proposed Amendments 114/104 through the end of the comment period (see **DATES**). NMFS intends to publish in the **Federal Register** and seek public comment on a proposed rule that would implement Amendments 114/104, following NMFS' evaluation of the proposed rule under the Magnuson-Stevens Act. Magnuson-Stevens Act section 313 requires NMFS to provide a 60-day public comment period on the proposed rule and conduct a public hearing in each state represented on the Council for the purpose of receiving public comment on the proposed regulations. The states represented on the Council are Alaska, Oregon, and Washington. NMFS will conduct a public hearing in each of these states (see **DATES**).

People wanting to make an oral statement for the record at the public hearing are encouraged to provide a written copy of their statement and present it to NMFS at the hearing. If attendance at the public hearing is large, the time allotted for individual oral statements may be limited. Oral and written statements receive equal consideration. There are no limits on the length of written comments submitted to NMFS.

Respondents do not need to submit the same comments on Amendments 114/104, the proposed rule, and at a public hearing. All relevant written and oral comments received by the end of the applicable comment period, whether specifically directed to the FMP amendments, this proposed rule, or both, will be considered by NMFS in the approval/disapproval decision for Amendments 114/104 and addressed in the response to comments in the final decision. Comments received after end of the applicable comment period will not be considered in the approval/disapproval decision on Amendments 114/104. To be considered, comments must be received, not just postmarked or otherwise transmitted, by the last day of the comment period (see **DATES**).

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

Dated: March 6, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–04716 Filed 3–9–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 82, No. 46
Friday, March 10, 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

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the United States Department of Agriculture's Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by May 9, 2017.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, USDA Rural Utilities Service, 1400 Independence Avenue SW., STOP 1522, Room 5164–S, Washington, DC 20250–1522. Telephone: (202) 690–4492. FAX: (202) 720–8435. Email: *Thomas.Dickson@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for extension.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) The accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) Ways to enhance the quality, utility and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., STOP 1522, Room 5164–S, Washington, DC 20250–1522. Telephone: (202) 690–4492, FAX: (202) 720–8435. Email: *Thomas.Dickson@wdc.usda.gov.*

Title: 7 CFR part 1744, subpart B, Lien Accommodations and Subordination Policy.

OMB Control Number: 0572–0126.

Type of Request: Extension of a currently approved information collection.

Abstract: RUS borrowers and other organizations providing telecommunications in rural areas, due to changes in the telecommunications industry, including deregulation and technological developments, may consider undertaking projects that provide new telecommunications services and other telecommunications services not ordinarily financed by RUS. Although some of these services may not be eligible for financing under the Rural Electrification Act of 1936 (RE Act), the services may nevertheless advance RE Act objectives where the borrower obtains financing from private lenders. To facilitate the financing of those projects and services, this program assists in facilitating funding from non-RUS sources in order to meet the growing capital needs of rural Local Exchange Carriers (LECs).

The information collected for lien accommodation requests is used by RUS to ascertain a borrower's level of financial strength and, upon agency approval of the lien accommodation, ensures that the government's loan security interest is protected.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .50 hour per response.

Respondents: Business or other for-profit and non-profit institutions.

Estimated Number of Respondents: 3.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 2.

Copies of this information collection can be obtained from Rebecca Hunt, Program Development and Regulatory Analysis, at (202) 205–3660, FAX: (202) 720–8435. Email: *Rebecca.Hunt@wdc.usda.gov.*

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

Dated: February 22, 2017.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2017–04767 Filed 3–9–17; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the United States Department of Agriculture's Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by May 9, 2017.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, USDA Rural Utilities Service, 1400 Independence Avenue SW., STOP 1522, Room 5164–S, Washington, DC 20250–1522. Telephone: (202) 690–4492. FAX: (202) 720–8435. Email: *Thomas.Dickson@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information

collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for extension.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., STOP 1522, Room 5164–S, Washington, DC 20250–1522. Telephone: (202) 690–4492, FAX: (202) 720–8435. Email: *Thomas.Dickson@wdc.usda.gov.*

Title: 7 CFR part 1777, Section 306C, Water and Waste Disposal (WWD) Loans and Grants.

OMB Control Number: 0572–0109.

Type of Request: Extension of a currently approved information collection.

Abstract: Section 306C of the Consolidated Farm and Rural Development Act (7 U.S.C. 926c) authorizes the Rural Utilities Service to make loans and grants to low-income rural communities whose residents face significant health risks. These communities do not have access to, or are not served by, adequate affordable water supply systems or waste disposal facilities. The loans and grants will be available to provide water and waste disposal facilities and services to these communities, as determined by the Secretary.

The Section 306c WWD loans and Grants program is administered through 7 CFR part 1777.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 9 hours per response.

Respondents: Not for profits; State, Local or Tribal Government.

Estimated Number of Respondents: 1.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 9 hours.

Copies of this information collection can be obtained from Rebecca Hunt, Program Development and Regulatory Analysis, at (202) 205–3660, FAX: (202) 720–8435. Email: *Rebecca.Hunt@wdc.usda.gov.*

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

Dated: February 22, 2017.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2017–04762 Filed 3–9–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission Briefing and Business Meeting.

DATES: Friday, March 17, 2017, at 9:30 a.m. EST.

ADDRESSES: National Place Building, 1331 Pennsylvania Ave. NW., 11th Floor, Suite 1150, Washington, DC 20245 (Entrance on F Street NW.)

FOR FURTHER INFORMATION CONTACT: Brian Walch, phone: (202) 376–8371; TTY: (202) 376–8116; *publicaffairs@usccr.gov.*

SUPPLEMENTARY INFORMATION: This business meeting is open to the public. There will also be a public call-in line (listen only): 1–877–545–1402; Call ID # 874–9423.

Hearing-impaired persons who will attend the briefing and require the services of a sign language interpreter should contact Pamela Dunston at (202) 376–8105 or at *signlanguage@usccr.gov* at least three business days before the scheduled date of the meeting.

During the briefing portion, Commissioners will ask questions and discuss the civil rights topic with the panelists. The public may submit written comments on the briefing topic to the above mailing address for 30 days after the briefing. Please direct your comments to the attention of the ''Staff Director'' and clearly mark ''Briefing Comments Inside'' on the outside of the envelope. Please note we are unable to return any comments or submitted materials. Comments may also be submitted by email to *municipalfees@usccr.gov.*

Meeting Agenda

I. Approval of Agenda

II. Public Briefing on Targeted Fines and Fees against Low-Income People of Color: Civil Rights and Constitutional Implications—(9:30 a.m. for opening remarks)

A. Panel One: Department of Justice's (DOJ) ''Dear Colleague'' Letter and Other Voluntary Court Reform Efforts (9:40 a.m.–10:55 a.m.)

Court Administrators reflect on the impact of the ''Dear Colleague'' letter on municipal court reform, the availability of federal grant monies for reform, and discuss other voluntary court reforms taking place across U.S. states.

- David Slayton, Texas Court of Court Administration
- Martha Wright, Judicial Council of California
- Cynthia Delostrinos, Washington State Supreme Court's Minority and Justice Commission
- Sherri Paschal, Missouri Office of State Courts Administrator

B. Panel Two: Ferguson and Beyond: Patterns and Practices (11:00 a.m.–12:15 p.m.)

Community advocates, the Missouri court system, and an individual involved in investigating the City of Ferguson's municipal court practices discuss: (1) The implementation of the initial reforms, (2) what is working and not working, (3) how those reforms have affected the lived experience of citizens, and (4) whether other reforms are needed.

- Chiraag Bains, Criminal Justice Policy Program, Harvard Law School
- Judge Karl DeMarce, Circuit Court of Scotland County, MO, and Sherri Paschal, Missouri Office of State Courts Administrator
- Thomas Harvey, Arch City Defenders

Lunch Break 12:15 p.m.–1:15 p.m.

C. Panel Three: Fines and Fees' Date and Research, and Recommendations (1:15 p.m.–3:00 p.m.)

Professors and criminal justice experts discuss the data regarding how the practice of generating revenue through the municipal court system has impacted low-income communities of color, and provide policy recommendations for reforming municipal court systems.

- Sarah Shannon, Ph.D., University of Georgia
- Derek Cohen, Texas Public Policy Foundation; Right on Crime
- Mitali Nagrecha, Criminal Justice Policy Program, Harvard Law School

- Grover Norquist, Americans for Tax Reform
- Marc Levin, Texas Public Policy Foundation; Right on Crime
- Neil Sobol, Texas A&M University

D. Adjourn Briefing—3:00 p.m.

III. Break 3:00 p.m.–3:15 p.m.

IV. Business Meeting

A. Program Planning

- Discussion and vote on Michigan SAC letters
- Discussion and vote on Indiana SAC letters

B. State Advisory Committees

- Vote on appointments to the Louisiana State Advisory Committee
- Vote on appointments to the Florida State Advisory Committee
- Vote on appointments to the Nebraska State Advisory Committee
- Vote on appointments to the Texas State Advisory Committee
- Presentation by Chair of Kansas State Advisory Committee on Voting Rights in Kansas and the Kansas Secure and Fair Elections Act

C. Management and Operations

- Staff Director's Report
- Staff Changes

III. Adjourn Meeting.

Dated: March 8, 2017.

Brian Walch,

Director, Communications and Public Engagement.

[FR Doc. 2017–04904 Filed 3–8–17; 4:15 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: 2017 Economic Census of Island Areas.

OMB Control Number: 0607–0937.

Form Number(s): IA–92101, IA–92103, IA–92104, IA–92301, IA–92303, IA–92304, IA–93101, IA–93103, IA–93104, IA–94201, IA–94203, IA–94204, IA–94401, IA–94403, IA–94404, IA–95101, IA–95103, IA–95104, IA–95201, IA–95203, IA–95204, IA–97201, IA–97203, IA–97204.

Type of Request: Reinstatement of a previously approved collection.

Number of Respondents: 51,072.

Average Hours per Response: 1 hour.

Burden Hours: 51,072.

Needs and Uses: The 2017 Economic Census of Island Areas uses direct data collection supplemented by data from Federal administrative records to compile statistics on approximately 51,000 business establishments in industries defined by the 2017 North American Industry Classification System (NAICS) operating in Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands and American Samoa. The enumeration of business establishments located within the 50 states will be submitted separately to the Office of Management and Budget (OMB) for approval.

The Economic Census of Island Areas provides the only source of comprehensive data for the Island Areas at a geographic level similar to U.S. counties. It will produce basic statistics by industry for number of establishments, value of shipments/receipts/revenue/sales, payroll, and employment. It also will yield a variety of industry-specific statistics, depreciable assets, selected purchased services, inventories, and capital expenditures, value of shipments/receipts/revenue/sales by product line as defined by the North American Product Classification System (NAPCS), size of establishments, and other industry-specific measures.

Historically American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands each received only one general economic census questionnaire to cover all sectors. For the 2017 Economic Census of Island Areas, in an effort to provide all of the territories more complete and comparable data, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands will receive eight sector group specific instruments, similar to what has been collected for Puerto Rico in prior censuses. The expanded content will cover the following sectors: Utilities, Transportation, and Warehousing; Construction; Manufacturing; Wholesale Trade; Retail Trade; Other Services; Finance, Insurance, Real Estate, Rental and Leasing; and Accommodation and Food Services. The use of forms tailored to the business sector allows for more detailed data collection that is not feasible using one form covering all sectors of the economy. However, the expanded content and additional questions on the sector driven instruments will increase the previous response time for American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands. The new response burden estimate was determined based on cognitive testing done in Puerto Rico, as the instruments are modeled after the forms Puerto Rico has been receiving.

The 2017 Economic Census of Island Areas will cover the following NAICS sectors of the U.S. economy:

- Mining, Quarrying, and Oil and Gas Extraction
- Utilities
- Construction
- Manufacturing
- Wholesale Trade
- Retail Trade
- Transportation and Warehousing
- Information
- Finance and Insurance
- Real Estate and Rental and Leasing
- Professional, Scientific and Technical Services
- Management of Companies and Enterprises
- Administrative and Support and Waste Management and Remediation Services
- Educational Services
- Health Care and Social Assistance
- Arts, Entertainment, and Recreation
- Accommodation and Food Services
- Other Services (except Public Administration)

Although some sectors do not have activity, they are not considered excluded from the Economic Census of Island Areas.

The economic census will produce basic statistics by industry for the number of establishments, value of shipments/receipts/revenue/sales, payroll, and employment. It also will yield a variety of industry-specific statistics, including expenses, depreciable assets, selected purchased services, inventories, and capital expenditures, value of shipments/receipts/revenue/sales by product line as defined by the North American Product Classification System (NAPCS), type of operation, size of establishments, and other industry-specific measures.

The Economic Census of Island Areas is the major source of information about the structure and functioning of the economies of each Island Area, and features the only recognized source of data at a geographic level similar to U.S. counties. Economic census statistics serve as part of the framework for the national accounts of the Island Areas and provides essential information for government, business, and the general public. The governments of the Island Areas and the Bureau of Economic Analysis (BEA) rely on the economic census as an important part of the framework for their income and product

accounts, input-output tables, economic indices, and other composite measures that serve as the basis for economic policymaking, planning, and program administration. Further, the census provides benchmarks for surveys of businesses which track short-term economic trends, serve as economic indicators, and contribute critical source data for current estimates of the Gross Domestic Product (GDP) of the Island Areas. Finally, industry, business, academia, and the general public use information from the economic census for evaluating markets, preparing business plans, making business decisions, developing economic models and forecasts, conducting economic research, and establishing benchmarks for their own sample surveys.

If the Economic Census of Island Areas were not conducted, the Federal government would lose the only source of detailed comprehensive information of the economies of these areas. Additionally, the governments of the Island Areas would lose vital source data and benchmarks for their national accounts, input-output tables, and other composite measures of economic activity, causing a substantial degradation in the quality of these important statistics.

Affected Public: Businesses; Not-for-profit institutions; State, local or tribal governments.

Frequency: Every five years.

Respondent's Obligation: Mandatory.

Legal Authority: This information collection is part of the 2017 Economic Census, which is required by law under Title 13, United States Code (U.S.C.). Section 131 of this statute directs the taking of a census at 5-year intervals. Section 191 defines the geographic scope of the census to include the island areas and Section 224 makes reporting mandatory.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

PRA Departmental Lead, Office of the Chief Information Officer.

[FR Doc. 2017–04755 Filed 3–9–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: 2017 Economic Census.

OMB Control Number: None.

Form Number(s): The almost 800 electronic path numbers are too numerous to list here.

Type of Request: New collection.

Number of Respondents: 4,214,680.

Average Hours per Response: 1.3 hours.

Burden Hours: 5,691,972.

Needs and Uses: The 2017 Economic Census will use direct data collection and administrative records to compile statistics on approximately 7 million employer business establishments in industries defined by the 2017 North American Industry Classification System (NAICS). This request for approval covers the information collection instruments and procedures that will be used in the enumeration of U.S. domestic businesses. The enumeration in the Island Areas (Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the U.S. Virgin Islands, and American Samoa) will be submitted separately to the Office of Management and Budget (OMB) for approval. In addition to the general enumeration of businesses, the 2017 census program also includes surveys of business owners and commodity flows. Those surveys will also be submitted separately.

The public administration sector is out of scope to the economic census. The U.S. Census Bureau conducts, and will submit separately for approval, the quinquennial census of governments and other current programs that measure the activities of government establishments.

The 2017 Economic Census will cover the following NAICS sectors of the U.S. economy:

- Mining, Quarrying, and Oil and Gas Extraction
- Utilities
- Construction
- Manufacturing
- Wholesale Trade
- Retail Trade
- Transportation and Warehousing
- Information
- Finance and Insurance
- Real Estate and Rental and Leasing
- Professional, Scientific and Technical Services
- Management of Companies and Enterprises
- Administrative and Support and Waste Management and Remediation Services
- Educational Services
- Health Care and Social Assistance
- Arts, Entertainment, and Recreation
- Accommodation and Food Services
- Other Services (Except Public Administration)

The economic census will produce basic statistics by industry for the number of establishments, value of shipments/receipts/revenue/sales, payroll, and employment. It also will yield a variety of industry-specific statistics, including materials consumed, detailed supplies and fuels consumed, electric energy consumed, depreciable assets, selected purchased services, inventories, and capital expenditures, value of shipments/receipts/revenue/sales by product line as defined by the North American Product Classification System (NAPCS), type of operation, size of establishments, and other industry-specific measures.

The Economic Census is the primary source of information about the structure and functioning of the nation's economy and features unique industry, product and geographic detail. Economic census statistics serve as part of the framework for the national accounts and provide essential information for government, business, and the general public. The Federal Government, including agencies such as the Bureau of Economic Analysis (BEA) and the Bureau of Labor Statistics (BLS), use information from the economic census as an important part of the framework for the national income and product accounts, input-output tables, economic indices, and other composite measures that serve as the factual basis for economic policy-making, planning, and program administration. Further, the census provides sampling frames and benchmarks for current business surveys which track short-term economic trends, serve as economic indicators, and contribute critical source data for current estimates of gross domestic product. State and local governments rely on the economic census as a unique source of comprehensive economic statistics for small geographic areas for use in policy-making, planning, and program administration. Finally, industry, business, academia, and the general public use information from the economic census for evaluating markets,

preparing business plans, making business decisions, developing economic models and forecasts, conducting economic research, and establishing benchmarks for their own sample surveys.

Affected Public: Businesses; Not-for-profit institutions; State, local or tribal governments.

Frequency: Every five years.

Respondent's Obligation: Mandatory.

Legal Authority: The economic census is required by law under Title 13, United States Code (U.S.C.), Section 131 which mandates the taking of a census at 5-year intervals. Section 224 makes reporting mandatory.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

PRA Departmental Lead, Office of the Chief Information Officer.

[FR Doc. 2017–04754 Filed 3–9–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Reporting of Sea Turtle Entanglement in Fishing Gear or Marine Debris

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 9, 2017.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Kate Sampson, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930, (978) 282–8470 or *kate.sampson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for revision and extension of a currently approved information collection.

Sea turtles can become accidentally entangled in active or discarded fishing gear, marine debris, or other line in the marine environment. Entanglement has the potential to cause serious injury or mortality, which would negatively impact the recovery of endangered and threatened sea turtle populations. The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) established the Sea Turtle Disentanglement Network (STDN) to respond to these entanglement events, in particular those involving the vertical line of fixed gear fisheries. The STDN's goals are to increase reporting, to reduce serious injury and mortality to sea turtles, and to collect information that can be used for mitigation of these threats. As there is limited observer coverage of fixed gear fisheries, the STDN data are invaluable to NMFS in understanding the threat of entanglement and working towards mitigation.

II. Method of Collection

Reports will be submitted on paper (faxed or mailed), by telephone, or electronically.

III. Data

OMB Control Number: 0648–0496.

Form Number(s): None.

Type of Review: Regular submission (revision and extension of a currently approved information collection).

Affected Public: Individuals or households; business or other for-profit organizations; not-for-profit institutions; State, Local, or Tribal government; Federal government.

Estimated Number of Respondents: 111.

Estimated Time per Response: 2 to 2.5 hours per case.

Estimated Total Annual Burden Hours: 165.

Estimated Total Annual Cost to Public: $100 in recordkeeping/reporting costs.

IV. Request for Comments

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

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

Dated: February 28, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–04751 Filed 3–9–17; 8:45 am]

BILLING CODE 3520–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF276

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Electronic Monitoring Workgroup (EMWG) will hold a public meeting on March 28 through March 29, 2017.

DATES: The meeting will be held on Tuesday, March 28, 2017, from 8 a.m. to 5 p.m. and Wednesday, March 29, 2017, from 8 a.m. to 5 p.m.

ADDRESSES: The meeting will be held in the Harbor Room at The Best Western Kodiak Inn, 236 Rezanof Drive, Kodiak, AK 99615. The meeting will be available by teleconference at: (907) 271–2896.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Diana Evans, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, March 28 through Wednesday, March 29, 2017

The agenda will include: (a) Update on 2017 pre-implementation and budget; (b) Review proposed rule for EM implementation (tentative); (c) Evaluation of 2016 EM program; (d) Planning for 2018 Observer/EM Annual deployment plan; (e) Update on EM/observer contract timing; (f) Research and development; (g) Other business and scheduling. The Agenda is subject to change, and the latest version will be posted at *http://www.npfmc.org/.*

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: March 7, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–04744 Filed 3–9–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF275

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 will hold a two and a half day meeting of its Standing, Reef Fish, Shrimp, and Socioeconomics Scientific and Statistical Committees (SSC).

DATES: The meeting will convene on Monday, March 27, 2017, from 9 a.m. to 5 p.m., Tuesday, March 28, 2017, from 8:30 a.m. to 5 p.m. and Wednesday, March 29, 2017, from 8:30 a.m.–12 p.m. EDT.

ADDRESSES: The meeting will be held in the Gulf Council's Conference Room. *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: Steven Atran, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council; *steven.atran@gulfcouncil.org,* telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Day 1—Monday, March 27, 2017; 9 a.m.–5 p.m.

I. Introductions and Adoption of Agenda
II. Approval of Minutes of January 10–11, 2017 SSC meeting
III. Announcement of SSC representative at April 3–6 Council meeting in Birmingham, AL

Shrimp SSC Session

IV. Penaeid shrimp stock assessments

General Session

V. Updated Draft Stock Assessment Improvement Plan
VI. Stock assessment prioritization

Socioeconomic and Reef Fish SSC Session

VII. Review of studies included in the 5-year Grouper-Tilefish IFQ Review
  a. Fishing behavior through space, time and depth: With application to the Gulf of Mexico Grouper-Tilefish IFQ Program
  b. Efficiency of quota balancing mechanisms: With application to the Gulf of Mexico Grouper-Tilefish IFQ Program
  c. Effects of the Grouper-Tilefish IFQ on Gulf of Mexico fishing communities
  d. Effects of the Grouper-Tilefish IFQ on the capacity and technical efficiency of the commercial Gulf of Mexico reef fish fleet
  e. Effects of the Grouper-Tilefish IFQ on ex-vessel prices of Gulf of Mexico reef fish

Day 2 and 3, Tuesday, March 28, 2017, 8:30 a.m.–5 p.m. and Wednesday, March 29, 2017, 8:30 a.m.–12 p.m.

Reef Fish SSC Session

VIII. Greater amberjack update assessment
IX. SEDAR 49 Data-limited Species Assessment, Part 2
  a. Assessment results
  b. Data triage results and recommendation of candidate species for future data limited assessments
  c. SSC recommendations
X. TOR for MRIP Calibration Review and Review Workshop Volunteers
XI. TOR, Schedule, and Assessment Workshop Volunteers for SEDAR 52 (red snapper standard assessment)
XII. Review additional MSST alternatives for Amendment 44
XIII. ABC Control Rule White Paper
XIV. Update on National SSC VI meeting

Other Items

XV. Other Business

—Meeting Adjourns—

You may register for the SSC Meeting: Standing, Reef Fish, Mackerel, Shrimp and Socioeconomic on March 27–29, 2017 at: *https://attendee.gotowebinar.com/register/4006984690860344321.*

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on the Council's file server. To access the file server, the URL is *https://public.gulfcouncil.org:5001/webman/index.cgi,* or go to the Council's Web site and click on the FTP link in the lower left of the Council Web site (*http://www.gulfcouncil.org*). The username and password are both ''gulfguest''. Click on the ''Library Folder'', then scroll down to ''SSC meeting–2017–03''.

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committee for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Scientific and Statistical Committee will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take 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 at the Gulf Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Dated: March 7, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–04745 Filed 3–9–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF207

Fisheries of the Gulf of Mexico; Southeast Data, Assessment and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 51 Data Workshop for Gulf of Mexico Gray Snapper.

SUMMARY: The SEDAR 51 assessment of the Gulf of Mexico gray snapper will consist of: a Data Workshop; an assessment workshop and series of Assessment webinars; and a Review Workshop. See **SUPPLEMENTARY INFORMATION.**

DATES: The SEDAR 51 Data Workshop will be held from 1 p.m. on April 24, 2017 until 12 p.m. on April 28, 2017; the Assessment workshop and webinars and Review Workshop dates and times will publish in a subsequent issue in the **Federal Register**. See **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The SEDAR 51 Data Workshop will be held at the Marriott Tampa Westshore, 1001 N. Westshore Blvd., Tampa, FL 33607; telephone: (813) 267–2555.

SEDAR address: 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie Neer, SEDAR Coordinator; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three step process including: (1) Data Workshop; (2) Assessment Process utilizing workshops and webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Data Workshop agenda are as follows:

1. An assessment data set and associated documentation will be developed.

2. Participants will evaluate all available data and select appropriate sources for providing information on life history characteristics, catch statistics, discard estimates, length and age composition, and fishery dependent and fishery independent measures of stock abundance, as specified in the Terms of Reference for the workshop.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 10 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 7, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–04743 Filed 3–9–17; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: 4/9/2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On 2/3/2017 (82FR 9203–9204), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

NSN(s)—Product Name(s): 2540–00–402–2157—Curtain, Vehicular
Mandatory Source(s) of Supply: APEX, Inc., Anadarko, OK
Contracting Activity: Defense Logistics Agency Land and Maritime

NSN(s)—Product Name(s):
1440–01–126–8966—Tarpaulin
1440–01–132–7799—Cover, Protective
Mandatory Source(s) of Supply: Huntsville Rehabilitation Foundation, Huntsville, AL
Contracting Activity: Defense Logistics Agency Land and Maritime

NSN(s)—Product Name(s): 2590–01–114–7396—Kit, Repair
Mandatory Source(s) of Supply: Association of Retarded Citizens of Sabine, Inc., Many, LA
Contracting Activity: Defense Logistics Agency Land and Maritime

NSN(s)—Product Name(s):
8415–01–579–8677—Multi-Cam Trouser
8415–01–579–8744—Multi-Cam Trouser
8415–01–579–8553—Multi-Cam Trouser
8415–01–579–8570—Multi-Cam Trouser
8415–01–579–8227—Multi-Cam Trouser
8415–01–579–8354—Multi-Cam Trouser
8415–01–579–8791—Multi-Cam Trouser
8415–01–579–9119—Multi-Cam Trouser
8415–01–579–8112—Multi-Cam Trouser
8415–01–579–7850—Multi-Cam Trouser
8415–01–579–9132—Multi-Cam Trouser
8415–01–579–9120—Multi-Cam Trouser
8415–01–579–8719—Multi-Cam Trouser
8415–01–579–8385—Multi-Cam Trouser
8415–01–579–8558—Multi-Cam Trouser
8415–01–579–8580—Multi-Cam Trouser
8415–01–579–8263—Multi-Cam Trouser
8415–01–579–8365—Multi-Cam Trouser
8415–01–579–8771—Multi-Cam Trouser
8415–01–579–8080—Multi-Cam Trouser
8415–01–579–8126—Multi-Cam Trouser
8415–01–579–9121—Multi-Cam Trouser
8415–01–579–8591—Multi-Cam Trouser
8415–01–579–8784—Multi-Cam Trouser
8415–01–579–8551—Multi-Cam Trouser
8415–01–579–8684—Multi-Cam Trouser
8415–01–579–8276—Multi-Cam Trouser
8415–01–579–8788—Multi-Cam Trouser
8415–01–579–9123—Multi-Cam Trouser
8415–01–579–8098—Multi-Cam Trouser
8415–01–582–4206—Multi-Cam Trouser
8415–01–579–9130—Multi-Cam Trouser
8415–01–579–8776—Multi-Cam Trouser
8415–01–579–8714—Multi-Cam Trouser
8415–01–579–8766—Multi-Cam Trouser
8415–01–579–8561—Multi-Cam Trouser
Mandatory Source(s) of Supply: Goodwill Industries of South Florida, Inc., Miami, FL; ReadyOne Industries, Inc., El Paso, TX
Contracting Activity: Army Contracting Command—Aberdeen Proving Ground, Natick Contracting Division

NSN(s)—Product Name(s): 6135–01–486–1443—Battery, Non-Rechargeable, 6V, Alkaline, NEDA 915A, EA/1
Mandatory Source(s) of Supply: Eastern Carolina Vocational Center, Inc., Greenville, NC
Contracting Activity: Defense Logistics Agency Land and Maritime

Amy B. Jensen,
Director, Business Operations.

[FR Doc. 2017–04764 Filed 3–9–17; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments Must be Received on or Before: 4/9/2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following products are proposed for deletion from the Procurement List:

Products

NSN(s)—Product Name(s):
6515–00–NIB–8077—Gloves, Surgical, Powdered, Tradition, White, Size 5.5
6515–00–NIB–8078—Gloves, Surgical, Powdered, Tradition, White, Size 6.0
6515–00–NIB–8079—Gloves, Surgical, Powdered, Tradition, White, Size 6.5
6515–00–NIB–8080—Gloves, Surgical, Powdered, Tradition, White, Size 7.0
6515–00–NIB–8081—Gloves, Surgical, Powdered, Tradition, White, Size 7.5
6515–00–NIB–8082—Gloves, Surgical, Powdered, Tradition, White, Size 8.0
6515–00–NIB–8083—Gloves, Surgical, Powdered, Tradition, White, Size 8.5
6515–00–NIB–8084—Gloves, Surgical, Powdered, Tradition, White, Size 9.0
Mandatory Source(s) of Supply: Bosma Industries for the Blind, Inc., Indianapolis, IN
Contracting Activity: Department of Veterans Affairs, Strategic Acquisition Center

NSN(s)—Product Name(s): 7045–01–599–5297—Anti-Glare Display Shield, iPad
Mandatory Source(s) of Supply: Wiscraft, Inc., Milwaukee, WI
Contracting Activity: General Services Administration, New York, NY

NSN(s)—Product Name(s):
8415–00–NSH–1421—Undershirt, Mock Turtle Lightweight, Cold Weather-C/Coyote (USMC)
8415–00–NSH–1422—Undershirt, Mock Turtle Lightweight, Cold Weather-C/Coyote (USMC)
8415–00–NSH–1423—Undershirt, Mock Turtle Lightweight, Cold Weather-C/Coyote (USMC)
8415–00–NSH–1424—Undershirt, Mock Turtle Lightweight, Cold Weather-C/Coyote (USMC)
8415–00–NSH–1425—Undershirt, Mock Turtle Lightweight, Cold Weather-C/Coyote (USMC)
8415–00–NSH–1426—Undershirt, Mock Turtle Lightweight, Cold Weather-C/Coyote (USMC)
8415–00–NSH–1427—Undershirt, Mock Turtle Lightweight, Cold Weather-C/Coyote (USMC)
8415–00–NSH–1428—Shirt, ½ Zip Pullover, 100 wt C/Coyote (USMC)
8415–00–NSH–1429—Shirt, ½ Zip Pullover, 100 wt C/Coyote (USMC)
8415–00–NSH–1430—Shirt, ½ Zip Pullover, 100 wt C/Coyote (USMC)
8415–00–NSH–1431—Shirt, ½ Zip Pullover, 100 wt C/Coyote (USMC)
8415–00–NSH–1432—Shirt, ½ Zip Pullover, 100 wt C/Coyote (USMC)
8415–00–NSH–1433—Shirt, ½ Zip Pullover, 100 wt C/Coyote (USMC)
8415–00–NSH–1434—Shirt, ½ Zip Pullover, 100 wt C/Coyote (USMC)
8415–00–NSH–1658—Drawers, Lightweight Cold Weather-C/Coyote (USMC)
8415–00–NSH–1659—Drawers, Lightweight Cold Weather-C/Coyote (USMC)
8415–00–NSH–1660—Drawers, Lightweight Cold Weather-C/Coyote (USMC)
8415–00–NSH–1661—Drawers, Lightweight Cold Weather-C/Coyote (USMC)
8415–00–NSH–1662—Drawers, Lightweight Cold Weather-C/Coyote (USMC)
8415–00–NSH–1663—Drawers, Lightweight Cold Weather-C/Coyote (USMC)
8415–00–NSH–1664—Drawers, Lightweight Cold Weather-C/Coyote (USMC)
8415–00–NSH–1665—Drawers, Midweight Cold Weather-C/Coyote (MSMC)
8415–00–NSH–1666—Drawers, Midweight Cold Weather-C/Coyote (MSMC)
8415–00–NSH–1667—Drawers, Midweight Cold Weather-C/Coyote (MSMC)
8415–00–NSH–1668—Drawers, Midweight Cold Weather-C/Coyote (MSMC)
8415–00–NSH–1669—Drawers, Midweight Cold Weather-C/Coyote (MSMC)
8415–00–NSH–1670—Drawers, Midweight Cold Weather-C/Coyote (MSMC)
8415–00–NSH–1671—Drawers, Midweight Cold Weather-C/Coyote (MSMC)

Mandatory Source(s) of Supply: Peckham Vocational Industries, Inc., Lansing, MI
Contracting Activity: W40M Northern Region Contract Ofc

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–04763 Filed 3–9–17; 8:45 am]

BILLING CODE 6353–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2017–0006]

Request for Information Regarding Consumer Credit Card Market

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for information.

SUMMARY: The Credit Card Accountability Responsibility and Disclosure Act of 2009 (CARD Act or Act) requires the Bureau of Consumer Financial Protection (Bureau or CFPB) to conduct a review (Review) of the consumer credit card market, within the limits of its existing resources available for reporting purposes. In connection with conducting that Review, and in accordance with the Act, the Bureau is soliciting information from the public about a number of aspects of the consumer credit card market as described further below.

DATES: Comments must be submitted on or before June 8, 2017 to be assured of consideration.

ADDRESSES: You may submit responsive information and other comments, identified by the document title and Docket No. CFPB–2017–0006, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include the document title and Docket No. CFPB–2017- 0006 in the subject line of the message.
- *Mail:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1275 First Street NE., Washington, DC 20002.

Instructions: All submissions should include the agency name and docket number for this proposal. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1275 First Street NE., Washington, DC 20002, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning (202) 435–7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: For general inquiries, submission process questions, or any additional information, please contact Wei Zhang, Credit Card Program Manager, Division of Research, Markets, and Regulations, Consumer Financial Protection Bureau, at (202) 435–7700, or *wei.zhang@cfpb.gov.*

Authority: 15 U.S.C. 1616(a), (b).

SUPPLEMENTARY INFORMATION: Section 502(a) of the CARD Act [1] requires the Bureau to conduct a review, within the limits of its existing resources available for reporting purposes, of the consumer credit card market every two years. To inform that review, section 502(b) [2] instructs the Bureau to seek public comment.

The Bureau's first such review was published in October, 2013; the Bureau's second such review was published in December, 2015.[3] To inform the Bureau's next review, the Bureau hereby invites members of the public, including consumers, credit card issuers, industry analysts, consumer advocates, and other interested persons to submit information and other comments relevant to the issues expressly identified in section 2 below, as well as any information they believe is relevant to a review of the credit card market.

1. Background: The CARD Act

The CARD Act was signed into law in May 2009.[4] Passage of the Act was expressly intended to ''establish fair and transparent practices related to the extension of credit'' in the credit card market.[5] To achieve these agreed-upon purposes, the Act changed the requirements applicable to credit card pricing in a number of significant respects including direct limits on a number of pricing practices that Congress deemed unfair or unclear to consumers.

2. Issues on Which the Bureau Seeks Public Comment for Its Review

In connection with its pending Review, the Bureau seeks information from members of the public about how the credit card market is functioning. The Bureau seeks comments in two primary areas. First, the Bureau seeks comments on the experiences of consumers in the credit card market and on the overall health of the credit card market, including but not limited to those questions explicitly outlined in section 502(a) and in (a) through (d) below. Second, the Bureau seeks comments on eight areas of further interest, some but not all of which were discussed in the previous Review, published October 2013, delineated in (e) through (m) below.

The Bureau wants to be alerted to and understand the information that consumers, credit card issuers, consumer groups, and others believe is most relevant to the Bureau's review of the credit card market, so this list of subjects should not be viewed as exhaustive. Commenters are encouraged to address any other aspects of the consumer credit card market that they consider would be of interest or concern to the Bureau.

Please feel free to comment generally and/or respond to any or all of the questions below but please be sure to indicate in your comments on which topic areas or questions you are commenting:

(a) The Terms of Credit Card Agreements and the Practices of Credit Card Issuers

How have the substantive terms and conditions of credit card agreements or the length and complexity of such agreements changed over the past two years? How have issuers changed their pricing, marketing, underwriting, or other practices?

(b) The Effectiveness of Disclosure of Terms, Fees, and Other Expenses of Credit Card Plans

How effective are current disclosures of rates, fees, and other cost terms of

[1] *See* 15 U.S.C. 1616(a).

[2] *See* 15 U.S.C. 1616(b).

[3] CARD Act Report, *available at, http://files.consumerfinance.gov/f/201309_cfpb_card-act-report.pdf;* The Consumer Credit Card Market, *available at http://files.consumerfinance.gov/f/201512_cfpb_report-the-consumer-credit-card-market.pdf.*

[4] The CARD Act's provisions took effect in three stages: August 2009, February 2010, and October 2011.

[5] Public Law 111–24, 123 Stat. 1734 (2009).

credit card accounts in conveying to consumers the costs of credit card plans? What further improvements in disclosure, if any, would benefit consumer cardholders at this point, and what costs would be incurred in providing such disclosures?

(c) The Adequacy of Protections Against Unfair or Deceptive Acts or Practices or Unlawful Discrimination Relating to Credit Card Plans

Do unfair, deceptive, or abusive acts and practices, or unlawful discrimination, still exist in the credit card market, and if so, in what form and with what frequency and effect? How might any such conduct be prevented and at what cost?

(d) The Cost and Availability of Consumer Credit Cards, the Use of Risk-Based Pricing for Consumer Credit Cards, and Consumer Credit Card Product Innovation

How have the cost and availability of consumer credit cards (including with respect to non-prime borrowers), the use of risk-based pricing for consumer credit cards, and consumer credit card product innovation changed since the Bureau reported on the credit card market in 2015? What has driven those changes—or, if there has been little change, the stability in those metrics? How are consumers with lower credit scores faring in the market? Has the impact of the CARD Act on these factors changed over the past two years?

(e) Deferred Interest Products

The Bureau's prior Review found that deferred interest products, while popular, can pose risks to consumers. How have market trends and issuer practices evolved since the Bureau's prior Review? What areas of risk still remain for consumers? What, if anything, should be done to address these risks?

(f) Subprime Specialist Products

The Bureau's prior Review examined the practices and metrics of certain ''subprime specialist'' issuers who provide cards to millions of consumers with lower credit scores. These issuers offer products to consumers distinguished by their high cost and their reliance on fees, rather than finance charges, relative to mass market issuers. How does the consumer experience of using these cards compare to the experience of consumers with similar credit profiles when using mass market credit cards?

(g) Third-Party Comparison Sites

Third party comparison sites are Web sites that provide information to consumers about different credit card products in order to facilitate the selection of a product. The Bureau has received indications that some such sites generate significant revenue from issuer payments made in exchange for approved applications, and that in many cases contracts between sites and issuers can influence or explicitly determine which (and how) products and choices are presented to consumers. To what degree do consumers understand the benefits and risks of using third party comparison sites? To what degree do existing standards, practices, and disclosures protect consumers from unfair, deceptive, and abusive acts and practices? Where, if anywhere, do opportunities for improvement exist, and how would any such improvements most appropriately be realized?

(h) Innovation

The Bureau's prior Review noted two major trends in financial innovation which are poised to substantially impact the credit card market. The first was advancements and evolutions in payment security and form factor, including both the widespread adoption of EMV standards and the possibility for wider adoption of mobile payments. The second was the trend toward new consumer lending models potentially competing with credit cards, both indirectly by being marketed as a tool for debt consolidation and more directly at point-of-sale. To what degree, have either of these trends advanced in ways both expected and unexpected over the past two years? Which of these trends appear likely to have the greatest impact on the consumer credit card market in the foreseeable future? What are the benefits and risks to consumers posed by these trends? What other innovations are impacting, or are likely to impact, consumers in the credit card marketplace?

(i) Secured Credit Cards

The Bureau believes that secured credit cards potentially offer consumers with limited or damaged credit history a beneficial way to both access credit and build or rebuild a positive credit record. The Bureau has taken note of some indications that secured card originations have increased and that new entrants to the market signal increasing issuer interest in offering this potentially valuable product to consumers. What is the current state of the secured credit card market, and what evidence is there to support indications of positive consumer outcomes? What obstacles, including regulatory obstacles or obstacles with potential regulatory solutions, may prevent secured cards from reaching their potential in the marketplace? What risks should consumers be aware of when choosing a secured card?

(j) Online and Mobile Account Servicing

The Bureau's prior Review found that large and increasing numbers of consumers are enrolling in issuers' online and mobile account servicing platforms. That Review also found that many of those consumers have both opted out of receiving paper statements and appear to rarely access their statements online. These consumers therefore rarely encounter certain mandatory disclosures intended to encourage and enable positive outcomes for consumers who have not always had positive experiences with credit cards. To what extent are consumers who, for example, make only minimum payments, or have a higher propensity towards making payments late, not encountering these disclosures? What other potential benefits or risks does a broader shift towards digital account servicing pose to consumers? What other practices or potential innovations are issuers engaging in to accomplish the same goals as those disclosures? What obstacles, including but not limited to specific regulatory obstacles, inhibit issuers from further innovating in leveraging online and mobile account servicing platforms to improve consumers' experiences and outcomes using credit cards?

(k) Rewards Products

The Bureau's prior review found that rewards programs associated with credit cards are prevalent, popular, and can provide value to consumers. That same Review identified areas for concern regarding the impact of rewards on consumer choice and usage of credit cards, as well as disclosure practices and program structure. How have market trends and issuer practices evolved since the Bureau's prior review? What areas of risk still remain for consumers? What, if anything, should be done to address those?

(l) Variable Interest Rates

The Bureau's prior Review found that most credit cards now have variable interest rates. Those credit card rates will rise when background interest rates increase. To what extent are consumers aware that their credit card borrowing costs will increase on funds already borrowed when market rates increase?

What common practices are issuers using to inform consumers of such rate increases? What practices, if any, should issuers adopt to help consumers understand the implications of card use in a rising interest rate environment?

(m) Debt Collection

The Bureau's prior Review examined the policies and practices of consumer credit card issuers' collections and debt sales operations. What, if any, changes have been made in such policies and practices since the last Review? If they have changed, what drove the applicable changes? What associated market metrics have changed as a result, and how did such changes occur? Have market metrics changed in other significant ways, and if so, how and why?

Dated: March 6, 2017.

Leandra English,

Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2017–04797 Filed 3–9–17; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2015–OS–0129]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Intelligence, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Intelligence announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 9, 2017.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, Regulatory and Advisory Committee Division, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Under Secretary of Defense for Intelligence, Office of the Director for Defense Intelligence (Intelligence & Security), Security Policy and Oversight Division (SPOD), 5000 Defense Pentagon, Room 2B718, ATTN: Valerie Heil, Arlington, VA 20301–5000, or call ODDI(I&S) SPOD at 703–692–3754.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Department of Defense Contract Security Classification Specification, DD Form 254; OMB Control Number 0704–XXXX.

Needs and Uses: The information collection requirement, authorized by the DoD 5220.22–R, ''DoD Industrial Security Regulation,'' and the Federal Acquisition Regulation, is necessary to provide security classification guidance to a U.S. contractor and any subcontractors in connection with a contract requiring access to classified information (hereinafter referred to as a ''classified contract''). The DD Form 254, with its attachments, supplements, and incorporated references, is the principal authorized means for providing security classification guidance to a U.S. contractor in connection with a classified contract.

Affected Public: Business or other for profit.

Annual Burden Hours: 37,948.67.

Number of Respondents: 3,211.

Responses per Respondent: 10.13.

Annual Responses: 32,527.43.

Average Burden per Response: 70 minutes.

Frequency: On occasion.

Respondents will already be a cleared contractor facility in the National Industrial Security Program under the security cognizance of DSS on behalf of Department of Defense (DoD). Such NISP contractors must provide contract security classification specifications with any classified subcontracts that they award to comply with the requirements of the National Industrial Security Program Operating Manual, DoD 5220.22–M. For those contractors under DoD security cognizance, that means using the DD Form 254, if awarding any contracts that require access to classified information for contract performance. If the form is not included with the classified contract, DSS, on behalf of DoD and those non-DoD agencies with which DoD has agreements for industrial security services, is unable to conduct effective oversight to determine that classified information is being protected according to contract or subcontract requirements.

Dated: March 7, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–04775 Filed 3–9–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Gaining Early Awareness and Readiness for Undergraduate Programs (Partnership Grants)

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information: Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP); Notice inviting applications for new awards for fiscal year (FY) 2017.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.334A.

DATES:

Applications Available: March 10, 2017.

Deadline for Transmittal of Applications: April 19, 2017.

Deadline for Intergovernmental Review: June 19, 2017.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The GEAR UP Program is a discretionary grant program that provides funding for academic and related support services to eligible low-income students, including students with disabilities and English learners, to help them to obtain a secondary school diploma and to prepare for and succeed in postsecondary education. Under the GEAR UP Program, the Department awards grants to two types of entities: (1) States and (2) partnerships comprised, at minimum, of institutions of higher education (IHEs) and local educational agencies (LEAs).

SUPPLEMENTARY INFORMATION: In this notice we invite applications for partnership grants only. We will invite applications for State grants in another notice. Required services under the GEAR UP Program are specified in sections 404D(a) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1070a–24(a)), and permissible services under the GEAR UP Program are specified in section 404D(b) of the HEA (20 U.S.C. 1070a–24(b)). For partnership grantees, services must include providing financial aid information, encouraging enrollment in challenging coursework in order to reduce the need for remediation at the postsecondary level, implementing activities to improve the number of students who obtain a high school diploma and complete applications for and enroll in a program of postsecondary education. GEAR UP funds may also be used to provide a number of additional support services such as mentoring, tutoring, academic English language development, academic and career counseling, and exposure to college campuses, and provision of scholarships as specified in section 404E of the HEA.

Background

The GEAR UP Program is a critical component of the Department's efforts to improve college access and completion for students who have been traditionally underrepresented in postsecondary education. The Department believes that GEAR UP projects can play an essential role in improving postsecondary outcomes of their participants by placing a greater emphasis on increasing readiness for success once students reach the postsecondary level.

Each year, rather than being able to enroll in entry-level general education courses in subject areas such as reading or math that are required as a part of almost any postsecondary program of study, hundreds of thousands of beginning college students are referred to noncredit-bearing ''developmental'' or ''remedial'' courses based on their performance on a placement test or academic reference. Remedial or developmental courses are designed to bring academically underprepared students to expected competency levels for college-level work.

Remediation needs are common at all types of colleges. According to recent National Center for Education Statistics (NCES) research, 68 percent of public two-year students and 40 percent of public four-year students who began their postsecondary education in 2003 took at least one remedial course by 2009.[1] Remedial course-taking rates are higher among some subgroups of students, including African American students, Hispanic students, students from low-income families, and first-generation students.[2]

Unfortunately, for too many students remedial education represents a barrier to postsecondary persistence and completion.[3] While in remediation, students spend time and money, may accumulate debt, add to their opportunity costs of lost earnings, and in some cases, deplete a significant portion of their eligibility for financial aid. Further, available evidence suggests that participation in remedial education, especially longer sequences of remedial courses, generally does not improve outcomes; on the contrary, data show that students who take remedial education courses are more likely to drop out before completing a degree.[4] Remedial education also carries significant costs to the Federal government and to States, in addition to the costs borne by students and families.

GEAR UP grantees can improve college readiness by identifying at an early age students likely to be referred to remediation at the postsecondary level and by engaging in strategies to address their needs at the secondary level, limiting their need to take remedial courses in college. For these reasons, this notice includes a competitive preference priority intended to encourage applicants to propose GEAR UP projects that address remediation strategies designed to help students address deficiency gaps well before they graduate and enroll in postsecondary education.

In addition, to more strategically align GEAR UP grants with broader reform strategies intended to improve postsecondary access and completion, this notice includes a competitive preference priority that encourages applicants to propose activities that are supported by moderate evidence of effectiveness (as defined in this notice). The Department is particularly interested in receiving applications that include plans to provide services for students, supported by evidence, that increase the likelihood that students will complete high school and enroll in and complete a program of postsecondary education.

Priorities: This notice contains two competitive preference priorities. In accordance with 34 CFR 75.105(b)(2)(iv), Competitive Preference Priority 1 is from section 404Aa(1)(B) of the HEA (20 U.S.C. 1070a–21(a)(1)(B))). In accordance with 34 CFR 75.105(b)(2)(ii), Competitive Preference Priority 2 is from 34 CFR 75.226.

Competitive Preference Priority 1: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award up to five additional points to an application, depending on how well the application meets this priority.

This priority is:

Projects designed to reduce the need for remedial education for secondary school students, including students with disabilities, at the postsecondary level.

Note: GEAR UP projects begin well before participating students are ready to apply for admission to a postsecondary institution. Therefore, as they consider how to respond to this competitive preference priority, we encourage applicants to think about how their projects will determine throughout the project period what services students will need in order to reduce or eliminate their need for remedial education at the

[1] *http://nces.ed.gov/pubs2016/2016405.pdf.*

[2] *http://nces.ed.gov/pubs2016/2016405.pdf.*

[3] MDRC, Unlocking the Gate: What We Know About Improving Developmental Education, June 2011 (*www.mdrc.org/sites/default/files/full_595.pdf*).

[4] Attewell, P.A., Lavin, D.E., Domina, T., & Levey, T., 2006, New Evidence on College Remediation, The Journal of Higher Education. (*www.jstor.org/stable/3838791* (even after controlling for high school preparation and family background, taking developmental courses reduced the chances of graduation at four-year colleges and universities by 6 to 7 percent). Thomas Bailey, Dong Wook Jeong, Sung-Woo Cho, Referral, Enrollment, and Completion in Developmental Education Sequences in Community Colleges, Community College Research Center, Working Paper No. 15, November 2009 (*http://ccrc.tc.columbia.edu/media/k2/attachments/referral-enrollment-completion-developmental.pdf*). Nguyen Barry, M. & Dannenberg, M., 2016, The high cost of inadequate high schools and high school student achievement on college affordability, Retrieved from *https://edreformnow.org/wp-content/uploads/2016/04/EdReformNow-O-O-P-Embargoed-Final.pdf.*

postsecondary level. In addition, we encourage all applicants applying for a seventh project year to think about how the services they would provide during a seventh project year will include strategies to help those new postsecondary-level students progress into college-level coursework.

Competitive Preference Priority 2: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award two points to an application that meets this priority.

This priority is:

Projects designed to implement at least one strategy supported by evidence of effectiveness that meets the conditions set out in the definition of ''moderate evidence of effectiveness'' in 34 CFR 77.1(c) (and as defined in this notice).

To address the priority, an applicant may submit up to two studies that it believes supports the implementation of an authorized activity proposed in the application that meets the moderate evidence of effectiveness standard. The Department will review the studies cited by the applicant to determine if they meet the requirements for moderate evidence of effectiveness (which, depending on methodology, may require reference to either one or two studies), as well as whether they are sufficiently aligned with the project proposed.

Cited studies may include both those already listed in the Department's What Works Clearinghouse (WWC) Database of Individual Studies (see *http://ies.ed.gov/ncee/wwwc/ReviewedStudies#/OnlyStudiesWithPositiveEffects:false.SetNumber:1*) and those that have not yet been reviewed by the WWC. Studies listed in the WWC Database of Individual Studies do not necessarily satisfy any or all of the criteria needed to meet the moderate evidence of effectiveness standard. Therefore, it is important that applicants themselves ascertain the suitability of the study for the evidence priority. Competitive preference priority points can only be awarded if the study or studies submitted by the applicant meet the Department standard for moderate evidence of effectiveness and if the study or studies cited relevant to the proposed project. The proposed study or studies must be cited in the section of the application that addresses competitive preference priority two.

Note: As they consider the activities they propose to implement in their GEAR UP projects and how to respond to this competition preference priority, we encourage applicants to review research related to authorized GEAR UP activities to identify evidence that meets the moderate evidence of effectiveness standard.

For Partnership grantees, required GEAR UP services are specified in section 404D(a) of the HEA (20 U.S.C. 1070a–24(a), and permissible services under the GEAR UP Program are specified in section 404(D)(b) of the HEA (20 U.S.C. 1070a–24(b).

Definitions: These definitions are from 34 CFR 77.1.

Evidence of Promise means there is empirical evidence to support the theoretical linkage(s) between at least one critical component and at least one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice. Specifically, evidence of promise means the conditions in both paragraphs (i) and (ii) of this definition are met:

(i) There is at least one study that is a

(A) Correlational study with statistical controls for selection bias;

(B) Quasi-experimental design (QED) study that meets the What Works Clearinghouse Evidence Standards with reservations; or

(C) Randomized controlled trial (RCT) that meets the What Works Clearinghouse Evidence Standards with or without reservations.

(ii) The study referenced in paragraph (i) of this definition found a statistically significant or substantively important (defined as a difference of 0.25 standard deviations or larger) favorable association between at least one critical component and one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice.

Large Sample means an analytic sample of 350 or more students (or other single analysis units), or 50 or more groups (such as classrooms or schools) that contain 10 or more students (or other single analysis units).

Moderate evidence of effectiveness means one of the following conditions is met:

(i) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the WWC Evidence Standards without reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the WWC), and includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice.

(ii) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the WWC Evidence Standards with reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the WWC), includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice, and includes a large sample and a multi-site sample.

Note: Multiple studies can cumulatively meet the large and multi-site sample requirements as long as each study meets the other requirements in this paragraph.

Multi-site sample means more than one site, where site can be defined as an LEA, locality, or State.

QED 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. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations (but not What Works Clearinghouse Evidence Standards without reservations).

RCT means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the intervention (the control group). The estimated effectiveness of the intervention is the difference between the average outcomes for the treatment group and for the control group. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards without reservations.

Relevant outcome means the student outcome(s) (or the ultimate outcome if not related to students) the proposed process, product, strategy, or practice is designed to improve; consistent with the specific goals of a program.

WWC Evidence Standards means the standards set forth in the WWC Procedures and Standards Handbook (Version 3.0, March 2014), which can be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

Program Authority: 20 U.S.C. 1070a–21–1070a–28.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in

34 CFR parts 75, 77, 79, 81, 82, 84, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 694.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $322,754,000 for the GEAR UP Program for FY 2017, of which we intend to use an estimated $49,000,000 for new GEAR UP awards. The estimated funding available for the new GEAR UP Partnership awards is $24,500,000. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2018 and subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: $100,000–$7,000,000.

Estimated Average Size of Awards: $1,200,000.

Maximum Award: We will not fund any application for a partnership grant above the maximum award of $800 per student for a single budget period of 12 months. Additionally, no funding will be awarded for increases in an approved budget after the first 12-month budget period. The Assistant Secretary for Postsecondary Education may change the maximum amounts through a notice published in the **Federal Register**.

Estimated Number of Awards: Twenty.

Project Period: Either 72 months or 84 months.

Note: An applicant that wishes to seek funding for a seventh project year (*i.e.,* for a project period greater than 72 months), in order to provide project services to GEAR UP students through their first year of attendance at an IHE, must propose to do so in the application provided in response to this notice.

III. Eligibility Information

1. *Eligible Applicants:* Partnerships consisting of (a) one or more LEA, and (b) one or more degree granting IHEs. Partnerships may also contain not less than two other community organizations or entities, such as businesses, professional organizations, State agencies, institutions or agencies sponsoring programs authorized under the Leveraging Educational Assistance Partnership Program authorized in part A, subpart 4, of title IV of the HEA (20 U.S.C. 1070c *et seq.*), or other public or private agencies or organizations.

2.a. *Cost Sharing or Matching:* Section 404C(b)(1) of the HEA requires grantees under this program to provide from State, local, institutional, or private funds, not less than 50 percent of the cost of the program (or $1 of non-Federal funds for every $1 of Federal funds awarded), which may be provided in cash or in-kind. The provision also specifies that the match may be accrued over the full duration of the grant award period, except that the grantee must make substantial progress towards meeting the matching requirement in each year of the award period. In-kind contributions may include equipment and supplies, cash contributions from non-Federal sources, discounted program services and facility usage. Section 404C(c) of the HEA provides that in-kind contributions may include (1) financial assistance obligated under GEAR UP to students from State, local, institutional, or private funds, (2) the amount of tuition, fees, room or board waived or reduced for recipients of financial assistance under GEAR UP, (3) the amount expended on documented, targeted, long-term mentoring and counseling provided by volunteers or paid staff of non-school organizations, including businesses, religious organizations, community groups, postsecondary educational institutions, nonprofit and philanthropic organizations, and other organizations, and (4) equipment and supplies, cash contributions from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage.

Section 404C(b)(2) further provides that the Secretary may approve a partnership's request for a reduced match percentage at the time of application if the partnership demonstrates significant economic hardship that precludes the partnership from meeting the matching requirement, or if the partnership requests that contributions to the scholarship fund be matched on the basis of two non-Federal dollars for every one Federal dollar of GEAR UP funds. Regulations that address the content of an applicant's request for such a reduced match, and the maximum percentage match that the Secretary may waive, are identified in 34 CFR 694.8(a)–(c). In addition, the Secretary may approve a reduction in match of up to 70% upon request from a partnership that includes three or fewer IHEs as members, and (a) has a fiscal agent identified in 34 CFR 694.8(d)(1), and (b) serves students in schools and LEAs that meet the poverty criteria identified in 34 CFR 694.8(d)(2) and (3).

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Under section 404B(e) of the HEA (20 U.S.C. 1070a–22)), grant funds awarded under this program must be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities assisted under this program.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet by downloading the package from the program Web site at: *http://www2.ed.gov/programs/gearup/index.html.*

You also can request a copy of the application package from the following: Karmon Simms-Coates, Gaining Early Awareness and Readiness for Undergraduate Programs, U.S. Department of Education, 400 Maryland Avenue SW., Room 5W250, Washington, DC 20202–6450. Telephone: (202) 453–7917 or by email: *karmon.simms-coates@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

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 of an application, together with the forms you must submit, are in the application package for this program.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to assess your application. There is a limit for the application narrative of no more than 40 pages using the following standards:

• A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides. Page numbers and an identifier may be within the 1″ margin.

• Each page on which there is text or graphics will be counted as one full page.

• Double space (no more than three lines per vertical inch) all text in the application narrative, including charts, tables, figures, and graphs. Titles, headings, footnotes, quotations, references, and captions may be singled spaced.

• Use a font that is either 12 point or larger, or no smaller than 10 pitch (characters per inch).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman and Arial Narrow) will not be accepted.

The page limits do not apply to the cover sheet; the budget section, including the budget narrative and summary form; the assurances and certifications; or the one-page abstract. If you include any attachments or appendices not specifically requested and required for the application, these items will be counted as part of the narrative for the purposes of the page limit.

Any application addressing the competitive preference priorities may include up to four additional pages for each priority. These additional pages must be used to discuss how the application meets the competitive preference priority. The additional pages allotted to address the competitive preference priority cannot be used for or transferred to the project narrative or any other section of the application.

We will reject your application if—

• You apply these standards and exceed the page limit; or

• You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

Applications Available: March 10, 2017.

Deadline for Transmittal of Applications: April 19, 2017.

Applications for grants under this program must be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: June 19, 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 program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the GEAR UP Program, CFDA number 84.334A, 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 GEAR UP Program at *www.Grants.gov*. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.334, not 84.334A).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov*.
- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this program to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at *www.G5.gov*. In addition, for specific guidance and procedures for submitting an application through *Grants.gov*, please refer to the *Grants.gov* Web site at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a read-only, non-modifiable Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF (*e.g.,* Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the application narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov*, the Department then will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov*, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only, non-modifiable PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the

application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through *Grants.gov* 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: Eileen Bland, U.S. Department of Education, 400 Maryland Avenue SW., Room 5C135, Washington, DC 20202–6450. Fax: (202) 260–7464.

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 84.334A), 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 84.334A, 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 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 grant 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 of EDGAR.

a. *Need for the project (15 points).*

The Secretary evaluates the need for a GEAR UP project in the proposed target area on the basis of—

• The magnitude or severity of the problem to be addressed by the proposed project; and

• The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

b. *Quality of project design (15 points).*

In determining the quality of project design, the Secretary considers the following factors:

• The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable;

• The extent to which the project design reflects up-to-date research and the replication of effective practices;

• The extent to which the project supports systemic changes from which future cohorts of students will benefit; and

• The extent to which the proposed project is supported by strong theory.

c. *Quality of project services (15 points).*

In determining the quality of project services provided by the proposed project, the Secretary considers:

(1) The quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(2) In addition, the Secretary considers the following factors:

• The extent to which the project services are likely to increase the percentage of students taking rigorous courses that reflect challenging academic standards and reduce the need for remedial education at the postsecondary level; increase the percentage of secondary school completion; increase students' knowledge of and access to financial assistance for postsecondary education; increase the percentage of students enrolling and succeeding in postsecondary education; and are appropriate to the needs of the intended recipients or beneficiaries of those services; and

• The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

d. *Quality of project personnel (10 points).*

In determining the quality of project personnel, the Secretary considers:

(1) 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.

(2) In addition, the Secretary considers the following factors:

• The qualifications, including relevant training and experience, of the project director or principal investigator; and

• The qualifications, including relevant training and experience, of key personnel.

e. *Quality of the management plan (10 points).*

In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

• 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;

• The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project;

• The extent to which the time commitments of the project director and other key project personnel are appropriate and adequate to meet the objectives of the proposed project; and

• How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

f. *Quality of the project evaluation (20 points).*

In determining the quality of the project evaluation, the Secretary considers the following factors:

• The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project;

• The extent to which 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;

• The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes;

• The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings; and

g. *Adequacy of resources (15 points).*

In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

• The adequacy of support, including facilities, equipment, supplies and other resources from the applicant organization or the lead applicant organization;

• The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project;

• The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits; and

• The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support.

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).

For this competition, a panel of non-Federal reviewers will review each application in accordance with the selection criteria in 75.217(d)(3)and the competitive preference priorities. The individual scores of the reviewers will be added and the sum divided by the number of reviewers to determine the peer review score received in the review process.

If there are insufficient funds for all applications with the same total scores, the Secretary will choose among the tied applications so as to promote an equitable distribution of grant awards among geographic areas and between urban and rural applicants for the GEAR UP Program.

3. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose 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 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:* The objectives of the GEAR UP Program are—(1) to increase the academic performance and preparation for postsecondary education of participating students; (2) to increase the rate of high school graduation and participation in postsecondary education of participating students; and (3) to increase educational expectations for participating students and increase student and family knowledge of postsecondary education options, preparation, and financing.

The effectiveness of this program depends on the rate at which program participants complete high school and enroll in and complete a postsecondary education. Under the Government Performance and Results Act of 1993, we developed the following performance measures to track progress toward achieving the program's goals:

1. The percentage of GEAR UP students who pass Pre-algebra by the end of 8th grade.

2. The percentage of GEAR UP students who pass Algebra 1 by the end of 9th grade.

3. The percentage of GEAR UP students who take two years of mathematics beyond Algebra 1 by the 12th grade.

4. The percentage of GEAR UP students who are on track for graduation at the end of each grade.

5. The percentage of GEAR UP students who are on track to apply for college as measured by completion of the SAT or ACT by the end of 11th grade.

6. The percentage of GEAR UP students who graduate from high school.

Note: For each GEAR UP project, the State's high school graduation rate is defined in the State's approved accountability plan under Part A of Title I of the Elementary and Secondary Education Act of 1965, as amended.

7. The percentage of GEAR UP students who complete the Free Application for Federal Student Aid.

8. The percentage of GEAR UP students and former GEAR UP students who are enrolled in college.

9. The percentage of GEAR UP students who place into college-level Math and English without need for remediation.

10. The percentage of current GEAR UP students and former GEAR UP students enrolled in college who are on track to graduate college.

In addition, to assess the efficiency of the program, we track the average cost in Federal funds, of achieving a successful outcome, where success is defined as enrollment in postsecondary education of GEAR UP students immediately after high school graduation. These performance measures constitute GEAR UP's indicators of the success of the program. Under Section 1116 of the HEA, grant recipients must collect and report data on steps they have taken toward achieving these goals. Accordingly, we request that applicants include these performance measures in conceptualizing the design, implementation, and evaluation of their proposed projects.

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 grant, 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. Agency Contact

FOR FURTHER INFORMATION CONTACT: Karmon Simms-Coates, U.S. Department of Education, 400 Maryland Avenue SW., Room 5W250, Washington, DC 20202–6450. Telephone: (202) 453–7917 or by email: *Karmon.simms-coates@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or computer disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at this 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 feature at this site, you can limit your search to documents published by the Department.

Dated: March 7, 2017.

Linda Byrd-Johnson,

Acting Deputy Assistant Secretary, Higher Education Programs, and Senior Director, Student Service.

[FR Doc. 2017–04798 Filed 3–9–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0029]

Agency Information Collection Activities; Comment Request; Veterans Upward Bound (VUB) Program Annual Performance Report

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 May 9, 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–0029. 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 Kenneth Foushee, (202) 453–7417.

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: Veterans Upward Bound (VUB) Program Annual Performance Report.

OMB Control Number: 1840–0832.

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

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

Total Estimated Number of Annual Responses: 49.

Total Estimated Number of Annual Burden Hours: 833.

Abstract: The purpose of the Veterans Upward Bound (VUB) Program is to prepare, motivate, and assist military veterans in the development of academic and other skills necessary for acceptance into and success in a program of postsecondary education. Authority for this program is contained in Title IV, Part A, Subpart 2, Chapter 1, Section 402C of the Higher Education Act of 1965, as amended by the Higher Education Opportunity Act of 2008. Eligible applicants include institutions of higher education, public or private agencies or organizations, including community-based organizations with experience in serving disadvantaged youth, secondary schools, and combinations of institutions, agencies, organizations, and secondary schools. Upward Bound Program participants must be potential first-generation college students, low-income individuals, or individuals who have a high risk for academic failure, and have a need for academic support in order to pursue successfully a program of education beyond high school. Required program services include: (1) Academic tutoring; (2) Advice and assistance in secondary and postsecondary course selection; (3) Preparation for college entrance exams and completing the college admission applications; (4) Information on federal student financial aid programs including (a) Federal Pell grant awards, (b) Loan forgiveness, and (c) Scholarships; (5) Assistance completing financial aid applications; (6) Guidance on and assistance in: (a) Secondary school reentry, (b) Alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma, (c) Entry into general educational development (GED) programs or, (d) Entry into postsecondary education; (7) Education or counseling services designed to improve the financial and economic literacy of students or the students' parents, including financial planning for postsecondary education; and (8) Projects funded for at least two years under the program must provide instruction in mathematics through pre-calculus; laboratory science; foreign language; composition; and literature.

Dated: March 7, 2017.

Kate Mullan,

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

[FR Doc. 2017–04738 Filed 3–9–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Methane Hydrate Advisory Committee

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Methane Hydrate Advisory Committee. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that notice of these meetings be announced in the **Federal Register**.

DATES:

Tuesday, April 4, 2017
8:30 a.m. to 9:00 a.m. (EDT)—Registration
9:00 a.m. to 4:30 p.m. (EDT)—Meeting
Wednesday, April 5, 2017
8:30 a.m. to 12:00 p.m. (EDT)—Meeting

ADDRESSES: Hyatt Regency Dulles, 2300 Dulles Corner Blvd., Herndon, Virginia, USA 20171.

FOR FURTHER INFORMATION CONTACT: Lou Capitanio, U.S. Department of Energy, Office of Oil and Natural Gas, 1000 Independence Avenue SW., Washington, DC 20585. *Phone:* (202) 586–5098.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the Methane Hydrate Advisory Committee is to provide advice on potential applications of methane hydrate to the Secretary of Energy, and assist in developing recommendations and priorities for the Department of Energy's Methane Hydrate Research and Development Program.

Tentative Agenda: The agenda will include: Welcome and Introduction by the Designated Federal Officer; Committee Business; Review of Technical Questions Posed in the Secretary's Energy Advisory Board Report on the Methane Hydrate Program; Update on Methane Hydrate Major Projects & Review of Program Activities and Plans; Methane Hydrate Program Budget; Advisory Committee Discussion; and Public Comments, if any.

Public Participation: The meeting is open to the public. The Designated

Federal Officer and the Chair of the Committee will conduct the meeting to facilitate the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Lou Capitanio at the phone number listed above. You must make your request for an oral statement at least five business days prior to the meeting, and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the three-minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 60 days at the following Web site: *http://energy.gov/fe/services/advisory-committees/methane-hydrate-advisory-committee.*

Issued at Washington, DC, on March 6, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–04765 Filed 3–9–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

International Energy Agency Meetings

AGENCY: Department of Energy.

ACTION: Notice of meetings.

SUMMARY: The Industry Advisory Board (IAB) to the International Energy Agency (IEA) will meet on March 20–21, 2017, at the Conference Centre of the French Ministry of Foreign Affairs, 27, Rue de la Convention, 75015 Paris, France, in connection with a joint meeting of the IEA's Standing Group on Emergency Questions (SEQ) and the IEA's Standing Group on the Oil Market (SOM) on March 20, 2017, in connection with a meeting of the SEQ on that day and on March 21, 2017.

DATES: March 20–21, 2017.

ADDRESSES: 27, Rue de la Convention, 75015 Paris, France.

FOR FURTHER INFORMATION CONTACT: Thomas Reilly, Assistant General Counsel for International and National Security Programs, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202–586–5000.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)) (EPCA), the following notice of meetings is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held at the Conference Centre of the French Ministry of Foreign Affairs, 27, Rue de la Convention, 75015 Paris, France, commencing at 09:45 a.m. on March 20, 2017. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a joint meeting of the IEA's Standing Group on Emergency Questions (SEQ) and the IEA's Standing Group on the Oil Market (SOM), which is scheduled to be held at the same location and time.

The agenda of the meeting is under the control of the SEQ and the SOM. It is expected that the SEQ and the SOM will adopt the following agenda:

Draft Agenda of the Joint Session of the SEQ and the SOM to be held at the Conference Centre of the French Ministry of Foreign Affairs, 27, Rue de la Convention, 75015 Paris, France, 20 March 2017, beginning at 09:45

Welcome/Introduction

1. Adoption of the Agenda
2. Approval of Summary Record of 27 September 2016
3. Reports on Recent Oil Market and Policy Developments in IEA Countries
4. The Current Oil Market Situation: ''Oil Market Report 2017'' followed by Q & A
5. Presentation: ''The Major Price Benchmarks and the Impact of OPEC's Output Reductions'' followed by Q&A
6. Presentation: ''Marine Fuels: Meeting the IMO Challenge in 2020'' followed by Q&A
7. Presentation: ''Geopolitical Implications of Lower Oil Prices'' followed by Q & A
8. Presentation: ''Russia's Liquids Production at Record Levels: Drivers and Prospects'' followed by Q&A
9. Presentation: ''Trends in the Refining Sector'' followed by Q&A
10. Presentation: ''TBC'' followed by Q&A
11. Other Business
    —Tentative schedule of SEQ and SOM meetings on: 13–15 June 2017, location TBC

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held at the Centre de Conférence Ministériel of the French Ministry of Foreign Affairs Building, 27, Rue de la Convention, 75015 Paris, France, commencing at 9:30 a.m. on March 21, 2017. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ), which is scheduled to be held at the same location and time. The IAB will also hold a preparatory meeting among company representatives at the same location at 8:30 a.m. on March 21. The agenda for this preparatory meeting is to review the agenda for the SEQ meeting.

The agenda of the SEQ meeting is under the control of the SEQ. It is expected that the SEQ will adopt the following agenda:

Draft Agenda of the 150th Meeting of the SEQ to be held at the Centre de Conférence Ministériel of the French Ministry of Foreign Affairs Building, 27, Rue de la Convention, 75015 Paris, France, 21 March 2017, beginning at 9:30 a.m.

12. Adoption of the Agenda
13. Approval of the Summary Record of the 149th Meeting
14. Status of Compliance with IEP Agreement Stockholding Obligations
15. Australian Compliance Update
16. Bilateral Stockholding in non-OECD Countries—update
17. Association—''Oil Umbrella'' concept
18. Future of IDR/ERR Programme
19. Mexican Accession Update
20. Emergency Response Review of Finland
21. Mid-term Review of the Czech Republic
22. Emergency Response Review of Sweden
23. Mid-term Review of Ireland
24. Industry Advisory Board Update
25. Emergency Response Review of Germany
26. Mid-term Review of Luxembourg
27. ERE8 and EXSEQ Outcomes
28. Other Activities
29. Oral Reports by Administrations
30. Other Business

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), the meetings of the IAB are open to representatives of members of the IAB and their counsel; representatives of members of the IEA's Standing Group on Emergency Questions and the IEA's Standing Group on the Oil Markets; representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of Congress, the IEA, and the European Commission; and invitees of the IAB, the SEQ, the SOM, or the IEA.

Issued in Washington, DC, March 6, 2017.

Thomas Reilly,

Assistant General Counsel for International and National Security Programs.

[FR Doc. 2017–04746 Filed 3–9–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

State Energy Advisory Board (STEAB)

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of open teleconference.

SUMMARY: This notice announces a teleconference call of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, April 20, 2017 from 3:30 p.m. to 4:30 p.m. (EDT). To receive the call-in number and passcode, please contact the Board's Designated Federal Officer at the address or phone number listed below.

FOR FURTHER INFORMATION CONTACT: Michael Li, Policy Advisor, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585. Phone number 202–287–5718, and email *michael.li@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To make recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101–440).

Tentative Agenda: Receive STEAB Task Force updates and objectives for FY 2017, discuss follow-up opportunities and engagement with EERE and other DOE staff as needed to keep Task Force work moving forward, continue engagement with DOE, EERE and EPSA staff regarding energy efficiency and renewable energy projects and initiatives, and receive updates on member activities within their states.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Michael Li at the address or telephone number listed above. Requests to make oral comments must be received five days prior to the meeting; reasonable provision will be made to include requested topic(s) on the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 60 days on the STEAB Web site at: *http://www.energy.gov/eere/steab/state-energy-advisory-board.*

Issued at Washington, DC, on March 6, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–04766 Filed 3–9–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–87–000.
Applicants: The AES Corporation, Alberta Investment Management Corporation, FTP Power LLC.
Description: Application for Authorization for Disposition of Jurisdictional Facilities and Request for Expedited Action of The AES Corporation, *et al.*
Filed Date: 3/3/17.
Accession Number: 20170303–5189.
Comments Due: 5 p.m. ET 3/24/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–1874–003.
Applicants: American Electric Power Service Corporation.
Description: Notice of Non-Material Change in Status submitted by American Electric Power Service Corporation on behalf of the AEP Generation Resources, Inc.
Filed Date: 3/3/17.
Accession Number: 20170303–5197.
Comments Due: 5 p.m. ET 3/24/17.

Docket Numbers: ER13–1935–002.
Applicants: South Carolina Electric & Gas Company.
Description: Compliance filing: Attachment K Compliance filing 3–6–2017 to be effective 1/1/2015.
Filed Date: 3/6/17.
Accession Number: 20170306–5095.
Comments Due: 5 p.m. ET 3/27/17.

Docket Numbers: ER14–1363–004; ER16–2462–004.
Applicants: Kendall Green Energy LLC, Oregon Clean Energy, LLC.
Description: Notice of Non-Material Change in Status of Kendall Green Energy LLC, *et al.*
Filed Date: 3/3/17.
Accession Number: 20170303–5205.
Comments Due: 5 p.m. ET 3/24/17.

Docket Numbers: ER17–219–001.
Applicants: PacifiCorp.
Description: Compliance filing: OATT Ancillary Services Compliance Filing to be effective 2/13/2017.
Filed Date: 3/3/17.
Accession Number: 20170303–5133.
Comments Due: 5 p.m. ET 3/24/17.

Docket Numbers: ER17–795–001.
Applicants: ISO New England Inc.
Description: Tariff Amendment: Extension of Statutory Action Dates; Docket No. ER17–795- to be effective 12/31/9998.
Filed Date: 3/6/17.
Accession Number: 20170306–5084.
Comments Due: 5 p.m. ET 3/27/17.

Docket Numbers: ER17–1083–001.
Applicants: RC Cape May Holdings, LLC.
Description: Tariff Amendment: Amended RMR Rate Schedule, Electric Rate Schedule FERC No.3 & Request for Waiver to be effective 5/1/2017.
Filed Date: 3/3/17.
Accession Number: 20170303–5150.
Comments Due: 5 p.m. ET 3/24/17.

Docket Numbers: ER17–1102–000.
Applicants: Mid-Atlantic Interstate Transmission, LLC, Pennsylvania Electric Company, Metropolitan Edison Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: MAIT submits revisions to certain Service Agreements re: MAIT Integration to be effective 2/1/2017.
Filed Date: 3/3/17.
Accession Number: 20170303–5149.
Comments Due: 5 p.m. ET 3/24/17.

Docket Numbers: ER17–1103–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: Revisions to ISO–NE Tariff Related to Mkt. Participant's FCM Capacity Chrg. Req. to be effective 6/1/2017.
Filed Date: 3/6/17.
Accession Number: 20170306–5058.
Comments Due: 5 p.m. ET 3/27/17.

Docket Numbers: ER17–1104–000.
Applicants: NorthWestern Corporation.
Description: § 205(d) Rate Filing: SA 809—Substation Cost Sharing Agreement with Park Electric

Cooperative, Inc. to be effective 5/6/2017.

Filed Date: 3/6/17.

Accession Number: 20170306–5112.

Comments Due: 5 p.m. ET 3/27/17.

Docket Numbers: ER17–1105–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: Exelon NITSA (OR D.A.) to be effective 2/28/2017.

Filed Date: 3/6/17.

Accession Number: 20170306–5129.

Comments Due: 5 p.m. ET 3/27/17.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR17–3–000.

Applicants: North American Electric Reliability Corporation.

Description: Petition of the North American Electric Reliability Corporation for Approval of Amendments to the Texas Reliability Entity Bylaws and Regional Reliability Standards Development Process.

Filed Date: 3/6/17.

Accession Number: 20170306–5079.

Comments Due: 5 p.m. ET 3/27/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 6, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04727 Filed 3–9–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14680–002–RI]

Water Street Land, LLC; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47879), the Office of Energy Projects has reviewed the application for exemption from licensing for the Natick Pond Dam Hydroelectric Project, to be located on the Pawtuxet River, in the towns of Warwick and West Warwick, Kent County, Rhode Island, and has prepared an Environmental Assessment (EA). In the EA, Commission staff analyzes the potential environmental effects of the project and concludes that issuing an exemption for the project, with appropriate environmental measures, would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the EA is on file with the Commission and is available for public inspection. The EA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

For further information, contact John Ramer at (202) 502–8969 or *john.ramer@ferc.gov.*

Dated: March 3, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04722 Filed 3–9–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–40–000]

Spire STL Pipeline Company, LLC; Supplemental Notice of Intent To Prepare an Environmental Assessment for the Proposed Spire STL Pipeline Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Spire STL Pipeline Project (Project) involving construction and operation of facilities by Spire STL Pipeline Company, LLC (Spire) in Scott, Greene, and Jersey Counties, Illinois and St. Charles and St. Louis Counties, Missouri. The Commission will use this EA in its decision-making process to determine whether the Project is in the public convenience and necessity.

On October 26, 2016, the Federal Energy Regulatory Commission (FERC or Commission) issued in Docket No. PF16–9–000 a *Notice of Intent to Prepare an Environmental Assessment for the Planned Spire STL Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Sessions* (NOI). Spire has subsequently filed a potential pipeline route alternative in St. Louis County, Missouri.

This supplemental notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the pipeline route alternative. You can make a difference by providing us with your specific comments or concerns about the new route under consideration. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before April 3, 2017.

This notice is being sent to a subset of the Commission's current environmental mailing list for this Project, relevant to the new alternative in St. Louis County. State and local government representatives should also notify their constituents and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the Project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need

To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the Project docket number (CP17–40–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of the Route Alternative

Spire has identified a new pipeline route alternative due to uncertainty associated with the purchase and conversion, from local distribution to interstate transport, of existing Line 880. The route alternative would consist of 6.5 miles of new (''greenfield'') 24-inch-diameter pipeline, and would have similar start and end points as the existing Line 880; however, the alternative would follow a slightly different route. The alternative would extend south from the proposed Leclede/Lange Delivery Station for 1 mile, then turn southeast (crossing Line 880 near MP 1.75) for about 3.5 miles before turning south again for about 1.8 miles, where it then turns east for the terminus at the proposed MRT Bi-directional Station. The general location of the proposed and alternative Project facilities is shown in appendix 1.[1]

Spire indicates that it intends to use Line 880, as currently proposed, if that system is available. However, if Line 880 does not become available for use by Spire, and the route alternative were to be incorporated, the proposed modifications to the existing Line 880 and to the exiting Redman Delivery Station would not be necessary.

Land Requirements for Construction

The route alternative would be collocated for about 1.7 miles (26 percent) of the route. The land use types crossed by the alternative would be similar to those impacted by the proposed route; however, since the alternative would be a new, greenfield route, the total impacts would be greater: 71.4 acres during construction (as compared to 8.0 acres for the proposed use of existing Line 880) and 39.6 acres during operation (as compared to 0.4 acre).

The EA Process

The FERC process used for implementing the National Environmental Policy Act and for evaluating environmental impacts is described in more detail in the original NOI issued for the Project. That NOI can be viewed on the FERC Web site at *http://www.ferc.gov.* Using the ''eLibrary'' link, select ''Advanced Search'' from the eLibrary menu and enter 20161026–3066 in the ''Numbers: Accession Number'' field.

As noted in the original NOI, copies of the EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the ''Document-less Intervention Guide'' under the ''e-filing'' link on the Commission's Web site. Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.*

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP17–40). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public sessions or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: March 3, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04720 Filed 3–9–17; 8:45 am]

BILLING CODE 6717–01–P

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–478–000]

Gulf South Pipeline Company, LP; Notice of Availability of the Environmental Assessment for the Proposed St. Charles Parish Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an

environmental assessment (EA) for the St. Charles Parish Expansion Project, proposed by Gulf South Pipeline Company, LP (Gulf South) in the above-referenced docket. Gulf South requests authorization to construct and operate a natural gas pipeline and compression facilities in St. Charles and St. John the Baptist Parishes, Louisiana.

The proposed Project involves constructing and operating a new 5,000-horsepower compressor station, the Montz Compressor Station, and 900 feet of new 16-inch-diameter natural gas pipeline and other auxiliary appurtenant facilities. The Project would provide pressure management between Gulf South's existing 24-inch-diameter Index 270 pipeline and its existing 16-inch-diameter Index 270–94 lateral. The Project would allow Gulf South to provide up to about 0.13 billion cubic feet per day of natural gas to Entergy Louisiana, LLC's proposed natural gas-fired power plant in St. Charles Parish, Louisiana.

This EA assesses the potential environmental effects of the Project in accordance with the requirements of the National Environmental Policy Act of 1969. Through scoping and analysis of environmental information provided by Gulf South, the FERC staff concluded that the Project would not constitute a major federal action significantly affecting the quality of the human environment and that an EA is the appropriate NEPA format for consideration and disclosure of Project impacts.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding.

In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before April 3, 2017.

For your convenience, there are three methods you can use to file your comments to the Commission. In all instances, please reference the project docket number (CP16–478–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP16–478). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: March 3, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04718 Filed 3–9–17; 8:45 am]

BILLING CODE 6717–01–P

[1] See the previous discussion on the methods for filing comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[EG17–35–000, EG17–36–000]

Grady Wind Energy Center, LLC; Innovative Solar 42, LLC; Notice of Effectiveness of Exempt Wholesale Generator Status

Take notice that during the month of February 2017, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2017).

Dated: March 6, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04729 Filed 3–9–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4451–019]

Somersworth Hydro Company, Inc.; City of Somersworth, NH; Notice of Intent To File License Application, Filing of Pre-Application Document, Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 4451–019.

c. *Date Filed:* December 19, 2016.

d. *Submitted By:* Somersworth Hydro Company, Inc. (a subsidiary of Enel Green Power North America, Inc.) and City of Somersworth, New Hampshire.

e. *Name of Project:* Lower Great Falls Hydroelectric Project.

f. *Location:* On the Salmon Falls River, in Strafford County, New Hampshire and York County, Maine. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Kevin Webb, Enel Green Power North America, Inc., One Tech Drive, Suite 220, Andover, MA 01810; (978) 935–6039; email—*kevin.webb@enel.com.*

i. *FERC Contact:* John Ramer at (202) 502–8969; or email at *john.ramer@ferc.gov.*

j. Somersworth Hydro Company, Inc. and the City of Somersworth, NH jointly filed a request to use the Traditional Licensing Process on December 19, 2016, and provided public notice of the request on December 22, 2016. In a letter dated March 3, 2017, the Director of the Division of Hydropower Licensing approved the request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the (New Hampshire and Maine) State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Somersworth Hydro Company, Inc, and the City of Somersworth, NH, as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. Somersworth Hydro Company, Inc, and the City of Somersworth, NH, filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 4451–019. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by April 30, 2020.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: March 3, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04721 Filed 3–9–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP16–137–011.
Applicants: Tallgrass Interstate Gas Transmission, LLC.
Description: Tallgrass Interstate Gas Transmission, LLC submits tariff filing per 154.203: Cancellation of Fifth Revised Volume No. 1 to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5306.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–510–000.
Applicants: WBI Energy Transmission, Inc.
Description: WBI Energy Transmission, Inc. submits tariff filing per 154.204: 2017 Non-conforming SA FT–1388 to be effective 4/1/2017.
Filed Date: 03/02/2017.
Accession Number: 20170302–5004.
Comment Date: 5:00 p.m. Eastern Time on Tuesday, March 14, 2017.

Docket Numbers: RP17–511–000.
Applicants: Dauphin Island Gathering Partners.
Description: Dauphin Island Gathering Partners submits tariff filing per 154.204: Tariff Sections Update to be effective 4/1/2017.
Filed Date: 03/02/2017.
Accession Number: 20170302–5005.
Comment Date: 5:00 p.m. Eastern Time on Tuesday, March 14, 2017.

Docket Numbers: RP17–512–000.
Applicants: Ruby Pipeline, L.L.C.
Description: Ruby Pipeline, L.L.C. submits tariff filing per 154.204: Index Price Update Filing to be effective 4/1/2017.
Filed Date: 03/02/2017.
Accession Number: 20170302–5006.
Comment Date: 5:00 p.m. Eastern Time on Tuesday, March 14, 2017.

Docket Numbers: RP17–515–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.204: Mountaineer Keystone Name Change to Arsenal Resources to be effective 2/23/2017.
Filed Date: 03/02/2017.
Accession Number: 20170302–5061.
Comment Date: 5:00 p.m. Eastern Time on Tuesday, March 14, 2017.

Docket Numbers: RP17–516–000.
Applicants: Kern River Gas Transmission Company.
Description: Kern River Gas Transmission Company submits tariff filing per 154.203: 2017 Stipulation Agreement Compliance Filing to be effective 5/1/2017.
Filed Date: 03/02/2017.
Accession Number: 20170302–5175.
Comment Date: 5:00 p.m. Eastern Time on Tuesday, March 14, 2017.

Docket Numbers: RP17–517–000.

Applicants: National Fuel Gas Supply Corporation.

Description: National Fuel Gas Supply Corporation submits tariff filing per 154.204: Amendment to Service Agreement FT #F12205 to be effective 4/1/2017.

Filed Date: 03/02/2017.

Accession Number: 20170302–5191.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, March 14, 2017.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 6, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04748 Filed 3–9–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD17–11–000]

State Policies and Wholesale Markets Operated by ISO New England Inc., New York Independent System Operator, Inc., and PJM Interconnection, LLC; Notice of Technical Conference

Take notice that the Federal Energy Regulatory Commission (Commission) staff will hold a technical conference to discuss certain matters affecting wholesale energy and capacity markets operated by the Eastern Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs). The technical conference will take place on May 1, 2017 and May 2, 2017 beginning at approximately 9:00 a.m. and ending at approximately 5:00 p.m. The conference will be held at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. All interested persons are invited to participate in the conference. Commission members may participate in the conference.

Competitive wholesale energy and capacity markets bring value to customers by efficiently pricing energy and capacity, taking into account the operational needs and the dynamics of the transmission system, and providing transparent signals for investment and retirement of resources. Over the years, the rules underpinning competitive wholesale markets have evolved to address a myriad of issues while ensuring the reliable delivery and sale of electricity at just and reasonable rates. In recent years, there has been increased interest by state policy makers to pursue policies that prioritize certain resources or resource attributes. Because the wholesale competitive markets, as currently designed, select resources based on principles of operational and economic efficiency without specific regard to resource type, there is an open question of how the competitive wholesale markets, particularly in states or regions that restructured their retail electricity service, can select resources of interest to state policy makers while preserving the benefits of regional markets and economic resource selection.

Commission staff appreciates and has been closely monitoring each of the Eastern RTO's/ISO's stakeholder discussions addressing wholesale markets and state policies.[1] These discussions have generally recognized that alternative market designs could take the form of changes to either the capacity or energy markets. Proposals to change the wholesale energy market have generally focused on valuing various resource attributes, including the value of fuel security or certain environmental costs associated with the production of electric energy. By comparison, proposals to change the capacity market have generally focused on ways to preserve the integrity of the capacity market, while also allowing customers to receive resource adequacy benefits from state supported resources in the capacity market.

Commission staff takes this opportunity to foster further discussion regarding the development of regional solutions in the Eastern RTOs/ISOs that reconcile the competitive market framework with the increasing interest by states to support particular resources or resource attributes. In particular, Commission staff seeks to discuss long-term expectations regarding the relative roles of wholesale markets and state policies in the Eastern RTOs/ISOs in shaping the quantity and composition of resources needed to cost-effectively meet future reliability and operational needs. At one end of the spectrum, state policies would be satisfied through the wholesale energy and capacity markets. At the other end of the spectrum, state policies would be achieved outside of the wholesale markets, and the wholesale markets would be designed to avoid conflict with those state policies. There are numerous alternatives between these two ends of the spectrum. As part of this discussion, Commission staff seeks to understand the pros and cons of the various alternatives in the Eastern RTOs/ISOs. In the end, Commission staff seeks to understand the potential for sustainable wholesale market designs that both preserve the benefits of regional markets and respect state policies.

Supplemental notices will be issued prior to the technical conference with further details regarding the agenda, speakers and organization of the technical conference.

Those wishing to participate in this conference should submit a nomination form online by 5:00 p.m. on March 17, 2017 at: *https://www.ferc.gov/whats-new/registration/05-01-17-speaker-form.asp.*

All interested persons may attend the conference, and registration is not required. However, in-person attendees are encouraged to register on-line at: *https://www.ferc.gov/whats-new/registration/05-01-17-form.asp.*

The technical conference will be transcribed and there will be a free webcast of the conference. The webcast will allow persons to listen to the technical conference, but not participate. Transcripts will be available immediately for a fee from Ace Reporting Company at (202) 347–3700.

Anyone with Internet access who wants to listen to the conference can do so by navigating to *www.ferc.gov's* Calendar of Events and locating the technical conference in the Calendar. The technical conference will contain a link to its webcast. The Capitol Connection provides technical support for the webcast and offers the option of listening to the meeting via phone-bridge for a fee. If you have any questions, visit

[1] Commission staff is aware that the New England Power Pool Participants Committee and Markets Committee have conducted several meetings on wholesale markets and state public policy issues, and on August 18, 2016, PJM held a meeting to ''address public policy goals and market efficiency.'' Further, NYISO has initiated within its Budget and Priorities Working Group a discussion of integrating public policy in its markets.

www.CapitolConnection.org or call 703–993–3100.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a fax to (202) 208–2106 with the requested accommodations.

For Further Information Please Contact Individuals Identified for Each Topic

Technical Information: Amr Ibrahim, Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6746, *amr.ibrahim@ferc.gov.*

Legal Information: Kent Carter, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8604, *kent.carter@ferc.gov.*

Logistical Information: Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8368, *sarah.mckinley@ferc.gov.*

Dated: March 3, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04719 Filed 3–9–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR17–28–000.
Applicants: Bay Gas Storage Company, Ltd.
Description: Tariff filing per 284.123(b),(e)/: Bay Gas 2017 Annual Adjustment to Company Use Percentage to be effective 3/1/2017; Filing Type: 790.
Filed Date: 2/27/17.
Accession Number: 201702275125.
Comments/Protests Due: 5 p.m. ET 3/20/17.

Docket Number: PR17–29–000.
Applicants: Southern California Gas Company.
Description: Tariff filing per 284.123(b),(e)+(g): Revision to rates for Offshore Delivery (OSHD) to be effective 1/1/2017; Filing Type: 1300.
Filed Date: 2/28/17.
Accession Number: 201702285137.
Comments Due: 5 p.m. ET 3/21/17.
284.123(g) Protests Due: 5 p.m. ET 5/1/17.

Docket Numbers: RP17–430–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: Negotiated Rates—Cherokee AGL—Replacement Shippers—Mar 2017 to be effective 3/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5003.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–431–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.204: Assignment of Cross Timbers Agreement to XTO to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5010.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–432–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Midcontinent Express Pipeline LLC submits tariff filing per 154.204: Chesapeake Contract Restructuring Negotiated Rate to be effective 3/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5020.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–433–000.
Applicants: Boardwalk Storage Company, LLC.
Description: Boardwalk Storage Company, LLC submits tariff filing per 154.204: Revise FSS and ISS Forms of Service Agreement to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5033.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–434–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Cap Rel Neg Rate Agmts (Atlanta 8438 to various shippers eff 3–1–2017) to be effective 3/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5038.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–435–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: TETLP Feb2017 Cleanup Filing—Remove Expired Negotiated Rates to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5051.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–436–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: TETLP Feb2017 Cleanup Filing—Non-conforming Agreements to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5063.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–437–000.
Applicants: KPC Pipeline, LLC.
Description: KPC Pipeline, LLC submits tariff filing per 154.403(d)(2): Fuel Reimbursement Adjustment to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5064.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–438–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: Southern Star Central Gas Pipeline, Inc. submits tariff filing per 154.204: Fuel Filing—Eff. April 1, 2017 to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5071.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–439–000.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits tariff filing per 154.403(d)(2): Fuel Filing 2017 to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5072.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–440–000.
Applicants: Empire Pipeline, Inc.
Description: Empire Pipeline, Inc. submits tariff filing per 154.203: Annual Report Pursuant to GT&C 23.5 (Final Report).
Filed Date: 02/28/2017.
Accession Number: 20170228–5074.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–441–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Natural Gas Pipeline Company of America LLC submits tariff

filing per 154.204: City of Salem Negotiated Rate to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5078.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–442–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.204: AVC Storage Loss Retainage Factor Update—2017 to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5080.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–443–000.
Applicants: MarkWest Pioneer, L.L.C.
Description: MarkWest Pioneer, L.L.C. submits tariff filing per 154.403(d)(2): Quarterly FRP Filing to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5085.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–444–000.
Applicants: Northwest Pipeline LLC.
Description: Northwest Pipeline LLC submits tariff filing per 154.204: NWP 2017 South Seattle Incremental Rate Update Filing to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5094.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–445–000.
Applicants: Northwest Pipeline LLC.
Description: Northwest Pipeline LLC submits tariff filing per 154.204: NWP 2017 Summer Fuel Filing to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5096.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–446–000.
Applicants: Southwest Gas Storage Company.
Description: Southwest Gas Storage Company submits tariff filing per 154.204: Fuel Filing on 2–28–17 to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5100.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–447–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: Panhandle Eastern Pipe Line Company, LP submits tariff filing per 154.204: Fuel Filing on 2–28–17 to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5102.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–448–000.
Applicants: Trunkline Gas Company, LLC.
Description: Trunkline Gas Company, LLC submits tariff filing per 154.204: Fuel Filing on 2–28–17 to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5104.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–449–000.
Applicants: Colorado Interstate Gas Company, L.L.C.
Description: Colorado Interstate Gas Company, L.L.C. submits tariff filing per 154.403(d)(2): Semi-Annual Fuel and LUF Update Filing to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5108.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–450–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.204: Appalachian Gathering Service Updates to be effective 3/31/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5110.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–451–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.403(d)(2): Transco Annual Fuel Tracker 2017 to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5113.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–452–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.403: Annual Electric Power Tracker Filing Effective April 1, 2017 to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5132.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–453–000.
Applicants: Rockies Express Pipeline LLC.
Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Neg Rate 2017–02–28 Encana to be effective 3/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5154.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–454–000.
Applicants: Trailblazer Pipeline Company LLC.
Description: Trailblazer Pipeline Company LLC submits tariff filing per 154.204: Neg Rate 2017–03–01 Tenaskas to be effective 3/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5173.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–455–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 02/28/17 Negotiated Rates—Emera Energy Services, Inc. 7830–02, –03, 04, & –05 to be effective 3/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5211.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–456–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: Florida Gas Transmission Company, LLC submits tariff filing per 154.204: Fuel Filing on 2–28–17 to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5233.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–457–000.
Applicants: Dominion Cove Point LNG, LP.
Description: Dominion Cove Point LNG, LP submits tariff filing per 154.403: DCP—2017 Annual EPCA to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5237.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–458–000.
Applicants: Dominion Cove Point LNG, LP.
Description: Dominion Cove Point LNG, LP submits tariff filing per 154.403(d)(2): DCP—2017 Annual Fuel Retainage to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5238.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–459–000.
Applicants: Sabine Pipe Line LLC.
Description: Sabine Pipe Line LLC submits tariff filing per 154.403(d)(2): Sabine Pipeline Line 2017 Fuel Filing to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5244.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–460–000.

Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.204: 3–1–2017 Formula-Based Negotiated Rates to be effective 3/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5302.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–461–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.403: PCB TETLP APR 2017 FILING to be effective 4/1/2017.
Filed Date: 02/28/2017.
Accession Number: 20170228–5304.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–462–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.203: Notice Regarding Non-Jurisdictional Gathering Facilities (W–4067 W–4486).
Filed Date: 03/01/2017.
Accession Number: 20170301–5007.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–463–000.
Applicants: High Island Offshore System, L.L.C.
Description: 2017 Annual Fuel Filing of High Island Offshore System, L.L.C.
Filed Date: 02/28/2017.
Accession Number: 20170228–5314.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP16–137–010.
Applicants: Tallgrass Interstate Gas Transmission, L.
Description: Tallgrass Interstate Gas Transmission, LLC submits tariff filing per 154.203: 2017–03–01 Modernized TIGT Tariff to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5275.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–464–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Cap Rel Neg Rate Agmt (PH 41455 to Texla 47736) to be effective 3/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5031.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–465–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Cap Rel Neg Rate Agmt (Encana 37663 to Texla 47738) to be effective 3/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5034.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–466–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Columbia Gas Transmission, LLC submits tariff filing per 154.403: EPCA 2017 to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5067.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–467–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Columbia Gas Transmission, LLC submits tariff filing per 154.204: RAM 2017 to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5072.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–468–000.
Applicants: Crossroads Pipeline Company.
Description: Crossroads Pipeline Company submits tariff filing per 154.204: TRA 2017 to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5077.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–469–000.
Applicants: Central Kentucky Transmission Company.
Description: Central Kentucky Transmission Company submits tariff filing per 154.204: RAM 2017 to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5085.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–470–000.
Applicants: KO Transmission Company.
Description: KO Transmission Company submits tariff filing per 154.403: Transportation Retainage Adjustment Filing 2017 to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5089.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–471–000.
Applicants: Trunkline Gas Company, LLC.
Description: Trunkline Gas Company, LLC submits tariff filing per 154.204: Reservation Charge Crediting to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5091.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–472–000.
Applicants: Garden Banks Gas Pipeline, LLC.
Description: Garden Banks Gas Pipeline, LLC submits tariff filing per 154.203: Garden Banks Re-collation filing for Tariff Shark to be effective 3/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5108.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–473–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Columbia Gas Transmission, LLC submits tariff filing per 154.403(d)(2): TCRA 2017 to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5110.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–474–000.
Applicants: Nautilus Pipeline Company, L.L.C.
Description: Nautilus Pipeline Company, L.L.C. submits tariff filing per 154.203: Nautilus Re-collation filing for Tariff Shark to be effective 3/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5129.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–475–000.
Applicants: Mississippi Canyon Gas Pipeline, L.L.C.
Description: Mississippi Canyon Gas Pipeline, L.L.C. submits tariff filing per 154.203: Mississippi Canyon Re-collation filing Tariff Shark to be effective 3/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5138.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–476–000.
Applicants: Black Hills Shoshone Pipeline, LLC.
Description: Black Hills Shoshone Pipeline, LLC submits tariff filing per 154.203: Annual Adjustment for Lost nad Unaccounted for Gas Percentage to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5146.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–477–000.
Applicants: WBI Energy Transmission, Inc.

Description: WBI Energy Transmission, Inc. submits tariff filing per 154.204: 2017 Negotiated Rate SA FT–1377 to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5147.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–478–000.
Applicants: Dauphin Island Gathering Partners.
Description: 2017 Storm Surcharge Filing of Dauphin Island Gathering Partners.
Filed Date: 03/01/2017.
Accession Number: 20170301–5150.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–479–000.
Applicants: Ruby Pipeline, L.L.C.
Description: Ruby Pipeline, L.L.C. submits tariff filing per 154.403(d)(2): FL&U and EPC Update to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5151.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–480–000.
Applicants: Viking Gas Transmission Company.
Description: Viking Gas Transmission Company submits tariff filing per 154.204: Annual LMCRA—Spring 2017 to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5154.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–481–000.
Applicants: Guardian Pipeline, L.L.C.
Description: Guardian Pipeline, L.L.C. submits tariff filing per 154.204: EPCR Semi-Annual Adjustment—Spring 2017 to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5157.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–482–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: El Paso Natural Gas Company, L.L.C. submits tariff filing per 154.601: Non Conforming Negotiated Rate Update (TEP Mar 17) to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5160.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–483–000.
Applicants: Viking Gas Transmission Company.
Description: Viking Gas Transmission Company submits tariff filing per 154.204: Semi-Annual FLRP—Spring 2017 to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5161.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–484–000.
Applicants: Young Gas Storage Company, Ltd.
Description: Young Gas Storage Company, Ltd. submits tariff filing per 154.204: Index Price Update Filing to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5162.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–485–000.
Applicants: WBI Energy Transmission, Inc.
Description: WBI Energy Transmission, Inc. submits tariff filing per 154.204: 2017 Annual Fuel & Electric Power Reimbursement to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5163.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–486–000.
Applicants: Colorado Interstate Gas Company, L.L.C.
Description: Colorado Interstate Gas Company, L.L.C. submits tariff filing per 154.204: Index Price Update Filing to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5164.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–487–000.
Applicants: Columbia Gas Transmission, LLC.
Description: 2016 Operational Transactions Report of Columbia Gas Transmission, LLC.
Filed Date: 03/01/2017.
Accession Number: 20170301–5215.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–488–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.204: Negotiated Capacity Release Agreements—3/1/17 to be effective 3/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5214.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–489–000.
Applicants: Columbia Gulf Transmission, LLC.
Description: 2016 Operational Transactions Report of Columbia Gulf Transmission, LLC.
Filed Date: 03/01/2017.
Accession Number: 20170301–5216.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–490–000.
Applicants: Hardy Storage Company, LLC.
Description: 2016 Operational Transactions Report of Hardy Storage Company, LLC.
Filed Date: 03/01/2017.
Accession Number: 20170301–5217.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–491–000.
Applicants: Crossroads Pipeline Company.
Description: 2016 Operational Transactions Report of Crossroads Pipeline Company.
Filed Date: 03/01/2017.
Accession Number: 20170301–5218.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–492–000.
Applicants: TransColorado Gas Transmission Company L.
Description: 2016 Annual Fuel Gas Reimbursement Percentage Report of TransColorado Gas Transmission Company, LLC.
Filed Date: 03/01/2017.
Accession Number: 20170301–5219.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–493–000.
Applicants: High Point Gas Transmission, LLC.
Description: Annual Unaccounted for Gas Retention Filing of High Point Gas Transmission, LLC.
Filed Date: 03/01/2017.
Accession Number: 20170301–5221.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–494–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: Dalton Expansion Intial Rate Filing to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5245.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–495–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Cameron Interstate Pipeline, LLC submits tariff filing per 154.203: Cameron Interstate Pipeline, LLC Compliance Filing to be effective 3/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5255.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–496–000.
Applicants: Stingray Pipeline Company, L.L.C.

Description: Stingray Pipeline Company, L.L.C. submits tariff filing per 154.204: Stingray Extension of Time Provision to be effective 3/31/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5257.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–497–000.
Applicants: Columbia Gulf Transmission, LLC.
Description: Columbia Gulf Transmission, LLC submits tariff filing per 154.204: TRA 2017 to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5258.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–498–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Cameron Interstate Pipeline, LLC submits tariff filing per 154.204: Cameron Interstate Pipeline, LLC Limited Section 4 Rate Change to be effective 3/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5265.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–499–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Cameron Interstate Pipeline, LLC submits tariff filing per 154.203: Cameron Interstate Pipeline, LLC Negotiated Rate and Non-Conforming Agreements to be effective 3/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5276.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–500–000.
Applicants: Enable Gas Transmission, LLC.
Description: Enable Gas Transmission, LLC submits tariff filing per 154.204: Negotiated Rate Filing- March 2017 SWEPCO 1006888 to be effective 3/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5284.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–501–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: Tennessee Gas Pipeline Company, L.L.C. submits tariff filing per 154.204: Fuel Tracker 2017 to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5288.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–502–000.
Applicants: Millennium Pipeline Company, LLC.
Description: Millennium Pipeline Company, LLC submits tariff filing per 154.204: RAM 2017 to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5294.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–503–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: El Paso Natural Gas Company, L.L.C. submits tariff filing per 154.204: Non-Conforming Negotiated Rate Agreement Filing (CFE) to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5300.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–504–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: El Paso Natural Gas Company, L.L.C. submits tariff filing per 154.204: Index Price Update Filing to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5301.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–505–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: Wyoming Interstate Company, L.L.C. submits tariff filing per 154.204: Index Price Update Filing to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5303.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–506–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: Negotiated Rates—Dalton Expansion (Partial In-Service) to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5304.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–507–000.
Applicants: Cimarron River Pipeline, LLC.
Description: Cimarron River Pipeline, LLC submits tariff filing per 154.204: Tariff Sections Update to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5305.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–508–000.
Applicants: Cheyenne Plains Gas Pipeline Company, L.
Description: Cheyenne Plains Gas Pipeline Company, L.L.C. submits tariff filing per 154.204: Index Price Update Filing to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5307.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–509–000.
Applicants: Sierrita Gas Pipeline LLC.
Description: Sierrita Gas Pipeline LLC submits tariff filing per 154.204: Index Price Update Filing to be effective 4/1/2017.
Filed Date: 03/01/2017.
Accession Number: 20170301–5309.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–513–000.
Applicants: Millennium Pipeline Company, LLC.
Description: Operational Transactions Report of Millennium Pipeline Company, LLC.
Filed Date: 03/01/2017.
Accession Number: 20170301–5313.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–514–000.
Applicants: Cheniere Creole Trail Pipeline, L.P.
Description: Cheniere Creole Trail Pipeline, L.P.Transportation Retainage Adjustment Informational Filing.
Filed Date: 03/01/2017.
Accession Number: 20170301–5322.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated March 2, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04728 Filed 3–9–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[9931–93–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of North Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of North Carolina's request to revise its EPA Administered Permit Programs: The National Pollutant Discharge Elimination System and General Pretreatment Regulations for Existing and New Sources of Pollution EPA-authorized program to allow electronic reporting.

DATES: EPA's approval is effective March 10, 2017.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On November 3rd 2016, the North Carolina Department of Environment and Natural Resources (NC DENR) submitted an application titled Electronic Discharge Monitoring Report System for revision/modification to its EPA-approved program under title 40 CFR to allow new electronic reporting. EPA reviewed NC DENR's request to revise its EPA-authorized Part 123—EPA Administered Permit Programs: The National Pollutant Discharge Elimination System and General Pretreatment Regulations for Existing and New Sources of Pollution program and, based on this review, EPA determined that the application met the standards for approval of authorized program revision/modification set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve North Carolina's request to revise its Part 123—EPA Administered Permit Programs: The National Pollutant Discharge Elimination System and General Pretreatment Regulations for Existing and New Sources of Pollution program to allow electronic reporting under 40 CFR part 122 is being published in the **Federal Register**.

NC DENR was notified of EPA's determination to approve its application with respect to the authorized program listed above.

Matthew Leopard,

Director, Office of Information Management.

[FR Doc. 2017–04759 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R04–OAR–2016–0782; FRL–9959–75–Region 4]

Adequacy Status of the Knoxville, TN 1997 Annual $PM_{2.5}$ Maintenance Plan Motor Vehicle Emission Budgets for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency.

ACTION: Notice of adequacy.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is notifying the public that it has found that the motor vehicle emissions budgets (MVEBs) contained in the State Implementation Plan (SIP) revision pertaining to the Knoxville, Tennessee 1997 Annual fine particulate matter ($PM_{2.5}$) nonattainment area are adequate for transportation conformity purposes. This SIP revision was submitted on December 20, 2016, by the Tennessee Department of Environment and Conservation (TDEC) and requests that EPA redesignate the area to attainment for the 1997 annual $PM_{2.5}$ national ambient air quality standards (NAAQS), and that EPA approve a maintenance plan for the continued attainment of the Area. The Knoxville 1997 Annual $PM_{2.5}$ nonattainment area (hereafter referred to as ''the Knoxville Area''), for which MVEBs are established in this notice, is comprised of the entire counties of Anderson, Blount, Knox, and Loudon, as well as a portion of Roane County. On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) ruled that submitted SIPs cannot be used for transportation conformity determinations until EPA has affirmatively found that the MVEBs are adequate. As a result of EPA's finding, the Knoxville Area must use the MVEBs for future conformity determinations for the 1997 Annual $PM_{2.5}$ NAAQS.

DATES: These MVEBs are effective March 27, 2017.

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler, U.S. Environmental Protection Agency, Region 4, Air Regulatory Management Section, 61 Forsyth Street SW., Atlanta, Georgia 30303. Ms. Sheckler can also be reached by telephone at (404) 562–9222, or via electronic mail at *sheckler.kelly@epa.gov.* The finding is available at EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/currsips.htm.*

SUPPLEMENTARY INFORMATION: This notice is simply an announcement of a finding that EPA has already made. EPA, Region 4, sent a letter to TDEC on February 15, 2017, stating that the MVEBs identified for Knoxville in Tennessee's maintenance SIP revision, submitted on December 20, 2016, are adequate and must be used for transportation conformity determinations in the Knoxville Area.

EPA posted the availability of the Knoxville Area MVEBs on EPA's Web site on December 22, 2016, as part of the adequacy process, for the purpose of soliciting comments. The adequacy comment period ran until January 23, 2017. During EPA's adequacy comment period, no comments were received on the Knoxville Area MVEBs. Through this notice, EPA is informing the public that these MVEBs are adequate for transportation conformity. This finding has also been announced on EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/*

transconf/pastsips.htm. The adequate MVEBs are provided in Table 1 below:

TABLE 1—KNOXVILLE, TENNESSEE 1997 ANNUAL $PM_{2.5}$ MVEBS

[Tons per year or tpy]

	2014	2028
$PM_{2.5}$	444.78	*245.00
NO_X	15,597.73	*7,171.14

*This includes a safety margin of 10.39 tpy for $PM_{2.5}$ and 2,613.27 tpy for NO_X in 2028.

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule, 40 CFR part 93, requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do so. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS.

The criteria by which EPA determines whether a SIP's MVEBs are adequate for transportation conformity purposes are outlined in 40 CFR 93.118(e)(4). We have also described the process for determining the adequacy of submitted SIP budgets in our July 1, 2004 (69 FR 40004), final rulemaking entitled, ''Transportation Conformity Rule Amendments for the New 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes.'' Please note that an adequacy review is separate from EPA's completeness review, and it should not be used to prejudge EPA's ultimate approval of Tennessee's 1997 Annual $PM_{2.5}$ SIP revision for the Knoxville Area. Even if EPA finds a budget adequate, the SIP revision could later be disapproved.

Within 24 months from the effective date of this notice or until such time that the 1997 $PM_{2.5}$ NAAQS is revoked for the Knoxville Area, the transportation partners will need to demonstrate conformity to the new MVEBs, if the demonstration has not already been made, pursuant to 40 CFR 93.104(e). See 73 FR 4419 (January 24, 2008).

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 15, 2017.

Kenneth R. Lapierre,

Acting Regional Administrator, Region 4.

[FR Doc. 2017–04681 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9032–1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EISs)

Filed 02/27/2017 Through 03/03/2017

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20170029, Draft, FERC, WV, Mountaineer and Gulf XPress Projects, Comment Period Ends: 04/24/2017, Contact: Julia Yuan 202–502–8130 EIS No. 20170030, Final, BOEM, Other, Gulf of Mexico OCS Oil and Gas 2017–2022 Multisale, Review Period Ends: 04/09/2017, Contact: Greg Kozlowski 504–736–2512

EIS No. 20170031, Draft, USFS, ID, Big Creek Hot Springs Geothermal Leasing, Comment Period Ends: 04/24/2017, Contact: Julie Hopkins 208–756–5279

Dated: March 6, 2017.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017–04760 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[9956–84–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, Mecklenburg County, State of North Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of Mecklenburg County's request to revise/modify certain of its EPA-authorized programs to allow electronic reporting.

DATES: EPA's approval is effective March 10, 2017.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, US Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements. Once an authorized program has EPA's approval to accept electronic documents under certain programs, CROMERR § 3.1000(a)(4) requires that the program keep EPA apprised of any changes to laws, policies, or the electronic document receiving systems that have the potential to affect the program's compliance with CROMERR § 3.2000.

On June 30, 2016, the Mecklenburg County Land Use & Environmental Services Agency (LUESA) submitted an application titled ''GovOnline System'' for revisions/modifications to its EPA-approved programs under title 40 CFR to allow new electronic reporting. EPA reviewed LUESA's request to revise/modify its EPA-authorized programs and, based on this review, EPA determined that the application met the standards for approval of authorized program revisions/modifications set out

in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve North Carolina's request to revise/modify its following EPA-authorized programs to allow electronic reporting under 40 CFR parts 50 through 52, 61, 63, 65, and 70 is being published in the **Federal Register**.

LUESA was notified of EPA's determination to approve its application with respect to the authorized programs listed above.

Matthew Leopard,

Director, Office of Information Management.

[FR Doc. 2017–04717 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2016–0697; FRL–9958–32]

Certain New Chemicals; Receipt and Status Information for December 2016

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA) to publish in the **Federal Register** a notice of receipt of a premanufacture notice (PMN); an application for a test marketing exemption (TME), both pending and/or expired; and a periodic status report on any new chemicals under EPA review and the receipt of notices of commencement (NOC) to manufacture those chemicals. This document covers the period from December 1, 2016 to December 30, 2016.

DATES: Comments identified by the specific case number provided in this document, must be received on or before April 10, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2016–0697, and the specific PMN number or TME number for the chemical related to your comment, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Jim Rahai, IMD 7407M, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the actions addressed in this document.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the Agency taking?

This document provides receipt and status reports, which cover the period from December 1, 2016 to December 30, 2016, and consists of the PMNs and TMEs both pending and/or expired, and the NOCs to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. What is the Agency's authority for taking this action?

Under TSCA, 15 U.S.C. 2601 *et seq.,* EPA classifies a chemical substance as either an ''existing'' chemical or a ''new'' chemical. Any chemical substance that is not on EPA's TSCA Inventory is classified as a ''new chemical,'' while those that are on the TSCA Inventory are classified as an ''existing chemical.'' For more information about the TSCA Inventory, please go to: *http://www.epa.gov/opptintr/newchems/pubs/inventory.htm.*

Anyone who plans to manufacture or import a new chemical substance for a non-exempt commercial purpose is required by TSCA section 5 to provide EPA with a PMN, before initiating the activity. Section 5(h)(1) of TSCA authorizes EPA to allow persons, upon application, to manufacture (includes import) or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a), for ''test marketing'' purposes, which is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5(d)(2) and 5(d)(3), EPA is required to publish in the **Federal Register** a notice of receipt of a PMN or an application for a TME and to publish in the **Federal Register** periodic reports on the status of new chemicals under review and the receipt of NOCs to manufacture those chemicals.

IV. Receipt and Status Reports

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that the information in the table is generic information because the specific information provided by the submitter was claimed as CBI.

For the 65 PMNs received by EPA during this period, Table 1 provides the following information (to the extent that such information is not claimed as CBI): The EPA case number assigned to the PMN; The date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer/importer; the

potential uses identified by the manufacturer/importer in the PMN; and the chemical identity.

TABLE 1—PMNS RECEIVED FROM DECEMBER 2, 2016 TO DECEMBER 30, 2016

Case No.	Received date	Projected notice end date	Manufacturer importer	Use	Chemical
P–16–0193	12/5/2016	3/5/2017	CBI	(S) Intermediate.	(G) Branched alkenes.
P–16–0358	12/19/2016	3/19/2017	CBI	(S) Intermediate for further polymer reaction.	(G) Alkyl phenol.
P–16–0372	12/21/2016	3/21/2017	CBI	(G) Wetting and dispersing additive.	(G) Polyester phosphate alkyl alkyl esters.
P–16–0380	12/1/2016	3/1/2017	CBI	(G) Component of an electrocoat resin.	(G) Formic acid, compounds (compds.) with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-*N*1-(1,3-dimethylbutylidene)-*N*2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products acetates (salts).
P–16–0380	12/1/2016	3/1/2017	CBI	(G) Component in electrocoat resin.	(G) Formic acid, compds. with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-*N*1-(1,3-dimethylbutylidene)-*N*2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products acetates (salts).
P–16–0380	12/1/2016	3/1/2017	CBI	(S) Anti-Crater additive for automotive electrocoat resin.	(G) Formic acid, compds. with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-*N*1-(1,3-dimethylbutylidene)-*N*2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products acetates (salts).
P–16–0381	12/1/2016	3/1/2017	CBI	(S) Anti-Crater additive for automotive electrocoat resin.	(G) Propanoic acid, 2-hydroxy-, compds. with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-*N*1-(1,3-dimethylbutylidene)-*N*2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products formates (salts).
P–16–0381	12/1/2016	3/1/2017	CBI	(G) Component of electrocoat resin.	(G) Propanoic acid, 2-hydroxy-, compds. with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-N1-(1,3-dimethylbutylidene)-*N*2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products formates (salts).
P–16–0381	12/1/2016	3/1/2017	CBI	(G) Component of an electrocoat resin.	(G) Propanoic acid, 2-hydroxy-, compds. with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-*N*1-(1,3-dimethylbutylidene)-*N*2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products formates (salts).
P–16–0382	12/1/2016	3/1/2017	CBI	(G) Component of an electrocoat resin.	(G) Formic acid, compds. with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-*N*1-(1,3-dimethylbutylidene)-*N*2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products sulfamates(salts).

TABLE 1—PMNS RECEIVED FROM DECEMBER 2, 2016 TO DECEMBER 30, 2016—Continued

Case No.	Received date	Projected notice end date	Manufacturer importer	Use	Chemical
P–16–0382	12/1/2016	3/1/2017	CBI	(S) Anti-Crater additive for automotive electrocoat resin.	(G) Formic acid, compds. with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-*N*1-(1,3-dimethylbutylidene)-*N*2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products sulfamates(salts).
P–16–0383	12/1/2016	3/1/2017	CBI	(G) Component in electrocoat resin.	(G) Formic acid, compds. with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-*N*1-(1,3-dimethylbutylidene)-*N*2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products acetates (salts).
P–16–0383	12/1/2016	3/1/2017	CBI	(G) Component of an electrocoat resin.	(G) Formic acid, compds. with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-*N*1-(1,3-dimethylbutylidene)-*N*2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products acetates (salts).
P–16–0383	12/1/2016	3/1/2017	CBI	(S) Anti-Crater additive for automotive electrocoat resin.	(G) Formic acid, compds. with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-*N*1-(1,3-dimethylbutylidene)-*N*2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products acetates (salts).
P–16–0384	12/1/2016	3/1/2017	CBI	(G) Component of electrocoat resin.	(G) Propanoic acid, 2-hydroxy-, compds. with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-*N*1-(1,3-dimethylbutylidene)-*N*2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products formates (salts).
P–16–0384	12/1/2016	3/1/2017	CBI	(S) Anti-Crater additive for automotive electrocoat resin.	(G) Propanoic acid, 2-hydroxy-, compds. with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-*N*1-(1,3-dimethylbutylidene)-*N*2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products formates (salts).
P–16–0385	12/1/2016	3/1/2017	CBI	(G) Component of electrocoat resin.	(G) Formic acid, compds. with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-*N*1-(1,3-dimethylbutylidene)-*N*2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products sulfamates(salts).
P–16–0385	12/1/2016	3/1/2017	CBI	(S) Anti-Crater additive for automotive electrocoat resin.	(G) Formic acid, compds. with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-*N*1-(1,3-dimethylbutylidene)-*N*2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products sulfamates(salts).

TABLE 1—PMNS RECEIVED FROM DECEMBER 2, 2016 TO DECEMBER 30, 2016—Continued

Case No.	Received date	Projected notice end date	Manufacturer importer	Use	Chemical
P–16–0385	12/1/2016	3/1/2017	CBI	(G) Component in electrocoat resin.	(G) Formic acid, compds. with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-*N*1-(1,3-dimethylbutylidene)-*N*2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products sulfamates(salts).
P–16–0388	12/22/2016	3/22/2017	CBI	(G) Hardener for epoxy coating.	(G) Aliphatic polyamines, polymers with bisphenol A and epichlorohydrin.
P–16–0399	12/22/2016	3/22/2017	Tryeco LLC	(S) Agricultural soil amendment for turf applications and direct soil injection with fertilizers.	(S) Starch, polymer with 2-propenoic acid, potassium salt. oxidized.
P–16–0399	12/22/2016	3/22/2017	Tryeco LLC	(S) Compound to be used in preparation of advanced seed coatings.	(S) Starch, polymer with 2-propenoic acid, potassium salt. oxidized.
P–16–0399	12/22/2016	3/22/2017	Tryeco LLC	(S) Agricultural soil amendment for filed crops as ''agrisorb plus'' granular soil amendment.	(S) Starch, polymer with 2-propenoic acid, potassium salt. oxidized.
P–16–0446	12/5/2016	3/5/2017	Allnex USA Inc.	(S) Resin in architectural primer coatings.	(G) Fatty acids, reaction products with alkylamine, polymers with substituted carbomonocycle, substituted alkylamines, heteromonocycle and substituted alkanoate, lactates (salts).
P–16–0486	12/15/2016	3/15/2017	CBI	(G) Isolated intermediate in the production of a refrigerant precursor.	(G) Polychloropropane.
P–16–0505	12/5/2016	3/5/2017	CBI	(S) Polymeric resin for ultraviolet (uv) curable acrylates.	(S) Poly[oxy(methyl- 1, 2- ethanediyl)] , alpha- (1- oxo- 2- propen- 1- yl)—omega- [(1- oxo- 2- propen- 1- yl) oxy] -.
P–16–0505	12/5/2016	3/5/2017	CBI	(S) Polymeric resin for uv curable acrylates.	(S) Poly[oxy(methyl- 1, 2- ethanediyl)] , a- (1- oxo- 2- propen- 1- yl)—¿- [(1- oxo- 2- propen- 1- yl) oxy] -.
P–16–0513	12/28/2016	3/28/2017	CBI	(S) Intermediate for further reaction.	(G) Alkylphenol.
P–16–0530	12/6/2016	3/6/2017	CBI	(S) Concrete and stone coating.	(S) 2-propenoic acid, 2-methyl, 2-(dimethylamino) ethyl ester, polymer with ethyl 2-prpenoate, 2-hydroxyethyl m2-propenoate and methyl 2-methyl 2-propenoate, acetate salt.
P–16–0543	12/19/2016	3/19/2017	CBI	(G) Battery ingredient.	(G) Halogenophosphoric acid metal salt.
P–16–0547	12/21/2016	3/21/2017	CBI	(G) Catalyst	(G) Neodymium aluminium alkyl polymer complex.
P–16–0589	12/19/2016	3/19/2017	CBI	(G) Synthetic aircraft engine lubricant for Contained use industrial lubricant.	(G) Pentaerythritol ester of mixed linear and branched carboxylic acids.
P–16–0591	12/9/2016	3/9/2017	Chromatic Technologies, Inc.	(G) Component of printing ink.	(G) Alkyl bis-phenol.
P–16–0591	12/9/2016	3/9/2017	Chromatic Technologies, Inc.	(G) Component of colorants.	(G) Alkyl bis-phenol.

TABLE 1—PMNS RECEIVED FROM DECEMBER 2, 2016 TO DECEMBER 30, 2016—Continued

Case No.	Received date	Projected notice end date	Manufacturer importer	Use	Chemical
P–17–0013	12/21/2016	3/21/2017	CBI	(G) Open dispersive use component in liquid paint coating.	(G) Formaldehyde, polymer with arylylpolyamine, 2-(chloromethyl)oxirane and phenol.
P–17–0107	12/13/2016	3/13/2017	CBI	(S) Coreactant used in an adhesive.	(G) Hydroxyl terminated polyurethane of methylene diphenyldiisocyanate based on polyester and polyether-polyol.
P–17–0121	12/6/2016	3/6/2017	CBI	(S) Polyurethane used in an adhesive.	(G) Methylene diphenyl diisocyanate terminated polyurethane resin.
P–17–0127	12/6/2016	3/6/2017	Spectrum Tracer Services.	(S) Chemical tracer pumped into an oil or gas well to monitor well performance.	(G) Halogenated benzoic acid ethyl ester.
P–17–0139	12/6/2016	3/6/2017	Spectrum Tracer Services.	(S) Chemical tracer pumped into an oil or gas well to monitor well performance.	(G) Halogenated benzoic acid ethyl ester.
P–17–0146	12/2/2016	3/2/2017	CBI	(G) Coatings polymer.	(G) Aromaticpolycarboxylic acid, polymer with [(aminoalkyl)amino]alkanol,(chloroalkyl)oxirane homopolymer etherwith polyalkyleneoxide,alkanedioic acid, alkyldiol, heterocyclicketone, alicyclic polyisocyanate, polyalkyleneoxide monoalkylether and polyalkoxyalkylajmine, reaction products with *N*-alkylalyklamine, alkylcarboxylate (salts).
P–17–0146	12/2/2016	3/2/2017	CBI	(G) Ink binder polymer.	(G) Aromaticpolycarboxylic acid, polymer with [(aminoalkyl)amino]alkanol,(chloroalkyl)oxirane homopolymer etherwith polyalkyleneoxide,alkanedioic acid, alkyldiol, heterocyclicketone, alicyclic polyisocyanate, polyalkyleneoxide monoalkylether and polyalkoxyalkylajmine, reaction products with *N*-alkylalyklamine, alkylcarboxylate (salts).
P–17–0157.	12/20/2016	3/20/2017	CBI	(G) Binder used in coating manufacture.	(G) Silane amine carbonate.
P–17–0163	12/8/2016	3/8/2017	CBI	(G) Chemical precursor.	(G) Substituted benzofuropyridine.
P–17–0164	12/7/2016	3/7/2017	CBI	(G) Intermediate chemical.	(G) Substituted benzofuropyridine.
P–17–0165	12/5/2016	3/5/2017	CBI	(G) Electronic device use.	(G) Fluorocyanophenyl alkylbenzoate.
P–17–0166	12/12/2016	3/12/2017	CBI	(G) Additive in adhesive dispersions.	(G) Rosin polymer, glycol ester.
P–17–0167	12/12/2016	3/12/2017	CBI	(G) Additive in adhesive dispersions.	(G) Rosin polymer, glycol ester.
P–17–0170	12/8/2016	3/8/2017	Allnex Usa Inc.	(S) Uv curable coating resin for 3d printing applications.	(G) Alkanediol, 2,2-bis (substituted alkyl)-, polymer with substituted alkane, heteromonocycles, alkenoate.
P–17–0171	12/19/2016	3/19/2017	Classic Dyestuffs.	(S) Solvent dye for use as ink in hot foil stamping.	(S) 1,3-benzenedisulfonic acid, 4-[2-(5-cyano-1-ethyl-1,6-dihydro-2-hydroxy-4-methyl-6-oxo-3-pyridinyl)diazenyl]-, sodium salt (1:2).
P–17–0172	12/8/2016	3/8/2017	CBI	(G) Lubricating oil additive.	(G) Sulfurized alkylphenol, calcium salts.
P–17–0173	12/14/2016	3/14/2017	CBI	(G) Chemical/polymer modification.	(G) Polydimethysiloxane eugenol group-terminated.
P–17–0174	12/12/2016	3/12/2017	CBI	(G) Plastics additive.	(G) Alkyltriethoxysilylpolysiloxane.

TABLE 1—PMNS RECEIVED FROM DECEMBER 2, 2016 TO DECEMBER 30, 2016—Continued

Case No.	Received date	Projected notice end date	Manufacturer importer	Use	Chemical
P–17–0176	12/12/2016	3/12/2017	CBI	(G) Battery ingredient.	(G) Carbonic acid, alkyl carbomonocyclic ester.
P–17–0177	12/13/2016	3/13/2017	Shin-Etsu Microsi.	(G) Microlithography for electronic device Manufacturing.	(G) Monoheteropentacycloalkane-4-carboxylic acid, substituted-cycloalkyl ester.
P–17–0178	12/13/2016	3/13/2017	Shin-Etsu Microsi.	(G) Microlithography for electronic device manufacturing.	(G) Sulfonium, triphenyl-, salt with substituted-alkyl 4-substituted-benzoate.
P–17–0179	12/21/2016	3/21/2017	CBI	(S) Modified carboxypolyamine salt used as a dispersing additive for pigments in industrial paints and coatings.	(G) Modified carboxypolyamine salt.
P–17–0180	12/20/2016	3/20/2017	CBI	(S) Modified acids polymer with polyols and anhydride used as a dispersing additive for pigments in industrial paints and coatings.	(G) Modified acids polymer with polyols and anhydride.
P–17–0181	12/16/2016	3/16/2017	CBI	(G) Polymeric dispersant.	(G) 2-propanol, aklylamino, polymer with 2,4-diisocyanato-1-methylbenzene and 2,2′-iminobis[ethanol], 2-oxepanone homopolymer lauryl ester- and polypropylene glycol 2-aminomethylethyl branched nonylphenyl ether-blocked.
P–17–0184	12/20/2016	3/20/2017	Colonial Chemical, Inc.	(S) Transportation washes.	(S) 1-propanaminium, 2-hydroxy-*N, N*-dimethyl-*N*-[3-[(1-oxooctyl-amino]propyl]-3-sulfo-, inner salt.
P–17–0184	12/20/2016	3/20/2017	Colonial Chemical, Inc.	(S) Industrial all-purpose cleaners.	(S) 1-propanaminium, 2-hydroxy-*N, N*-dimethyl-*N*-[3-[(1-oxooctyl-amino]propyl]-3-sulfo-, inner salt.
P–17–0184	12/20/2016	3/20/2017	Colonial Chemical, Inc.	(S) Personal care products, shampoos, facial washes.	(S) 1-propanaminium, 2-hydroxy-*N, N*-dimethyl-*N*-[3-[(1-oxooctyl-amino]propyl]-3-sulfo-, inner salt.
P–17–0184	12/20/2016	3/20/2017	Colonial Chemical, Inc.	(S) Firefighting foams.	(S) 1-propanaminium, 2-hydroxy-*N, N*-dimethyl-*N*-[3-[(1-oxooctyl-amino]propyl]-3-sulfo-, inner salt.
P–17–0185	12/20/2016	3/20/2017	CBI	(G) Additive, open, non-dispersive use.	(G) Fatty acids, C_{18}-unsaturated (unsatd.), dimers, hydrogenated, polymers with C_{18}-unsatd. fatty acid trimers, alkylenediamine and hydroxyalkanoic acid.
P–17–0186	12/20/2016	3/20/2017	CBI	(G) Additive, open, non-dispersive use.	(G) 2,5-furandione, telomer with 1,1′-(1,1-dimethyl-3-methylene-1,3-propanediyl)bis[benzene] and ethenylbenzene, carbonmonocycle alkyl ester, esters with polyalkylene glycol mono alkyl ethers, ammonium salts, 2,2′-(1,2-diazenediyl)bis[2-methylbutanenitrile]-initiated.
P–17–0190	12/26/2016	3/26/2017	CBI	(G) A polymer in paints and architectural coatings.	(G) Butanoic acid, 3-oxo-, 2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl ester, polymer with cycloalkyl 2-methyl-2-propenoate, ethenylbenzene, 2-ethylhexyl 2- propenoate, methyl 2-methyl-2-propenoate and 2-methylpropyl 2-methyl-2- propenoate.

For the 10 NOCs received by EPA during this period, Table 2 provides the following information (to the extent that such information is not claimed as CBI): The EPA case number assigned to the NOC; the date the NOC was received by EPA; the projected date of commencement provided by the submitter in the NOC; and the chemical identity.

TABLE 2—NOCS RECEIVED FROM DECEMBER 1, 2016 TO DECEMBER 30, 2016

Case No.	Received date	Commencement date	Chemical
J–15–0033	12/22/2016	12/21/2016	(G) Modified trichoderma reesei strain.
J–16–0033	12/19/2016	12/4/2016	(G) Saccharomyces cerevisiae, modified to express glucoamylase activity.
P–07–0177	12/15/2016	9/11/2007	(S) Isocyanic acid, polymethylenepolyphenylene ester, polymer with methoxylated dehydrochlorinated brominated 2-butyne-1,4-diolepichlorohydrin polymer.
P–07–0395	12/5/2016	7/29/2007	(G) Dialkyl formamide.
P–14–0713	12/7/2016	11/20/2016	(S) Plastics, wastes, pyrolyzed, C_{5-12} oil.
P–14–0714	12/7/2016	11/20/2016	(S) Plastics, wastes, pyrolyzed, C_{9-20} pyrolysis oil.
P–14–0715	12/7/2016	11/20/2016	(S) Waste plastics, pyrolyzed, C_{20-55} fraction.
P–16–0074	12/20/2016	12/1/2016	(G) Isocyanate terminated polyurethane.
P–16–0248	12/5/2016	11/18/2016	(G) Poly(oxy-1,2-ethanediyl), é¿,é¿′-[(1,methylethylidene)di-4,1-phenylene]bis[ï¿-hydroxy-, polymer with aliphatic diisocyanate, propylene glycol monomethacrylate-blocked.
P–16–0492	12/21/2016	12/10/2016	(G) Polyester-amide polymer of 'isophthalic acid' with diamino-alkane, cyclohexane-dialcohol, alkanetriol, di-isocyanate and acrylic acid-ethylene copolymer.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: January 30, 2017.

Pamela Myrick,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–04772 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9958–91–Region 3]

Delegation of Authority to the State of West Virginia To Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: On October 5, 2016, the Environmental Protection Agency (EPA) sent the State of West Virginia (West Virginia) a letter acknowledging that West Virginia's delegation of authority to implement and enforce National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS) had been updated, as provided for under previously approved delegation mechanisms. To inform regulated facilities and the public of West Virginia's updated delegation of authority to implement and enforce NESHAP and NSPS, EPA is making available a copy of EPA's letter to West Virginia through this notice.

DATES: On October 5, 2016, EPA sent West Virginia a letter acknowledging that West Virginia's delegation of authority to implement and enforce NESHAP and NSPS had been updated.

ADDRESSES: Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029. Copies of West Virginia's submittal are also available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Ray Chalmers, (215) 814-2061, or by e-mail at *chalmers.ray@epa.gov.*

SUPPLEMENTARY INFORMATION: On July 11, 2016, West Virginia notified EPA that West Virginia had updated its incorporation by reference of federal NESHAP and NSPS to include many such standards, as found in Title 40 of the Code of Federal Regulations (CFR), Parts 60, 61, and 63, as of June 1, 2015. On October 5, 2016, EPA sent West Virginia a letter acknowledging that West Virginia now has the authority to implement and enforce the NESHAP and NSPS as specified by West Virginia in its notice to EPA, as provided for under previously-approved automatic delegation mechanisms. All notifications, applications, reports and other correspondence required pursuant to the delegated NESHAP and NSPS must be submitted to both the US EPA Region III and to the West Virginia Department of Environmental Protection, unless the delegated standard specifically provides that such submittals may be sent to EPA or a delegated State. In such cases, the submittals should be sent only to the West Virginia Department of Environmental Protection. A copy of EPA's October 5, 2015 letter to West Virginia follows:

Mr. William F. Durham, Director
Division of Air Quality
West Virginia Department of Environmental Protection
601 57th Street
Charleston, West Virginia 25304

Dear Mr. Durham:

The United States Environmental Protection Agency (EPA) has previously delegated to the State of West Virginia the authority to implement and enforce various federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS), which are found at 40 CFR parts 60, 61 and 63. In those actions EPA also delegated to West Virginia the authority to implement and enforce any future EPA NESHAP or NSPS on the condition that West Virginia legally adopt the future standards, make only allowed wording changes, and provide specified notice to EPA.

In a letter dated July 11, 2016, West Virginia informed EPA that West Virginia had updated its incorporation by reference of federal NESHAP and NSPS to include many such standards as found in 40 CFR parts 60, 61, and 63 as of June 1, 2015. West Virginia noted that it understood that it was automatically delegated the authority to implement these standards. West Virginia committed to enforcing the standards in conformance with the terms of EPA's previous delegations of authority. West Virginia made only allowed wording changes.

West Virginia provided copies of the revised West Virginia Legislative Rules which specify the NESHAP and NSPS which West Virginia has adopted by

reference. These revised Legislative Rules are entitled 45 CSR 34—''Emission Standards for Hazardous Air Pollutants,'' and 45 CSR 16—''Standards of Performance for New Stationary Sources.'' These revised Rules have an effective date of July 1, 2016.

Accordingly, EPA acknowledges that West Virginia now has the authority, as provided for under the terms of EPA's previous delegation actions, to implement and enforce the NESHAP and NSPS standards which West Virginia has adopted by reference in West Virginia's revised Legislative Rules 45 CSR 34 and 45 CSR 16, both effective on July 1, 2016.

Please note that on December 19, 2008 in *Sierra Club vs. EPA,*[1] the United States Court of Appeals for the District of Columbia Circuit vacated certain provisions of the General Provisions of 40 CFR part 63 relating to exemptions for startup, shutdown, and malfunction (SSM). On October 16, 2009, the Court issued the mandate vacating these SSM exemption provisions, which are found at 40 CFR part 63, § 63.6(f)(1) and (h)(1).

Accordingly, EPA no longer allows sources the SSM exemption as provided for in the vacated provisions at 40 CFR part 63, § 63.6(f)(1) and (h)(1), even though EPA has not yet formally removed the SSM exemption provisions from the General Provisions of 40 CFR part 63. Because West Virginia incorporated 40 CFR part 63 by reference, West Virginia should also no longer allow sources to use the former SSM exemption from the General Provisions of 40 CFR part 63 due to the Court's ruling in *Sierra Club vs. EPA.*

EPA appreciates West Virginia's continuing NESHAP and NSPS enforcement efforts, and also West Virginia's decision to take automatic delegation of additional and more recent NESHAP and NSPS by adopting them by reference.

If you have any questions, please contact me or Mr. David Campbell, Associate Director, Office of Permits and State Programs, at 215–814–2196.

Sincerely,
Cristina Fernandez, *Director*
Air Protection Division

This notice acknowledges the update of West Virginia's delegation of authority to implement and enforce NESHAP and NSPS.

Dated: January 18, 2017.

Cristina Fernandez,

Director, Air Protection Division, Region III.

[FR Doc. 2017–04773 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

[1] *Sierra Club* v. *EPA,* 551 F.3rd 1019 (D.C. Cir. 2008).

ENVIRONMENTAL PROTECTION AGENCY

[9956–73–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Montana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of Montana's request to revise its National Primary Drinking Water Regulations Implementation EPA-authorized program to allow electronic reporting.

DATES: EPA's approval is effective April 10, 2017 for the State of Montana's National Primary Drinking Water Regulations Implementation program, if no timely request for a public hearing is received and accepted by the Agency.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On December 22, 2016, the Montana Department of Environmental Quality (MT DEQ) submitted an application titled ''Compliance Monitoring Data Portal'' for revision to its EPA-approved drinking water program under title 40 CFR to allow new electronic reporting. EPA reviewed MT DEQ's request to revise its EPA-authorized program and, based on this review, EPA determined that the application met the standards for approval of authorized program revision set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Montana's request to revise its Part 142—National Primary Drinking Water Regulations Implementation program to allow electronic reporting under 40 CFR part 141 is being published in the **Federal Register**.

MT DEQ was notified of EPA's determination to approve its application with respect to the authorized program listed above.

Also, in today's notice, EPA is informing interested persons that they may request a public hearing on EPA's action to approve the State of Montana's request to revise its authorized public water system program under 40 CFR part 142, in accordance with 40 CFR 3.1000(f). Requests for a hearing must be submitted to EPA within 30 days of publication of today's **Federal Register** notice. Such requests should include the following information:

(1) The name, address and telephone number of the individual, organization or other entity requesting a hearing;

(2) A brief statement of the requesting person's interest in EPA's determination, a brief explanation as to why EPA should hold a hearing, and any other information that the requesting person wants EPA to consider when determining whether to grant the request;

(3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

In the event a hearing is requested and granted, EPA will provide notice of the hearing in the **Federal Register** not less than 15 days prior to the scheduled hearing date. Frivolous or insubstantial requests for hearing may be denied by EPA. Following such a public hearing, EPA will review the record of the hearing and issue an order either affirming today's determination or

rescinding such determination. If no timely request for a hearing is received and granted, EPA's approval of the State of Montana's request to revise its part 142—National Primary Drinking Water Regulations Implementation program to allow electronic reporting will become effective 30 days after today's notice is published, pursuant to CROMERR section 3.1000(f)(4).

Matthew Leopard,

Director, Office of Information Management.

[FR Doc. 2017–04758 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R04–OAR–2016–0782; FRL–9959–77-Region 4]

Adequacy Status of the Knoxville, TN 2006 24-Hour $PM_{2.5}$ Maintenance Plan Motor Vehicle Emission Budgets for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is notifying the public that it has found that the motor vehicle emissions budgets (MVEBs) contained in the State Implementation Plan (SIP) revision pertaining to the Knoxville, Tennessee 2006 24-hour fine particulate matter ($PM_{2.5}$) nonattainment area adequate for transportation conformity purposes. This SIP revision was submitted to EPA on December 20, 2016, by the Tennessee Department of Environment and Conservation (TDEC) and requests that EPA redesignate the area to attainment for the 2006 24-hour $PM_{2.5}$ national ambient air quality standards (NAAQS), and that EPA approve a maintenance plan for the continued attainment of the Area. Knoxville's 2006 24-hour $PM_{2.5}$ nonattainment area (hereafter referred to as ''the Knoxville Area''), for which MVEBs are established in this notice, is comprised of the entire counties of Anderson, Blount, Knox, and Loudon, as well as a portion of Roane County. On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) ruled that submitted SIPs cannot be used for transportation conformity determinations until EPA has affirmatively found that the MVEBs are adequate. As a result of EPA's finding, the Knoxville Area must use the MVEBs for future conformity determinations for 2006 24-hour $PM_{2.5}$ NAAQS.

DATES: These MVEBs are effective March 27, 2017.

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler, U.S. Environmental Protection Agency, Region 4, Air Regulatory Management Section, 61 Forsyth Street SW., Atlanta, Georgia 30303. Ms. Sheckler can also be reached by telephone at (404) 562–9222, or via electronic mail at *sheckler.kelly@epa.gov.* The finding is available at EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/currsips.htm.*

SUPPLEMENTARY INFORMATION: This notice is simply an announcement of a finding that EPA has already made. EPA, Region 4, sent a letter to TDEC on February 15, 2017, stating that the MVEBs identified for Knoxville in Tennessee's maintenance SIP revision, submitted on December 20, 2016, are adequate and must be used for transportation conformity determinations in the Knoxville Area.

EPA posted the availability of the Knoxville Area MVEBs on EPA's Web site on December 22, 2016, as part of the adequacy process, for the purpose of soliciting comments. The adequacy comment period ran until January 23, 2017. During EPA's adequacy comment period, no comments were received on the Knoxville Area MVEBs. Through this notice, EPA is informing the public that these MVEBs are adequate for transportation conformity. This finding has also been announced on EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/pastsips.htm.* The adequate MVEBs are provided in Table 1 below:

TABLE 1—KNOXVILLE, TENNESSEE 2006 24-HOUR $PM_{2.5}$ MVEBS

[Tons per day or tpd]

	2014	2028
$PM_{2.5}$	1.22	* 0.67
NO_X	42.73	* 19.65

* This includes the available safety margin of 0.03 tpd for $PM_{2.5}$ and 7.16 for NO_X in 2028.

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule, 40 CFR part 93, requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do so. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS.

The criteria by which EPA determines whether a SIP's MVEBs are adequate for transportation conformity purposes are outlined in 40 CFR 93.118(e)(4). We have also described the process for determining the adequacy of submitted SIP budgets in our July 1, 2004 (69 FR 40004), final rulemaking entitled, ''Transportation Conformity Rule Amendments for the New 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes.'' Please note that an adequacy review is separate from EPA's completeness review, and it should not be used to prejudge EPA's ultimate approval of Tennessee's 2006 24-hour $PM_{2.5}$ SIP revision for the Knoxville Area. Even if EPA finds a budget adequate, the SIP revision could later be disapproved.

Within 24 months from the effective date of this notice, the transportation partners will need to demonstrate conformity to the new MVEBs, if the demonstration has not already been made, pursuant to 40 CFR 93.104(e). See 73 FR 4419 (January 24, 2008).

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 15, 2017.

Kenneth R. Lapierre,

Acting Regional Administrator, Region 4.

[FR Doc. 2017–04684 Filed 3–9–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 16–306, GN Docket No. 12–268; DA 17–43]

OET Announcement of Release of Version 2.1 of TVSTUDY for Processing Construction Permit Applications Filed With the Media Bureau Implementing the Results of the Repacking Process

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Office of Engineering and Technology (OET) announces the release of a version of the *TVStudy* software (Version 2.1) that will be used by the Media Bureau to process broadcast station construction permit applications during the 39-month post-incentive auction period to transition reassigned broadcast stations to their new channel assignments. The new version is available on the Commission's Web site and is intended to facilitate application processing. It includes an updated ''TV Interference Check'' mode, new map output types

and options, support for additional or updated underlying data sources, and several new analysis modes.

DATES: OET released the Public Notice and Version 2.1 of *TVStudy* for processing construction permit applications on February 6, 2017.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For further information regarding the *TVStudy* software and to submit bug reports, contact Mark Colombo at (202) 418–7611 or *Mark.Colombo@fcc.gov,* or Kevin Harding at (202) 418–7077 or *Kevin.Harding@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Public Notice includes a changelog that describes the full list of features and functions added to Version 2.1 from the prior software version.

This is a summary of the Commission's Public Notice (PN) released February 6, 2017, DA 17–43, MB Docket No. 16–306 and GN Docket No. 12–268, The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room Cy-A257), 445 12th Street SW., Washington, DC 20554. The full text may also be downloaded at: *www.fcc.gov.* 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).

Federal Communications Commission.

Ronald T. Repasi,

Deputy Chief, Office of Engineering and Technology.

[FR Doc. 2017–04784 Filed 3–9–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Privacy Act of 1974; System of Records

AGENCY: Federal Communications Commission.

ACTION: Notice of a modified system of records.

SUMMARY: The Federal Communications Commission (FCC or Commission or Agency) has modified an existing system of records, FCC/OMD–18, Telephone Call Details, subject to the *Privacy Act of 1974,* as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the agency. The FCC's Office of the Managing Director (OMD) uses the Telephone Call Details system to cover the personally identifiable information (PII) that is associated with the administration of the policies and activities concerning telecommunications equipment, functions, and services that pertain to the communications that originate at the Commission (using FCC telecommunications equipment), terminate at the Commission (using FCC telecommunications equipment), and/or are accepted on behalf of the FCC, and the associated costs and charges for these telecommunications equipment, functions, and services.

DATES: Written comments are due on or before April 10, 2017. This action (including the routine uses) will become effective on April 10, 2017 unless comments are received that require a contrary determination.

ADDRESSES: Send comments to Leslie F. Smith, Privacy Manager, Information Technology (IT), Room 1–C216, Federal Communications Commission (FCC), 445 12th Street SW., Washington, DC 20554, or to *Leslie.Smith@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Leslie F. Smith, (202) 418–0217, or *Leslie.Smith@fcc.gov* (and to obtain a copy of the Narrative Statement and the Supplementary Document, which includes details of the proposed changes and updates to this system of records).

SUPPLEMENTARY INFORMATION: This notice serves to update and modify FCC/OMD–18, Telephone Call Details, as a result of the various new and expanded types and uses of telecommunications equipment, functions, and services that are used to send, receive, and/or charge communications to the Commission and other miscellaneous but necessary updates and changes since its previous publication.

SYSTEM NAME AND NUMBER: FCC/OMD–18, Telephone Call Details.

SECURITY CLASSIFICATION:

No information in the system is classified.

SYSTEM LOCATION:

Information Technology (IT), Office of the Managing Director (OMD), FCC, 445 12th Street SW., Washington, DC 20554.

SYSTEM MANAGER(S) AND ADDRESS:

Information Technology (IT), Office of the Managing Director (OMD), Federal Communications Commission (FCC), 445 12th Street SW., Room 1–C361, Washington, DC 20554.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, and 47 U.S.C. 154(i).

PURPOSE(S):

The FCC uses the personally identifiable information (PII) in this system as part of its duties and responsibilities associated with the administration of the FCC's policies, programs, and activities concerning communications equipment, functions, and services and the related communications that originate at the Commission (using FCC telecommunications equipment), terminate at the Commission (using FCC telecommunications equipment), and/or are accepted on behalf of the FCC (*e,g.,* collect call charges), and the associated costs and charges for these telecommunications services and equipment. The PII in this system includes but is not limited to the uses associated with:

1. Accounting for the information contained in the communications bills for these communications that originate from FCC equipment; and

2. Ensuring that the FCC operates efficiently and effectively, and guards against any improper uses of FCC telecommunications equipment.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Information in the categories of individuals includes, but is not limited to:

FCC staff (including, but not limited to current and former employees, interns, co-op students, and volunteers), FCC contractors, visitors, building and maintenance staff, and/or other individuals who may send, receive, or charge communications, which include but are not limited to voice, text,[1] facsimiles, Voice over Internet Protocol (VoIP), teleconferencing (audio or video), and Federal Relay Service (FRS) from FCC telecommunications equipment (including, but not limited to, wireline telephones, cellular telephones and other mobile devices, video relay phones, VoIP devices, satellite telephones, and teleconferencing equipment).

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records in the system include, but are not limited to:

[1] The FCC does not log or store the real-time text messages from our wireless devices. Only the billing invoice data, which include the calling/from number, date, time, destination/to number and cost, *if any,* for each text or picture message but not the actual message, are stored.

1. Records of communications that originate at the Commission using FCC telecommunications equipment (originating number); that terminate at the Commission received by FCC telecommunications equipment (terminating number), and/or are accepted on behalf of the FCC (*e,g.,* collect call charges), and the associated costs and charges for these telecommunications services and equipment, which include, but are not limited to:

a. Identifying communications numbers (including but not limited to telephone number, fax number, IP address, audio conference bridge number, or other unique communications identifier(s));

b. Time (calls start and calls end) and data usage from the communication;

c. Duration of the communication (lapsed time);

d. Disposition and cost of communications, including FRS and collect call charges;

e. FCC bureau/office to which the relevant identifying communications numbers are assigned; and

f. Email address of the FCC staff to which the relevant identifying communications numbers are assigned;

2. Type and number of FCC telecommunications equipment assigned to FCC staff (employees and contractors);

3. The physical location of FCC telecommunications equipment;

4. Copies of related communications and service records, including any periodic summaries which may have been compiled to reflect the total number and type of communications and related user charges, usages, and fees from FCC headquarters and facilities in Gettysburg, PA and Columbia, MD; and

5. Names of FCC staff and contractors.

RECORD SOURCE CATEGORIES:

The sources for information in this system include, but are not limited to the records for the usage and charges for the telecommunications that originate at the Commission (using FCC telecommunications equipment), terminate at the Commission (using FCC telecommunications equipment), and/or are accepted on behalf of the FCC (*e.g.,* collect call charges), including but is not limited to voice, text, facsimiles, VoIP, FRS (Video Relay Services), satellite telephones, and other teleconferencing services and functions (audio or video), using various telecommunications equipment and devices (including, but not limited to wireline telephones, cellular telephones, other mobile or broadband devices, VoIP devices, satellite telephones, and teleconferencing equipment and services (audio or video)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FCC as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows. In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose(s) for which the records were collected:

1. Adjudication and Litigation—To the Department of Justice (DOJ), or other administrative body before which the FCC is authorized to appear, when: (a) The FCC or any component thereof; or (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity where DOJ or the FCC has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation, and the use of such records by DOJ or the FCC is deemed by the FCC to be relevant and necessary to the ligation.

2. Law Enforcement and Investigation—To disclose pertinent information to the appropriate Federal, State, and/or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the FCC becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

3. Congressional Inquiries—To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

4. Government-wide Program Management and Oversight—To the National Archives and Records Administration (NARA) for use in its records management inspections; to the Government Accountability Office (GAO) for oversight purposes; to the Department of Justice (DOJ) to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or to the Office of Management and Budget (OMB) to obtain that office's advice regarding obligations under the Privacy Act.

5. Employment, Clearances, Licensing, Contract, Grant, or other Benefits Decisions by the Agency—To a Federal, State, local, foreign, tribal, or other public agency or authority maintaining civil, criminal, or other relevant enforcement records, or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to an investigation concerning the hiring or retention of an employee or other personnel action, the issuance or retention of a security clearance, the classifying of jobs, the letting of a contract, or the issuance or retention of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decisions on the matter.

6. Employment, Clearances, Licensing, Contract, Grant, or other Benefits Decisions by Other than the Agency—To a Federal, State, local, foreign, tribal, or other public agency or authority of the fact that this system of records contains information relevant to the hiring or retention of an employee, the issuance or retention of a security clearance, the conducting of a suitability or security investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance or retention of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the agency's decision on the matter. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire records if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil, administrative, personnel, or regulatory action.

7. Labor Relations—To officials of labor organizations recognized under 5 U.S.C. Chapter 71 upon receipt of a formal request and in accord with the conditions of 5 U.S.C. 7114 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

8. Breach Notification—To appropriate agencies, entities, and persons when: (a) The Commission suspects or has confirmed that there has been a breach of the system of records; (b) the Commission has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure

made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

9. Assistance to Federal Agencies and Entities—To another Federal agency or Federal entity, when the Commission determines that information from this system is reasonably necessary to assist the recipient agency or entity in: (a) Responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the receipient agency or entity (including its information systems, program, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

10. Telecommunications Companies—To a telecommunications company providing support to permit account servicing, billing verification, and related requirements.

11. For Non-Federal Personnel—To disclose information to contractors performing or working on a contract for the Federal Government.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The paper documents, records, files, and faxes, including but not limited to monthly telephone bills and related documents, are stored in file cabinets in ''non-public'' rooms in the Information Technology (IT) office suite for one year.

The electronic files, records, and data (*i.e.,* electronic copies of these telecommunications documents), including but not limited to monthly telephone bills and related documents, are housed in the FCC's computer network databases.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

The records, including telephone calls, texts, faxes, and related transmissions and services, are retrieved by searching electronically by the individual's name, name of the telephone call recipient, and/or identifying communications number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The FCC maintains and disposes of these various telephone, fax, text, and related electronic transmission service records in this in accordance with General Records Schedule 12 (GRS–12) issued by the National Archives and Records Administration (NARA). Most of the records in this system are maintained for six months to three years, although some records are kept for six years, depending upon the GRS–12 schedule requirements. The paper copy of the invoice records are destroyed after one year. All monthly telephone records (electronic copies) are sent to NARA—none are destroyed.

The disposition of the paper records is done by shredding. The electronic records are destroyed physically (electronic storage media) or by electronic erasure.

Individuals may obtain a copy of the GRS–12 Schedule at: *http://www.archives.gov/records-mgmt/grs/grs12.html.*

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The electronic records, data, and files are maintained in the FCC computer network databases, which are protected by the FCC's IT privacy safeguards, a comprehensive and dynamic set of IT safety and security protocols and features that are designed to meet all Federal IT privacy standards, including those required by the National Institute of Standard and Technology (NIST) and the Federal Information Security Management System (FISMA). In addition, access to the information in the telephone call details electronic files databases is restricted to authorized IT supervisors and staff and to the IT contractors who maintain these computer databases. Other FCC employees and contractors may be granted access only on a ''need-to-know'' basis.

The paper documents and files are maintained in file cabinets in ''non-public'' rooms in the IT office suite. The file cabinets are locked at the end of the business day. Access to the IT offices is via a key and card-coded door.

NOTIFICATION PROCEDURE:

Individuals wishing to determine whether this system of records contains information about them may do so by writing to Leslie F. Smith, Privacy Manager, Information Technology (IT), Federal Communications Commission (FCC), 445 12th Street SW., Washington, DC 20554, or email *Leslie.Smith@fcc.gov.*

Individuals must furnish reasonable identification by showing any two of the following: Social security card; driver's license; employee identification card; Medicare card; birth certificate; bank credit card; or other positive means of identification, or by signing an identity statement stipulating that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to $5,000.

Individuals requesting access must also comply with the FCC's Privacy Act regulations regarding verification of identity and access to records (5 CFR part 0, subpart E).

RECORD ACCESS PROCEDURES:

Individuals wishing to request an amendment of records about them should follow the Notification Procedure above.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request an amendment of records about them should follow the Notification Procedure above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

The FCC last gave full notice of this system of records, FCC/OMD–18, Telephone Call Details, by publication in the **Federal Register** on April 5, 2006 (71 FR 17234, 17262).

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2017–04714 Filed 3–9–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update listing of financial institutions in liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: March 7, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC ref. No.	Bank name	City	State	Date closed
10525	Proficio Bank	Cottonwood Heights	UT	3/3/2017

[FR Doc. 2017–04730 Filed 3–9–17; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Guidance for Tribal TANF.

OMB No.: 0970–0157.

Description: 42 U.S.C. 612 (Section 412 of the Social Security Act) requires each Indian Tribe that elects to administer and operate a TANF program to submit a TANF Tribal Plan. The TANF Tribal Plan is a mandatory statement submitted to the Secretary by the Indian Tribe, which consists of an outline of how the Indian Tribes TANF program will be administered and operated. It is used by the Secretary to determine whether the plan is approvable and to determine that the Indian Tribe is eligible to receive a TANF assistance grant. It is also made available to the public.

Respondents: Indian Tribes applying to operate a TANF program.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Request for State Data Needed to Determine the Amount of a Tribal Family Assistance Grant	24	1	68	1,632

Estimated Total Annual Burden Hours: 1,632.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–04752 Filed 3–9–17; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment

AGENCY: Health Resources and Services Administration, Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, notice is hereby given that a meeting is scheduled for the Centers for Disease Control and Prevention (CDC)/Health Resources and Services Administration (HRSA) Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment. This meeting will be open to the public. Information about the CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment and the meeting agenda can be obtained by contacting CDR Holly Berilla at (301) 443–9965 or *hberilla@hrsa.gov.*

DATES: The meeting will be held on March 30, 2017, from 2:00 p.m. to 3:00 p.m. (Eastern).

ADDRESSES: The meeting will be held virtually with telephone access that will accommodate up to 100 attendees and is open to the public. Parties may access the teleconference by dialing 888–566–6570 and using participant code: 1682061. Participants should call and connect 15 minutes prior to the start of the meeting.

FOR FURTHER INFORMATION CONTACT: Anyone requesting information regarding the CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment should contact CDR Holly Berilla, Public Health Analyst, HRSA, HIV/AIDS Bureau (HAB), Division of Policy and Data (DPD), in one of three ways: (1) Send a request to the following address: CDR Holly Berilla, Public Health Analyst, HRSA, HAB, DPD, 5600 Fishers Lane, Rockville, Maryland 20857; (2) call 301–443–9965; or (3) send an email to *hberilla@hrsa.gov.*

SUPPLEMENTARY INFORMATION: The CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment was established under Section 222 of the Public Health Service

Act (42 U.S.C. Section 217a), as amended.

The purpose of the CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment is to advise the Secretary of HHS, the Director of CDC, and the Administrator of HRSA regarding objectives, strategies, policies, and priorities for HIV, viral hepatitis, and other STDs; prevention and treatment efforts including surveillance of HIV infection, AIDS, viral hepatitis, and other STDs, and related behaviors; epidemiologic, behavioral, health services, and laboratory research on HIV/AIDS, viral hepatitis, and other STDs; identification of policy issues related to HIV/viral hepatitis/STD professional eduction, patient healthcare delivery, and prevention services; HHS policies about prevention of HIV/AIDS, viral hepatitis and other STDs; treatment, healthcare delivery, and research and training; strategic issues influencing the ability of CDC and HRSA to fulfill their missions of providing prevention and treatment services; programmatic efforts to prevent and treat HIV, viral hepatitis, and other STDs; and support to CDC and HRSA in their developoment of responses to emerging health needs related to HIV, viral hepatitis, and other STDs.

During the March 30, 2017 meeting, the CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment will deliberate and vote on a proposed resolution regarding the HIV workforce, a proposal to expand the existing HCV (hepatitis C virus) Workgroup, and a proposal to develop an HIV Disparities Workgroup. Agenda items are subject to change as priorities dictate.

Due to the nature and time limitations of the meeting, members of the public will not have an opportunity to provide oral comments. Individuals who need reasonable accommodations should notify CDR Holly Berilla at *hberilla@hrsa.gov* at least 10 days prior to the meeting.

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–04742 Filed 3–9–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: 0990–0324–30D]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for reinstatement of a previously-approved information collection assigned OMB control number 0990–0324, which expired on March 31, 2011. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

DATES: Comments on the ICR must be received on or before April 10, 2017.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–5683.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the OMB control number 0990–0324 for reference.

Information Collection Request Title: The Commissioned Corps of the U.S. Public Health Service Application—Medical Forms.

Abstract: The principal purpose for collecting the information is to permit HHS to determine eligibility for appointment of applicants into the Commissioned Corps of the U.S. Public Health Service (Corps). The Corps is one of the seven Uniformed Services of the United States (37 U.S.C. 101(3)), and appointments in the Corps are made pursuant to 42 U.S.C. 204 *et seq.* and 42 CFR 21.58. The application consists of PHS Medical forms noted below.

Likely Respondents: Candidates/Applicants to the Commissioned Corps.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form No.	Number of respondents	Response per respondent	Average burden hour per response (within 1 hour)	Total burden hours
PHS–6355	1,000	1	1	1,000
PHS–6379	4,000	1	30/60	2,000
PHS–7053	800	1	6/60	80
PHS–7054	1,320	1	6/60	132
PHS–7055	2,800	1	7/60	327
PHS–7056	1,600	1	7/60	187
PHS–7057	600	1	5/60	50
PHS–7061	2,000	1	10/60	333
Total				4,109

Terry S. Clark,

Asst Information Collection Clearance Officer.

[FR Doc. 2017–04612 Filed 3–9–17; 8:45 am]

BILLING CODE 4150–49–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Teleconference

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting to be held virtually.

Name: National Committee on Vital and Health Statistics (NCVHS), Full Committee Virtual Meeting.

Dates and Times: Tuesday, April 18, 2017: 3:00 p.m.–5:00 p.m. (EDT).

Place: Teleconference—scheduled to begin at 3:00 p.m. Eastern Daylight Savings Time. To participate in the virtual meeting, please use the following URL *http://www.ncvhs.hhs.gov/* that points to the NCVHS homepage. Further information and meeting agenda will be available on the NCVHS Web site including instructions for accessing the live meeting broadcast.

Status: Open by teleconference. There will be an open comment period during the final 15 minutes of the virtual meeting.

Purpose: The purpose of this NCVHS virtual meeting is to discuss and as appropriate take action on: (1) NCVHS 12th Report to Congress; (2) letter assessing *HealthData.gov*, its early successes and recommendations for maximizing its value; and (3) letter focused on opportunities and approaches that HHS could employ to improve state, county, and local health officials' ability to measure the health of their populations at the community-level. The Committee also will continue discussion in follow up to its June 2016 meeting on claims-based databases for policy development and evaluation, including All-Payer Claims Databases.

Contact Person for more Information: Substantive program information may be obtained from Rebecca Hines, MHS, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Hyattsville, Maryland 20782, telephone (301) 458–4715. Summaries of meetings and a roster of Committee members are available on the NCVHS Web site: *http://www.ncvhs.hhs.gov/,* where further information including an agenda and instructions to access the audio broadcast of the meeting will be posted.

Dated: March 2, 2017.

Laina Bush,

Deputy Assistant Secretary for Planning and Evaluation, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 2017–04740 Filed 3–9–17; 8:45 am]

BILLING CODE 4151–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Office of AIDS Research Advisory Council.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Office of AIDS Research Advisory Council.

Date: April 6, 2017.

Time: 8:15 a.m. to 5:00 p.m.

Agenda: OAR Director's report; Update from OARAC Working Groups for Treatment and Prevention Guidelines; Report from November 2016 OARAC meeting; Report on Continued Stakeholder Engagement; Update on HIV/AIDS research from the National Heart, Lung, and Blood Institute; invited presentations and panel discussion on The Impact of the Microbiome in HIV Prevention and Pathogenesis.

Place: National Institutes of Health, Terrace Level Conference Center, 5635 Fishers Lane, Rockville, MD 20852.

Contact Person: Elizabeth S. Church, Ph.D., Executive Secretary, Office of AIDS Research, DPCPSI, Office of the Director, 5601 Fishers Lane, Room 2E–60, Rockville, MD 20852–9830, 240–627–3201, *elizabeth.church@nih.gov.*

Information is also available on the Institute's/Center's home page: *www.oar.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: March 6, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04703 Filed 3–9–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Allergy and Infectious Diseases Special Emphasis Panel, March 8, 2017, 1:00 p.m. to March 8, 2017, 5:00 p.m., National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 which was published in the **Federal Register** on February 14, 2017, 82 10581.

The meeting notice is amended to change the date from March 8, 2017 to April 4, 2017. This meeting is closed to the public.

Dated: March 6, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04705 Filed 3–9–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; Ancillary Studies.

Date: March 27, 2017.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, Democracy One, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Yin Liu, Ph.D., MD, Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis and Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 824, Bethesda, MD 20892, 301–594–4952, *liuy@exchange.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: March 6, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04710 Filed 3–9–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Phase 1 and Phase 11, Bioreactors for Reparative Medicine (STTR).

Date: March 30, 2017.

Time: 2:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Tony L. Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–435–0725, *creazzotl@mail.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Phase 1 and Phase 11, Bioreactors for Reparative Medicine (SBIR).

Date: March 30, 2017.

Time: 2:30 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Tony L. Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–435–0725, *creazzotl@mail.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; SBIR Direct Phase II, Bioreactors for Reparative Medicine.

Date: March 30, 2017.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Tony L. Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–435–0725, *creazzotl@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 6, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04709 Filed 3–9–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Onsite Tools and Technology.

Date: March 30, 2017.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7198, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Kristin Goltry, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7198, Bethesda, MD 20892, 301–435–0297, *goltrykl@mail.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Data Center for Clinical Trials of Transplants for Blood Diseases.

Date: March 31, 2017.

Time: 11:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Michael P. Reilly, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7200, Bethesda, MD 20892, 301–827–7975, *reillymp@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 6, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04708 Filed 3–9–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Clinical Trials of Transplants for Blood Diseases.

Date: March 30–31, 2017.

Time: 8:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Michael P. Reilly, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7200, Bethesda, MD 20892, 301–827–7975, *reillymp@nhlbi.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Translational Programs in Lung Diseases.

Date: March 30–31, 2017.

Time: 12:30 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: William J. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892, 301–435–0725, *johnsonwj@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 6, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04707 Filed 3–9–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; NICHD ZIKV R21 Teleconference Review.

Date: May 15, 2017.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Helen Huang, Ph.D., Scientific Review Officer, Division of Scientific Review, OD, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6710B Bethesda Drive, Bethesda, MD 20892, 301–435–8207, *helen.huang@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: March 6, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04706 Filed 3–9–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; PHASE II: In-person Interview, Avenir Award Program for Research on Substance Abuse and HIV/AIDS (DP2).

Date: March 15, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Hiromi Ono, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4238, MSC 9550, Bethesda, MD 20892, 301–827–5820, *hiromi.ono@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: March 6, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04704 Filed 3–9–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Teleconference Review of Small Business Innovation Research Applications (SBIR).

Date: March 28, 2017.

Time: 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Keystone, 530 Davis Drive, Room 3118, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30/Room 3171, Research Triangle Park, NC 27709, (919) 541–0670, *worth@niehs.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: March 6, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04711 Filed 3–9–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Country of Origin of the KC–390 Military Cargo Airplane Converted to a Fire-Fighting Aircraft

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that United States Customs and Border Protection (''CBP'') has issued a final determination concerning the country of origin of a military cargo airplane manufactured in Brazil, known as the KC–390, that will be converted into a fire-fighting aircraft in the United States. Based upon the facts presented, CBP has concluded in the final determination that for purposes of United States Government procurement the country of origin of the converted KC–390 aircraft will be Brazil, where it was originally manufactured.

DATES: The final determination was issued on March 06, 2017. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within April 10, 2017.

FOR FURTHER INFORMATION CONTACT: Robert Dinerstein, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade (202–325–0132).

SUPPLEMENTARY INFORMATION: Notice is hereby given that on March 06, 2017, pursuant to subpart B of Part 177, Customs and Border Protection (CBP) Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of a converted military cargo airplane which may be offered to the United States Government under an undesignated government procurement contract. This final determination, HQ H280872, was issued at the request of Embraer Aircraft Holding, Inc. under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP was presented with a scenario in which a military cargo plane, the KC–390, manufactured in Brazil, will be converted into an aircraft that would be used for combating forest fires in the United States. CBP has determined for purposes of United States Government procurement that the country of origin of the KC–390 aircraft converted from a military cargo aircraft to a fire suppression aircraft in the United States will be Brazil, the country where the airplane was originally manufactured.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that notice of final determinations shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: March 06, 2017.

Alice A. Kipel,

Executive Director, Regulations and Rulings, Office of Trade.

HQ H280872

March 06, 2017

OT:RR:CTF:VS H280872 RSD

CATEGORY: Country of Origin

Mr. Bruce L. Bunin
Director Business Development
Embraer Aircraft Holding, Inc.
Ft. Lauderdale, Florida 33315

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. 2511); subpart B Part 177 CBP Regulations; Converting a Military Cargo Airplane to a Fire Fighting Aircraft

Dear Mr. Bunin:

This is in response to your letter dated October 24, 2016, requesting a final determination on behalf of Embraer Aircraft Holding, Inc., (Embraer) pursuant to subpart B of Part 177, Customs and Border Protection (''CBP'') Regulations (19 CFR 177.21 *et. seq.*). Under the pertinent regulations, which implement Title III of the Trade Agreements Act of 1979 as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for purposes of granting waivers of certain ''Buy American'' restrictions in the U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of the Embraer KC–390 aircraft, which will be converted from a military cargo aircraft to an aircraft used for fire suppression. We note that Embraer is a party-at-interest within the meaning of 19 CFR 177.22(d) and is entitled to request this final determination.

FACTS:

Embraer is large Brazilian aerospace company that manufactures aircrafts. The merchandise at issue is an aircraft known as the Embraer KC–390. It is a medium-sized, twin-engine jet powered military transport aircraft developed by Embraer for the Brazilian Air Force that is able to perform aerial refueling and for transporting cargo and troops. It is the heaviest aircraft that Embraer had made to date. The aircraft was designed for a variety of military mobility missions, including heavy and outsized cargo transport and air drop, troop transport and parachute drop, air-to-air refueling, search and rescue, and medical evacuation. It has a modern cockpit and an advance cargo handling system designed to enable fast and efficient military operations in normal or austere environments.

Embraer intends to offer the KC–390 aircraft in response to a United States Forest Service (USFS) solicitation for air tankers that can be used in civil fire-fighting operations. Presently, the KC–390 is produced in Brazil. Embraer plans to modify the KC–390 from a medium military cargo aircraft to a fire suppression aircraft to meet the requirements of the USFS solicitation. The work on the aircraft will occur in the United States at a Boeing facility in San Antonio, Texas. You state that the conversion of the KC–390 from a military transport aircraft to a civil fire-fighting aircraft will require modification of multiple systems and structures in order to meet the USFS requirements for aerial fire-fighting.

The following systems in the aircraft need to be removed: the refueling systems, self-protection system, military mission equipment, antennas and systems, cargo handling systems (CHS), electronic controls, and the ballistic protection. In addition, the central panel assemblies of the Container Delivery System (CDS) rails and inboard panels will be removed in order to install a lower component retardant delivery system (RDS) under the cargo compartment floor. This change will also mandate a redesign, manufacture, and integration of a new roller solution on the mid-board floor beams. The aircraft structures, cargo compartment floor, avionics systems, and electrical systems need to be modified. A series of other engineering activities associated with the removal of the cargo handling system and the installation of the fire-fighting systems will be completed as well. Because the USFS does not require an electronically controlled locking system, that system will also be removed.

Because the KC–390 military communications and navigation systems and sensors are not required for the USFS flight operations, they also will be removed. Removing those components includes the partial redesign and manufacture of the control and power harnesses, removal of Line Replaceable Units (LRUs), removal of structural supports for some of the LRUs and the removal of external fuselage surface fairings. KC–390 armor panels will also be removed from the flight deck and loadmaster station and from actuator bays.

Several systems will be installed on the aircraft, such as: a new hydraulic actuator and fluid line, new bell doors, a new harness

for power, a new refueling port, a new retardant tank, new pumps, and new fuselage fairings. A major structural modification required for the KC–390 to accommodate the RDS system will be made to the center fuselage of the KC–390. The avionics system will incorporate some new functionalities that need to be developed and integrated into the current system such as: fire-fighting control panels to allow monitoring and control of RDS information and actuation, new synoptics for tank integration, and integration of Global Positioning System and moving map functionality to allow automatic tracking and disposal of retardant.

It will also be necessary to develop and install new hydraulic systems for actuation of the retardant system doors, which comprises the integration of new actuators, a new hydraulic line and valves, and the relocation of the hydraulic lines passing under the floor due to the presence of the RDS lower component. The insertion of the RDS lower component under the floor will affect the current emergency actuation system of the main landing gear. The system will be re-routed under the floor, and cables and pulleys will be repositioned. In addition, a new internal tank will be added. The internal tank will require an external aircraft refueling port for retardant fluid, which means that there will be a design, manufacture, and installation of new fluid lines and valves.

ISSUE:

What is the country of origin of the Embraer KC–390 aircraft after it has been converted from a military cargo aircraft to an aircraft that can be used by the USFS in combatting forest fires?

LAW AND ANALYSIS:

Pursuant to subpart B of Part 177, 19 CFR 177.21 *et seq.,* which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government, under the rule of origin set forth under 19 U.S.C. 2518(4)(B).

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed. *See also,* 19 CFR 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of part 177 consistent with the Federal Acquisition Regulations. *See* 19 CFR 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. *See* 48 CFR 25.403(c)(1). The Federal Acquisition Regulations define ''U.S.-made end product'' as ''an article that is mined produced or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with name, character, or use distinct from that of the article or articles from which it was transformed.'' *See* 48 CFR 25.003.

In order to determine whether a substantial transformation occurs when components of various origins are put together into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. Substantial transformation occurs when an article emerges from a process with a new name, character or use different from that possessed by the article prior to processing. A substantial transformation will not result from a minor manufacturing or combining process that leaves the identity of the article intact. *See United States* v. *Gibson-Thomsen Co.,* 27 C.C.P.A. 267 (1940). No one factor is determinative. In *Uniroyal, Inc.* v. *United States,* the Court of International Trade held that no substantial transformation occurred because the attachment of a footwear upper from Indonesia to its outsole in the United States was a minor manufacturing or combining process which left the identity of the upper intact. *See Uniroyal, Inc.* v. *United States,* 3 CIT 220, 224, 542 F. Supp. 1026, 1029 (1982), aff'd, 702 F.2d 1022 (Fed. Cir. 1983). The court found that the upper was readily recognizable as a distinct item apart from the outsole to which it was attached, it did not lose its identity in the manufacture of the finished shoe in the United States, and the upper did not undergo a physical change or a change in use. Also, under *Uniroyal,* the change in name from ''upper'' to ''shoe'' was not significant. The court concluded that the upper was the essence of the completed shoe, and was not substantially transformed.

CBP has considered changes to airplanes in prior decisions. In Headquarters Ruling Letter (HQ) 546092, dated September 16, 1992, a Yak 52 aircraft built in Romania was disassembled in Russia and certain vital components of the aircraft were replaced, in order to render the aircraft suitable for performing aerobatic acts. In particular, the aircraft was completely disassembled in order to replace the aircraft's spar with a new heavier spar, which is one of the main longitudinal supports of the wings of an aircraft. In addition, a new engine and propeller were fitted as part of the modification of the aircraft. The newly designed aircraft was capable of use with up to nine positive and seven negative gravitational forces. CBP noted that the purpose of the disassembly and reassembly of the Yak 52 aircraft in Russia was not to restore the aircraft to its original purpose. Rather, the work performed on the Yak 52 aircraft was to transform it from a trainer plane into a plane capable of aerobatic flight. In addition, the reassembly was very substantial involving, most notably, a completely new spar, engine, and propeller. Accordingly, CBP found that the manufacture in Russia resulted in a substantial transformation of the Yak 52 aircraft.

HQ H561322, dated May 11, 1999, involved the assembly of imported component parts of the fuselage plus the installation of other key components of an aircraft in the United States. CBP held that the imported fuselage was substantially transformed in the United States when it was reassembled and combined with significant other parts of the aircraft such as the engines, avionics and the landing gear to make the Hawker 800XP aircraft. CBP noted that when it was entered into the United States, the fuselage was unassembled, unpainted and did not have an interior. Even more significantly, the fuselage was basically an empty shell which lacked the essential components necessary to allow it to function as an aircraft. The most important of the other components that were involved in the making of the Hawker aircraft were the two engines. CBP found that the installation of these components was not a simple minor finishing operation, but a sophisticated procedure which required a high degree of technical skill. Accordingly, CBP held that the aircraft manufacturer substantially transformed the imported fuselage and the other imported component parts when it assembled them together to make the finished Hawker 800XP aircraft. Therefore, CBP held that the country of origin of the Hawker 800XP aircraft was the United States.

In HQ H560245, dated April 4, 1997, certain satellite communications systems were installed in freight vans or trucks operated as motor carriers in the United States. The satellite communication system units consisted of three main components: a communications unit, an outdoor antenna unit, and a display unit. The system was an interactive communications tool that linked vehicles to a dispatch center so that messages and positioning information of the vehicle could be sent and received through a network management center. CBP found that the function of the vans and trucks remained the same before and after the installation of the communication systems, that is, for the transportation of articles. CBP also determined that the installation of the communication systems did not change the identity of the vans or trucks; it merely enabled the vans and trucks to be located while they were on the road. Therefore, CBP held that the vans and trucks could be entered under subheading 9802.00.50, HTSUS.

In this case, we understand that the KC–390 will be overhauled when it is converted from a military cargo plane to an aircraft that has the capability of dispersing fire-fighting retardant. In the process of converting the KC–390, we recognize that some systems and components will have to be removed, while other new systems and components will be added. However, the work performed to the aircraft in this case is not as significant as the work performed to the aircraft in HQ 546092, where the aircraft's spar was replaced with a new and heavier spar, and a new engine and propeller were fitted as part of the modification of the aircraft. In addition, in HQ 546092, the aircraft was also equipped with two large annunciator panels to be used

in aerobatic instruction. In contrast, the information presented indicates that the most important systems of the KC–390 will remain intact even after the work is done to convert it to a fire suppression aircraft. The modification of the KC–390 aircraft largely consists of removing items from the aircraft that are associated with hauling military cargo and personnel and installing some new systems in order that the aircraft can carry and disperse fire retardant materials. Along these lines, while there will be some modifications, the basic structural integrity and the aerodynamics of the aircraft will not be changed. For example, the size and shape including its length and wing-span will not be changed. In addition, no information was presented showing that the engine powering the aircraft will be significantly reworked, meaning there will be no meaningful change to the aircraft's power, speed and range. Similarly, the electronics and instruments, which are involved in flying the airplane, will not be significantly changed.

Although the KC–390 will be modified from a military cargo aircraft to an airplane that has fire suppression capability, we do not find that the fundamental identity of the product will be changed. After the work is completed to give the KC–390 its forest fire-fighting capability, the product will still remain an airplane. Unlike the imported components in H561322, when the aircraft in this case will be imported into the United States, it will already be a fully functioning airplane capable of flight, and ready for transporting personnel and equipment. While the type of materials carried on the aircraft and the method of delivery of those materials will be for a different purpose, we find that the changes made to the aircraft to convert it to a fire suppression airplane are not extensive enough to result in a substantial transformation of the aircraft. Therefore, we find that the country of origin of the KC–390 aircraft after it is converted from a military cargo aircraft to a fire suppression aircraft will be the country where the KC–390 aircraft was originally produced, Brazil.

HOLDING:

Based upon the specific facts of this case, we find that the country of origin of the KC–390 aircraft converted from a military cargo aircraft to a fire suppression aircraft for purposes of U.S. Government procurement will remain Brazil, the country where it was originally manufactured.

Notice of this final determination will be given in the **Federal Register**, as required by 19 CFR 177.29. Any party-at–interest other than the party which requested this final determination may request, pursuant to 19 CFR 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 CFR 177.30, any party-at-interest may, within 30 days of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Alice A. Kipel,

Executive Director, Regulations and Rulings, Office of Trade.

[FR Doc. 2017–04741 Filed 3–9–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0025]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Waiver of Rights, Privileges, Exemptions and Immunities

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until April 10, 2017.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806. (This is not a toll-free number.) All submissions received must include the agency name and the OMB Control Number 1615–0025.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION: The information collection notice was previously published in the **Federal Register** on December 21, 2016, at 81 FR 93695, allowing for a 60-day public comment period. USCIS did receive two comments in connection with the 60-day notice. This process is conducted in accordance with 5 CFR 1320.10.

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2008–0015 in the search box. Written comments and suggestions from the public and affected agencies 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 Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Waiver of Rights, Privileges, Exemptions and Immunities.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–508, I–508F; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or

households. This form is used by the USCIS to determine eligibility of an applicant to retain the status of an alien lawfully admitted to the United States for permanent residence.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I–508 is 1,728 and the estimated hour burden per response is .75 hours. The estimated total number of respondents for the information collection Form I–508F is 200 and the estimated hour burden per response is .5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 1,396 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $13,824.

Dated: March 2, 2017.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017–04492 Filed 3–9–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5997–N–13]

Notice of Proposed Information Collection: Notice on Equal Access Regardless of Sexual Orientation, Gender Identity, or Marital Status for HUD's Community Planning and Development Programs, Withdrawal

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: HUD announces the withdrawal of this proposed information collection published on September 21, 2016, for 60-days of public comment, and on January 24, 2017, for 30-days of public comment, to provide HUD with the opportunity to further review the need for the collection.

DATES: *Effective:* March 10, 2017.

FOR FURTHER INFORMATION CONTACT: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410–7000; telephone number 202–708–4300 (this is not a toll-free number). Persons who are deaf or hard of hearing or have speech impairments can access this number via TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), HUD published two **Federal Register** notices that solicited public comment on an information collection pertaining to ''Notice on Equal Access Regardless of Sexual Orientation, Gender Identity, or Marital Status for HUD's Community Planning and Development Programs.'' The first notice was published on September 20, 2016, at 81 FR 64930, and solicited public comments for a period of 60-days. The second notice was published on January 24, 2017, at 82 FR 8198, and solicited comments for 30-days. (In addition, HUD published a correction to the January 24, 2017, notice on February 7, 2017, at 82 FR 9592.)

This information collection is being withdrawn immediately while HUD further considers the need for the information collection. HUD will provide for public comment, as required by the Paperwork Reduction Act of 1995 should HUD decides to seek approval from the Office of Management and Budget for this information collection.

HUD also takes this opportunity to correct an error contained in the ''BACKGROUND'' sections of both the January 24, 2017, notice and the February 7, 2017, correction. This section of the notices incorrectly stated that that the notices were being published concurrently with HUD's final rule entitled ''Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs.'' The final rule was actually published on September 21, 2016.

Date: March 7, 2017.

Ann Marie Oliva,

Deputy Assistant Secretary for Special Needs Programs.

[FR Doc. 2017–04787 Filed 3–9–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5997–N–14]

Notice of Proposed Information Collection: Implementation Phase Review of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Youth Homelessness Prevention Initiative, Withdrawal

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: HUD announces the withdrawal of this proposed information collection published on September 20, 2016, for 60-days of public comment and on February 23, 2017, for 30-days of public comment to provide HUD with the opportunity to further review the need for the collection.

DATES: *Effective Date:* March 10, 2017.

FOR FURTHER INFORMATION CONTACT: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410–7000; telephone number 202–708–4300 (this is not a toll-free number). Persons who are deaf or hard of hearing or have speech impairments can access this number via TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), HUD published two **Federal Register** notices that solicited public comment on an information collection pertaining to ''Implementation Phase Review of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Youth Homelessness Prevention Initiative.'' The first notice was published on September 20, 2016, at 81 FR 64497, and solicited public comments for a period of 60-days. The second notice was published on February 23, 2017, at 82 FR 114779, and solicited comments for 30-days.

This information collection is being withdrawn immediately while HUD further considers the need for the information collection. HUD will provide for public comment, as required by the Paperwork Reduction Act of 1995, should HUD decide to seek approval from the Office of Management and Budget for this information collection.

Dated: March 7, 2017.

Ann Marie Oliva,

Deputy Assistant Secretary for Special Needs Programs.

[FR Doc. 2017–04788 Filed 3–9–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2017–0012; FF09A30000FXIA1671090000178]

Draft Environmental Assessment; Export Program for Certain Native Species Under the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft environmental assessment (EA) in accordance with the National Environmental Policy Act (NEPA) for our CITES Export Program (CEP) for certain native furbearer species. Some native furbearers are listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, or Convention), including bobcat (*Lynx rufus*), river otter (*Lontra canadensis*), Canada lynx (*Lynx canadensis*), gray wolf (*Canis lupus*), and brown bear (*Ursus arctos*). These species have been listed in CITES Appendix II since the 1970s. Export from the United States of specimens of CITES Appendix-II species requires a CITES export permit issued by the Service. We have decided to prepare an EA on our export program for certain native furbearer species to help us conduct a thorough review of all relevant factors and potential impacts on the quality of the human environment as envisioned under NEPA.

DATES: We will consider all information and comments we receive on or before April 10, 2017.

ADDRESSES: *Written comments:* You may submit comments pertaining to the draft EA by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* In the Search box, enter FWS–HQ–IA–2017–0012, which is the docket number for this notice. Click ''Comment Now!'' to comment.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS–HQ–IA–2017–0012, Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service; 5275 Leesburg Pike; MS: BPHC; Falls Church, VA 22041.

We request that you send comments by only one of the methods described above. All information received will be posted on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Public Availability of Comments, below, for more information).

Availability of documents: You may obtain copies of the draft EA and related documents:

- *On the Internet: http://www.regulations.gov.* In the Search box, enter FWS–HQ–IA–2017–0012, which is the docket number for this notice. Click the ''Open Docket Folder'' link.
- *In person, by appointment and written request only, from 8 a.m. to 4 p.m. at:* U.S. Fish and Wildlife Service, Division of Management Authority, 5275 Leesburg Pike, Falls Church, VA 22041.

FOR FURTHER INFORMATION CONTACT: Craig Hoover, Chief, Division of Management Authority, U.S. Fish and Wildlife Service, MS: IA; 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2095; facsimile 703–358–2298. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We are making available a draft environmental assessment (EA) under the National Environmental Policy Act of 1969 (NEPA); 42 U.S.C. 4321 *et seq.,* for the U.S. CITES Export Program (CEP) for certain native furbearer species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 27 U.S.T. 1087 (March 3, 1973). Bobcat (*Lynx rufus*), river otter (*Lontra canadensis*), Canada lynx (*Lynx canadensis*), gray wolf (*Canis lupus*), and brown bear (*Ursus arctos*) have been listed in CITES Appendix II since the 1970s. CITES documents are required for export of these species from the United States, including parts and products of these species. Before a permit can be issued for the export of an Appendix-II species, the Service must be able to determine that the export will not be detrimental to the survival of the species and that the specimens to be exported have not been obtained in violation of laws for their protection.

Export from the United States of specimens of CITES Appendix-II species requires a CITES export permit issued by the Service. Our CITES-implementing regulations are found in title 50 of the Code of Federal Regulations (CFR) at part 23 (50 CFR part 23). Under the Department of the Interior policy and procedures for the U.S. Fish and Wildlife Service, the issuance, denial, suspension, and revocation of permits for activities involving fish, wildlife or plants, including permits involving species listed under CITES, are categorically excluded from the requirement for preparation of an EA or an EIS under NEPA when such permits cause no or negligible environmental disturbance (Departmental Manual, part 516, chapter 8.5, paragraph C(1)). However, we have prepared a draft EA on our CEP for certain native furbearer species to ensure that we have conducted a thorough review of all relevant factors and potential impacts on the quality of the human environment as envisioned under NEPA. This draft EA considers the direct, indirect, and cumulative effects of the U.S. CEP for bobcat, river otter, Canada lynx, gray wolf, and brown bear harvested in the United States.

Service regulations governing the export of bobcat, river otter, Canada lynx, gray wolf, and brown bear harvested in the United States are set forth at 50 CFR 23.69. Our regulations allow States and Tribes to request approval for participation in our CEP for these native furbearers. States and Tribes set up and maintain management and harvest programs designed to monitor and protect CITES furbearers from overharvest. When a State or Tribe with a management program provides the Service with the necessary information, we make programmatic findings and have specific requirements that allow export under CITES. We must still issue a CITES export permit for each export, but the CEP provides for a more streamlined and efficient permitting process. Under the CEP, a State or Tribe must provide sufficient information for us to determine that its management program and harvest controls are appropriate to ensure that CITES furbearers harvested within its jurisdiction are legally acquired and that export will not be detrimental to the survival of the species in the wild.

Proposed Action

The proposed action, which is also the ''no action'' alternative and the preferred alternative, is to continue the CEP in its current form, which includes the mandatory tagging of skins of bobcat, river otter, Canada lynx, gray wolf, and brown bear to be exported from the United States, as required under our current regulations at 50 CFR 23.69. The species of furbearers

included in this EA are managed by the wildlife agencies of individual States and Tribes. The CEP in its current form allows for regular review of approved export programs for these species, including through annual reporting by approved programs. States and Tribes provide data to the Service on a voluntary basis to qualify their species for export and, once approved, must report annually on any changes to the applicable State or tribal regulations or the status of the species in those jurisdictions. The proposed action, and preferred alternative, will facilitate the continued efficient export of these species from the United States, thereby allowing access to international markets, while still meeting CITES requirements. The CEP for these species has proven to be effective over the past 40 years by allowing the Service to fulfill its obligations regarding these species pursuant to CITES. The proposed action, and the Convention it implements, only applies to international trade. The proposed action does not include State and tribal programs for these species. States and Tribes regulate the take of these species through their own management programs.

Alternatives

We are also considering three alternatives to the proposed action:

1. No Tag Alternative—Under this alternative, the Service would not issue tags or require skins to be tagged prior to export. Our current regulations require the tagging of the skins of these species (unless an alternative method has been approved) in order for the skins to be eligible for export under the CEP. This tagging requirement is not a CITES requirement; it is a stricter domestic measure promulgated by the Service through the U.S. CITES implementing regulations. Under our current regulations, the Service could institute a different verification system for legal acquisition that relies on paper recordkeeping at the State, tribal, or exporter level, provided such an alternative method is able to provide us with the necessary information to make the required findings to allow export under CITES. This could consist of affidavits or trapper diaries or other bookkeeping mechanisms if they provide substantially the same information as the tagging system. This no tag alternative is essentially a substitute for the tagging system. This alternative would require devising a new chain-of-custody documentation system, and would require re-educating trappers, exporters, and State and Federal law enforcement on the new system.

2. No Permit Alternative—This alternative would require the Service to revise 50 CFR 23.69 so that no export of these species legally taken from the wild is permitted. Under the no permit alternative, these species and their parts and products taken from the wild could not be exported, even where the required findings to allow export under CITES can be made. Skins from captive-bred animals would be eligible for export; however, currently there is very little captive production of these species for commercial trade. Operation of the CEP for these five species over the past 40 years has demonstrated that the export of these species from the United States does not threaten their survival in the wild and may be authorized consistent with CITES. Elimination of export approval for specimens of these species taken from the wild would not further the purposes of CITES, when we are able to make the required determinations that the specimens were legally acquired and that the export is not detrimental to the survival of the species.

3. No Approved CITES Export Program Alternative—Currently, when a State or Tribe with a management program designed to monitor and protect CITES furbearers from overharvest provides us with the necessary information, we make programmatic findings and have specific requirements that allow export under CITES for these CITES furbearers harvested within their jurisdictions. While permits are still required, approval of State or tribal export programs facilitates the permitting process by allowing us to issue permits more efficiently. Under this alternative, the Service would no longer approve State or tribal export programs, but individuals may still seek permits on a case-by-case basis for each specimen to be exported. This would also require the Service to make individual legal acquisition findings for each specimen to be exported, as the Service currently does for specimens originating from States or Tribes without an approved program. This alternative would increase the length of time for exporters to obtain permits and would be overly burdensome to both the Service and exporters.

Public Availability of Comments

We will not consider comments sent by email or fax, or to an address not listed above in **ADDRESSES**. Comments and materials we receive in response to this notice will be available for public inspection on *http://www.regulations.gov* or by appointment, between 8 a.m. and 4 p.m. Monday through Friday, except Federal holidays, at the U.S. Fish and Wildlife Service, Division of Management Authority, 5275 Leesburg Pike, 2nd Floor, Falls Church, VA 22041; telephone 703–358–2095.

Written comments that we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—maybe made publicly available at any time. While you may request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Dated: March 7, 2017.

James W. Kurth,

Acting Director, Fish and Wildlife Service.

[FR Doc. 2017–04872 Filed 3–8–17; 4:15 pm]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–22950; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before February 11, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by March 27, 2017.

ADDRESSES: Comments may be sent via U.S. Postal Service to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other

carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before February 11, 2017. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State Historic Preservation Officers:

ARKANSAS

Pulaski County

Homard, Isaac, House, 1217 W. 3rd St., Little Rock, SG100000777

CALIFORNIA

Alameda County

Melrose Baptist Church, 1638 47th Ave., Oakland, SG100000778

Fresno County

Azteca Theater, (Latinos in 20th Century California MPS), 836–840 F St., Fresno, MP100000779

Los Angeles County

Grand Central Air Terminal, 1310 Air Way, Glendale, SG100000780

Grether and Grether Building, 730–732 S. Los Angeles St., Los Angeles, SG100000781

Pan American National Bank of East Los Angeles, (Latinos in 20th Century California MPS), 3620–3626 E. 1st St., East Los Angeles, MP100000782

San Luis Obispo County

Halcyon Historic District, Bounded by Halcyon Rd., The Pike and CA 1/Cienega St., Halcyon, SG100000783

COLORADO

Chaffee County

Cleora Cemetery, E. US 50, S. side, 1.4 mi. E. of Salida, Salida vicinity, SG100000784

Nachtrieb—Kelly Ranch, 25887 Cty. Rd. 319, Buena Vista vicinity, SG100000785

Smith—Friskey Ranch, Cty. Rd. 339, .5 mi. W. of road, Buena Vista vicinity, SG100000786

DELAWARE

New Castle County

Downtown Wilmington Commercial Historic District, Roughly bounded by W. 9th, N. King. W. 6th & Shipley Sts., Wilmington, SG100000790

IOWA

Johnson County

Byfield, Dr. Albert Henry, House, 715 W. Park Rd., Iowa City, SG100000792

KANSAS

Cherokee County

Soffietti—Boccia Grocery Store, 313 Fleming St., West Mineral, SG100000793

Douglas County

Mugan—Olmstead House, (Lawrence, Kansas MPS), 819 Avalon Rd., Lawrence, MP100000796

Johnson County

Hocker, R.W., Subdivision, Lot K Spec House, 5532 Knox Ave., Merriam, SG100000799

Ness County

Ness County Bridge FS–450, (Masonry Arch Bridges of Kansas TR), Cty. Rd. 20, Bazine vicinity, MP100000803

MAINE

Cumberland County

St. Joseph's Academy and Convent, 605 Stevens Ave., Portland, SG100000806

Kennebec County

North Monmouth Library, (Maine Public Libraries MPS), 132 N. Main St., Monmouth, MP100000807

Oxford County

Rumford Commercial Historic District, 49–150 Congress, 65–91 Canal, 60–94 River & 23 Hartford Sts., Rumford, SG100000808

Piscataquis County

Canadian Pacific Railway Depot, Greenville Junction, Maine, .2 mi N. of the jct. of Rockwood Rd. & Pritham Ave., Moosehead Junction Township, SG100000809

NEW JERSEY

Mercer County

Riverview Cemetery, 870 Centre St., Trenton, SG100000810

NEW YORK

Delaware County

Common School 32, 25 Bridge St., Trout Creek, SG100000811

Kings County

Bushwick Avenue Central Methodist Episcopal Church, 1139 Bushwick Ave., Brooklyn, SG100000812

Onondaga County

South Presbyterian Church, 2110 S. Salina St., Syracuse, SG100000813

Wayne County

First Methodist Episcopal Church of Walworth, 3679 Main St., Walworth, SG100000814

Nominations submitted by Federal Preservation Officers:

COLORADO

La Plata County

Animas Canon Toll Road, Between Durango and Silverton in the San Juan NF., Durango vicinity, SG100000787

The State Historic Preservation Officer reviewed the nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

Park County

Taryall Rural Historic District, Cty. Rd. 77, mileposts 2.4 to 33.7 & 34.6 to 41.8, Jefferson vicinity, SG100000788

The State Historic Preservation Officer reviewed the nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

UTAH

San Juan County

Rainbow Bridge Traditional Cultural Property, Address Restricted, Page, Arizona vicinity, SG100000816

The State Historic Preservation Officer reviewed the nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

VERMONT

Franklin County

United States Post Office and Custom House, 40 S. Main St., St. Albans, SG100000817

The State Historic Preservation Officer reviewed the nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

A request for removal has been made for the following resource(s):

COLORADO

Pueblo County

Avondale Bridge, (Vehicular Bridges in Colorado TR), Cty. Rd. 327, Avondale vicinity, OT85000225

KANSAS

Rooks County

Rooks County Record Building, 501 Main, Stockton, OT05000555

An additional documentation has been received for the following resource(s):

ARIZONA

Maricopa County

Coronado Neighborhood Historic District, 1838 N. 12th St., Phoenix, AD86000206

KANSAS

Harvey County

Brown, Samuel A., House, 302 W. Sixth, Newton, AD88001904

Sedgwick County

Topeka—Emporia Historic District, Roughly N. Topeka and Emporia Aves. bet. 10th and 13th Sts., Wichita, AD04000779

NEW YORK

Richmond County

Austen, Elizabeth Alice, House—Clear Comfort, 2 Hylan Blvd., New York, AD70000925

Authority: 60.13 of 36 CFR part 60.

Dated: February 16, 2017.

Julie H. Ernstein,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2017–04796 Filed 3–9–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2017–0002; MMAA104000]

Final Environmental Impact Statement for Outer Continental Shelf, Gulf of Mexico, 2017–2022 Oil and Gas Lease Sales 249, 250, 251, 252, 253, 254, 256, 257, 259, and 261

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of availability of a Final Environmental Impact Statement.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) is announcing the availability of a Final Environmental Impact Statement (FEIS) for Outer Continental Shelf (OCS), Gulf of Mexico (GOM) Lease Sales 249, 250, 251, 252, 253, 254, 256, 257, 259, and 261. The FEIS provides a discussion of potential significant impacts of the proposed action, provides an analysis of reasonable alternatives to the proposed action, and identifies BOEM's preferred alternative.

ADDRESSES: The FEIS is available on the BOEM Web site at *http://www.boem.gov/nepaprocess/.* BOEM will primarily distribute digital copies of the FEIS on compact discs. You may request a copy on compact disc, a paper copy, or the location of a library with a paper copy of the FEIS from Mr. Greg Kozlowski, Deputy Regional Supervisor, Office of Environment, at (504) 736–2512 or *greg.kozlowski@boem.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Greg Kozlowski, Deputy Regional Supervisor, Office of Environment, (504) 736–2512 or *greg.kozlowski@boem.gov.*

Authority: This Notice of Availability (NOA) of a Final Environmental Impact Statement is published pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4231 *et seq.*), and 43 CFR 46.415.

Dated: March 1, 2017.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2017–04700 Filed 3–9–17; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1042]

Certain Hybrid Electric Vehicles and Components Thereof Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 2, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Paice LLC of Baltimore, Maryland and Abell Foundation, Inc. of Baltimore, Maryland. Letters supplementing the complaint were filed on February 15, 2017, and February 21, 2017. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain hybrid electric vehicles and components thereof by reason of infringement of U.S. Patent No. 7,104,347 (''the '347 patent''); U.S. Patent No. 7,237,634 (''the '634 patent''); U.S. Patent No. 7,455,134 (''the '134 patent''); U.S. Patent No. 7,559,388 (''the '388 patent''); and U.S. Patent No. 8,214,097 (''the '097 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

Addresses: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2016).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on March 6, 2017, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain hybrid electric vehicles and components thereof by reason of infringement of one or more of claims 1, 2, 7, 10, 15, 23, 24, 28, 31, 36, and 37 of the '347 patent; claims 1, 5, 6, 13, 16, 18, 25, 33, 53, 80, 94, 95, 98, 99, 100, 101, 112, 215, 227, 235, 240, 267, and 290 of the '634 patent; claims 16, 17, 18, and 40 of the '134 patent; claims 1 and 3 of the '388 patent; and claims 21, 30, 32, 33, and 34 of the '097 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are: Paice LLC, 111 South Calvert Street, Suite 2310, Baltimore, MD 21202; Abell Foundation, Inc., 111 South Calvert Street, Suite 2310, Baltimore, MD 21202.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Ford Motor Company, 1 American Road, Dearborn, MI 48126.

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: March 7, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–04737 Filed 3–9–17; 8:45 am]

BILLING CODE 7020–02–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2017–028]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when agencies no longer need them for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives of the United States and to destroy, after a specified period, records lacking administrative, legal, research, or other value. NARA publishes notice in the **Federal Register** for records schedules in which agencies propose to destroy records they no longer need to conduct agency business. NARA invites public comments on such records schedules.

DATES: NARA must receive requests for copies in writing by April 10, 2017. Once NARA finishes appraising the records, we will send you a copy of the schedule you requested. We usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. You may also request these. If you do, we will also provide them once we have completed the appraisal. You have 30 days after we send to you these requested documents in which to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Appraisal and Agency Assistance (ACRA) using one of the following means:

Mail: NARA (ACRA), 8601 Adelphi Road, College Park, MD 20740–6001.

Email: request.schedule@nara.gov.

FAX: 301–837–3698.

You must cite the control number, which appears in parentheses after the name of the agency that submitted the schedule, and a mailing address. If you would like an appraisal report, please include that in your request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, by mail at Records Appraisal and Agency Assistance (ACRA), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001, by phone at 301–837–1799, or by email at *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: NARA publishes notice in the **Federal Register** for records schedules they no longer need to conduct agency business. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

Each year, Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing records retention periods and submit these schedules for NARA's approval. These schedules provide for timely transfer into the National Archives of historically valuable records and authorize the agency to dispose of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless otherwise specified. An item in a schedule is media neutral when an agency may apply the disposition instructions to records regardless of the medium in which it creates or maintains the records. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is expressly limited to a specific medium. (See 36 CFR 1225.12(e).)

Agencies may not destroy Federal records without Archivist of the United States' approval. The Archivist approves destruction only after thoroughly considering the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value.

In addition to identifying the Federal agencies and any subdivisions requesting disposition authority, this notice lists the organizational unit(s) accumulating the records (or notes that the schedule has agency-wide applicability when schedules cover records that may be accumulated throughout an agency); provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction); and includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it also includes information about the records. You may request additional information about the disposition process at the addresses above.

Schedules Pending

1. Department of the Army, Agency-wide (DAA–AU–2016–0072, 1 item, 1 temporary item). Master files of an electronic information system that contains scholarship data.

2. Department of Defense, National Reconnaissance Office (N1–525–12–5, 6 items, 3 temporary items). Records related to operational management and methodology for activities other than those relating to reconnaissance systems. Proposed for permanent retention are high level documentation on missions, programs, and Senior Officials, as well as historical collections and products.

3. Department of Defense, National Reconnaissance Office (N1–525–12–6, 4 items, 3 temporary items). Records related to production and operation of reconnaissance systems. Proposed for permanent retention is a subset of production and operation files of reconnaissance systems.

4. Department of Defense, National Security Agency (DAA–0457–2016–0004, 3 items, 3 temporary items). Records related to agency Web sites, including internet and intranet content, and snapshots.

5. Department of Homeland Security, Transportation Security Administration (DAA–0560–2017–0003, 1 item, 1 temporary item). Records related to the administration of a premium pay program for agency law enforcement officers.

6. Department of State, Foreign Service Posts (DAA–0084–2015–0001, 12 items, 2 temporary items). Records include copies of unannotated telegrams maintained at posts. Proposed for permanent retention are program files of the Principal Officer, Deputy Principal Officer, Economic Section, and Political Section. Also proposed for permanent retention are post to post and annotated telegrams, and chronological files of the Principal Officer and Deputy Principal Officer.

7. Department of Transportation, National Highway Traffic Safety Administration (DAA–0416–2017–0001, 3 items, 3 temporary items). Records of the Office of Vehicle Safety Compliance, including vehicle statements of conformity standards and inconsequential noncompliance petition records.

8. National Archives and Records Administration, Government-wide (DAA–GRS–2017–0003, 2 items, 2 temporary items). General Records Schedule for records required only for a short time (transitory records) and records created or used in the process of creating a subsequent record (intermediary records) that are also not required to meet legal or fiscal obligations, or to initiate, sustain, evaluate, or provide evidence of decision-making.

9. National Archives and Records Administration, Research Services (N2–59–16–2, 4 items, 4 temporary items). Records of the Department of State including surveys, reports, and regulation files identified as duplicative of other accessioned records. These records were accessioned to the National Archives but lack sufficient historical value to warrant their continued preservation.

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2017–04724 Filed 3–9–17; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; 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: Proposal Review Panel for the Division of Physics (1208) (V171445)—JQI Site Visit.

Date and Time:
April 20, 2017; 8:30 a.m.–9:00 p.m.
April 21, 2017; 8:30 a.m.–4:00 p.m.

Place: University of Maryland, College Park, MD 20742.

Type of Meeting: Part-Open.

Contact Person: Jean Cottam-Allen, Program Director for Physics Frontier Centers, Division of Physics, National Science Foundation, 4201 Wilson Blvd., Room 1015, Arlington, VA 22230; Telephone: (703) 292–8783.

Purpose of Meeting: Site visit to provide an evaluation of the progress of the projects at the host site for the Division of Physics at the National Science Foundation.

Agenda

April 20, 2017; 8:30 a.m.–9:00 p.m.

8:30 a.m.–12:00 p.m. Panel Session: Presentations on Center Overview, Management and Science
12:00 p.m.–1:30 p.m. Lunch with Graduate Students and Postdocs
1:30 p.m.–4:00 p.m. Panel Session: Continued Science Presentations, Education and Outreach
4:00 p.m.–5:00 p.m. Executive Session—CLOSED SESSION
5:00 p.m.–7:00 p.m. Poster Session
7:00 p.m.–9:00 p.m. Executive Session—CLOSED SESSION

April 21, 2017; 8:30 a.m.–4:00 p.m.

8:30 a.m.–10:30 a.m. Meeting with University Administrators
10:30 a.m.–12:00 p.m. Discussion with Center Directors
12:00 p.m.–3:00 p.m. Executive Session—CLOSED SESSION
3:00 p.m.–4:00 p.m. Closeout Session with Center Directors

Reason for Closing: Topics to be discussed and evaluated during closed portions of the site review will include information of a proprietary or confidential nature, including technical information and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 7, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–04733 Filed 3–9–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; 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: Proposal Review Panel for the Division of Physics (1208) (V171442)—CTBP Site Visit.

Date and Time: April 13, 2017; 8:30 a.m.–9:00 p.m.; April 14, 2017; 8:30 a.m.–4:00 p.m.

Place: Rice University, Tallahassee, FL 32306 (FSU).

Type of Meeting: Part-Open.

Contact Person: Jean Cottam-Allen, Program Director for Physics Frontier Centers, Division of Physics, National Science Foundation, 4201 Wilson Blvd., Room 1015, Arlington, VA 22230; Telephone: (703) 292–8783.

Purpose of Meeting: Site visit to provide an evaluation of the progress of the projects at the host site for the Division of Physics at the National Science Foundation.

Agenda

April 13, 2017; 8:30 a.m.–9:00 p.m.

8:30 a.m.–12:00 p.m. Panel Session: Presentations on Center Overview, Management and Science
12:00 p.m.–1:30 p.m. Lunch with Graduate Students and Postdocs
1:30 p.m.–4:00 p.m. Panel Session: Continued Science Presentations, Education and Outreach
4:00 p.m.–5:00 p.m. Executive Session—Closed Session
5:00 p.m.–7:00 p.m. Poster Session
7:00 p.m.–9:00 p.m. Executive Session—Closed Session

April 14, 2017; 8:30 a.m.–4:00 p.m.

8:30 a.m.–10:30 a.m. Meeting with

University Administrators
10:30 a.m.–11:00 a.m. Discussion with Center Directors
11:00 a.m.–3:00 p.m. Executive Session—Closed Session
3:00 p.m.–4:00 p.m. Closeout Session with Center Directors

Reason for Closing: Topics to be discussed and evaluated during closed portions of the site review will include information of a proprietary or confidential nature, including technical information and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 7, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–04731 Filed 3–9–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; 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: Proposal Review Panel for the Division of Physics (1208) (V171446)—JINA–CEE Site Visit.

Date and Time:
April 24, 2017; 8:30 a.m.–9:00 p.m.
April 25, 2017; 8:30 a.m.–4:00 p.m.

Place: Michigan State University, East Lansing, MI 48824–1321.

Type of Meeting: Part-Open.

Contact Person: Jean Cottam-Allen, Program Director for Physics Frontier Centers, Division of Physics, National Science Foundation, 4201 Wilson Blvd., Room 1015, Arlington, VA 22230; Telephone: (703) 292–8783.

Purpose of Meeting: Site visit to provide an evaluation of the progress of the projects at the host site for the Division of Physics at the National Science Foundation.

Agenda

April 24, 2017; 8:30 a.m.–9:00 p.m.

8:30 a.m.–12:00 p.m. Panel Session: Presentations on Center Overview, Management and Science
12:00 p.m.–1:30 p.m. Lunch with Graduate Students and Postdocs
1:30–4:00 p.m. Panel Session: Continued Science Presentations, Education and Outreach
4:00 p.m.–5:00 p.m. Executive Session—CLOSED SESSION
5:00 p.m.–7:00 p.m. Poster Session
7:00 p.m.—9:00 p.m. Executive Session—CLOSED SESSION

April 25, 2017; 8:30 a.m.–4:00 p.m.

8:30 a.m.–10:30 a.m. Meeting with University Administrators
11:00 a.m.–12:00 p.m. Discussion with Center Directors
12:00 p.m.–3:00 p.m. Executive Session—CLOSED SESSION
3:00 p.m.–4:00 p.m. Closeout Session with Center Directors

Reason for Closing: Topics to be discussed and evaluated during closed portions of the site review will include information of a proprietary or confidential nature, including technical information and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 7, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–04732 Filed 3–9–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–228; License No. R–98; EA–17–002; NRC–2012–0286]

In the Matter of Aerotest Operations, Inc.; Aerotest Radiography and Research Reactor; Order Approving Indirect Transfer of Facility Operating License and Conforming Amendment

AGENCY: Nuclear Regulatory Commission.

ACTION: Indirect transfer of license; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an order approving an application filed by Aerotest Operations, Inc. (Aerotest) and Nuclear Labyrinth LLC (Nuclear Labyrinth) on May 30, 2012. The application sought NRC approval of the indirect transfer of Facility Operating License No. R–98 for the Aerotest Radiography and Research Reactor (ARRR), currently held by Aerotest, to Nuclear Labyrinth. The NRC's approval of the indirect license transfer is subject to certain conditions, which are described in the order. The order also approves an amendment to the license for administrative purposes to reflect the indirect license transfer. The order is effective upon issuance.

DATES: The order was issued on February 28, 2017, and is effective for one year.

ADDRESSES: Please refer to Docket ID NRC–2012–0286 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–2012–0286. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, the ADAMS accession numbers for documents related to this action are provided in a table in the ''Availability of Documents'' section of this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room OWFN–01F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Edward Helvenston, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–4067; email: *Edward.Helvenston@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Order

The text of the order is attached.

II. Availability of Documents

Documents related to this action, including the indirect license transfer application and other supporting documentation, are available to interested persons as indicated.

Document	ADAMS accession No(s).
Aerotest Operations, Inc. and Nuclear Labyrinth LLC, ''Application for Approval of Indirect Transfer of Control of License,'' May 30, 2012.	ML12152A233, ML12180A384
U.S. Nuclear Regulatory Commission, ''Request to Aerotest Operations, Inc. and Nuclear Labyrinth LLC to Supplement the License Transfer Application,'' July 5, 2012.	ML121740317, ML121740343
Aerotest Operations, Inc. and Nuclear Labyrinth LLC, ''Response to Request to Aerotest Operations, Inc. and Nuclear Labyrinth LLC to Supplement the License Transfer Application (TAC No. ME8811),'' July 19, 2012.	ML122021201
U.S. Nuclear Regulatory Commission, ''Aerotest Operations, Inc.—Acceptance of Requested License Transfer Application (TAC No. ME8811),'' August 14, 2012.	ML12213A486
U.S. Nuclear Regulatory Commission, ''Aerotest Operations, Inc., and Nuclear Labyrinth LLC—Request for Additional Information Re: Application for Approval of Indirect Transfer of Control of License of Aerotest Radiography and Research Reactor Pursuant to 10 CFR 50.80 (TAC No. ME8811),'' September 14, 2012.	ML12242A460, ML12242A479
Aerotest Operations, Inc. and Nuclear Labyrinth LLC, ''Response to Request for Additional Information Re: Application for Approval of Indirect Transfer of Control of License of Aerotest Radiography and Research Reactor Pursuant to 10 CFR 50.80 (TAC No. ME8811),'' October 15, 2012.	ML12291A508
U.S. Nuclear Regulatory Commission, ''Aerotest Operations, Inc., and Nuclear Labyrinth LLC—Request for Additional Information Re: Application for Approval of Indirect Transfer of Control of License of Aerotest Radiography and Research Reactor Pursuant to 10 CFR 50.80 (TAC No. ME8811),'' December 10, 2012.	ML12339A181, ML12339A189
Aerotest Operations, Inc. and Nuclear Labyrinth LLC, ''Response to Request for Additional Information Re: Application for Approval of Indirect Transfer of Control of License of Aerotest Radiography and Research Reactor Pursuant to 10 CFR 50.80 (TAC No. ME8811),'' January 10, 2013.	ML13015A395
U.S. Nuclear Regulatory Commission, ''Summary of December 19, 2012, Meeting with Aerotest Operations, Inc., and Nuclear Labyrinth LLC, on the Request for Additional Information on the Proposed Indirect License Transfer Application of the Aerotest Radiography and Research Reactor,'' January 18, 2013.	ML13018A003
U.S. Nuclear Regulatory Commission, ''Denial of License Renewal, Denial of License Transfer, and Issuance of Order to Modify License No. R–98 to Prohibit Operation of the Aerotest Radiography and Research Reactor, Facility Operating License No. R–98 (TAC Nos. ME8811 and MC9596),'' July 24, 2013.	ML13120A598, ML13129A001, ML13158A164
U.S. Nuclear Regulatory Commission, Memorandum and Order CLI–14–05, April 10, 2014	ML14100A094
U.S. Nuclear Regulatory Commission, Certification of Record to Commission (LBP–14–10), September 5, 2014	ML14248A614
U.S. Nuclear Regulatory Commission, Memorandum and Order CLI–15–26, December 23, 2015	ML15357A201
U.S. Nuclear Regulatory Commission, ''Aerotest Operations Inc. and Nuclear Labyrinth LLC Request for Additional Information Re: Opportunity to Supplement 2012 License Transfer Application (TAC No. MF7221),'' January 21, 2016.	ML16020A546
Aerotest Operations, Inc. and Nuclear Labyrinth LLC, ''Response to Request for Additional Information Re: Opportunity to Supplement 2012 License Transfer Application (TAC No. MF7221),'' April 21, 2016.	ML16117A259
Aerotest Operations, Inc. and Nuclear Labyrinth LLC, ''Request for Proprietary Treatment for Supplemental Response to Request for Additional Information Re: Opportunity to Supplement 2012 License Transfer Application (TAC No. MF7221),'' June 16, 2016.	ML16176A221
U.S. Nuclear Regulatory Commission, ''Aerotest Operations, Inc. and Nuclear Labyrinth LLC Request for Additional Information Re: Supplemented 2012 Application for Approval of Indirect Transfer of Control of License of Aerotest Radiography and Research Reactor (TAC No. MF7221),'' July 20, 2016.	ML16182A397
Aerotest Operations, Inc. and Nuclear Labyrinth LLC, ''Response to Request for Additional Information Re: Opportunity to Supplement 2012 License Transfer Application (TAC No. MF7221),'' August 22, 2016.	ML16245A230
U.S. Nuclear Regulatory Commission, ''Aerotest Operations, Inc., Notice of Consideration of Approval of Application Regarding Proposed Indirect Transfer and Conforming Amendments, Opportunity for a Hearing, and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information,'' September 8, 2016, published in the **Federal Register** on September 23, 2016 (81 FR 65677).	ML16214A125, ML16214A121
Aerotest Operations, Inc. and Nuclear Labyrinth LLC, ''Response to Request for Additional Information Re: Opportunity to Supplement 2012 License Transfer Application (TAC No. MF7221),'' October 10, 2016.	ML16294A250
Aerotest Operations, Inc. and Nuclear Labyrinth LLC, Electronic mail providing clarification on license transfer proposed technical specifications, October 19, 2016.	ML16294A549
Aerotest Operations, Inc. and Nuclear Labyrinth LLC, Electronic mail providing clarification on non-proprietary treatment of certain financial information, and a correction to license transfer proposed technical specifications, November 2, 2016.	ML16312A345

Dated at Rockville, Maryland, this 28th day of February 2017.

For the Nuclear Regulatory Commission.

Spyros A. Traiforos,

Project Manager, Research and Test Reactors Licensing Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

ATTACHMENT—Order Approving Indirect Transfer of Facility Operating License and Conforming Amendment

In the Matter of Aerotest Operations, Inc.; Aerotest Radiography and Research Reactor; [Docket No. 50–228; License No. R–98; EA–17–002; NRC–2012–0286] (EFFECTIVE UPON ISSUANCE)

I.

Aerotest Operations, Inc. (Aerotest) is the holder of Facility Operating License No. R–98 for the Aerotest Radiography and Research Reactor (ARRR), located in San Ramon, Contra Costa County, California. Aerotest is a wholly owned subsidiary of OEA Aerospace, Inc., a wholly owned subsidiary of OEA, Inc., which, in turn, is a wholly owned subsidiary of Autoliv ASP, Inc. (Autoliv). The ultimate owner is Autoliv, Inc.

II.

By application dated May 30, 2012, as supplemented by letters dated July 19, 2012; October 15, 2012; January 10, 2013; April 21, 2016; June 16, 2016; August 22, 2016; and October 10, 2016, Aerotest and Nuclear Labyrinth LLC (Nuclear Labyrinth) (collectively, ''the applicants'') requested U.S. Nuclear Regulatory Commission (NRC) approval, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.80 (10 CFR 50.80), of the indirect transfer of control of the license for the ARRR. The indirect transfer of control would involve the transfer of ownership of Aerotest from OEA Aerospace, Inc. to Nuclear Labyrinth, and would result from the acquisition of Aerotest by Nuclear Labyrinth through a stock transfer. Nuclear Labyrinth would indirectly own 100 percent of the ARRR through its ownership of Aerotest. There would be no direct transfer of the license. Aerotest would continue to own and operate the facility and hold the license. Although the license would be amended for administrative purposes to reflect the transfer, no physical changes to the ARRR facility or operational changes were proposed in the application. Except for the installation of the Chief Executive Officer and sole owner of Nuclear Labyrinth, Dr. David Slaughter, as president of Aerotest, no management or organizational changes were proposed.

By the application dated May 30, 2012, as supplemented by letters dated July 19, 2012, October 15, 2012, and January 10, 2013, the applicants originally requested NRC consent for the subject indirect license transfer. By letter dated July 24, 2013, the NRC staff denied the applicants' original indirect license transfer application on the grounds that the applicants had failed to satisfy the NRC's financial qualifications requirements and that the applicants had not shown that there would be sufficient funds to cover the annual cost of fuel storage until the U.S. Department of Energy accepts the fuel once the facility permanently ceases operations. The applicants filed a joint demand for a hearing on the denial and, on August 12, 2014, a hearing was conducted, at which the applicants presented new information, relevant to the indirect license transfer application, which had not previously been provided to the NRC staff. Based on the information presented by the applicants and the NRC staff at the hearing, the Commission issued an order, dated December 23, 2015, remanding the license transfer application to the NRC staff for further consideration. Subsequently, the applicants further supplemented the application by letters dated April 21, 2016, June 16, 2016, August 22, 2016, and October 10, 2016.

A notice entitled ''Aerotest Operations, Inc.; Aerotest Radiography and Research Reactor; Consideration of Approval of Indirect License Transfer and Conforming Amendment'' was published in the **Federal Register** on September 23, 2016 (81 FR 65677). No comments or hearing requests were received.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the NRC gives its consent in writing. Upon review of the information in the application, as supplemented, and other information before the Commission, the NRC staff has determined that the indirect transfer of Facility Operating License No. R–98, as described above, is consistent with the applicable provisions of law, regulations, and orders issued by the NRC, pursuant thereto, subject to the conditions set forth below. The NRC staff has further found that the application for the proposed amendment to the license for administrative purposes to reflect the indirect license transfer complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I; the facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission; there is reasonable assurance that the activities authorized by the proposed license amendment can be conducted without endangering the health and safety of the public and that such activities will be conducted in compliance with the Commission's regulations; the issuance of the proposed license amendment will not be inimical to the common defense and security or to the health and safety of the public; and the issuance of the proposed amendment will be in accordance with 10 CFR part 51 of the Commission's regulations and all applicable requirements have been satisfied. The findings set forth above are supported by a safety evaluation dated February 28, 2017.

III.

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Act, 42 U.S.C. Sections 2201(b), 2201(i), and 2234; and 10 CFR 50.80, *it is hereby ordered* that the application regarding the proposed indirect license transfer, as described herein, is approved, subject to the following conditions:

1. A cash secured irrevocable standby letter of credit from a federally insured bank in the amount of $300,000 that conforms to the guidance provided in NRC Regulatory Guide 1.159 must be executed at the time of, or before, the transfer.

2. A decommissioning trust fund for the Aerotest Radiography and Research Reactor (ARRR) that conforms to the guidance provided in NRC Regulatory Guide 1.159 must be established at the time of, or before, the transfer.

3. Autoliv, Inc. shall enter into a Funding Agreement with Nuclear Labyrinth, LLC (Nuclear Labyrinth) at the time of, or before, the transfer. Written notice must be given to the NRC of any changes to the Funding Agreement.

4. The Funding Agreement between Autoliv, Inc. and Nuclear Labyrinth shall provide that upon the closing of the transaction of the acquisition by Nuclear Labyrinth of all of the issued and outstanding shares of stock of Aerotest Operations, Inc. (Aerotest) from the previous ultimate owner of this stock, Autoliv, Inc., or its subsidiaries, will make the following transfers of funds:

A. The sum of $943,225 to an account designated in writing by Nuclear Labyrinth for the benefit of Aerotest intended to fund the operations and maintenance costs of the ARRR for approximately 12 months (Operating Funds). The Operating Funds may only be used as needed to fund the operations and maintenance costs of the ARRR and may not be used by Nuclear Labyrinth for any other purpose. Upon the written request of Aerotest, Nuclear Labyrinth shall distribute such funds from the Operating Funds as Aerotest determines to be necessary to operate and maintain the ARRR.

B. The sum of $3,376,030 to the decommissioning trust fund for the ARRR.

C. The sum of $742,410 (plus the interest on this sum to be calculated from October 1, 2010, to the date of acquisition based on the 13-week Treasury bill rate) and the sum of $625,000 to a segregated account in the decommissioning trust fund for the ARRR (Nuclear Fuel Disposal Funds). The Nuclear Fuel Disposal Funds may only be used to fund the disposal of the ARRR's nuclear fuel elements pursuant to U.S. Department of Energy Contract DE–CR01–83NE44484, as amended, and to fund the acquisition of fuel element storage casks, respectively, and may not be used for any other purpose.

D. The sum of $1,500,000 to the financial protection standby trust for the ARRR.

E. The sum of $1,125,000 to a segregated account in the decommissioning trust fund for the ARRR (Spent Fuel Management Funds). The Spent Fuel Management Funds may only be used to fund the management of the ARRR's nuclear fuel elements after the permanent cessation of operations of the ARRR and before the acceptance of the fuel by the U.S. Department of Energy.

It is further ordered that, consistent with 10 CFR 2.1315(b), the conforming license amendment that makes administrative changes to reflect the subject indirect license transfer is approved. The amendment shall be issued and made effective at the time the proposed indirect license transfer action is completed.

It is further ordered that, after receipt of all required regulatory approvals of the

proposed indirect license transfer action, Aerotest shall inform the Director of the Division of Policy and Rulemaking in writing of such receipt and of the date of closing of the transfer no later than 7 business days prior to the date of the closing of the transfer. Should the proposed indirect license transfer not be completed by February 28, 2018, this Order shall become null and void, provided, however, that upon written application and for good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the application dated May 30, 2012, as supplemented by letters dated July 19, 2012, October 15, 2012, January 10, 2013, April 21, 2016, June 16, 2016, August 22, 2016, and October 10, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. for these documents are listed in the ''Availability of Documents'' section of the **Federal Register** notice to which this order is attached); other documents listed in the ''Availability of Documents'' section of the **Federal Register** notice; and the NRC Safety Evaluation dated February 28, 2017, which are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available documents are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* Persons who encounter problems with ADAMS should contact the NRC's PDR reference staff by telephone at 1–800–397–4209, or 301–415–4737, or by email at *pdr.resource@nrc.gov.*

Dated at Rockville, Maryland, this 28th day of February, 2017.

For the Nuclear Regulatory Commission.

Louise Lund,

Director, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–04756 Filed 3–9–17; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80161; File No. SR–BX–2017–015]

Self-Regulatory Organizations; NASDAQ BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Billing Ports and Other Services

March 6, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 21, 2017, NASDAQ BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to clarify that BX Options Market port fees and other services in Chapter VX, Section 3 of BX Rules are not prorated.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to include language within Chapter XV, Section 3 to clarify that the port fees and other services noted in this section are not subject to proration.

Chapter XV, Section 3, entitled ''BX Options Market—Ports and other Services'' includes pricing for TradeInfo BX,[3] various port fees and an Extranet Access Fee.[4] The port fees include Order Entry Ports,[5] CTI Ports,[6] BX Depth Ports,[7] BX TOP Ports,[8] Order Entry DROP Ports [9] and SQF Ports.[10]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] TradeInfo allows a BX Options Participant to scan for all orders it submitted to BX Options in a particular security or all orders of a particular type, regardless of their status (open, canceled, executed, etc.) [sic] Also, it permits a participant to cancel open orders at the port or firm mnemonic level. TradeInfo allows a BX Options Participant to manage its order flow and mitigate risk by giving users the ability to view its orders and executions, as well as the ability to perform cancels at the port or firm mnemonic level. Finally, TradeInfo BX has the ability download records of orders and executions for recordkeeping purposes.

[4] The Extranet Access Fee is a monthly access fee per recipient Customer Premises Equipment (''CPE'') Configuration. A ''Customer Premises Equipment Configuration'' means any line, circuit, router package, or other technical configuration used by an extranet provider to provide a direct access connection to the Exchange market data feeds to a recipient's site.

[5] The Order Entry Port Fee is a connectivity fee in connection with routing orders to the Exchange via an external order entry port. BX Options Market Participants access the Exchange's network through order entry ports. A BX Options Market Participant may have more than one order entry port.

[6] CTI offers real-time clearing trade updates. A real-time clearing trade update is a message that is sent to a member after an execution has occurred and contains trade details. The message containing the trade details is also simultaneously sent to The Options Clearing Corporation. The trade messages are routed to a member's connection containing certain information. The administrative and market event messages include, but are not limited to: System event messages to communicate operational-related events; options directory messages to relay basic option symbol and contract information for options traded on the Exchange; complex strategy messages to relay information for those strategies traded on the Exchange; trading action messages to inform market participants when a specific option or strategy is halted or released for trading on the Exchange; and an indicator which distinguishes electronic and non-electronically delivered orders.

[7] A BX Depth Port provides access to BX Depth, which is a data feed that provides quotation information for individual orders on the BX book, last sale information for trades executed on BX, and Order Imbalance Information as set forth in BX Options Rules Chapter VI, Section 8. BX Depth is the options equivalent of the BX TotalView/ITCH data feed that BX offers under BX Rule 7023 with respect to equities traded on BX. As with TotalView, members use BX Depth to ''build'' their view of the BX book by adding individual orders that appear on the feed, and subtracting individual orders that are executed. *See* Chapter VI, Section 1(a)(3)(A).

[8] BX TOP Port is a data feed that provides the BX Best Bid and Offer (''BBO'') and last sale information for trades executed on BX. The BBO and last sale information are identical to the information that BX sends to the Options Price Regulatory Authority (''OPRA'') and which OPRA disseminates via the consolidated data feed for options. BX TOP Port is the options equivalent of the BX Basic data feed offered for equities under BX Rule 7047. *See* Chapter VI, Section 1(a)(3)(B).

[9] The DROP interface provides real time information regarding orders sent to the BX Options Market and executions that occurred on the BX Options Market. The DROP interface is not a trading interface and does not accept order messages.

[10] SQF is an interface that allows BX Market Makers to connect and send quotes and sweeps into the System. Data includes the following: (1) Options Auction Notifications (*e.g.,* opening imbalance, market exhaust, PRISM Auction information, or other information); (2) Options Symbol Directory Messages; (3) System Event Messages (*e.g.,* start of messages, start of system hours, start of quoting, start of opening); (4) Option Trading Action Messages (*e.g.,* halts, resumes); and (5) Quote Messages (quote/sweep messages, risk protection triggers or purge notifications). An Active Purge Port may be configured as a ''Purge-only'' port of purging option interest from the Exchange's system and allowing entry of underlying-level purges for a specified range of options and delivery of Purge Notification messages identifying the identification of who submitted the purge and the underlying symbol.

Today, the Exchange does not prorate any of these per month fees. The Exchange proposes to add a clarifying sentence to make clear that fees are assessed in full month increments and are not prorated, to avoid any confusion.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Section 6(b)(5) of the Act,[12] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by clearly specifying in Chapter XV, Section 3 that the Exchange's pricing regarding ports and other services is not prorated. The Exchange believes that its decision to not prorate is consistent with the Act because prorating billing results in complexity and increased costs associated with the billing process.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange will uniformly assess the fees in Chapter XV, Section 3 to all Options Participants in a uniform manner.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[15] and Rule 19b–4(f)(6) thereunder.[16]

A proposed rule change filed under Rule 19b–4(f)(6)[17] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately. The Exchange requests that the Commission waive the 30-day operative delay contained in Rule 19b–4(f)(6)(iii) so that the Exchange may implement the change upon filing specifying that the fees in Chapter XV, Section 3 of the Exchange's Options Pricing rule will not be prorated. The Commission believes that adding the sentence to Chapter XV, Section 3 of the Exchange's Options Pricing rule to state that fees are assessed in full-month increments, *i.e.,* they are not prorated, will avoid confusion and thus serve to protect investors and the public interest. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–BX–2017–015 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2017–015. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–BX–2017–015 and should be submitted on or before March 31, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04725 Filed 3–9–17; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80162; File No. SR–Phlx–2017–18]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Billing Ports and Other Services

March 6, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 21, 2017, NASDAQ PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Port Fees in Chapter VII at Part B to indicate those fees are not prorated.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqphlx.cchwallstreet.com/*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to include language within Chapter VII, entitled ''Other Membership Fees'' at Part B, entitled ''Port Fees'' to clarify that the port fees in this section are not subject to proration.

Chapter VII, Part B includes pricing for Order Entry Ports,[3] Active SQF Port Fees,[4] CTI Ports,[5] and SQF Purge Ports.[6] Today, the Exchange does not prorate any of these per month port fees. The Exchange proposes to add a clarifying sentence to make clear that port fees are assessed in full month increments and are not prorated, to avoid any confusion.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by clearly specifying in Chapter VII, Part B that the Exchange's pricing regarding ports is not prorated. The Exchange believes that its decision to not prorate is consistent with the Act because prorating billing results in complexity and increased costs associated with the billing process.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange will uniformly assess the fees in Chapter VII, Part B to all Phlx members and member organizations in a uniform manner.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12]

A proposed rule change filed under Rule 19b–4(f)(6)[13] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[14] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Order Entry Port Fee is a connectivity fee in connection with routing orders to the Exchange via an external order entry port. Phlx members access the Exchange's network through order entry ports. A Phlx member may have more than one order entry port.

[4] SQF is an interface that allows Specialists, Streaming Quote Traders (''SQTs'') and Remote Streaming Quote Traders (''RSQTs'') to connect and send quotes and sweeps into Phlx XL. Data includes the following: (1) Options Auction Notifications (*e.g.,* opening imbalance, market exhaust, Price Improvement XL or PIXL℠ (''PIXL'') Auction information, or other information); (2) Options Symbol Directory Messages; (3) System Event Messages (*e.g.,* start of messages, start of system hours, start of quoting, start of opening); (4) Complex Order Strategy Auction Notifications (COLA); (5) Complex Order Strategy messages; (6) Option Trading Action Messages (*e.g.,* halts, resumes); (7) Complex Strategy Trading Action Message (*e.g.,* halts, resumes) and (8) Quote Messages (quote/sweep messages, risk protection triggers or purge notifications). Active SQF ports are ports that receive inbound quotes at any time within that month.

[5] CTI offers real-time clearing trade updates. A real-time clearing trade update is a message that is sent to a member after an execution has occurred and contains trade details. The message containing the trade details is also simultaneously sent to The Options Clearing Corporation. The trade messages are routed to a member's connection containing certain information. The administrative and market event messages include, but are not limited to: System event messages to communicate operational-related events; options directory messages to relay basic option symbol and contract information for options traded on the Exchange; complex strategy messages to relay information for those strategies traded on the Exchange; trading action messages to inform market participants when a specific option or strategy is halted or released for trading on the Exchange; and an indicator which distinguishes electronic and non-electronically delivered orders.

[6] An Active SQF Purge Port may be configured as a ''Purge-only'' port of purging option interest from the Exchange's system and allowing entry of underlying-level purges for a specified range of options and delivery of Purge Notification messages identifying the identification of who submitted the purge and the underlying symbol.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

immediately. The Exchange requests that the Commission waive the 30-day operative delay contained in Rule 19b–4(f)(6)(iii) so that the Exchange may implement the change upon filing specifying that the port fees in Chapter VII, Part B of the Exchange's Pricing Schedule will not be prorated. The Commission believes that adding the sentence to Chapter VII, Part B of the Exchange's Pricing Schedule to state that port fees are assessed in full-month increments, *i.e.,* they are not prorated, will avoid confusion and thus serve to protect investors and the public interest. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–Phlx–2017–18 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–Phlx–2017–18. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–Phlx–2017–18 and should be submitted on or before March 31, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04726 Filed 3–9–17; 8:45 am]

BILLING CODE 8011–01–P

[15] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15081 and #15082]

Texas Disaster #TX–00478

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Texas dated 03/03/2017.

Incident: Severe Storms and Tornadoes.

Incident Period: 02/19/2017 through 02/20/2017.

DATES: Effective 03/03/2017.

Physical Loan Application Deadline Date: 05/02/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 12/04/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Bexar.

Contiguous Counties:

Texas: Atascosa, Bandera, Comal, Guadalupe, Kendall, Medina, Wilson.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.750
Homeowners Without Credit Available Elsewhere	1.875
Businesses With Credit Available Elsewhere	6.300
Businesses Without Credit Available Elsewhere	3.150
Non-Profit Organizations With Credit Available Elsewhere	2.500
Non-Profit Organizations Without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	3.150
Non-Profit Organizations Without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15081 B and for economic injury is 15082 0.

The States which received an EIDL Declaration # are TEXAS.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: March 3, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–04761 Filed 3–9–17; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2017–0011]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance

by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*,

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*, Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2017–0011].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than May 9, 2017. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Marriage Certification—20 CFR 404.725—0960–0009. Sections 202(b) and 202(c) of the Social Security Act (Act) stipulate that every spouse of an individual entitled to Old Age, Survivors, and Disability Insurance (OASDI) benefits is entitled to a spouse benefit if the wife or husband, in addition to meeting the entitlement requirements, meets the relationship criteria in Section 216(h)(1)(A) and (B) of the Act. SSA uses Form SSA–3 to determine if a spouse claimant has the necessary relationship to the Social Security number holder (*i.e.,* the worker) to qualify for the worker's OASDI benefits. The respondents are applicants for spouse's OASDI benefits.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–3	180,000	1	5	15,000

2. Farm Arrangement Questionnaire—20 CFR 404.1082(c)—0960–0064. When self-employed workers submit earnings data to SSA, they cannot count rental income from a farm unless they demonstrate ''material participation'' in the farm's operation. A material participation arrangement means the farm owners must perform a combination of physical duties, management decisions, and capital investment in the farm they are renting out. SSA uses Form SSA–7157, the Farm Arrangement Questionnaire, to document material participation. The respondents are workers who are renting farmland to others; are involved in the operation of the farm; and want to claim countable income from work they perform relating to the farm.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–7157	2,304	1	30	1,152

3. Railroad Employment Questionnaire—20 CFR 404.1401, 404.1406–404.1408—0960–0078. Railroad workers, their dependents, or survivors can concurrently apply for railroad retirement and Social Security benefits at SSA if the number holder, or claimant on the number holder's Social Security Number, worked in the railroad industry. SSA uses Form SSA–671 to coordinate Social Security claims processing with the Railroad Retirement Board and to determine benefit entitlement and amount. The respondents are Social Security benefit applicants previously employed by a railroad or dependents of railroad workers.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–671	125,000	1	5	10,417

II. SSA submitted the information collection below to OMB for clearance. Your comments regarding the information collection would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than April 10, 2017. Individuals can obtain copies of the OMB clearance package by writing to *OR.Reports.Clearance@ssa.gov.*

Application for Survivor's Benefits—20 CFR 404.611(a) and (c)—0960–0062. Surviving family members of armed services personnel can file for Social Security and veterans' benefits with SSA or at the Veterans Administration

(VA). Applicants filing for Title II survivor benefits at the VA complete Form SSA–24, which the VA forwards to SSA for processing. SSA uses the information to determine eligibility for benefits. The respondents are survivors of deceased armed services personnel who are applying for benefits at the VA.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–24	3,200	1	15	800

Dated: March 6, 2017.

Naomi R. Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2017–04712 Filed 3–9–17; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 9912]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Revoliutsiia! Demonstratsiia!: Soviet Art Put to the Test'' Exhibition

Summary: 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 ''Revoliutsiia! Demonstratsiia!: Soviet Art Put to the Test,'' 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 Art Institute of Chicago, Chicago, Illinois, from on or about October 29, 2017, until on or about January 14, 2018, 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 Contact: 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. 2017–04827 Filed 3–9–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 9913]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Gauguin: Artist as Alchemist'' Exhibition

Summary: 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 the objects to be included in the exhibition ''Gauguin: Artist as Alchemist,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Art Institute of Chicago, Chicago, Illinois, from on or about June 25, 2017, until on or about September 10, 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 Contact: 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. 2017–04828 Filed 3–9–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0094; FMCSA–2013–0109]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for two individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each renewed exemption was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001.

Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On October 14, 2016, FMCSA published a notice announcing its decision to renew exemptions for two individuals from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (81 FR 71176). The public comment period ended on November 14, 2016, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person:

> Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the two renewal exemption applications and no comments received, FMCSA confirms its' decision to exempt the following drivers from the Epilepsy and Seizure Disorders requirement in 49 CFR 391.41 (b)(8), subject to the requirements cited above.

As of February 10, 2016, Victor Marquez (ID), has satisfied the renewal conditions for obtaining an exemption from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8), from driving CMVs in interstate commerce. This individual's name was misspelled as Victor Martinez (ID), in the October 14, 2016 notice requesting comment (81 FR 71176). This driver was included in FMCSA–2012–0094. This exemption was effective on February 10, 2016, and will expire on February 10, 2018.

As of February 14, 2016, John Johnson (WI), has satisfied the renewal conditions for obtaining an exemption from the Epilepsy and Seizure Disorders prohibition in 49 CFR 391.41(b)(8), from driving CMVs in interstate commerce (81 FR 71176). This driver was included in FMCSA–2013–0109. This exemption was effective on February 14, 2016, and will expire on February 14, 2018.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04678 Filed 3–9–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2016–0204]

Exploring Industry Practices on Distribution and Display of Airline Fare, Schedule, and Availability Information

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Suspension of comment period.

SUMMARY: DOT is suspending the public comment period for the Request for Information (RFI) Exploring Industry Practices on Distribution and Display of Airline Fare, Schedule, and Availability Information, effective March 10, 2017. DOT published the RFI on October 31, 2016, and the comment period initially closed on December 30, 2016. On December 22, 2016, DOT extended the comment period to March 31, 2017. The suspension of the comment period will allow the President's appointees the opportunity to review and consider this action.

DATES: The comment period for this RFI is indefinitely suspended effective March 10, 2017.

ADDRESSES: *Docket:* For access to the docket to read background documents and comments received, go to *http://www.regulations.gov* or to the street address listed above. Follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Kyle-Etienne Joseph, Trial Attorney, or Kimberly Graber, Chief, Consumer Protection and Competition Law Branch, Office of the Assistant General Counsel for Aviation Enforcement and Proceedings, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590, 202–366–9342, 202–366–7152 (fax), *kyle-etienne.joseph@dot.gov* or *kimberly.graber@dot.gov* (email).

Issued this 2nd day of March 2017, in Washington, DC.

Judith S. Kaleta,

Deputy General Counsel.

[FR Doc. 2017–04696 Filed 3–9–17; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TREASURY

Internal Revenue Service

Electronic Tax Administration Advisory Committee (ETAAC); Nominations

AGENCY: Internal Revenue Service, Department of Treasury.

ACTION: Request for nominations.

SUMMARY: The Internal Revenue Service (IRS) is requesting applications from individuals with experience in cybersecurity and information security, tax software development, tax preparation, payroll and tax financial product processing, systems management and improvement, implementation of customer service initiatives, public administration, and consumer advocacy to be considered for selection as members of the Electronic Tax Administration Advisory Committee (ETAAC).

DATES: Written nominations must be received on or before April 24, 2017.

ADDRESSES: Nominations should be sent to: Michael Deneroff, IRS National Public Liaison Office, CL:NPL:SRM, Room 7559, 1111 Constitution Avenue NW., Washington, DC 20224, Attn: ETAAC Nominations. Applications may also be submitted via fax to 855–811–8020 or via email at *PublicLiaison@irs.gov.* Application packages are available on the IRS Web site at *http://www.irs.gov/for-tax-pros.* Application packages may also be requested by telephone from National Public Liaison, 202–317–6851 (not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Michael Deneroff at (202) 317–6851, or send an email to *publicliaison@irs.gov.*

SUPPLEMENTARY INFORMATION: The establishment and operation of the Electronic Tax Administration Advisory Committee (ETAAC) is required by the Internal Revenue Service (IRS) Restructuring and Reform Act of 1998 (RRA 98), Title II, Section 2001(b)(2). ETAAC follows a charter in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The ETAAC provides continued input into the development and implementation of the IRS's strategy for electronic tax administration. The ETAAC will research, analyze, consider, and make recommendations on a wide range of electronic tax administration issues and will provide input into the development of the strategic plan for electronic tax administration. Members will provide an annual report to Congress by June 30.

Applicants must complete the application form, which includes describing and documenting the applicant's qualifications for ETAAC membership. Applicants must submit a short one- or two-page statement including recent examples of specific skills and qualifications as they relate to: Cybersecurity and information security, tax software development, tax preparation, payroll and tax financial product processing, systems management and improvement, implementation of customer service initiatives, consumer advocacy and public administration. Examples of critical thinking, strategic planning and oral and written communication are desirable.

An acknowledgement of receipt will be sent to all applicants.

Equal opportunity practices will be followed in all appointments to the ETAAC in accordance with Department of Treasury and IRS policies. The IRS has a special interest in assuring that women and men, members of all races and national origins, and individuals with disabilities have an opportunity to serve on advisory committees. Therefore, IRS extends particular encouragement to nominations from such appropriately qualified individuals.

Nominations should describe and document the proposed member's qualification for ETAAC membership, including the applicant's knowledge of regulations and the applicant's past or current affiliations and dealings with the particular tax segment or segments of the community that the applicant wishes to represent on the committee. Applications will be accepted for current vacancies from qualified individuals and from professional and public interest groups that wish to have representation on ETAAC. Submissions must include an application and resume.

ETAAC provides continuing input into the development and implementation of the IRS organizational strategy for electronic tax administration. The ETAAC will provide an organized public forum for discussion of electronic tax administration issues such as prevention of refund fraud identity theft in support of the overriding goal that paperless filing should be the preferred and most convenient method of filing tax and information returns. The ETAAC members will convey the public's perceptions of IRS electronic tax administration activities, offer constructive observations about current or proposed policies, programs and procedures, and suggest improvements.

This is a volunteer position and members will serve three-year terms on the ETAAC to allow for a rotation in membership which ensures that different perspectives are represented. Travel expenses within government guidelines will be reimbursed. In accordance with Department of Treasury Directive 21–03, a clearance process including fingerprints, annual tax checks, a Federal Bureau of Investigation criminal check and a practitioner check with the Office of Professional Responsibility will be conducted.

Dated: March 6, 2017.

John Lipold,

Designated Federal Official.

[FR Doc. 2017–04699 Filed 3–9–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Research Advisory Committee on Gulf War Veterans' Illnesses; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C., App. 2, that the Research Advisory Committee on Gulf War Veterans' Illnesses will meet on April 20–21, 2017, at 200 Stuart Street, Boston, MA, from 9:00 a.m. until 5:00 p.m. (EST) on April 20 and from 8:45 a.m. to 12:00 p.m. (EST) on April 21. All sessions will be open to the public, and for interested parties who cannot attend in person, there is a toll-free telephone number (800) 767–1750; access code 56978#.

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Veterans Affairs on proposed research studies, research plans, and research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Gulf War in 1990–1991.

The Committee will review VA program activities related to Gulf War Veterans' illnesses, and updates on relevant scientific research published since the last Committee meeting. Presentations will include updates on the VA Gulf War research program, along with presentations describing new areas of research in genetics, genomics, and neuroscience that can be applied to the health problems of Gulf War Veterans. Also, there will be a discussion of Committee business and activities.

The meeting will include time reserved for public comments in the afternoon. A sign-up sheet for 5-minute comments will be available at the meeting. Individuals who wish to address the Committee may submit a 1–2 page summary of their comments for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Dr. Victor Kalasinsky via email at *victor.kalasinsky@va.gov.* Any member of the public seeking additional

information should contact Dr. Kalasinsky, Designated Federal Officer, at (202) 443–5600.

Dated: March 7, 2017.

LaTonya L. Small,

Advisory Committee Management Officer.

[FR Doc. 2017–04776 Filed 3–9–17; 8:45 am]

BILLING CODE 8320–01–P

Reader Aids

Federal Register

Vol. 82, No. 46

Friday, March 10, 2017

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: **www.ofr.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, MARCH

12167–12288 1
12289–12392 2
12393–12502 3
12503–12712 6
12713–12920 7
12921–13058 8
13059–13224 9
13225–13378 10

CFR PARTS AFFECTED DURING MARCH

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9574 12707
9575 12709
9576 12711
9577 13223

Executive Orders:
13532 (Revoked by EO 13779) 12499
13769 (Revoked by EO 13780) 13209
13777 12285
13778 12497
13779 12499
13780 13209

7 CFR

Proposed Rules:
52 12424
271 12184
272 12184
273 12184

14 CFR

39 .....12289, 12291, 12293, 12393, 12395, 12397, 12401, 12405, 12407, 12410, 13059, 13062, 13063
71 .....12503, 12504, 12505, 12713, 12715, 13065

Proposed Rules:
39 .....12301, 12303, 12305, 12308, 12310, 12312, 12314, 12424, 12753, 12755, 13073, 13077, 13079
71 .....12522, 12523, 12525
73 .....12526, 12529

16 CFR

1240 12716

17 CFR

Proposed Rules:
210 12757
211 12757
229 12757
231 12757
241 12757

18 CFR

11 12717

21 CFR

510 .....12167, 12170
516 12167
520 12167
522 .....12167, 12170
529 .....12167, 12170
558 12167
876 12171
1308 .....12171, 13067

Proposed Rules:
73 .....12184, 12531

29 CFR

Proposed Rules:
1910 12318
1915 12318
1926 12318
2510 12319

30 CFR

Proposed Rules:
938 13268

33 CFR

100 .....12412, 12414
117 .....12177, 12415
165 .....12177, 12416, 13225
401 12418
402 12420

Proposed Rules:
100 13081
117 12185
165 13081
328 12532

34 CFR

668 13227

36 CFR

1193 12295
1194 12295

37 CFR

204 12180

Proposed Rules:
201 12326

39 CFR

111 .....12180, 12181
243 12921
265 12921
266 12921
3004 12506

40 CFR

52 .....12328, 13227, 13230, 13235, 13243
81 13227
180 .....13245, 13251
271 13256
300 12422
320 12333

Proposed Rules:
52 .....13084, 13086, 13269, 13270, 13278, 13280
110 12532
112 12532
116 12532
117 12532
122 12532
194 13282
230 12532
232 12532
300 12532

302 12532
372 12924
401 12532

42 CFR

10 12508
73 13259
438 12509

44 CFR

67 12510

47 CFR

0 13260
1 12512
64 ..... 12182, 12922
73 12922
74 13069

Proposed Rules:

15 13285
64 12924
73 13285

50 CFR

300 12730
635 ..... 12296, 12747
660 12922
679 ..... 12423, 12749, 12750, 13072, 13267

Proposed Rules:

622 12187
679 13302

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List March 3, 2017

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.