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Contents

Federal Register

Vol. 82, No. 56

Friday, March 24, 2017

Agency for Healthcare Research and Quality
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 15059–15061
Requests for Supplemental Evidence and Data Submissions:
Telehealth for Acute and Chronic Care Consultations, 15057–15059

Agriculture Department
See Animal and Plant Health Inspection Service
See Forest Service

Animal and Plant Health Inspection Service
RULES
Imports:
Lemons from Northwest Argentina; Stay of Regulations, 14987

Bureau of Consumer Financial Protection
PROPOSED RULES
Remittance Rule Assessment, 15009–15014

Centers for Disease Control and Prevention
NOTICES
Requests for Information:
Effect of Stockpiling Conditions on Performance of Medical N95 Respirators and High-Level Protective Surgical Gowns, 15061–15062

Coast Guard
RULES
Drawbridge Operations:
Sacramento River, Sacramento, CA, 14995
PROPOSED RULES
Special Local Regulations and Safety Zones:
Sail Boston 2017, Port of Boston, MA, 15014–15019

Commerce Department
See International Trade Administration
See National Oceanic and Atmospheric Administration

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement List; Additions and Deletions, 15046–15047
Procurement List; Additions and Deletions; Correction, 15047

Community Living Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Survey of Older Americans Act Participants; Correction, 15062

Corporation for National and Community Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 15047–15048

Defense Acquisition Regulations System
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 15048–15049

Defense Department
See Defense Acquisition Regulations System
See Navy Department

Defense Nuclear Facilities Safety Board
NOTICES
Meetings; Sunshine Act, 15050

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
NOTICES
Environmental Impact Statements; Availability, etc.:
Weekly Receipts, 15055–15056
Proposed CERCLA Cost Recovery Settlements:
Metro Leather Superfund Site, City of Gloversville, Fulton County, NY, 15056
Proposed Settlements:
Ward Tranformer Superfund Site, Raleigh, Wake County, NC, 15056
Settlements:
Kentucky Wood Preserving Site Winchester, Clark County, KY, 15056–15057

Federal Aviation Administration
NOTICES
Aeronautical Properties; Disposals:
Airport Land at Igor Sikorsky Memorial Airport, Stratford, CT, 15094–15095
Petitions for Exemption; Summaries:
Hood Tech Corp Mechanical Inc., 15097–15098
Joby Aviation, LLC, 15096
Logistic Gliders, 15096–15097
Mahdad Emadipour, 15097
Minnesota Department of Natural Resources, 15095–15096
NaturChem, Inc., 15098
Skyyfish, 15095

Federal Communications Commission
RULES
Radio Broadcasting Services:
Mullin, TX, 14995–14996

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 15050–15051, 15053–15055
Environmental Assessments; Availability, etc.:
Southern Natural Gas Co., LLC; Fairburn Expansion Project, 15051–15053
Filings:
Savage, Jeffrey S.; Van Abel, Brian J.; Mahling, Wendy B., 15054

Federal Highway Administration
NOTICES
Federal Agency Actions:
Interstate 64 Peninsula Study in Virginia, 15098–15099

Federal Housing Finance Agency
RULES
Minority and Women Outreach Program, 14992–14995

Federal Motor Carrier Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Financial Responsibility: Motor Carriers, Freight Forwarders, and Brokers, 15099–15100

Federal Railroad Administration
NOTICES
Meetings:
Northeast Corridor Safety Committee, 15100

Federal Reserve System
NOTICES
Change in Bank Control Notices:
Acquisitions of Shares of Bank or Bank Holding Company, 15057
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 15057

Fish and Wildlife Service
NOTICES
Environmental Assessments; Availability, etc.:
Habitat Conservation Plan for Pacific Gas and Electric Company's San Francisco Bay Area Operations and Maintenance, 15063–15066

Forest Service
NOTICES
Environmental Impact Statements; Availability, etc.:
Malheur National Forest, Blue Mountain Ranger District and Umatilla National Forest, North Fork John Day Ranger District; Oregon; Ragged Ruby Project, 15020–15021
Nez Perce-Clearwater National Forests; ID; Nez Perce-Clearwater National Forests Clear Creek Integrated Restoration Project, 15021–15022
Meetings:
Colville Resource Advisory Committee, 15022
San Juan Resource Advisory Committee, 15022–15023

Health and Human Services Department
See Agency for Healthcare Research and Quality
See Centers for Disease Control and Prevention
See Community Living Administration
See National Institutes of Health

Homeland Security Department
See Coast Guard
See U.S. Immigration and Customs Enforcement

Interior Department
See Fish and Wildlife Service
See Land Management Bureau

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 15101–15104

International Trade Administration
NOTICES
Export Trade Certificates of Review:
ADM Rice, Inc.; ADM Export Co., 15023–15024
California Almond Export Association, LLC, 15024–15025
Meetings:
Advisory Committee on Supply Chain Competitiveness, 15023

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Document Cameras and Software for use Therewith, 15069–15070
Certain High-Potency Sweeteners, Processes for Making Same, and Products Containing Same, 15069
Certain Woven Textile Fabrics and Products Containing Same, 15067–15068
Petitions:
Duty Suspensions and Reductions, 15067

Justice Department
See Prisons Bureau

Land Management Bureau
NOTICES
Meetings:
Boise District Resource Advisory Council, 15066
Southeast Oregon Resource Advisory Council, 15066–15067

Merit Systems Protection Board
NOTICES
Performance Review Board Membership, 15071

National Institutes of Health
NOTICES
Meetings:
National Institute of Allergy and Infectious Diseases, 15062–15063
National Institute on Aging, 15062

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:
Snapper-Grouper Resources of South Atlantic; 2017–2018 Recreational Fishing Season for Black Sea Bass, 15005–15006
Takes of Marine Mammals:
Incidental to Space Vehicle and Missile Launch Operations, 14996–15005
NOTICES
Requests for Nominations:
Hydrographic Services Review Panel, 15044–15046
Takes of Marine Mammals Incidental to Specified Activities:
Chevron Richmond Refinery Long Wharf Maintenance and Efficiency Project in San Francisco Bay, CA, 15025–15044
Taking and Importing Marine Mammals:
Taking Marine Mammals Incidental to Rehabilitation of Jetty System at Mouth of Columbia River, 15046

Navy Department
NOTICES
Exclusive Patent Licenses; Proposed Approvals:
EnZinc, Inc., 15049–15050

Nuclear Regulatory Commission
RULES
List of Approved Spent Fuel Storage Casks:
TN Americas, LLC, NUHOMS EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042, 14987–14992
PROPOSED RULES
List of Approved Spent Fuel Storage Casks:
TN Americas, LLC, NUHOMS EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042, 15007–15009
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters, 15071–15073

Peace Corps
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 15073

Postal Regulatory Commission
NOTICES
New Postal Products, 15073–15074

Postal Service
NOTICES
Product Changes:
Priority Mail Express and Priority Mail Negotiated Service Agreement, 15074
Priority Mail Negotiated Service Agreement, 15074

Presidential Documents
PROCLAMATIONS
Special Observances:
National Agriculture Day (Proc. 9579), 15109–15112
ADMINISTRATIVE ORDERS
South Sudan; Continuation of National Emergency (Notice of March 22, 2017), 15105–15107

Prisons Bureau
NOTICES
Environmental Impact Statements; Availability, etc.:
Proposed Penitentiary and Federal Prison Camp in Letcher County, KY; Public Meeting, 15070–15071

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 15085
Exemptions:
Advent/Claymore Enhanced Growth and Income Fund, 15091–15093
Investment Managers Series Trust II and Vivaldi Asset Management, LLC, 15090–15091
Self-Regulatory Organizations; Proposed Rule Changes:
C2 Options Exchange, Inc., 15074–15081
Chicago Board Options Exchange, Inc., 15085–15090
Depository Trust Co., 15081–15085

State Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Medical Clearance Update, 15093–15094
Culturally Significant Objects Imported for Exhibition:
Martyrdom of Saint Ursula, 15094

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Motor Carrier Safety Administration
See Federal Railroad Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Transportation Infrastructure Financing and Innovation Act Program, 15101

Treasury Department
See Internal Revenue Service

U.S. Immigration and Customs Enforcement
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 15063

United States Institute of Peace
NOTICES
Priority Grant Competitions, 15104

Separate Parts In This Issue

Part II
Presidential Documents, 15105–15107

Part III
Presidential Documents, 15109–15112

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.

3 CFR
Proclamations:
9579 15111
Administrative Orders:
Notices:
Notice of March 22, 2017 15107

7 CFR
319 14987

10 CFR
72 14987
Proposed Rules:
72 15007

12 CFR
1207 14992
1223 14992
Proposed Rules:
1005 15009

33 CFR
117 14995
Proposed Rules:
100 15014
110 15014
165 15014

47 CFR
73 14995

50 CFR
217 14996
622 15005

Rules and Regulations

Federal Register
Vol. 82, No. 56
Friday, March 24, 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 AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2014–0092]

RIN 0579–AE17

Importation of Lemons From Northwest Argentina; Stay of Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; stay of regulations.

SUMMARY: On December 23, 2016, we published a final rule amending the fruits and vegetables regulations to allow the importation of lemons from northwest Argentina into the continental United States under certain conditions. In a document published on January 25, 2017, we stayed the regulations for 60 days ending March 27, 2017. In this document, we are issuing an additional stay of those regulations.

DATES: Effective March 24, 2017, 7 CFR 319.28(e) and 319.56–76, added December 23, 2016 (81 FR 94217), and stayed on January 25, 2017 (82 FR 8353), until March 27, 2017, continue to be stayed until May 26, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen O'Neill, Chief, Regulatory Analysis and Development, PPD, APHIS, 4700 River Road Unit 118, Riverdale, MD 20737–1234; (301) 851–3175.

SUPPLEMENTARY INFORMATION: On December 23, 2016, we published a final rule (81 FR 94217–94230) amending the fruits and vegetables regulations to allow the importation of lemons from northwest Argentina into the continental United States under certain conditions. On January 25, 2017, we issued a stay of those regulations (82 FR 8353) for 60 days in accordance with guidance issued January 20, 2017, intended to provide the new Administration an adequate opportunity to review new and pending regulations. In this document we are issuing a further stay of those regulations in order to provide sufficient time to consider the stakeholder input made since January 25, 2017.

To the extent that 5 U.S.C. 553(b)(A) applies to this action, it is exempt from notice and comment for good cause and the reasons cited above. The Animal and Plant Health Inspection Service (APHIS) finds that notice and solicitation of comment regarding the brief extension of the effective date for the final regulation are impracticable, unnecessary, and contrary to the public interest pursuant to 5 U.S.C. 553(b)(B). APHIS believes that affected entities need to be informed as soon as possible of the extension and its length in order to plan and adjust their implementation process accordingly.

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 20th day of March 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–05877 Filed 3–23–17; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2016–0254]

RIN 3150–AJ88

List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its spent fuel storage regulations by adding the TN Americas LLC (TN Americas), NUHOMS® Extended Optimized Storage (EOS) Dry Spent Fuel Storage System, to the ''List of approved spent fuel storage casks'' as Certificate of Compliance (CoC) No. 1042. The NUHOMS® EOS System provides horizontal storage of high burnup spent pressurized water reactor (PWR) and boiling water reactor (BWR) fuel assemblies in dry shielded canisters (DSCs).

DATES: The direct final rule is effective June 7, 2017, unless significant adverse comments are received by April 24, 2017. If the direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date. Comments received on this direct final rule will also be considered to be comments on a companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0254. 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.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Edward Lohr, Office of Nuclear Material

Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0253; email: *Edward.Lohr@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Obtaining Information and Submitting Comments
II. Rulemaking Procedure
III. Background
IV. Discussion of Changes
V. Voluntary Consensus Standards
VI. Agreement State Compatibility
VII. Plain Writing
VIII. Environmental Assessment and Finding of No Significant Environmental Impact
IX. Paperwork Reduction Act Statement
X. Regulatory Flexibility Certification
XI. Regulatory Analysis
XII. Backfitting and Issue Finality
XIII. Congressional Review Act
XIV. Availability of Documents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0254 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0254.
- *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, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2016–0254 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Rulemaking Procedure

This rule is limited to the addition of CoC No. 1042 to the ''List of approved spent fuel storage casks.'' The NRC is using the ''direct final rule procedure'' because the TN Americas NUHOMS® EOS Dry Spent Fuel Storage System is similar to other previously approved spent fuel storage cask systems and, therefore, is expected to be noncontroversial. Adequate protection of public health and safety continues to be ensured. The addition will become effective on June 7, 2017. However, if the NRC receives significant adverse comments on this direct final rule by April 24, 2017, then the NRC will publish a document that withdraws this action and will subsequently address the comments received in a final rule as a response to the companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**. Absent significant modifications to the proposed amendment and revisions requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule, CoC, or technical specifications (TSs).

For detailed instructions on filing comments, please see the companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

III. Background

Section 218(a) of the Nuclear Waste Policy Act (NWPA) of 1982, as amended, requires that ''the Secretary [of the Department of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the NWPA states, in part, that ''[the Commission] shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule which added a new subpart K in part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) entitled, ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new subpart L in 10 CFR part 72 entitled, ''Approval of Spent Fuel Storage Casks,'' which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs.

IV. Discussion of Changes

On December 19, 2014, AREVA Inc. (AREVA) submitted an application to the NRC to approve the NUHOMS® EOS Dry Spent Fuel Storage System, CoC No. 1042. After discussions with the NRC and an internal evaluation of the submitted information, AREVA withdrew the application on April 24, 2015. AREVA resubmitted the application for the NUHOMS® EOS Dry Spent Fuel Storage System, CoC No. 1042 to the NRC on June 16, 2015.

AREVA supplemented its request on the following dates: July 30, 2015, December 18, 2015, April 7, 2016, June 13, 2016, and July 28, 2016. On November 18, 2016, AREVA notified the NRC that it had changed its name to TN Americas.

The TN Americas NUHOMS® EOS System provides horizontal storage of high burnup spent PWR and BWR fuel assemblies in DSCs that are placed in an EOS horizontal storage module (HSM) utilizing an EOS transfer cask (TC). The new PWR and BWR DSCs are the EOS–37PTH DSC and the EOS–89BTH DSC, respectively. The NUHOMS® EOS System is an improved version of the NUHOMS® HD System described in CoC No. 1030.

As documented in the Preliminary Safety Evaluation Report (PSER) for TN Americas NUHOMS® EOS Dry Spent Fuel Storage System, CoC No. 1042, the NRC staff performed a detailed safety evaluation of the proposed CoC request submitted by TN Americas. The staff evaluated the specific design requirements for each accident condition and concluded that the design of the cask will prevent loss of containment, shielding, and criticality control. Therefore, the environmental impacts of these actions would be insignificant. In addition, any resulting occupational exposure or offsite dose rates from the use of the TN Americas NUHOMS® EOS Dry Spent Fuel Storage System, CoC No. 1042 is well within the 10 CFR part 20 limits. Therefore, use of this new cask system will not result in radiological or non-radiological environmental impacts that differ significantly from the environmental impacts evaluated in the environmental assessment supporting the July 18, 1990, final rule. There will be no significant change in the types or significant revisions in the amounts of any effluent released, no significant increase in the individual or cumulative radiation exposure, and no significant increase in the potential for consequences from radiological accidents.

This direct final rule amends 10 CFR 72.214 by adding the TN Americas NUHOMS® EOS Dry Spent Fuel Storage System, CoC No. 1042. The term ''Amendment 0'' used in the supporting documents for this direct final rulemaking and the term ''Initial Certificate'' used in 10 CFR 72.214 describe the same document. Initial Certificate is the correct term and will be used henceforth when discussion involves this document.

The TN Americas NUHOMS® EOS Dry Spent Fuel Storage System, when used under the conditions specified in the CoC, the TSs, and the NRC's regulations, will meet the requirements of 10 CFR part 72; therefore, adequate protection of public health and safety will continue to be ensured. When this direct final rule becomes effective, persons who hold a general license under 10 CFR 72.210 may load spent nuclear fuel into TN Americas NUHOMS® EOS Dry Spent Fuel Storage Systems that meet the criteria of CoC No. 1042 under 10 CFR 72.212.

V. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies, unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC will add the TN Americas NUHOMS® EOS Dry Spent Fuel Storage System design to the listings in 10 CFR 72.214, ''List of approved spent fuel storage casks.'' This action does not constitute the establishment of a standard that contains generally applicable requirements.

VI. Agreement State Compatibility

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this rule is classified as Compatibility Category ''NRC.'' Compatibility is not required for Category ''NRC'' regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended, or the provisions of 10 CFR. Although an Agreement State may not adopt program elements reserved to the NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws, but does not confer regulatory authority on the State.

VII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883).

VIII. Environmental Assessment and Finding of No Significant Environmental Impact

A. The Action

The action is to amend 10 CFR 72.214 to add the TN Americas NUHOMS® EOS Dry Spent Fuel Storage System to the listing within the ''List of approved spent fuel storage casks'' as CoC No. 1042. Under the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in subpart A of 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' the NRC has determined that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC has made a finding of no significant impact on the basis of this environmental assessment.

B. The Need for the Action

This direct final rule adds CoC No. 1042 for the TN Americas NUHOMS® EOS Dry Spent Fuel Storage System design within the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites under a general license. Specifically, the TN Americas NUHOMS® EOS System provides horizontal storage of high burnup PWR and BWR spent fuel assemblies in DSCs that are placed in an EOS HSM utilizing an EOS TC.

C. Environmental Impacts of the Action

On July 18,1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent fuel under a general license in cask designs approved by the NRC. The potential environmental impact of using NRC-approved storage casks was initially analyzed in the environmental assessment for the 1990 final rule. The environmental assessment for this CoC addition tiers off of the environmental assessment for the July 18, 1990, final rule. Tiering on past environmental assessments is a standard process under the National Environmental Policy Act.

The TN Americas NUHOMS® EOS System is designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-induced events and the most severe natural phenomena reported for the site and surrounding area. Postulated accidents analyzed for an independent spent fuel storage installation, the type of facility at which a holder of a power reactor operating license would store spent fuel

in casks in accordance with 10 CFR part 72, include tornado winds and tornado-generated missiles, a design basis earthquake, a design basis flood, an accidental cask drop, lightning effects, fire, explosions, and other incidents.

Considering the specific design requirements for each accident condition, the design of the TN Americas NUHOMS® EOS System cask would prevent loss of confinement, shielding, and criticality control. If there is no loss of confinement, shielding, or criticality control, the environmental impacts would be insignificant. In addition, any resulting occupational exposure or offsite dose rates from the use of the TN Americas NUHOMS® EOS Dry Spent Fuel Storage System, CoC No. 1042 would be well within the 10 CFR part 20 limits. Therefore, the proposed addition of CoC No. 1042 will not result in any radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the July 18, 1990, final rule. There will be no significant change in the types or significant revisions in the amounts of any effluent released, no significant increase in the individual or cumulative radiation exposure, and no significant increase in the potential for or consequences from radiological accidents. The staff documented its safety findings in the PSER.

D. Alternative to the Action

The alternative to this action is to withhold approval of this new design and issue a site-specific license to each utility that proposes to use the casks. This alternative would cost both the NRC and utilities more time and money for each site-specific license. Conducting site-specific reviews would ignore the procedures and criteria currently in place for the addition of new cask designs that can be used under a general license, and would be in conflict with NWPA direction to the Commission to approve technologies for the use of spent fuel storage at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site reviews. This alternative also would tend to exclude new vendors from the business market without cause and would arbitrarily limit the choice of cask designs available to power reactor licensees. This final rule will eliminate the above problems and is consistent with previous Commission actions. Further, the rule will have no adverse effect on public health and safety. Therefore, the environmental impacts would be the same or less than the action.

E. Alternative Use of Resources

Approval of the addition of CoC No. 1042 to 10 CFR 72.214 would result in no irreversible commitments of resources.

F. Agencies and Persons Contacted

No agencies or persons outside the NRC were contacted in connection with the preparation of this environmental assessment.

G. Finding of No Significant Impact

The environmental impacts of the action have been reviewed under the requirements in 10 CFR part 51. Based on the foregoing environmental assessment, the NRC concludes that this direct final rule entitled, ''List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042,'' will not have a significant effect on the human environment. Therefore, the NRC has determined that an environmental impact statement is not necessary for this direct final rule.

IX. Paperwork Reduction Act Statement

This final rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the Office of Management and Budget (OMB), approval number 3150–0132.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

X. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if issued, have a significant economic impact on a substantial number of small entities. This direct final rule affects only nuclear power plant licensees and TN Americas. These entities do not fall within the scope of the definition of small entities set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

XI. Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if it notifies the NRC in advance, the spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in 10 CFR 72.214.

By letter dated June 16, 2015, as supplemented on July 30, 2015, December 18, 2015, April 7, 2016, June 13, 2016, and July 28, 2016, TN Americas resubmitted an application to the NRC to add the NUHOMS® EOS Dry Spent Fuel Storage System, CoC No. 1042 to 10 CFR 72.214. This request is described in Section IV, ''Discussion of Changes,'' of this document.

The alternative to this action is to withhold approval of this new design and issue a site-specific license to each utility that proposes to use the casks. Conducting site-specific reviews would ignore the procedures and criteria currently in place for the addition of new cask designs that can be used under a general license, and would be in conflict with NWPA direction to the Commission to approve technologies for the use of spent fuel storage at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site reviews. This alternative would cost both the NRC and utilities more time and money for each site-specific license. This alternative also would tend to exclude new vendors from the business market without cause and would arbitrarily limit the choice of cask designs available to power reactor licensees. This final rule will avoid the above problems and is consistent with previous Commission actions. Further, the rule will have no adverse effect on public health and safety.

Approval of the direct final rule is consistent with previous NRC actions. Further, as documented in the PSER and the environmental assessment, the direct final rule will have no adverse effect on public health and safety or the environment. This direct final rule has no significant identifiable impact or benefit on other government agencies. Based on this regulatory analysis, the NRC concludes that the requirements of the direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and therefore, this action is recommended.

XII. Backfitting and Issue Finality

The NRC has determined that the backfit rule (10 CFR 72.62) does not apply to this direct final rule and therefore, a backfit analysis is not required. This direct final rule adds CoC No. 1042 for the NUHOMS® EOS Dry Spent Fuel Storage System to the ''List of approved spent fuel storage casks.''

The addition of CoC No. 1042 for the NUHOMS® EOS Dry Spent Fuel Storage System was initiated by TN Americas and was not submitted in response to new NRC requirements, or an NRC request for amendment. The addition of CoC No. 1042 does not constitute backfitting under 10 CFR 72.62, 10 CFR 50.109(a)(1), or otherwise represent an inconsistency with the issue finality provisions applicable to combined licenses in 10 CFR part 52. Accordingly, no backfit analysis or additional documentation addressing the issue finality criteria in 10 CFR part 52 has been prepared by the staff.

XIII. Congressional Review Act

The OMB has not found this to be a rule as defined in the Congressional Review Act.

XIV. Availability of Documents

The documents identified in the following table are available to interested persons as indicated.

Document	ADAMS accession No.
AREVA Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, Docket 72–1042, letter dated December, 19, 2014 (original application).	ML15005A477 (Package).
Withdrawal of December 19, 2014 AREVA Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, Docket 72–1042, letter dated April 24, 2015.	ML15114A444.
Re-submittal of AREVA Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, CoC No. 1042, letter dated June 16, 2015*.	ML15173A379 (Package).
Safety Evaluation Report for AREVA NUHOMS® HD Horizontal Modular Storage System, CoC No. 1030	ML070160089.
AREVA Submittal of Additional Information Related to Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, CoC No. 1042, letter dated July 30, 2015*.	ML15223A204.
NRC Request for Additional Information Related to AREVA Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, CoC No. 1042, letter dated October 16, 2015*.	ML15287A255 (Package).
AREVA Response to NRC Request for Additional Information Related to Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, CoC No. 1042, letter dated December 18, 2015*.	ML15364A490 (Package).
NRC Request for Additional Information Related to AREVA Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, CoC No. 1042, letter dated March 3, 2016*.	ML16063A454 (Package).
AREVA Response to NRC Request for Additional Information Related to Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, CoC No. 1042, letter dated April 7, 2016*.	ML16111A670 (Package).
AREVA Submittal of Additional Information Related to Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, CoC No. 1042, letter dated June 13, 2016*.	ML16169A044 (Package).
AREVA Submittal of Additional Information Related to Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, CoC No. 1042, letter dated July 28, 2016*.	ML16215A026 (Package).
Name Change from AREVA to TN Americas, letter dated November 18, 2016*	ML16327A011.
Preliminary Safety Evaluation Report for TN Americas NUHOMS® EOS System, CoC No. 1042*	ML16242A023.
Technical Specifications for TN Americas NUHOMS® EOS System, CoC No. 1042*	ML16242A022.

*The term ''Amendment 0'' used in the supporting documents for this direct final rulemaking and the term ''Initial Certificate'' used in 10 CFR 72.214 describes the same document. Initial Certificate is the correct term and will be used henceforth when discussion involves this document.

The NRC may post materials related to this document, including public comments, on the Federal Rulemaking Web site at *http://www.regulations.gov* under Docket ID NRC–2016–0254. The Federal Rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC–2016–0254); (2) click the ''Sign up for Email Alerts'' link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Hazardous waste, Indians, Intergovernmental relations, Manpower training programs, Nuclear energy, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendment to 10 CFR part 72:

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

■ 2. In § 72.214, Certificate of Compliance 1042 is added to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1042.

Initial Certificate Effective Date: June 7, 2017.

SAR Submitted by: TN Americas LLC.

SAR Title: Final Safety Analysis Report for the NUHOMS® EOS Dry Spent Fuel Storage System.

Docket Number: 72–1042.

Certificate Expiration Date: March 24, 2037.

Model Number: EOS–37PTH, EOS–89BTH.

Dated at Rockville, Maryland, this 9th day of March 2017.

For the Nuclear Regulatory Commission.

Victor M. McCree,

Executive Director for Operations.

[FR Doc. 2017–05902 Filed 3–23–17; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL HOUSING FINANCE AGENCY

12 CFR Parts 1207 and 1223

RIN 2590–AA87

Minority and Women Outreach Program

AGENCY: Federal Housing Finance Agency.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Agency (FHFA) is prescribing this final rule to establish its minority and women outreach program (MWOP), pursuant to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA); the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Safety and Soundness Act); and the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2008 (Dodd-Frank Act). This final rule also redesignates the current Minority and Women Inclusion (MWI) regulation (''Minority and Women Inclusion Final Rule,'' ''MWI Rule,'' or ''2010 Final Rule''), in the Code of Federal Regulations to subchapter B of FHFA's regulations.

DATES: *Effective date:* March 24, 2017. For additional information, *see* **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Sharron Levine, Director, Office of Minority and Women Inclusion, *Sharron.Levine@fhfa.gov,* (202) 649–3496; or Eric Howard, Deputy Director, Office of Minority and Women Inclusion, *Eric.Howard@fhfa.gov,* (202) 649–3009; or James Jordan, Assistant General Counsel, *James.Jordan@fhfa.gov,* (202) 649–3075 (not toll-free numbers), Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20219. The telephone number for the Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

A. HERA and FIRREA (July 2008)

In 2008, the Housing and Economic Recovery Act (HERA) [1] amended the Safety and Soundness Act to require FHFA to ''take affirmative steps to seek diversity in its workforce, at all levels of the agency, consistent with the demographic diversity of the United States.'' [2]

HERA also amended FIRREA [3] to add FHFA to a list of agencies required to ''prescribe regulations to establish and oversee a minority outreach program within [the agency] to ensure inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women, including financial institutions, investment banking firms, underwriters, accountants, and providers of legal services, in all contracts entered into by the agency with such persons or entities, public and private, in order to manage the institutions and their assets for which the agency is responsible or to perform such other functions authorized under any law applicable to such agency.'' [4]

B. Subpart B of 2010 NPR (March 2010)

In January 2010, FHFA published a Notice of Proposed Rulemaking on Minority and Women Inclusion (2010 NPRM) [5] to implement HERA's MWI mandates. The 2010 NPRM Subparts A and C addressed the establishment and supervision of Office[s] of Minority and Women Inclusion (OMWIs) at the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Corporation (Freddie Mac), and the Federal Home Loan Banks (FHLBs) (collectively, ''FHFA's regulated entities''), as well as, the Federal Home Loan Banks' Office of Finance.

The 2010 NPRM Subpart B addressed internal operations. Subpart B: (1) Outlined affirmative steps FHFA would take to promote diversity in its own workforce (as required by the HERA amendments to the Safety and Soundness Act); and (2) Established an FHFA outreach program regulation (as required by the HERA amendments to FIRREA).

C. Dodd-Frank Act, 2010 Final Rule (July 2010–December 2010)

On July 21, 2010, after FHFA published the 2010 NPRM, but before the rule was finalized, Dodd-Frank Act [6] was enacted. Dodd-Frank Act section 342 required FHFA and several other agencies to ''develop [internal] standards'' that address equal employment opportunity (EEO) and increased participation of minority-owned and women-owned business in the programs and contracts of the respective agency.[7]

FHFA was specially situated. As the only agency subject to HERA's Minority and Women Inclusion (MWI) requirements, FHFA already had published the 2010 NPRM Subpart B which, if adopted, would have fulfilled both its obligations under HERA, and, the newly established Dodd-Frank Act section 342.

However, in December 2010, FHFA finalized its 2010 NPRM without adopting proposed Subpart B.[8] In the preamble to the 2010 Final Rule, FHFA committed to finalize Subpart B, but not until the other agencies subject to Dodd-Frank Act section 342 began work on implementation, and FHFA ensured that its proposal aligned with the other agencies' practices.

The other agencies subsequently established their respective OMWIs, and, along with FHFA's OMWI, implemented Dodd-Frank Act section 342. FHFA drafted internal EEO standards in August, 2016. However, FHFA did not adopt the standards in a formal rulemaking, nor did FHFA fulfill the promise in its 2010 Final Rule to revisit and finalize Subpart B.

D. FIRREA Requirement To Prescribe Regulations (Current State)

The Federal Deposit Insurance Corporation (FDIC), FHFA, and Office of the Comptroller of the Currency (OCC) hold a special status among the agencies subject to Dodd-Frank Act section 342. The FDIC, FHFA, and OCC are the only agencies also subject to the FIRREA section 1216 (12 U.S.C. 1833e) requirement to ''prescribe regulations'' to establish a minority outreach program (the other agencies subject to Dodd-Frank Act section 342 simply were required to develop and implement the less formal ''standards'' referenced above). The FDIC and OCC were the original subjects of FIRREA section 1216's (12 U.S.C. 1833e) regulation requirement when FIRREA was enacted in 1989. Accordingly, both agencies

[1] Public Law 110–289, 122 Stat. 2654 (2008).

[2] Public Law 110–289, div. A, title I, sec. 1116(f), 122 Stat. 2681. 12 U.S.C. 4520(f).

[3] Public Law 101–73, 103 Stat. 183 (1989).

[4] Public Law 110–289, div. A, title II, sec 1216(c), 122 Stat. 2792. 12 U.S.C. 1833e(c).

[5] ''Minority and Women Inclusion; Notice of Proposed Rulemaking,'' 75 FR 1289 (January 11, 2010).

[6] Public Law 111–203, 124 Stat. 1376 (2010).

[7] The Dodd-Frank Act imposed MWI requirements on the internal operations of the following agencies and entities: The Consumer Financial Protection Bureau (CFPB), Federal Deposit Insurance Corporation (FDIC), FHFA, Federal Reserve Board (FRB), each of the Federal Reserve Banks, National Credit Union Administration (NCUA), Office of the Comptroller of the Currency (OCC), Securities and Exchange Commission (SEC), and the Department of Treasury.

[7] 12 U.S.C. 5452.

[8] ''Minority and Women Inclusion; Final Rule,'' 75 FR 81395 (December 28, 2010) (codified at 12 CFR 1207).

published regulations establishing minority outreach programs prior to HERA, thus leaving FHFA as the only agency yet to fulfill the FIRREA mandate section 1216 (12 U.S.C. 1833e).[9] [10]

II. Final Rule

Administratively, the final rule: (a) Fulfills FHFA's obligation to ''prescribe regulations'' establishing an outreach program in accordance with FIRREA, thereby aligning FHFA's regulations with the FDIC and OCC's existing regulations; (b) formalizes FHFA's commitment to EEO by rule; and (c) fulfills FHFA's commitment in the final rule to revisit and finalize the substance of proposed Subpart B.

The final rule also demonstrates FHFA's commitment to diversity and inclusion and provides a baseline for implementing diversity and inclusion throughout every level of the agency.

The final rule is modeled on the existing FDIC Minority and Women Outreach Program rule (FDIC Rule) [11] which is similar in substance to the OCC's Minority, Women, and Individuals with Disabilities-Owned Business Contracting Outreach Program rule (OCC Rule).[12] The FDIC drafted its original rule in 1990 and amended it multiple times to conform the rule to Supreme Court decisions on affirmative action that bore upon the rule's substance. FHFA drew heavily on the work done by the FDIC.

A. Final Rule and the Administrative Procedure Act (APA)

In the preamble to the 2010 Final Rule, FHFA noted that it reserved Subpart B of its broader Minority and Women Inclusion Rule to address the MWI-related statutory requirements aimed at FHFA's internal policies. Since then, the 2010 Final Rule has evolved,[13] and FHFA has concluded that, as an administrative matter, a new regulation under subchapter A of FHFA's regulations is necessary for the internally applied requirements. FHFA determined that separating FHFA's internal requirements from the requirements that the 2010 Final Rule imposes upon FHFA's regulated entities would be more orderly than an amendment to the existing Minority and Women Inclusion regulation.

This final rule also redesignates the current MWI regulation as part 1223 of title 12 of the Code of Federal Regulations and the new MWOP regulation as part 1207 in order to keep all FHFA regulations related to FHFA's Organization & Operations in subchapter A, and those regulations related to Regulated Entities in subchapter B. There are no substantive changes to the MWI regulation. Thus, the newly designated part 1207 renders the reserved portion of former subpart B for the MWOP rule unnecessary, however FHFA continues to reserve this subpart for future rulemakings.

Under the APA, prior notice and comment periods are not required if a rule relates to ''a matter of agency management or personnel or to public property, loans, grants, benefits, or contracts.'' Therefore, this final rule is effective upon publication in the **Federal Register**.

III. Section-by-Section Analysis

Definitions (§ 1207.1)

This establishes that the terms used in the final rule have the same meaning as in FHFA's Minority and Women Inclusion Regulation at 12 CFR part 1223.

FHFA Workforce Diversity; Equal Employment Opportunity Program (§ 1207.2)

Section 1207.2(b) states that FHFA will comply with EEOC requirements for Federal agencies. The purpose of that explicit statement is to memorialize FHFA's fulfillment of Dodd-Frank Act's section 342 requirement to ''establish standards'' in a formal rulemaking (FHFA has already drafted standards internally, and, in practice, FHFA already meets the EEOC's requirements).

Section 1207.2(c) states FHFA's policy on non-discrimination. The language in that subsection incorporates provisions from a series of EEO-related Executive Orders (E.O.s) that already applied to FHFA by statute. Restating the provisions explicitly in this subsection confirms for the reader that FHFA conforms to these specific E.O.s.

Section 1207.2(d) lists the ''affirmative steps'' FHFA will take to promote diversity in hiring, including recruiting at institutions that serve primarily minorities or women, and, placing advertisements in media oriented toward minorities and women. The language in this subsection is drawn from HERA.[14]

FHFA Contracting and Diversity and Inclusion (§ 1207.3)

Section 1207.3(a) states that FHFA's OMWI has overall responsibility for diversity and inclusion in FHFA contracting.

Dodd-Frank Act's section 342 requires that FHFA develop standards for technical assistance, but there is no statutory requirement that FHFA prescribe a regulation committing to provide technical assistance. FHFA nevertheless included this provision in § 1207.3(c) of the final rule to demonstrate FHFA's commitment to diversity and inclusion and because including this provision in the final rule provides a central point of reference for potential FHFA vendors.

Section 1207.3(b) begins with a statement that FHFA's policy is to promote diversity in the contracting process. The subsection then provides a non-exclusive list of activities FHFA may engage in to promote diversity, including participating in conventions intended to promote business opportunities for minority- and women-owned businesses. Like the technical assistance provision, the list of potential activities is extracted from Dodd-Frank Act section 342.

Section 1207.3(d) provides that FHFA's OMWI will monitor that FHFA staff interfacing with the contracting community are actively promoting FHFA's Outreach Program. FDIC's OMWI established this same construct for the FDIC rule and Outreach Program with reported success.

Limitations (§ 1207.4)

This section establishes that the final rule does not create any right or benefit for any party against the United States, its departments, agencies, or entities, its officers, employees, or agents. This section forecloses any theory that the final rule subjects FHFA to any new legal liability.

[9] FDIC Minority and Outreach Program—Contracting, 12 CFR part 361, and OCC Description of Office, Procedures, Public Information; Minority, Women and Individuals with Disabilities-Owned Business; Contracting Outreach Program, 12 CFR part 4, subpart D.

[10] Since HERA's enactment, the FDIC made a technical amendment to its existing rule by changing the name of the office that oversees the FDIC's outreach program from the ''Office of Diversity and Economic Opportunity (ODEO)'' to the ''Office of Minority and Women Inclusion (OMWI).'' The OCC made no changes to its existing regulation.

[11] FDIC Minority and Women Outreach Program, 12 CFR part 361.

[12] OCC Description of Office, Procedures, Public Information; Minority, Women and Individuals with Disabilities-Owned Business; Contracting Outreach Program, 12 CFR part 4, subpart D.

[13] The 2010 Final Rule was amended to add regulated entity board diversity requirements, 80 FR 25209 (May 4, 2015), and a Notice of Proposed Rulemaking is currently out for comment to amend the 2010 Final Rule again to require FHFA's regulated entities to engage in diversity and inclusion strategic planning, 81 FR 74730 (October 27, 2016).

[14] Public Law 110–289, sec. 1124(f).

IV. Consideration of Differences Between the Banks and the Enterprises

Section 1313(f) of the Safety and Soundness Act, as amended by section 1201 of HERA, requires the Director, when promulgating regulations relating to the Banks, to consider the differences between the Banks and the Enterprises with respect to the Banks' cooperative ownership structure; mission of providing liquidity to members; affordable housing and community development mission; capital structure; and joint and several liability. In preparing this final rule, the Director considered the differences between the Banks and the Enterprises with respect to the final rule's impact and the differences outlined in section 1313(f) and determined that the final rule would not adversely impact the FHLBanks or Enterprises.

V. Paperwork Reduction Act

The final rule does not contain any collection of information pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Therefore, FHFA has not submitted any information to the Office of Management and Budget for review.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that a regulation that has a significant economic impact on a substantial number of small entities, including small businesses and or small organizations, must include an initial regulatory flexibility analysis describing the regulation's impact on small entities. Such an analysis need not be undertaken if the agency has certified that the regulation will not have a significant economic impact on a substantial number of small entities. FHFA has considered the impact of the proposed rule under the Regulatory Flexibility Act. The General Counsel of FHFA certifies that the final rule, is not likely to have a significant economic impact on a substantial number of small entities, because the regulation merely fulfills statutory requirements that FHFA: (1) ''develop standards'' that apply *internally;* and (2) ''prescribe[s] regulations'' establishing FHFA's own outreach program.

List of Subjects

12 CFR Part 1207

Discrimination, Diversity, Equal employment opportunity, Government contracts, Minority businesses, Outreach.

12 CFR Part 1223

Discrimination, Diversity, Equal employment opportunity, Government contracts, Minority businesses, Outreach.

Authority and Issuance

Accordingly, for the reasons stated in the **SUPPLEMENTARY INFORMATION**, and under the authority of 12 U.S.C. 4520 and 4526, 12 U.S.C. 1833e, and E.O. 11478, FHFA is amending subchapters A and B of chapter XII of title 12, Code of Federal Regulations as follows:

PART 1207—MINORITY AND WOMEN INCLUSION

■ 1. The authority citation for part 1207 continues to read as follows:

Authority: 12 U.S.C. 4520 and 4526; 12 U.S.C. 1833e; E.O. 11478.

PART 1207—[REDESIGNATED AS PART 1223]

■ 2. Redesignate part 1207 as part 1223 and transfer to subchapter B.

PART 1223—MINORITY AND WOMEN INCLUSION

Subpart B—[Removed and Reserved]

■ 3. Remove and reserve subpart B (consisting of §§ 1223.10–1223.19).

■ 4. Add new part 1207 to subchapter A to read as follows:

PART 1207—MINORITY AND WOMEN OUTREACH PROGRAM

Sec.
1207.1 Definitions.
1207.2 FHFA workforce diversity; Equal Employment Opportunity Program.
1207.3 FHFA contracting and diversity and inclusion.
1207.4 Limitations.

Authority: 12 U.S.C. 4520 and 4526; 12 U.S.C. 1833e; E.O. 11478.

§ 1207.1 Definitions.

The terms in this part have the same meaning as in FHFA's Minority and Women Inclusion Regulation at part 1223 of this chapter, as may be amended from time to time.

§ 1207.2 FHFA workforce diversity; Equal Employment Opportunity Program.

(a) *Responsibility.* FHFA's Office of Minority and Women Inclusion (OMWI) shall have overall responsibility for diversity and inclusion in FHFA's employment practices.

(b) *General.* FHFA shall maintain an Equal Employment Opportunity (EEO) program consistent with the Equal Employment Opportunity Commission requirements for Federal agencies and Executive Order 11478.

(c) *Workforce diversity.* FHFA shall not discriminate in employment against any person because of race, color, religion, national origin, sex, age, genetic information, disability, sexual orientation, gender identity, or status as a parent.

(d) *Affirmative steps for workforce diversity.* FHFA shall take affirmative steps to seek diversity in its workforce, at all levels of the agency, in a manner consistent with applicable law. Such steps shall include:

(1) Recruiting at historically Black colleges and universities, Hispanic-serving institutions, women's colleges, and colleges that typically serve the individuals with disabilities and majority minority populations;

(2) Sponsoring and recruiting at job fairs in urban communities;

(3) Placing employment advertisements in media oriented toward minorities and women;

(4) Partnering with organizations that are focused on developing opportunities for minorities and women to place talented minorities and women in industry internships, summer employment, and full-time positions; and

(5) Where feasible, partnering with inner-city high schools, girls' high schools, and high schools with majority minority populations, to establish or enhance financial literacy and provide mentoring.

§ 1207.3 FHFA contracting and diversity and inclusion.

(a) *Responsibilities.* FHFA's Office of Minority and Women Inclusion (OMWI) shall have responsibility for diversity and inclusion in FHFA's contracting practices.

(b) *Outreach.* FHFA's policy is to promote diversity in its contracting process. FHFA shall establish a contractor outreach program intended to ensure that minority- and women-owned businesses are made aware of and given the opportunity to compete for contracts with FHFA. FHFA shall conduct outreach activities that may include, but are not limited to:

(1) Identifying contractors that are minority- and women-owned by obtaining lists and directories maintained by government agencies, trade groups, and other organizations;

(2) Advertising contract opportunities through media targeted to reach potential contractors that are minority- and women-owned; and

(3) Participating in events such as conventions, trade shows, seminars, professional meetings, and other

gatherings intended to promote business opportunities for minority- and women-owned businesses.

(c) *Technical assistance.* FHFA shall provide technical assistance and guidance to facilitate the identification and solicitation of minority and women-owned businesses.

(d) *Monitoring.* FHFA's OMWI shall monitor that FHFA staff interfacing with the contracting community are knowledgeable about, and actively promoting, FHFA's Outreach program.

§ 1207.4 Limitations.

The regulations in this part do not, are not intended to, and should not be construed to create any right or benefit, substantive or procedural, enforceable at law, in equity, or through administrative proceeding, by any party against FHFA, the United States, its other departments, agencies, or entities, its officers, employees, or agents.

Dated: March 20, 2017.

Melvin L. Watt,

Director, Federal Housing Finance Agency.

[FR Doc. 2017–05894 Filed 3–23–17; 8:45 am]

BILLING CODE 8070–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0226]

Drawbridge Operation Regulation; Sacramento River, Sacramento, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Tower Drawbridge across the Sacramento River, mile 59.0 at Sacramento, CA. The deviation is necessary to allow the community to participate in the Sactown 10 Race. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective from 5 a.m. to 11 a.m. on April 2, 2017.

ADDRESSES: The docket for this deviation, [USCG–2017–0226], is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *David.H.Sulouff@uscg.mil.*

SUPPLEMENTARY INFORMATION: California Department of Transportation has requested a temporary change to the operation of the Tower Drawbridge, mile 59.0, over Sacramento River, at Sacramento, CA. The drawbridge navigation span provides a vertical clearance of 30 feet above Mean High Water in the closed-to-navigation position. The draw operates as required by 33 CFR 117.189(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position 5 a.m. to 11 a.m. on April 2, 2017, to allow the community to participate in the Sactown 10 Race. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

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

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

Dated: March 20, 2017.

D.H. Sulouff,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2017–05822 Filed 3–23–17; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 17–237; MB Docket No. 16–362; RM–11776]

Radio Broadcasting Services; Mullin, Texas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of Roy E. Henderson (Petitioner), licensee of FM Station KNUZ (FM), San Saba, Texas, the Audio Division amends the FM Table of Allotments by substituting Channel 277A for Channel 224A at Mullin, Texas. The purpose of this change is to facilitate and grant Petitioner's hybrid application that KNUZ (FM) be modified to operate on Channel 277A rather than Channel 224A at San Saba, Texas. A staff engineering analysis indicates that Channel 277A can be substituted for Channel 224A at Mullin, Texas, as proposed, consistent with the minimum distance separation requirements of the Commission's rules with a site restriction 3.1 km (1.9 miles) north of the community. The reference coordinates are 31–35–00 NL and 98–40–31 WL.

DATES: Effective April 24, 2017.

FOR FURTHER INFORMATION CONTACT: Adrienne Y. Denysyk, Media Bureau, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 16–362, adopted March 9, 2017, and released March 10, 2017. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. The full text is also available online at *http://apps.fcc.gov/ecfs/.* This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division,

Media Bureau.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 309, 310, 334, 336 and 339.

■ 2. Section 73.202(b), the table is amended under Texas, by adding Mullin, Channel 277A to read as follows:

§ 73.202 Table of Allotments.

* * * * *

(b) * * *

	Channel No.
* * * * *	
Texas	
* * * * *	
Mullin	277A
* * * * *	

* * * * *

[FR Doc. 2017–05855 Filed 3–23–17; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 217

[Docket No. 160809705–7102–02]

RIN 0648–BG25

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Space Vehicle and Missile Launch Operations

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

ACTION: Final rule.

SUMMARY: NMFS, upon request from the Alaska Aerospace Corporation (AAC), hereby issues regulations to govern the incidental taking of marine mammals incidental to space vehicle and missile launch operations at the Pacific Spaceport Complex Alaska (PSCA) on Kodiak Island, Alaska, over the course of five years (2017–2022). These regulations, which allow for the issuance of Letters of Authorization (LOA) for the incidental take of marine mammals during the described activities and specified timeframes, prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, and establish requirements pertaining to the monitoring and reporting of such taking.

DATES: Effective from April 24, 2017, through April 25, 2022.

ADDRESSES: A copy of AAC's application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *www.nmfs.noaa.gov/pr/permits/incidental/research.htm.* In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Stephanie Egger, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Regulatory Action

These regulations, issued under the authority of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*), establish a framework for authorizing the take of marine mammals incidental to space vehicle and missile launch operations at the PSCA. We received an application from AAC requesting five-year regulations and authorization to take one species of marine mammal. Take may occur by Level B harassment only, incidental to the space vehicle and missile launches (also referred to as rocket launches). The regulations are valid for five years from the date of issuance. Please see ''Background'' below for definitions of harassment.

Legal Authority for the Regulatory Action

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1371(a)(5)(A)) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region for up to five years if, after notice and public comment, the agency makes certain findings and issues regulations that set forth permissible methods of taking pursuant to that activity, as well as monitoring and reporting requirements. Section 101(a)(5)(A) of the MMPA and the implementing regulations at 50 CFR part 216, subpart I provide the legal basis for issuing this final rule containing five-year regulations, and for any subsequent Letters of Authorization. As directed by this legal authority, this final rule contains mitigation, monitoring, and reporting requirements.

Summary of Major Provisions Within the Regulations

The following provides a summary of some of the major provisions within the rulemaking for AAC's rocket launch activities. We have determined that AAC's adherence to the planned mitigation, monitoring, and reporting measures listed below will achieve the least practicable adverse impact on the affected marine mammals. They include:

- Required monitoring of Ugak Island to detect the presence and abundance of marine mammals before and after deployment of space vehicle and missile launch operations.
- Required monitoring of Ugak Island to survey the presence and abundance of marine mammals quarterly (space vehicle and missile launch operations).
- Required mitigation using time-lapsed photography to determine the immediate response impacts to marine mammals during space vehicle and missile launch operations, particularly during the pupping season (should space vehicle and missile launch operations occur during that time).

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

NMFS has defined ''unmitigable adverse impact'' in 50 CFR 216.103 as an impact resulting from the specified activity:

(1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) directly displacing subsistence users; or (iii) placing physical barriers between the marine

mammals and the subsistence hunters; and

(2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Summary of Request

On April 25, 2016, NMFS received a request for regulations from AAC for the taking of small numbers of marine mammals incidental to space vehicle and missile launch operations at the PSCA. We received revised drafts on June 20, 2016, and September 19, 2016. On September 27, 2016, we published a notice of receipt of AAC's application in the **Federal Register** (81 FR 66264), requesting comments and information for 30 days related to AAC's request. On November 10, 2016, we received a revised final application. We received comments from the Marine Mammal Commission (MMC), which we considered during development of the proposed rulemaking (82 FR 6456; January 19, 2017) and which are available online at: *www.nmfs.noaa.gov/pr/permits/incidental/research.htm.*

AAC requests taking of small numbers of marine mammals incidental to space vehicle and missile launch operations; such operations produce noise that may result in the Level B harassment of harbor seals (*Phoca vitulina richardii*). NMFS has previously issued regulations and subsequent LOAs to AAC authorizing the taking of marine mammals incidental to launches at PSCA (76 FR 16311, March 23, 2011; and 71 FR 4297, January 26, 2006). These regulations are valid for five years from the date of issuance.

Description of the Specified Activity

Overview

PSCA is located on the Narrow Cape Peninsula, on Kodiak Island in the Gulf of Alaska. Kodiak Island is approximately 99 miles (mi) long and 10 to 60 mi wide. PSCA is approximately 22 air mi from the City of Kodiak, which is the largest settlement on Kodiak Island. The land area occupied by PSCA is owned by the State of Alaska and is administered by AAC under terms of an Interagency Land Management Assignment issued by AAC's sister agency, the Alaska Department of Natural Resources. AAC conducts space vehicle and missile launches from the PSCA. Launch operations are authorized under license from the Federal Aviation Administration (FAA), Office of the Associate Administrator for Space Transportation.

There are several marine mammals present in the waters offshore, however, the only marine mammals anticipated to be affected by the specified activities are pinnipeds hauled out on Ugak Island.

Dates and Duration

The specified activity may occur at any time during the five-year period of validity of the regulations. Dates and duration of individual rocket launches are inherently uncertain. Launch timing is not determined by AAC, but is driven by customer needs that include variables ranging from: (1) Availability of down range assets necessary to support launch, (2) orbital parameters, and (3) exigencies requiring rapid response to requests for replacement of lost assets, or to augment existing ones to support vital defense, humanitarian, or commercial needs. Launches can, and do, occur year round. Typical launches will be spread out in time; however, some of these launches may occur in clusters to meet a customer's need.

AAC estimates the total number of vehicles that might be launched from PSCA over the course of the 5-year period covered by the requested rulemaking is 45, with an average of nine launches per year. However, in previous years, AAC did not launch the estimated number, but fewer or none in some years. Few launches are on contract at this time, so a specific distribution cannot be given. The first anticipated launch is estimated to occur in May 2017. Generally, the frequency will be separated by months or years; however, there may be limited instances of a rapid succession of launches in the course of hours, or days. Any disturbances to pinnipeds from space vehicle and missile launch operations will span only a few seconds tapering off to inaudible in a few minutes.

Specified Geographical Region

The PSCA facility occupies 3,717 acres of state-owned lands on the eastern side of Kodiak Island. Ugak Island lies approximately three to four mi to the south/southeast of the launch pads on Kodiak Island. Ugak Island is about two mi long by about one mi wide. The land slopes steeply upward from a spit on the island's northern most point, which has previously been (although not consistently in recent years) used by Steller sea lions (*Eumetopias jubatus*) as a haulout, to the southwest, culminating in cliffs that are approximately 1,000 feet (ft) in elevation. These cliffs run the entire length of the island's long axis. Eastward, the narrow Outer Continental Shelf (OCS) ends about 20 mi offshore, where it plunges precipitously to the North Pacific abyss. Near shore water depths to the immediate south and west of the island range to several hundred feet. Harbor seal haulouts are present mainly on Ugak Island's eastern shores, but also in smaller numbers at the northern end of the island (see Figure 3 in AAC's application).

Detailed Description of Activities

A detailed description of AAC's planned activities was provided in our notice of proposed rulemaking (82 FR 6456; January 19, 2017) and is not repeated here. No changes have been made to the specified activities described therein.

Table 1 provides motor diameters and representative sound pressures for various launch vehicles, some of which have been launched previously from PSCA. The listed vehicles include various ballistic launch vehicles and the small lift Castor 120 space launch vehicle, as well as smaller target/interceptor systems and tactical rocket systems. All PSCA sound measurements reported in Table 1 were taken at a distance of 3.5 mi from the launch pad at the nearest point of Ugak Island. It is important to note that the Castor 120 (previously launched from PSCA) is the loudest launch vehicle motor expected to be launched from PSCA over the 5-year period covered by these regulations.

TABLE 1—PAST AND ANTICIPATED LAUNCH VEHICLES

Previously launched & recorded at PSCA (also potentially launched in future)							
Launch designator	Launch vehicle	Date	Distance to haulout (mi)	Motor diameter (ft) [1]	SEL (dBA)	Lmax (dBA)	LPeak (dBA)
QRLV		11/5/98	[2] 3.5	4.3	88.4	78.2	97.0
QRLV		9/15/99	[2] 3.5	4.3	92.2	81.5	101.5
QRLV		3/22/01	[2] 3.5	4.3	80.3	73.3	87.2
Athena	Castor 120	9/29/01	[2] 3.5	7.75	101.4	90.8	115.9
FT–04–1	Polaris A–3 STARS	2/23/06	4.1	4.5	92.3	86.0	109.0
FTG–02	Polaris A–3 STARS	9/01/06	4.1	4.5	90.1	83.1	105.6
FTG–03a	Polaris A–3 STARS	9/28/07	4.1	4.5	91.4	84.2	107.3
FTX–03	Polaris A–3 STARS	7/18/08	4.1	4.5	89.6	83.0	108.3
	Minotaur I			4.5	[2] 90+		
	C–4 Trident I			6.1			
	Castor I			2.6			
	SR19/SR773			4.3			
	SR19/SR19			4.3			
	Castor IVB			3.3			
Tactical Vehicles				<1.5			

Notes:
[1] Motor sound pressures from solid fueled motors, roughly, correlate to motor diameter.
[2] Estimated.

Comments and Responses

We published a notice of proposed rulemaking in the **Federal Register** on January 19, 2017 (82 FR 6456) and requested comments and information from the public. During the thirty-day comment period, we received one letter from the Marine Mammal Commission (Commission). The comments and our responses are provided here, and the comments have been posted on the Internet at: *www.nmfs.noaa.gov/pr/permits/incidental/research.htm.* Please see the comment letter for the full rationale behind the recommendations we respond to below.

Comment 1: The Commission recommends that NMFS require AAC to avoid conducting launches during the harbor seal pupping season from May 15 through June 30, except when launches are necessary for human safety or national security purposes or are necessary to achieve space vehicle launch trajectories to meet mission objectives.

Response: It is unlikely that infrequent disturbance resulting from AAC's rocket launches will interrupt the brief mother-pup bonding period within which disturbance could result in separation. NMFS recognizes the critical bonding time needed between a harbor seal mother and her pup to ensure pup survival and maximize pup health. Harbor seal pups are weaned from their mother within approximately four weeks; however, the most critical bonding time is immediately (minutes) after birth. Lawson and Renouf (1987) conducted an in-depth study to investigate harbor seal mother/pup bonds in response to natural and anthropogenic disturbance. In summary, they found that a mutual bond is developed within five minutes of birth, and both the mother and pup play a role in maintaining contact with each other. The study showed a bilateral bond, both on land and in the water, and that mothers would often wait for or return to a pup if it did not follow her. Pups would follow or not move away from their mother as she approached. Most notably, mothers demonstrated overt attention to their pups while in the water and during times of disturbance on the nursery. Increased involvement by the mothers in keeping the pairs together during disturbances became obvious as they would wait for, or return to, their young if the pups fell behind.

In addition, there is no potential for large-scale flushing events that will lead to serious injury or mortality for the harbor seals at the northern end of Ugak Island because, historically, the number of harbor seals hauled out near the site is less than 30 individuals, and these animals do not stampede, but flush into the water. Harbor seals are a species that does not cause accidental mortality of their pups when the adults flush into the water even during the pupping season.

Given the infrequent (approximately nine times per year) and brief (approximately one minute as heard from Ugak Island) nature of these sounds, as well as the characteristics of mother/pup bonding as described above and the absence of potential for mortality during flushing events (if they occur), NMFS believes that a measure to restrict launches during the pupping season is unnecessary to reach the least practicable adverse impact on the affected marine mammals, when considered in context of practicability for the applicant. The applicant could potentially be forced to schedule their client to another time period that may result in additional costs for both the client and applicant if they have to avoid the pupping season. Should launch monitoring or quarterly aerial surveys indicate that unanticipated impacts to harbor seal pups or impacts to the distribution, size, or productivity of pinniped populations are occurring, the adaptive management component of this rulemaking can allow for adjustments to be made to the required mitigation measures.

Description of the Sound Sources

A detailed description of sound sources was provided in our notice of proposed rulemaking (82 FR 6456; January 19, 2017) and is not repeated here. No changes have been made to the specified activities described therein.

Description of Marine Mammals in the Area of the Specified Activity

We previously reviewed AAC's species descriptions—which summarized available information regarding status, trends, and distribution of the potentially affected species—for accuracy and completeness and referred readers to Sections 4 and 5 of AAC's application, as well as to NMFS's Stock Assessment Reports (SARs; *www.nmfs.noaa.gov/pr/sars/*). We also provided information related to all species with expected potential for take around Kodiak and Ugak Islands where AAC plans to conduct the specified activities, summarizing information related to the population or stock. Please see Tables 2 and 3 in our notice of proposed rulemaking (82 FR 6456; January 19, 2017) for that information, which is not reprinted here.

The only marine mammals anticipated to be affected by the specified activities, and for which take by Level B harassment is authorized, are harbor seals hauled out on Ugak Island. Therefore, they are the only marine mammal discussed further in these regulations.

Potential Effects of the Specified Activity on Marine Mammals

A detailed description of the specified activity on marine mammals was provided in our notice of proposed rulemaking (82 FR 6456; January 19, 2017) and is not repeated here. No changes have been made to the specified activities described therein.

NMFS does not anticipate a significant impact on any of the species or stocks of marine mammals from launches from PSCA. The effects of the activities are expected to be limited to short-term startle responses and localized behavioral changes. In general, if the received level of the noise stimulus exceeds both the background (ambient) noise level and the auditory threshold of the animals, and especially if the stimulus is novel to them, there may be a behavioral response. The probability and degree of response will also depend on the season, the group composition of the pinnipeds, and the type of activity in which they are engaged. Minor and brief responses, such as short-duration startle or alert reactions, are not likely to constitute disruption of behavioral patterns, such as migration, nursing, breeding, feeding, or sheltering and will not cause injury or mortality to marine mammals. On the other hand, startle and alert reactions accompanied by large-scale movements, such as stampedes into the water of hundreds of animals, may rise to the degree of Level A harassment because they could result in injury of individuals. In addition, such large-scale movements by dense aggregations of marine mammals or at pupping sites could potentially lead to takes by injury or death. However, there is no potential for large-scale movements leading to serious injury or mortality for the harbor seals at the northern end of Ugak Island because, historically, the number of harbor seals hauled out near the site is less than 30 individuals, and these animals do not stampede, but flush into the water. Based on similar observational data (at VAFB) and for the largest launch vehicle, the Castor 120 (Lmax measured at 90.8 dBA), NMFS anticipates that if seals are disturbed there may be a startle response and flush into the water. Harbor seals will likely return to haulout sites on Ugak Island within 2 to 55 minutes of the launch disturbance. Based on AAC's measurements as described for the Castor 120 above, any response that will occur will be behavioral. No permanent threshold shift (PTS) or temporary threshold shift (TTS) is anticipated. In addition, because aircraft will fly at altitudes greater than 305 m (1,000 ft) around pinniped haulouts and rookeries, animals are not anticipated to react to security overflights.

The potential effects to marine mammals described in this section of the document do not take into consideration the monitoring and mitigation measures described later in this document (see the ''Mitigation'' and ''Monitoring and Reporting'' sections) which, as noted, should effect the least adverse impact practicable on affected marine mammal species and stocks.

Anticipated Effects on Marine Mammal Habitat

Solid fuel rocket boosters will fall into the ocean away from any known or potential haulouts. All sonic booms that reach the earth's surface will be expected to occur over open ocean beyond the OCS. Airborne launch sounds will mostly reflect or refract from the water surface and, except for sounds within a cone of approximately 26 degrees directly below the launch vehicle, will not penetrate into the water column. The sounds that will penetrate will not persist in the water for more than a few seconds. Overall, NMFS does not expect rocket launch activities from PSCA to cause any impacts to habitats used by marine mammals, including pinniped haulouts, or to their food sources.

Mitigation

In order to issue an incidental take authorization (ITA) under section 101(a)(5)(A) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for subsistence uses. NMFS's implementing regulations require applicants for ITAs to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

To minimize impacts on pinnipeds at haulout sites, the AAC will continue the following mitigation measures, as implemented during the previous ITAs, designed to minimize impact to affected species and stocks: (1) Security overflights immediately associated with the launch will not approach pinniped haulouts on Ugak Island by closer than 0.25 mi (0.4 km), and will maintain a vertical distance of 1,000 ft (305 m) from the haulouts when within 0.5 mi (0.8 km), unless indications of human presence or activity warrant closer inspection of the area to assure that national security interests are protected in accordance with law; and (2) All Castor 120-equivalent launches (*i.e.,* the loudest rocket used by AAC) will be conducted at a launch pad equipped with a concrete and water-filled flame trench in order to direct smoke away from the launch pad, but also to absorb light and noise at their respective peaks (*i.e.,* lift-off).

NMFS has carefully evaluated AAC's mitigation measures and considered their effectiveness in past implementation to determine whether they are likely to effect the least practicable adverse impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another: (1) The manner and the degree to which the successful implementation of the measure is expected to minimize adverse impacts to marine mammals; (2) the proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and (3) the practicability of the measure for applicant implementation, including consideration of personnel safety, and practicality of implementation. The mitigation measures take scientific studies (Richardson *et al.,* 2005) of overflight effects on pinnipeds into consideration. Lastly, the adaptive nature of the mitigation measures allows for adjustments to be made if launch monitoring or quarterly aerial surveys indicate that impacts to the distribution, size, or productivity of pinniped populations are occurring.

Based on our evaluation of the applicant's measures, as well as other measures considered by NMFS, NMFS has determined that the mitigation measures provide the means of effecting the least adverse impacts practicable on marine mammals species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an ITA for an activity, section 101(a)(5)(A) of the MMPA states that NMFS must set forth

''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the planned action area.

Any monitoring requirement we prescribe should improve our understanding of one or more of the following:

- Occurrence of marine mammal species in action area (*e.g.,* presence, abundance, distribution, density).
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving, or feeding areas).
- Individual responses to acute stressors, or impacts of chronic exposures (behavioral or physiological).
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of an individual; or (2) population, species, or stock.
- Effects on marine mammal habitat and resultant impacts to marine mammals.
- Mitigation and monitoring effectiveness.

AAC will implement the following for monitoring and reporting:

- Install time-lapsed photography systems designed to monitor pinniped abundance and detect pinniped responses to rocket launches at all pinniped haulout locations around Ugak Island. The number of camera systems, equipment capabilities, placement of the systems to be used, and the daily photo frequency will be determined through a cooperative effort between AAC, NMFS, and the technical experts (qualified, on-site experts who have implemented time-lapsed photography technology for wildlife studies);
- Ensure the time-lapsed photography systems will be in place and operating in locations that allow for visual monitoring of all pinniped haulouts during launches;
- Relocate the time-lapsed photography systems in cooperation with NMFS after five launches if the system is not accurately capturing all pinniped haulouts and total pinniped abundance during the launches;
- Monitor and review the effectiveness of these systems, comparing the results to aerial surveys for pinniped presence, abundance, behavior, and re-occupation time from the data obtained from the time-lapsed photography systems for the first five launches and report results to NMFS within 90 days (after the 5th launch);
- Conduct a study in coordination with NMFS to evaluate the effectiveness of the time-lapsed photography systems (specifically, the accuracy of the photography systems compared with aerial count surveys). The results of this study will determine the need to continue aerial surveys. The study will be conducted through a minimum of five launches;
- Conduct one pre-launch aerial survey and one post-launch aerial survey for each launch to obtain data on pinniped presence, abundance, and behavior capturing all pinniped haulouts;
- Conduct quarterly aerial surveys, ideally during mid-day coinciding with low tide, to obtain data on pinniped presence, abundance, and behavior within the action area to determine long-term trends in pinniped haulout use capturing all pinniped haulouts. Results of these quarterly surveys will be reported once as part of the year-end summary report;
- Conduct quarterly surveys in the event no launch occurs during a calendar year; and
- If launch monitoring or quarterly aerial surveys indicate that the distribution, size, or productivity of the potentially affected pinniped populations has been affected due to the specified activity, the launch procedures and the monitoring methods will be reviewed, in cooperation with NMFS, and, if necessary, appropriate changes may be made through modifications to a given LOA, prior to conducting the next launch of the same vehicle under that LOA.

Data collected and reported will, at a minimum, include number of seals per haulout, by age class when possible, noting if any disturbance behavior is noted from aircraft presence.

If a freshly dead or seriously injured pinniped is found during post-launch monitoring, the incident must be reported within 48 hours to the NMFS Office of Protected Resources and the NMFS Alaska Regional Office.

Previous Monitoring

A detailed description of AAC's previous monitoring was provided in our notice of proposed rulemaking (82 FR 6456; January 19, 2017) and is not repeated here. No changes have been made to the specified activities described therein.

Estimated Take by Incidental Harassment

The following text describes the potential range of takes possible of harbor seals on PSCA during launches. AAC estimates that up to 45 launches may occur from PSCA over the course of the five-year period covered by these regulations. Annually, AAC requests nine launches to be authorized. AAC estimates that no more than one launch will occur over a 4-week period, and it is likely the frequency of launches will be less than this estimate.

Harbor seals of all age classes hauled out on the northern shores of Ugak Island may become alert or flush into the water in response to rocket launches from PSCA. The total number of harbor seals present on Ugak Island ranges up to a maximum of approximately 1,500 seals in the last ten years, and 1,150 seals in the last five years. However, approximately 97 percent of harbor seals are found at the eastern shore haulout where they are sheltered from launch effects by the 1,000 ft cliffs that stand between this haulout and PSCA. Only about three percent of harbor seals use the northern haulout across from PSCA because of the lack of suitable beaches. When present, the majority of counts at the northern haulout were of less than 25 individuals. An exceptional one-time high count of about 125 seals occurred within the last 10 years. The mean number of harbor seals present at the northern haulout is 10 seals with a standard deviation of 25 seals. Therefore, a representative harbor seal population at the northern haulout of 35 seals (the mean plus one standard deviation) is used for the following take estimate.

Assuming that all 35 harbor seals at the northern haulout are expected to be present and taken by Level B Harassment during a launch, and that all 9 launches are of the Castor 120 (loudest space vehicle), a maximum of 315 harbor seals annually could be taken by Level B harassment with 1,575 harbor seals taken over the 5-year effective period of the regulations. Launches may occur at any time of the year, so any age classes and gender may be taken.

The Lmax from the loudest launch (Castor 120) may reach approximately 90.8 dBA at the traditional Steller sea lion haulout (approximately 3.5 mi from the launch site) which is a similar distance to the northern beaches where

harbor seals haul out (approximately 4 mi from the launch site). Based on this recorded level and the fact that audible launch noise will be very short in duration, any response will be behavioral in nature and harbor seals are not expected to incur PTS or TTS. No injury or mortality of harbor seals is anticipated, nor is any authorized. Therefore, NMFS plans to authorize harbor seal take, by Level B harassment only, incidental to launches from PSCA.

As discussed above, security overflights associated with a launch will not closely approach or circle any pinniped. Therefore, incidental take from this activity is not anticipated. Should the pilot or crew on the plane observe pinnipeds reacting to their presence, the plane will increase altitude and note the number of animals reacting to the plane. These data will be included in AAC's marine mammal reports.

Changes to the Proposed Regulations

As a result of clarifying discussions with AAC we made certain changes to the proposed regulations as described here. These changes are considered minor and do not affect any of our preliminary determinations. Mitigation Measures 2, 3, and 4 were moved into the ''Monitoring and Reporting'' section and combined with relevant monitoring measures. In the ''Monitoring and Reporting'' section, we clarified that AAC will only conduct quarterly surveys, and not five surveys, in the event that no launch occurs during a calendar year. The proposed rule may have implied that AAC would conduct an additional survey if no launches occurred that year. However, AAC is already conducting quarterly surveys regardless of the numbers of launches each year at PSCA. It was determined that an additional (or fifth survey) was not necessary as the biological monitoring would be adequately covered under quarterly surveys.

The proposed rule stated that AAC would monitor ''three'' of the pinniped haulouts. However, the specific number of haulout locations was removed to ensure that all pinniped haulouts would be monitored during the five-year period covered by these regulations if haulout dynamics change (*i.e.,* there are additional or fewer haulouts documented in the future).

For reporting purposes, we eliminated the need for AAC to send reports 90 days after each launch. After further consideration, NMFS believes annual reports and a five-year report adequately provide the necessary biological monitoring data, and requiring an additional report 90 days after each launch would be excessive. NMFS also eliminated the need for AAC to contact the NMFS's Alaska Regional Office two weeks prior to each launch. After coordinating with NMFS's Alaska Regional Office, it was agreed upon that it was unnecessary for AAC as they already have methods for informing the public of launches.

Analyses and Determinations

Negligible Impact Analysis

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.'' A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of Level B harassment takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, we consider other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, and effects on habitat. In making a negligible impact determination, NMFS considers (and should explicitly address whenever possible) the following:

(1) The number of anticipated injuries, serious injuries, or mortalities;

(2) The number, nature, and intensity, and duration of Level B harassment (all relatively limited);

(3) The context in which the takes occur (*i.e.,* impacts to areas of significance, impacts to local populations, and cumulative impacts when taking into account successive/contemporaneous actions when added to baseline data);

(4) The status of stock or species of marine mammals (*i.e.,* depleted, not depleted, decreasing, increasing, stable, impact relative to the size of the population);

(5) Impacts on habitat affecting rates of recruitment/survival; and

(6) The effectiveness of monitoring and mitigation measures.

For reasons stated previously in this document, the specified activities are not likely to cause long-term behavioral disturbance, abandonment of the haulout area, injury, serious injury, or mortality because:

(1) The considerable evidence, based on over 10 years of monitoring data, suggesting no long-term changes in the use by harbor seal haulouts in the project area as a result of launch operations. Launches will not occur more than a maximum of nine times per year over the next five years;

(2) Based on aerial survey data, the harbor seal population on Ugak Island has increased and is stable. As discussed previously, the population of harbor seals on Ugak Island has increased steadily from several hundred in the 1990s (ENRI 1995–1998) to a peak of about 1,500 in 2008 (R&M 2007a, 2007b, 2008, 2009). Therefore, NMFS does not believe there will be any long-term impact on the health of the population. Given harbor seals are considered a species that is easily disturbed, their resilience to launch effects suggest impacts from launches are short-term and negligible;

(3) Overall, rocket launch activities from PSCA are not be expected to cause any impacts to habitats used by marine mammals, including pinniped haulouts, or to their food sources or impact their survival, and;

(4) Mitigation measures to reduce noise from launches once in the air are virtually impossible; however, the noise generated on the launch pad during ignition moves through a deep trench (called a flame trench or flame bucket) that diverts the noise/exhaust toward the northwest (away from Ugak Island).

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS finds that space vehicle and missile launch operations at the PSCA will have a negligible impact on the affected marine mammal species or stock.

Small Numbers Analysis

The number of authorized takes is considered small relative to the relevant stocks or populations, eight percent for harbor seals. However, it is important to note that the number of expected takes does not necessarily represent the number of individual animals expected to be taken. Our small numbers analysis accounts for this fact. Multiple exposures to Level B harassment can accrue to the same individuals over the course of an activity that occurs multiple times in the same area (such as AAC's planned activity). This is especially likely in the case of species that have limited ranges and that have site fidelity to a location within the

project area, as is the case with harbor seals.

As described above, harbor seals are non-migratory, rarely traveling more than 50 km from their haulout sites. Thus, while the estimated abundance of the South Kodiak stock of harbor seals is 19,199 (Muto *et al.,* 2015), a substantially smaller number of individual harbor seals is expected to occur within the project area. We expect that, because of harbor seals' site fidelity to locations at Ugak Island, and because of their limited ranges, the same individuals are likely to be taken repeatedly over the course of the planned activities. Therefore, the number of exposures to Level B harassment over the course of the authorization (the total number of takes described in the Estimated Take by Incidental Harassment section) is expected to accrue to a much smaller number of individuals. The maximum number of incidents of harassment of harbor seals during the period of validity of the 5-year regulations is expected to be 1,575. We therefore use this estimate of 1,575 incidents of harassment for the purposes of estimating the percentage of the stock abundance likely to be taken.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, we find that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species for Taking for Subsistence Uses

Several communities on Kodiak Island use harbor seals (and Steller sea lions) for subsistence uses. The communities closest to Ugak Island are Old Harbor and Kodiak City; each is over 35 miles from Ugak Island. The Alaska Native Harbor Seal Commission quantified the Kodiak area subsistence take of harbor seals (and Steller sea lions) in a report issued in 2011. Within the last ten years, 2011, 2008, 2007, and 2006 were surveyed. On average, during the years surveyed in the last 10 years, Kodiak city took 35.3 harbor seals and Old Harbor took 35.2 harbor seals annually. Specific locations of take are not mentioned in this document.

Based on the distance of Ugak Island from each community and the opportunities closer to each community, either a small fraction of the averages provided, or no take can be estimated from each community. It is possible that some fraction of the average number of harbor seals listed above were taken from Ugak Island specifically, but there is no documentation to support that conclusion.

There is no expectation that harbor seals will abandon sealing grounds, based on AAC's launches or the launches at other launch sites (*e.g.,*VAFB). In addition, no permanent barriers will be placed between the subsistence hunter and pinnipeds on Ugak Island. There are temporary closures of Ugak Island for a portion of a 24-hour day during each launch.

AAC consulted (as they have for previous regulations) with the Alaska Native Harbor Seal Commission as well as the Kodiak communities for the issuance of final regulations to ensure project activities do not impact relevant subsistence uses of marine mammals implicated by this action. AAC met with the Kodiak Tribal Council in October 2016 during their quarterly meeting and briefed them on AAC's activity and AAC's request for their concurrence on the lack of impact on subsistence activities from space and vehicle launch operations. The Kodiak Regional Subsistence Director concurred there would not be negative impact to subsistence uses from AAC's project activities.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, we have determined that the total taking of affected species or stocks will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Adaptive Management

The regulations governing the take of marine mammals incidental to space and vehicle launch operations contain an adaptive management component.

The reporting requirements associated with this rule are designed to provide NMFS with monitoring data from the previous year to allow consideration of whether any changes are appropriate. The use of adaptive management allows NMFS to consider new information from different sources to determine (with input from AAC regarding practicability) on an annual basis if mitigation or monitoring measures should be modified (including additions or deletions). Mitigation measures could be modified if new data suggests that such modifications would have a reasonable likelihood of reducing adverse effects to marine mammals and if the measures are practicable.

AAC's monitoring program (see ''Monitoring and Reporting'') will be managed adaptively. Changes to the monitoring program may be adopted if they are reasonably likely to better accomplish the MMPA monitoring goals described previously or may better answer the specific questions associated with the AAC's monitoring plan.

The following are some of the possible sources of applicable data to be considered through the adaptive management process: (1) Results from monitoring reports, as required by MMPA authorizations; (2) results from time-lapsed photography systems; and (3) any information which reveals that marine mammals may have been taken in a manner, extent, or number not authorized by these regulations or subsequent LOAs.

In addition, improved monitoring will better enable AAC and NMFS to determine if impacts from space vehicle and missile launch operations are having short-term and long-term impacts on the present day pinniped populations on Ugak Island. The time-lapse photography system will be able to detect impacts (takes) from launch exposure, including the number of pinnipeds flushing at the haulout sites, while quarterly aerial surveys will aid in determining long-term trends of pinniped abundance.

Endangered Species Act

There is one marine mammal species under NMFS's jurisdiction that is listed as endangered under the Endangered Species Act (ESA) with confirmed or possible occurrence in the action area, the Steller sea lion. NMFS and AAC consulted internally with NMFS's Alaska Regional Office under the ESA on its issuance of regulations and subsequent LOAs to AAC. It was determined that the planned activities will not affect Steller sea lions; therefore, ESA consultation is not required.

National Environmental Policy Act

In the proposed rule, we described our plan to adopt FAA's 2016 EA as necessary for the final issuance of the regulations and subsequent LOA(s). However, in compliance with NOAA policy, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), NMFS has now determined the issuance of the regulations and subsequent LOA(s) qualifies to be categorically excluded from NEPA review. This action is consistent with categories of activities identified in CE B4 of the Companion Manual for NOAA Administrative Order

216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and we have not identified any extraordinary circumstances that will preclude this categorical exclusion.

Classification

Pursuant to the procedures established to implement Executive Order 12866, the Office of Management and Budget has determined that this rule is not significant.

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA), the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration at the proposed rule stage that this rule will not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis is not required and none has been prepared.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information (COI) subject to the requirements of the Paperwork Reduction Act (PRA) unless that COI displays a currently valid OMB control number. These requirements have been approved by OMB under control number 0648–0151 and include applications for regulations, subsequent LOAs, and reports.

List of Subjects in 50 CFR Part 217

Exports, Fish, Imports, Indians, Labeling, Marine mammals, Penalties, Reporting and recordkeeping requirements, Seafood, Transportation.

Dated: March 17, 2017.

Alan D. Risenhoover,

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

For reasons set forth in the preamble, NMFS amends 50 CFR part 217 as follows:

PART 217—REGULATIONS GOVERNING THE TAKE OF MARINE MAMMALS INCIDENTAL TO SPECIFIED ACTIVITIES

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

Authority: 16 U.S.C. 1361 *et seq.,* unless otherwise noted.

■ 2. Add subpart H to read as follows:

Subpart H—Taking of Marine Mammals Incidental to Space Vehicle and Missile Launches

Sec.

217.70 Specified activity and specified geographical region.
217.71 Effective dates.
217.72 Permissible methods of taking.
217.73 Prohibitions.
217.74 Mitigation.
217.75 Requirements for monitoring and reporting.
217.76 Letters of Authorization.
217.77 Renewals and modifications of Letters of Authorization.
217.78 [Reserved]
217.79 [Reserved]

§ 217.70 Specified activity and specified geographical region.

(a) Regulations in this subpart apply only to the Alaska Aerospace Corporation (AAC) and those persons it authorizes to conduct activities on its behalf for the taking of marine mammals that occurs in the area identified in paragraph (b) of this section and that occurs incidental to conducting up to nine space vehicle launches each year from PSCA, for a total of 45 launches over the period of these regulations.

(b) The taking of marine mammals by AAC may be authorized in a Letter of Authorization (LOA) only if it occurs at the Pacific Spaceport Alaska Complex (PSCA) on Kodiak Island, AK.

§ 217.71 Effective dates.

Regulations in this subpart are effective from April 24, 2017, through April 25, 2022.

§ 217.72 Permissible methods of taking.

Under an LOA issued pursuant to § 216.106 of this chapter and § 217.70, the Holder of the LOA (hereinafter ''AAC'') and its contractors may incidentally, but not intentionally, take harbor seals (*Phoca vitulina*) by Level B harassment in the course of conducting space vehicle and missile launch operations within the area described in § 217.70(b), provided the activity is in compliance with all terms, conditions, and requirements of the regulations in this subpart and the applicable LOA.

§ 217.73 Prohibitions.

Notwithstanding authorization under these regulations and any LOA issued under § 216.106 of this chapter and § 217.76, no person conducting the activities described in § 217.70 may:

(a) Violate, or fail to comply with, the terms, conditions, and requirements of this subpart or an LOA issued under § 216.106 of this chapter and § 217.76;

(b) Take any marine mammal not specified in such LOA;

(c) Take any marine mammal specified in such LOA in any manner other than as specified;

(d) Take a marine mammal specified in such LOA if NMFS determines such taking results in more than a negligible impact on the species or stocks of such marine mammal; or

(e) Take a marine mammal specified in such LOA if NMFS determines such taking results in an unmitigable adverse impact on the species or stock of such marine mammal for taking for subsistence uses.

§ 217.74 Mitigation.

(a) When conducting operations identified in § 217.70(a), the mitigation measures contained in any LOA issued under § 216.106 of this chapter and § 217.76 must be implemented. These mitigation measures include:

(1) Security overflights immediately associated with the launch shall not approach pinniped haulouts on Ugak Island by closer than 0.25 mi (0.4 km), and shall maintain a vertical distance of 1,000 ft (305 m) from the haulouts when within 0.5 mi (0.8 km), unless indications of human presence or activity warrant closer inspection of the area to assure that national security interests are protected in accordance with law; and

(2) All Castor 120 equivalent launches shall be conducted at LP1.

(b) [Reserved]

§ 217.75 Requirements for monitoring and reporting.

(a) If the authorized activity identified in § 217.70(a) is thought to have resulted in the mortality or injury of any marine mammals or take of marine mammals not identified in § 217.70(b), then the Holder of the LOA must notify NMFS Office of Protected Resources and NMFS Alaska Regional Office, within 48 hours of the injury or death.

(b) Holders of LOAs must designate qualified, on-site individuals, technical experts who have implemented time-lapsed photography technology for wildlife studies, approved in advance by NMFS Office of Protected Resources to:

(1) Install time-lapsed photography systems designed to monitor pinniped abundance and detect pinniped responses to rocket launches at each of the pinniped haulout locations around Ugak Island. The number of camera systems, equipment capabilities, placement of the systems to be used, and the daily photo frequency shall be determined through a cooperative effort between AAC, NMFS Office of Protected Resources, and the technical experts;

(2) Ensure the time-lapsed photography systems shall be in place

and operating in locations that allow for visual monitoring of all pinniped haulouts during launches;

(3) Relocate the time-lapsed photography systems in cooperation with NMFS after five launches if the system is not accurately capturing all pinniped haulouts and total pinniped abundance during the launches;

(4) Monitor and review the effectiveness of these systems, comparing the results to aerial surveys for pinniped presence, abundance, behavior, and re-occupation time from the data obtained from the time-lapsed photography systems for the first five launches and report results to NMFS Office of Protected Resources within 90 days (after the 5th launch); and

(5) Conduct a study in coordination with NMFS Office of Protected Resources to evaluate the effectiveness of the time-lapsed photography systems (specifically, the accuracy of the photography systems compared with aerial count surveys). The results of this study shall determine the need to continue aerial surveys. The study shall be conducted through a minimum of five launches.

(c) AAC shall conduct one pre-launch aerial survey and one post-launch aerial survey for each launch to obtain data on pinniped presence, abundance, and behavior at all pinniped haulouts. Results of these pre- and post-launch surveys shall be reported to NMFS Office of Protected Resources once as part of the year-end summary report required under paragraph (e) of this section.

(d) AAC shall conduct quarterly aerial surveys, ideally during mid-day coinciding with low tide, to obtain data on pinniped presence, abundance, and behavior within the action area to determine long-term trends in pinniped haulout use capturing all pinniped haulouts. Results of these quarterly surveys shall be reported to NMFS Office of Protected Resources once as part of the year-end summary report required under paragraph (e) of this section.

(e) A year-end summary report must be submitted on March 1 of each year to NMFS Office of Protected Resources that shall include results of the pre- and post-launch aerial surveys, quarterly aerial survey trend counts of pinnipeds, and comparison of the results using the time-lapsed photography systems on Ugak Island. Future aerial surveys may be reduced if the time-lapsed photography systems capture similar or better data than aerial surveys. This report must contain the following information:

(1) Date(s) and time(s) of the launches;

(2) Locations of the time-lapsed photography systems;

(3) Design of the monitoring program for the time-lapsed photography systems and a description of how data is stored and analyzed; and

(4) Results of the monitoring program for pre- and post-launch aerial surveys, quarterly aerial surveys, and the time-lapsed photography systems, including, but not necessarily limited to:

(i) Numbers of pinnipeds, by species and age class (if possible), present on the haulout prior to commencement of the launch;

(ii) Numbers of pinnipeds, by species and age class (if possible), that may have been harassed, including the number that entered the water as a result of launch noise;

(iii) The length of time pinnipeds remained off the haulout during post-launch monitoring;

(iv) Number of harbor seal pups that may have been injured or killed as a result of the launch; and

(v) Other behavioral modifications by pinnipeds that were likely the result of launch noise.

(f) A final 5-year report must be submitted to NMFS Office of Protected Resources at least 90 days prior to expiration of these regulations if new regulations are sought or 180 days after expiration of regulations. This report shall:

(1) Summarize the activities undertaken and the results reported in all previous reports;

(2) Assess the impacts of launch activities on pinnipeds within the action area, including potential for pup injury and mortality;

(3) Assess the cumulative impacts on pinnipeds and other marine mammals from multiple rocket launches; and

(4) State the date(s), location(s), and findings of any research activities related to monitoring using time-lapsed photography systems on marine mammal populations

(g) AAC shall conduct quarterly aerial surveys in the event no launch occurs during a calendar year. These quarterly surveys shall be reported in the year-end summary report as described in paragraph (e) of this section; and

(h) If NMFS believes that launch monitoring or quarterly aerial surveys indicate that the distribution, size, or productivity of the potentially affected pinniped populations has been affected due to the specified activity, the launch procedures and the monitoring methods shall be reviewed in cooperation with NMFS, and, if necessary, appropriate changes may be made through modifications to a given LOA, prior to conducting the next launch of the same vehicle under that LOA.

§ 217.76 Letters of Authorization.

(a) To incidentally take marine mammals pursuant to these regulations, AAC must apply for and obtain an LOA.

(b) An LOA, unless suspended or revoked, may be effective for a period of time not to exceed the expiration date of these regulations.

(c) If an LOA expires prior to the expiration date of these regulations, AAC must apply for and obtain a renewal of the LOA.

(d) In the event of projected changes to the activity or to mitigation and monitoring measures required by an LOA, AAC must apply for and obtain a modification of the LOA as described in § 217.77.

(e) The LOA shall set forth:

(1) The number of marine mammals, by species, authorized to be taken;

(2) Permissible methods of incidental taking;

(3) Means of effecting the least practicable adverse impact (*i.e.,* mitigation) on the species of marine mammals authorized for taking, its habitat, and on the availability of the species for subsistence uses; and

(4) Requirements for monitoring and reporting.

(f) Issuance of an LOA shall be based on a determination that the level of taking shall be consistent with the findings made for the total taking allowable under these regulations.

(g) Notice of issuance or denial of an LOA shall be published in the **Federal Register** within 30 days of a determination.

§ 217.77 Renewals and modifications of Letters of Authorization.

(a) An LOA issued under § 216.106 of this chapter and § 217.76 for the activity identified in § 217.70(a) shall be renewed or modified upon request by the applicant, provided that:

(1) The specified activity and mitigation, monitoring, and reporting measures, as well as the anticipated impacts, are the same as those described and analyzed for these regulations (excluding changes made pursuant to the adaptive management provision in paragraph (c)(1) of this section), and

(2) NMFS determines that the mitigation, monitoring, and reporting measures required by the previous LOA under these regulations were implemented.

(b) For an LOA modification or renewal request by the applicant that includes changes to the activity or the mitigation, monitoring, or reporting (excluding changes made pursuant to

the adaptive management provision in paragraph (c)(1) of this section) that do not change the findings made for the regulations or result in no more than a minor change in the total estimated number of takes (or distribution by species or years), NMFS may publish a notice of proposed LOA in the **Federal Register**, including the associated analysis of the change, and solicit public comment before issuing the LOA.

(c) An LOA issued under § 216.106 of this chapter and § 217.76 for the activity identified in § 217.70(a) may be modified by NMFS under the following circumstances:

(1) Adaptive Management—NMFS may modify (including augment) the existing mitigation, monitoring, or reporting measures (after consulting with AAC regarding the practicability of the modifications) if doing so creates a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring set forth in the preamble for these regulations:

(i) Possible sources of data that could contribute to the decision to modify the mitigation, monitoring, or reporting measures in an LOA:

(A) Results from AAC's monitoring from the previous year(s);

(B) Results from other marine mammal and/or sound research or studies; and

(C) Any information that reveals marine mammals may have been taken in a manner, extent or number not authorized by these regulations or any LOA issued under §§ 216.106 and 217.76 of this chapter.

(ii) If, through adaptive management, the modifications to the mitigation, monitoring, or reporting measures are substantial, NMFS shall publish a notice of proposed LOA in the **Federal Register** and solicit public comment.

(2) Emergencies—If NMFS determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in §§ 217.70(b) and 217.72(a), an LOA may be modified without prior notice or opportunity for public comment. A notice shall be published in the **Federal Register** within 30 days of the action.

§ 217.78 [Reserved]

§ 217.79 [Reserved]

[FR Doc. 2017–05663 Filed 3–23–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130403320–4891–02]

RIN 0648–XF283

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; 2017–2018 Recreational Fishing Season for Black Sea Bass

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

ACTION: Temporary rule; recreational season length.

SUMMARY: NMFS announces that the length of the recreational season for black sea bass in the exclusive economic zone (EEZ) of the South Atlantic will extend throughout the 2017–2018 fishing year. Announcing the length of recreational season for black sea bass is one of the accountability measures (AMs) for the recreational sector. This announcement allows recreational fishers to maximize their opportunity to harvest the recreational annual catch limit (ACL) for black sea bass during the fishing season while managing harvest to protect the black sea bass resource.

DATES: This rule is effective from 12:01 a.m., local time, April 1, 2017, until 12:01 a.m., local time, April 1, 2018, unless changed by subsequent notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Nikhil Mehta, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *nikhil.mehta@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery includes black sea bass in the South Atlantic and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The South Atlantic Fishery Management Council prepared the FMP and the FMP is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The final rule implementing Regulatory Amendment 14 to the FMP revised the recreational fishing year for black sea bass to be April 1 through March 31 (79 FR 66316, November 7, 2014). The final rule also revised the recreational AMs for black sea bass. Prior to the start of each recreational fishing year on April 1, NMFS will project the length of the upcoming recreational fishing season based on when NMFS projects the recreational ACL to be met and will announce the recreational season end date in the **Federal Register** (50 CFR 622.193(e)(2)). The purpose of this AM is to have a more predictable recreational season length while still constraining harvest at or below the recreational ACL to protect the stock from experiencing adverse biological consequences.

NMFS estimates that recreational landings for the 2017–2018 fishing year will be less than the 2017–2018 recreational ACL. To make this determination, NMFS compared landings in the last 3 fishing years to the 2017–2018 fishing year's recreational ACL of 848,455 lb (384,853 kg), gutted weight, 1,001,177 lb (454,126 kg), round weight. The recreational ACL was set through the final rule for Regulatory Amendment 19 to the FMP on September 23, 2013 (78 FR 58249). Landings in each of the past 3 years are below the 2017–2018 recreational ACL; therefore, recreational landings in 2017–2018 are projected to be less than the 2017–2018 recreational ACL. Accordingly, the season end date for recreational fishing for black sea bass in the South Atlantic EEZ, south of 35°15.9′ N. lat., is the end of the 2017–2018 fishing year, March 31, 2018.

Classification

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

This action is taken under 50 CFR 622.193(e)(2) and is exempt from review under Executive Order 12866.

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

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement the notice of the recreational season length constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because prior notice and opportunity for public comment on this temporary rule is unnecessary. Such procedures are unnecessary, because the rule establishing the AM

has already been subject to notice and comment, and all that remains is to notify the public of the recreational season length.

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

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

Dated: March 20, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–05862 Filed 3–21–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 56
Friday, March 24, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2016–0254]

RIN 3150–AJ88

List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its spent fuel storage regulations by adding the TN Americas LLC (TN Americas), NUHOMS® Extended Optimized Storage (EOS) Dry Spent Fuel Storage System to the ''List of approved spent fuel storage casks'' as Certificate of Compliance (CoC) No. 1042. The NUHOMS® EOS System provides horizontal storage of high burnup spent pressurized water reactor and boiling water reactor fuel assemblies in dry shielded canisters.

DATES: Submit comments by April 24, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0254. 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.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Edward Lohr, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0253; email: *Edward.Lohr@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0254 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0254.
- *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, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2016–0254 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Rulemaking Procedure

This proposed rule is limited to the addition of CoC No. 1042 to the ''List of approved spent fuel storage casks.'' Because the NRC considers this action noncontroversial and routine, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the **Federal Register**. Adequate protection of public health and safety continues to be ensured. The direct final rule will become effective on June 7, 2017. However, if the NRC receives significant adverse comments on this proposed rule by April 24, 2017, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments received in response to this proposed addition in a subsequent final rule. Absent significant modifications to the proposed addition requiring republication, the NRC will not initiate a second comment period on this action in the event the direct final rule is withdrawn.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or

unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule, CoC, or technical specifications.

For additional procedural information and the regulatory analysis, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

III. Background

Section 218(a) of the Nuclear Waste Policy Act (NWPA) of 1982, as amended, requires that ''the Secretary [of the Department of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the NWPA states, in part, that ''[the Commission] shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule which added a new subpart K in part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) entitled, ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new subpart L in 10 CFR part 72 entitled, ''Approval of Spent Fuel Storage Casks,'' which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs.

IV. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, well-organized manner that also follows other best practices appropriate to the subject or field and the intended audience. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883). The NRC requests comment on the proposed rule with respect to clarity and effectiveness of the language used.

V. Availability of Documents

The documents identified in the following table are available to interested persons as indicated.

Document	ADAMS Accession No.
AREVA Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, Docket 72–1042, letter dated. December, 19, 2014 (original application).	ML15005A477 (Package).
Withdrawal of December 19, 2014 AREVA Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, Docket 72–1042, letter dated April 24, 2015.	ML15114A444.
Re-submittal of AREVA Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, CoC No. 1042, letter dated. June 16, 2015*.	ML15173A379 (Package).
Safety Evaluation Report for AREVA NUHOMS® HD Horizontal Modular Storage System, CoC No. 1030	ML070160089.
AREVA Submittal of Additional Information Related to Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, CoC No. 1042, letter dated July 30, 2015*.	ML15223A204.
NRC Request for Additional Information Related to AREVA Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, CoC No. 1042, letter dated October 16, 2015*.	ML15287A255 (Package).
AREVA Response to NRC Request for Additional Information Related to Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, CoC. No. 1042, letter dated December 18, 2015*.	ML15364A490 (Package).
NRC Request for Additional Information Related to AREVA Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, CoC No. 1042, letter dated March 3, 2016*.	ML16063A454 (Package).
AREVA Response to NRC Request for Additional Information Related to Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, CoC No. 1042, letter dated April 7, 2016*.	ML16111A670 (Package).
AREVA Submittal of Additional Information Related to Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, CoC No. 1042, letter dated June 13, 2016*.	ML16169A044 (Package).
AREVA Submittal of Additional Information Related to Application for Approval of the Spent Fuel Cask Design for the NUHOMS® EOS System, CoC No. 1042, letter dated July 28, 2016*.	ML16215A026 (Package).
Name Change from AREVA to TN Americas, letter dated November 18, 2016*	ML16327A011.
Preliminary Safety Evaluation Report for TN Americas NUHOMS® EOS System, CoC No. 1042*	ML16242A023.
Technical Specifications for TN Americas NUHOMS® EOS System, CoC No. 1042*	ML16242A022.

*The term ''Amendment 0'' used in the supporting documents for this proposed rule and the term ''Initial Certificate'' used in 10 CFR 72.214 describes the same document. Initial Certificate is the correct term and will be used henceforth when discussion involves this document.

The NRC may post materials related to this document, including public comments, on the Federal Rulemaking Web site at *http://www.regulations.gov* under Docket ID NRC–2016–0254. The Federal Rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC–2016–0254); (2) click the ''Sign up for Email Alerts'' link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Hazardous waste, Indians, Intergovernmental relations, Manpower training programs, Nuclear energy, Nuclear materials, Occupational safety and health, Penalties, Radiation

protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendment to 10 CFR part 72:

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

■ 2. In § 72.214, Certificate of Compliance 1042 is added to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1042.

Initial Certificate Effective Date: June 7, 2017.

SAR Submitted by: TN Americas LLC.

SAR Title: Final Safety Analysis Report for the NUHOMS® EOS Dry Spent Fuel Storage System.

Docket Number: 72–1042.

Certificate Expiration Date: **[DATE 20 YEARS AFTER PUBLICATION IN THE Federal Register]**.

Model Number: EOS–37PTH, EOS–89BTH.

Dated at Rockville, Maryland, this 9th day of March 2017.

For the Nuclear Regulatory Commission.

Victor M. McCree,

Executive Director for Operations.

[FR Doc. 2017–05897 Filed 3–23–17; 8:45 am]

BILLING CODE 7590–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1005

[Docket No. CFPB–2017–0004]

Request for Information Regarding Remittance Rule Assessment

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of assessment of remittance rule and request for public comment.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is conducting an assessment of certain of the Bureau's regulations related to consumer remittance transfers under the Electronic Fund Transfer Act (subpart B of Regulation E) in accordance with section 1022(d) of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The Bureau is requesting public comment on its plans for assessing these regulations as well as certain recommendations and information that may be useful in conducting the planned assessment.

DATES: Comments must be received on or before: May 23, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2017–0004, by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. CFPB–2017–0004 in the subject line of the email.
- *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 document title and docket number. 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: Scott Fulford, Economist; Paul Rothstein, Section Chief; Jane Raso, Counsel; Max Bentovim, Financial Analyst; Division of Research, Markets, and Regulations at (202) 435–9798.

SUPPLEMENTARY INFORMATION:

I. Background

Congress established the Bureau in the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act).[1] In the Dodd-Frank Act, Congress generally consolidated in the Bureau the rulemaking authority for Federal consumer financial laws previously vested in certain other Federal agencies. Congress also provided the Bureau with the authority to, among other things, prescribe rules as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of the Federal consumer financial laws and to prevent evasions thereof.[2] Since 2011, the Bureau has issued a number of rules adopted under Federal consumer financial law.[3]

Section 1022(d) of the Dodd-Frank Act requires the Bureau to conduct an assessment of each significant rule or order adopted by the Bureau under Federal consumer financial law. The Bureau must publish a report of the assessment not later than five years after the effective date of such rule or order. The assessment must address, among other relevant factors, the rule's effectiveness in meeting the purposes and objectives of title X of the Dodd-Frank Act and the specific goals stated by the Bureau. The assessment must reflect available evidence and any data that the Bureau reasonably may collect. Before publishing a report of its assessment, the Bureau must invite public comment on recommendations for modifying, expanding, or eliminating the significant rule or order.

In February 2012, the Bureau published a final rule concerning consumer remittance transfers to individuals and businesses in foreign countries in the **Federal Register** titled ''Electronic Fund Transfers (Regulation E)'' (February 2012 Final Rule) to implement section 1073 of the Dodd

[1] Public Law 111–203, 124 Stat. 1376 (2010).

[2] 12 U.S.C. 5512(b)(1).

[3] 12 U.S.C. 5512(d).

Frank Act.[4] The Bureau amended the February 2012 Final Rule on several occasions both before and after it took effect on October 28, 2013.[5] As discussed further below, the Bureau has determined that the February 2012 Final Rule and all the amendments related to it that the Bureau made and that took effect on October 28, 2013 collectively make up a significant rule for purposes of section 1022(d) and will conduct an assessment of the rule. This document refers to the February 2012 Final Rule as amended when it took effect on October 28, 2013 as the ''Remittance Rule.'' Further, the Bureau will consider certain amendments to it that the Bureau issued shortly after the Remittance Rule's October 28, 2013 effective date to the extent doing so will facilitate a more meaningful assessment of the Remittance Rule. Specifically, the Bureau is incorporating into the assessment certain amendments related to the extension of an exception in the Remittance Rule that permits insured institutions to provide estimated amounts instead of exact amounts under certain circumstances. Those amendments were published in a final rule in the **Federal Register** in September 2014 and became effective in November 2014.[6] In this document, the Bureau is requesting public comment on the issues identified below regarding the Remittance Rule and these certain subsequent amendments.

II. Assessment Process

Assessments pursuant to section 1022(d) of the Dodd-Frank Act are for informational purposes only and are not part of any formal or informal rulemaking proceedings under the Administrative Procedure Act.[7] The Bureau plans to consider relevant comments and other information received as it conducts the assessment and prepares an assessment report. The Bureau does not, however, expect that it will respond in the assessment report to each comment received pursuant to this document. Furthermore, the Bureau does not anticipate that the assessment report will include specific proposals by the Bureau to modify any rules, although the findings made in the assessment will help to inform the Bureau's thinking as to whether to consider commencing a rulemaking proceeding in the future.[8] Upon completion of the assessment, the Bureau plans to issue an assessment report no later than October 28, 2018.

III. The Remittance Rule

Section 1073 of the Dodd Frank Act amended the Electronic Fund Transfer Act (EFTA) to create a comprehensive new system of consumer protection for remittance transfers sent by consumers in the United States to individuals and businesses in foreign countries. Consumers transfer tens of billions of dollars from the United States each year. However, these transactions were generally excluded from existing Federal consumer protection regulation in the United States until the Dodd-Frank Act expanded the scope of the EFTA to provide for their regulation.[9]

On February 7, 2012, the Bureau published the February 2012 Final Rule in the **Federal Register** to implement section 919 of the EFTA, as set forth in section 1073 of the Dodd-Frank Act. The rule was published in a new subpart B to the Bureau's Regulation E.[10] The February 2012 Final Rule, among other things, defined remittance transfers [11] and which persons must comply with the rule because they are remittance transfer providers; [12] established certain consumer disclosures that must be given to consumers who send remittance transfers and certain exceptions to these disclosures; provided consumers with cancellation and refund rights, and required providers to resolve errors. Further, the February 2012 Final Rule implemented a statutory exception that permits remittance transfer providers that are insured institutions to estimate, under certain circumstances, the amount of currency that a designated recipient will receive (the ''temporary exception'').[13]

As discussed above, the Bureau subsequently amended the February 2012 Final Rule several times before the effective date of October 28, 2013 to revise the rule, temporarily delay the effective date of the February 2012 Final Rule,[14] and to address important questions raised by industry, consumer advocacy groups, and other stakeholders. The Bureau believed that these amendments were warranted to increase certain consumer protections, avoid potentially significant disruption to the provision of remittance transfers, and clarify the regulations by making technical corrections and conforming changes.

First, in July 2012, the Bureau published amendments to correct certain technical aspects of the February 2012 Final Rule and to make certain non-substantive, conforming changes.[15] Then, in August 2012, the Bureau published amendments to the February 2012 Final Rule that, among other things, added a safe harbor that clarified that persons that provide 100 or fewer remittance transfers in both the prior and the current calendar years are deemed not to be providing remittance transfers in the normal course of business, and thus are not remittance transfer providers and are not required to comply with the February 2012 Final Rule.[16] The August 2012 final rule also contained provisions that apply to remittance transfers scheduled in advance of the transfer date, including a provision that permits a remittance transfer provider to provide estimates for certain disclosures for certain of these transfers.[17]

Subsequently, as noted above, the Bureau temporarily delayed the

[4] 77 FR 6194 (February 7, 2012).

[5] As discussed below, one of the amendments is a temporary delay of the original effective date, February 7, 2013.

[6] 78 FR 55970 (Sept. 18, 2014).

[7] Public Law 79–404, 60 Stat. 237 (1946).

[8] The Bureau announces its rulemaking plans in semiannual updates of its rulemaking agenda, which are posted as part of the federal government's Unified Agenda of Regulatory and Deregulatory Actions. *See http://www.reginfo.gov/public/do/eAgendaMain.*

[9] 15 U.S.C. 1693 *et seq.* EFTA section 919 is codified in 15 U.S.C. 1693o–1.

[10] 77 FR 6194 (Feb. 7, 2012).

[11] 12 CFR 1005.30(e) (defining a remittance transfer generally to be a transfer of funds requested by a sender to a designated recipient that is sent by a remittance transfer provider). There are specific exclusions for certain kinds of transfers, specifically, small value transactions of $15 or less, and transfers for the purchase or sale of securities or commodities provided that certain conditions are met. A designated recipient is any natural person or organization such as a corporation specified by the sender as the authorized recipient of a remittance transfer to be received at a location in a foreign country. 12 CFR 1003.30(c) and comment 30(c)–1.

[12] 77 FR 6194, 6285 (providing that a remittance transfer provider is any person that provides remittance transfers for a consumer in the normal course of its business, regardless of whether the consumer holds an account with such person).

[13] EFTA section 919(a)(4) established that the temporary exception would expire on July 21, 2015, but permitted the Bureau to extend the exception for up to ten years after the enactment of the Dodd-Frank Act (*i.e.,* July 21, 2020), if it determined that the expiration of the exception on July 21, 2015, would negatively affect the ability of insured institutions to send remittances to locations in foreign countries. The Bureau extended the exception to July 21, 2020, in September 2014 based on its determination that the expiration of the exception on July 21, 2015, would negatively affect the ability of insured institutions to send remittances to locations in foreign countries. *See* 79 FR 55970 (Sept. 18, 2014).

[14] 78 FR 6025 (Jan. 29, 2013). The February 2012 Final Rule had an effective date of February 7, 2013. The Bureau temporarily delayed the effective date because it had published additional proposed amendments to the February 2012 Final Rule in December 2012. In a final rule published in May 2013, the Bureau finalized these amendments and set the effective date as October 28, 2013.

[15] 77 FR 40459 (July 10, 2012).

[16] 12 CFR 1005.30(f)(2)(i).

[17] 12 CFR 1005.32(b)(2); 1005.36.

effective date of the February 2012 Final Rule pending the finalization of proposed amendments it published in the **Federal Register** in December 2012 to further amend the February 2012 Final Rule.[18] Then, in May 2013, the Bureau finalized the proposed amendments it published in December 2012 in a final rule. Among other things, the May 2013 final rule created a permanent exception for transfers through open networks that made optional in certain circumstances the disclosure of fees imposed by the designated recipient's institution and the disclosure of taxes collected on the remittance transfer by a person other than the provider.[19] It also provided that for these charges, estimates may be provided.[20] These amendments also created certain exceptions to the general error resolution provisions in situations in which a remittance transfer is not delivered to a designated recipient because the sender provided an incorrect account number or recipient institution identifier that results in the transferred funds being deposited in the wrong account.[21] Lastly, in August 2013, the Bureau published a clarificatory amendment and a technical correction to the May 2013 final rule.[22]

As noted above and discussed further below, the Bureau has determined that the Remittance Rule is a significant rule for purposes of Dodd-Frank section 1022(d) and will conduct an assessment of the rule.[23]

The Remittance Rule applies to remittance transfers sent by traditional financial institutions such as banks and credit unions; non-banks, such as money transmitters; and Internet and mobile providers. Further, a remittance transfer could be a consumer-to-consumer transfer, or it could be a consumer-to-business transfer. The Remittance Rule applies to remittance transfers sent over open networks. The most common form of open network remittance transfer is a wire transfer. The rule also applies to remittance transfers sent over closed networks, in which a remittance transfer provider typically uses either its own operators or a network of agents or other partners to collect funds from senders in the United States and distribute those funds to the designated recipient abroad. The rule additionally applies to remittance transfers sent through the automated clearinghouse system (ACH), although use of ACH for consumer transfers is limited compared to its use for non-consumer (*i.e.,* business-to-business) transfers.

A. Major Provisions of the Remittance Rule

The Remittance Rule addressed three major topics, which are summarized below.

1. Disclosures. Consistent with the disclosure requirements established by section 919(a) of EFTA, the Remittance Rule generally requires a remittance transfer provider to provide a written pre-payment disclosure when the sender requests a transfer and generally requires the provider to provide a written receipt when payment is made.[24] The pre-payment disclosure must contain specific information about a remittance transfer, such as the fee a remittance transfer will impose on the remittance transfer,[25] the exchange rate, if any,[26] certain applicable fees and taxes that will be imposed on the transfer,[27] and the amount to be received by the designated recipient.[28] The receipt must include the information provided on the pre-payment disclosure,[29] as well as certain additional information, such as the date of availability of the funds[30] and information regarding the sender's error resolution and cancellation rights.[31] Disclosures must always be made in English. In certain circumstances, a remittance transfer provider must also provide foreign language disclosures.[32]

The Remittance Rule requires that disclosures regarding the exchange rate and amount of currency that will be received by the designated recipient must be exact, unless an exception applies. The rule contains four exceptions to this general requirement, which permit providers to disclose estimates of certain amounts instead of actual amounts.[33] Specifically, in addition to the temporary exception discussed above, the Remittance Rule implements a statutory exemption that permits estimates where a remittance transfer provider is unable to determine exact amounts due to either the laws of the recipient country or the method by which transactions are made in the recipient country.[34] The third exception, as discussed above, makes it optional for remittance transfer providers to disclose fees imposed by the designated recipient's institution in certain circumstances and taxes collected on the remittance transfer by third parties, and that to the extent such charges are disclosed, a remittance transfer provider may disclose estimates instead of actual amounts.[35] Lastly, also as discussed above, the Bureau permits a remittance transfer provider to provide certain estimates for certain transfers scheduled before the date of transfer.[36] The temporary exception is generally limited to insured institutions (*i.e.,*

[18] 77 FR 77188 (Dec. 31, 2012).

[19] 78 FR 30662 (May 22, 2013); 12 CFR 1005.31(b)(1)(vii).

[20] 12 CFR 1005.32(b)(3).

[21] 12 CFR 1005.33(h).

[22] 78 FR 49365 (Aug. 14, 2013).

[23] As noted above, in September 2014, the Bureau published a final rule that, among other things, extended the temporary exception to July 21, 2020. The effective date of this final rule was November 17, 2014. In September 2014, the Bureau also published a final rule that extended its supervisory authority to any nonbank international money transfer provider that has at least one million aggregate annual international money transfers to determine compliance with, among other things, the Remittance Rule. 79 FR 56631 (Sept. 23, 2014). In October 2016, the Bureau amended Regulation E by issuing two final rules. The first final rule focused on prepaid accounts and made clarificatory amendments to the Remittance Rule to clarify its application to prepaid accounts. As stated in the final rule, the effective date of these clarifications is October 1, 2017. 81 FR 83934 (Nov. 22, 2016). However, on March 15, 2017, the Bureau published a proposal to extend the effective date by six months to April 1, 2018. 82 FR 13782 (Mar. 15, 2017). The second final rule made certain clerical and non-substantive corrections to errors it has identified in Regulation E, including in certain provisions of the Remittance Rule. 81 FR 70319 (Oct. 12, 2016). This rule became effective on November 14, 2016. The Bureau has discretion to choose the relevant time frame for the analysis and thus the most appropriate way to address amendments to any particular significant rule for purposes of an assessment of such rule. In this notice, except with respect to amendments related to the extension of the temporary exception, the Bureau is not seeking comment on the amendments to the Remittance Rule that became or will become effective after the October 28, 2013 effective date.

[24] 12 CFR 1005.31(b)(1) and (2). As an alternative to providing a written receipt, the rule permits a remittance transfer provider to give a single written disclosure prior to payment containing all of the information required on the receipt, so long as the provider also provides proof of payment. 12 CFR 1004.31(b)(3).

[25] 12 CFR 1005.31(b)(1)(ii).

[26] 12 CFR 1005.31(b)(1)(iv).

[27] 12 CFR 1005.31(b)(1)(ii) and (vi).

[28] 12 CFR 1005.31(b)(1)(vii).

[29] 12 CFR 1005.31(b)(2)(i).

[30] 12 CFR 1005.31(b)(2)(ii).

[31] 12 CFR 1005.31(b)(2)(iv).

[32] EFTA section 919(b); 12 CFR 1005.31(g). The remittance transfer provider must either provide a sender disclosures in each of the foreign languages principally used by the remittance transfer provider to advertise, solicit, or market remittance transfer services at the office in which a sender conducts a transaction or asserts an error, or provide disclosures in the language primarily used by the sender to conduct the remittance transfer or to assert an error.

[33] The Remittance Rule also sets forth certain estimate methodologies.

[34] 12 CFR 1005.32(b)(1). The Bureau has published a safe harbor list of countries. *See* 78 FR 66251 (Nov. 5, 2013). A remittance transfer provider may provide estimates instead of exact amounts when sending to one of the countries on the list unless the provider has information that it is possible to disclose exact amounts. The rule permits a remittance transfer provider to make its own determination that the laws of countries, not on the list, do not permit a determination of exact amounts.

[35] 12 CFR 1005.32(b)(3).

[36] 12 CFR 1005.32(b)(2).

insured depository institutions or insured credit unions),[37] but the other exceptions are available to any remittance transfer provider that meets their criteria.

2. Cancellation and refund. The rule also provides consumers with cancellation and refund rights.[38] As a general matter, if a remittance transfer provider receives an oral or written request from a sender to cancel a remittance transfer within 30 minutes after the sender pays for the remittance transfer, then the remittance transfer provider must comply with the request, provided that the request contains certain identifying information and the transferred funds have not been picked up by the designated recipient or deposited into the designated recipient's account.[39] Within three business days of receiving a sender's cancellation request, a remittance transfer provider must provide a refund of the total amount of funds the sender provided in connection with the remittance transfer, including, to the extent not prohibited by law, taxes, at no additional cost to the sender.[40]

3. Error resolution. Consistent with EFTA section 919(d), the Remittance Rule requires remittance transfer providers to remedy certain errors related to remittance transfers.[41] A remittance transfer provider is generally required to investigate errors upon receiving oral or written error notice from a sender within 180 days after the disclosed date of availability of the remittance transfer. The remittance transfer provider must investigate and determine whether an error has occurred within 90 days of receiving an error notice and must report its investigation results to the consumer in writing within three business days after completing the investigation. If an error occurred, the remittance transfer provider must correct the error within one business day of, or as soon as reasonably practicable, after receiving the sender's instructions regarding the appropriate remedy.

The type of remedy that is available depends on the type of error that the remittance transfer provider has determined to have occurred.[42] Additionally, the Remittance Rule requires remittance transfer providers to develop and maintain written policies and procedures to ensure compliance with the rule's error resolution requirements and to keep certain records related to error investigations. The rule also provides that remittance transfer providers are liable for the acts of their agents when those agents act on their behalf.

B. Significant Rule Determination

The Bureau has determined that the Remittance Rule is a significant rule for purposes of Dodd-Frank section 1022(d). The Bureau makes this determination partly on the basis of the estimated aggregate annual cost to industry of complying with the rule.[43] In addition, as the Bureau stated at the time of issuance, the Bureau expected the February 2012 Final Rule to have important effects on remittance transfer service features, provider operations, and the overall market. For example, the Remittance Rule required providers to give consumers new pre-payment disclosures that contained information that providers did not uniformly provide consumers prior to the rule. The rule also established new procedures for resolving and remedying errors. The Bureau stated that these requirements would likely necessitate changes in business operations so firms could collect and provide consumers the information required in the disclosures and track and resolve errors consumers asserted. The improved disclosures might put downward pressure on pricing, but the Bureau also recognized in its consideration of benefits, costs and impacts (conducted pursuant to Dodd-Frank section 1022(b)(2)(A)) that the additional costs of the new regime might have the opposite effect. The Bureau was uncertain about the combined effect on price and quantity levels and observed that certain providers, though not necessarily providers with significant market shares, might attempt to increase prices or stop providing remittance transfers altogether at least in certain corridors. The Bureau also considered that the Remittance Rule would create important new compliance risks for providers although, as noted, there are several important exceptions that reduce these risks. The rule also states that providers are liable for violations by an agent when the agent acts for the provider.

Information received by the Bureau related to these effects has generally been consistent with Bureau expectations. Taking all of these factors into consideration, including the annual costs of the Remittance Rule, the Bureau concludes that the Remittance Rule is ''significant'' for purposes of section 1022(d).

IV. The Assessment Plan

Because the Bureau has determined that the Remittance Rule is a significant rule for purposes of 1022(d), section 1022(d) requires the Bureau to assess the rule's effectiveness in meeting the purposes and objectives of title X of the Dodd-Frank Act and the specific goals stated by the Bureau. Section 1021 of the Dodd-Frank Act states that the Bureau's purpose is to implement and, where applicable, enforce Federal consumer financial law consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that markets for consumer financial products and services are fair, transparent, and competitive. Section 1021 also sets forth the Bureau's objectives, which are to ensure that, with respect to consumer financial products and services:

- Consumers are provided with timely and understandable information

[37] Staff of the Securities and Exchange Commission (SEC) wrote a no-action letter on December 14, 2012, that concludes it will not recommend enforcement actions to the SEC under Regulation E if a broker-dealer provides disclosures as though the broker-dealer were an insured institution for purposes of the temporary exception. The letter is available at *https://www.sec.gov/divisions/marketreg/mr-noaction/2012/financial-information-forum-121412-rege.pdf.*

[38] EFTA section 919(d)(3) (establishing that the Board must issue rules regarding remittance transfer cancellation and refund policies for consumers).

[39] 12 CFR 1005.34(a).

[40] 12 CFR 1005.34(b).

[41] 12 CFR 1005.33. The Remittance Rule defines what ''error'' under the rule includes and also what it does not include. 12 CFR 1005.33(a)(1) and (2).

[42] The May 2013 final rule adopted provisions that provide that mistakes due to senders providing incorrect account numbers or recipient institution identifiers are not errors under certain circumstances. This amendment and the amendment to make optional the disclosure of recipient institution fees and certain taxes in connection with open network transfers are examples of how the Bureau made significant changes to the February 2012 Final Rule to ease compliance and prevent market disruptions, especially for remittance transfers sent through open networks to bank accounts.

[43] In the Paperwork Reduction Act Analysis (PRA Analysis) published with the February 2012 Final Rule, the Bureau estimated an additional 4,253,000 in ongoing burden hours (as well as an additional 3,431,000 in one-time burden hours) from the February 2012 Final Rule. 77 FR 6194, 6285 (Feb. 7, 2012). In the Supporting Statement submitted to OMB, the Bureau valued the ongoing burden hours at $29.64 per hour. Thus, there was approximately $126 million in additional ongoing burden from the February 2012 Final Rule. In the PRA Analysis published with the August 2012 Final Rule, the Bureau estimated that the amendments reduced annual burden by 532,784 hours; and that the amendments in the May 2013 Final Rule reduced annual burden by an additional 276,000 hours. Taking into account these reductions, there was approximately $102 million in additional ongoing burden from the rule that took effect. The Bureau noted, however, that the decrease in burden was likely larger than the estimated amounts since the estimated reductions did not take full account of the downward revision in the number of state licensed money transmitters that offer remittance transfer services. *See* 77 FR 50244, 50282 (Aug. 20, 2012) and 78 FR 30662, 30701 (May 22, 2013).

to make responsible decisions about financial transactions;

- Consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination;
- Outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens;
- Federal consumer financial law is enforced consistently, without regard to the status of a person as a depository institution, in order to promote fair competition; and
- Markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.

Section 1022(d) also requires the Bureau to assess the Remittance Rule's effectiveness in meeting the specific goals stated by the Bureau. As discussed above, the Remittance Rule provides three significant consumer protections: (1) Reliable disclosures including the price of a remittance transfer, the amount of currency to be delivered to the recipient, and the date of availability; (2) cancellation rights following a transfer; (3) error resolution provisions requiring providers to investigate disputes and remedy errors.[44] The objectives of the Remittance Rule include improving the predictability of remittance transfers,[45] providing consumers with better information for comparison shopping,[46] and, with regard to amendments made in 2012 and 2013, limiting potential market disruption that might have resulted from implementing the February 2012 Remittance Rule as originally adopted.[47]

To assess the effectiveness of the Remittance Rule in meeting these purposes, goals, and objectives, the Bureau intends to focus its assessment of the Remittance Rule in two areas: (1) Whether the market for remittances has evolved after the Remittance Rule in ways that promote access, efficiency, and limited market disruption by considering how remittance volumes, prices, and competition in the remittance market may have changed; and, (2) whether the new system of consumer protections has brought more information, transparency, and greater predictability of prices to the market.

To assess the Remittance Rule, the Bureau plans to analyze a variety of metrics and data to the extent feasible. Feasibility will depend on the availability of data and the cost to obtain any new data. The Bureau will seek to gather information about activities and outcomes including the ones listed below and seek to understand how these activities and outcomes relate to each other:

(1) Provider activities undertaken to comply with the Remittance Rule such as provision of disclosures; responses to errors; and provision of cancellation rights;

(2) Consumer activities including utilization of their error resolution rights;

(3) Consumer outcomes that the Remittance Rule sought to affect including whether the new system has brought greater transparency and predictability of the costs of sending remittances and allowed for comparison shopping; and

(4) Other market outcomes that the Remittance Rule may have affected including the number and types of providers, the number of remittances sent, and the price of transfers.

In conducting the assessment, the Bureau will seek to compare consumer outcomes to a baseline that would exist if the Remittance Rule's requirements were not in effect. Doing so is challenging because the Bureau cannot directly observe what the remittance market would look like had the Remittance Rule not come into effect. The Bureau may have access to data from before the effective date of the Remittance Rule that is informative about the outcomes absent the Remittance Rule. In addition, some of the provisions of the rule that allow exemptions, applicable State laws in effect before the rule, or other institutional factors may allow the Bureau to observe outcomes similar to outcomes one might observe without the rule. The Bureau will draw conclusions as supported by the data, taking into account that factors other than the rule itself may affect observable outcomes.

The Bureau may also seek to compare outcomes observed with the Remittance Rule to counterfactual outcomes if specific elements of the Remittance Rule had not been in effect. For example, the Bureau may seek to understand the effects of specific amendments, provisions, or exceptions, which only makes sense when compared to a baseline in which the balance of the Remittance Rule is in effect. In addition, the Bureau may consider how other possible provisions might have changed the effects of the rule.

The Bureau has existing data sources, currently available or in development, with which to undertake these analyses, and the Bureau is also planning to secure additional data. Existing data sources include the World Bank Migration and Remittance Database,[48] consumer complaints submitted to the Bureau, and information obtained from Bureau supervision and enforcement activities. The Bureau plans to use information provided by banks and credit unions in their Call Reports on their remittance activities. The Bureau is also exploring the availability and utility of other sources of data including State level assessments and reports on money transmitters operating within individual States.

The Bureau intends to interview various market participants, including remittance transfer providers and potential remittance transfer providers, as it analyzes the data described above and interprets the findings. The Bureau may also request information from remittance transfer providers about, for example, error assertions and resolutions and sample disclosures, including, if applicable, foreign language disclosures.

As it conducts its assessment of the Remittance Rule, the Bureau expects to consider effects of specific provisions of the rule to the extent feasible. For example, the Bureau may collect and analyze information about the use of the temporary exception allowing insured institutions to estimate certain third-party fees and exchange rates that expires in July 2020. In addition, where practical and reasonable the Bureau may also collect and analyze information about: (1) The 100-transfer safe harbor; (2) exceptions to the rule's error resolution regime for certain sender mistakes involving incorrect account numbers and recipient institution identifiers; (3) optional disclosure of recipient institution fees for remittance transfers conducted over open networks; (4) optional disclosure of taxes imposed on a remittance transfer by a person other than the remittance transfer provider; and (5) the requirement to provide foreign language disclosures under certain circumstances.

V. Request for Comment

To inform the assessment, the Bureau hereby invites members of the public to submit information and other comments relevant to the issues identified below, as well as any information relevant to assessing the effectiveness of the Remittance Rule in meeting the purposes and objectives of title X of the Dodd-Frank Act (section 1021) and the specific goals of the Bureau (enumerated

[44] 77 FR 6193, 6194 (Feb. 7, 2012).

[45] 77 FR 6193, 6194 (Feb. 7, 2012).

[46] *Id.*

[47] *See e.g.,* 78 FR at 30683 (May 22, 2013).

[48] The database is available at *https://www.worldbank.org/en/topic/migrationremittancesdiasporaissues/brief/migration-remittances-data,* accessed February 14, 2017.

above). In particular, the Bureau invites the public, including consumers and their advocates, remittance transfer providers and other industry representatives, industry analysts, and other interested persons to submit the following:

(1) Comments on the feasibility and effectiveness of the assessment plan, the objectives of the Remittance Rule that the Bureau intends to emphasize in the assessment, and the outcomes, metrics, baselines and analytical methods for assessing the effectiveness of the rule as described in part IV above;

(2) Data and other factual information that may be useful for executing the Bureau's assessment plan, as described in part IV above;

(3) Recommendations to improve the assessment plan, as well as data, other factual information, and sources of data that would be useful and available to execute any recommended improvements to the assessment plan including data on the exceptions and provisions discussed at the end of part IV;

(4) Data and other factual information about the benefits and costs of the Remittance Rule for consumers, remittance transfer providers, and others; and about the impacts of the rule on transparency, efficiency, access, and innovation in the remittance market;

(5) Data and other factual information about the rule's effectiveness in meeting the purposes and objectives of Title X of the Dodd-Frank Act (section 1021), which are listed in part IV above;

(6) Recommendations for modifying, expanding, or eliminating the Remittance Rule.

Dated: March 15, 2017.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2017–05681 Filed 3–23–17; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100, 110 and 165

[Docket Number USCG–2016–0949]

RIN 1625–AA08, AA01, AA87

Special Local Regulation, Temporary Anchorages and Safety Zones: Sail Boston 2017; Port of Boston, MA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to adopt a temporary special local regulation, multiple safety zones, and temporary spectator anchorages before, during, and after Sail Boston 2017 in the Port of Boston, Massachusetts, to be held between June 16, 2017 and June 22, 2017. These regulations are necessary to promote the safe navigation of vessels and the safety of life and property during this event. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 24, 2017. The Coast Guard anticipates that this proposed rule will be effective from 12:00 a.m. on June 16, 2017 until 7:00 p.m. on June 22, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2016–0949 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Mark Cutter, Sector Boston Waterways Management Division, U.S. Coast Guard; telephone 617–223–4000, email *Mark.E.Cutter@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

Sail Boston, Inc. is sponsoring Sail Boston 2017, which has been designated a Marine Event of National Significance by the U.S. Coast Guard. Scheduled events will occur between June 16, 2017 and June 22, 2017 in the Port of Boston. Scheduled events will consist of Tall Ships in a parade of sail into Boston Harbor on June 17, 2017, public tours of U.S. Navy vessels and Tall Ships, and a U.S. Navy Blue Angels aerial demonstration. Tall ships will depart Boston on June 22, 2017 for the restart of the Rendez-Vous 2017 Tall Ships Regatta.

The purpose of this rulemaking is to ensure the safety of vessels and spectators in the vicinity of the Port of Boston, before, during, and after the scheduled events. The Coast Guard estimates 1,000 spectator craft will attend Sail Boston 2017 events. The proposed regulations would create temporary spectator anchorage regulations, vessel movement control measures, a safety zone around each Tall Ship while anchored, transiting, and moored, and a safety zone for the restart of the Rendez-Vous 2017 Tall Ships Regatta. The proposed regulations would be in effect at various times in the Port of Boston between June 16, 2017 and June 22, 2017. Vessel congestion, due to the anticipated large number of participating and spectator vessels, poses a significant threat to the safety of life.

This rule provides for the safety of life on navigable waters and to protect the participating Tall Ships, private vessels, spectators, and the Port of Boston during these events.

The Coast Guard proposes this rulemaking under authorities in 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35, 33 U.S.C. 471; 33 U.S.C. 1221 through 1236, 2030, 2035, 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g), 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(G), 6.04–1, 6.04–6, and 160.5.

III. Discussion of Proposed Rule

Sail Boston, Inc is planning to host the Tall Ships involved in the Rendez-Vous 2017 Tall Ships Regatta in the Port of Boston. The Port of Boston will be the only U.S. Port that the Rendez-Vous 2017 Tall Ships Regatta will visit. The event will commence with a parade of sail into Boston Harbor on June 17, 2017, with the participating Tall Ships mooring in various berths throughout the Port of Boston until their departure on June 22, 2017. Upon their departure on June 22, 2017, the Tall Ships will transit to a position approximately 5 nautical miles east of Rockport, MA for the restart of the Rendez-Vous 2017 Tall Ships Regatta.

At the time of this notice, Sail Boston 2017 events are expected to include the following:

1. *June 16 and June 17:* 100-yard safety zone surrounding each participating Tall Ship while anchored in Broad Sound;

2. *June 17:* 1000-yard safety zone ahead and astern and 100-yards on each side of participating Tall Ships during the Parade of Sail;

3. *June 16 and June 17:* Temporary spectator anchorages in effect for viewing the Parade of Tall Ships occurring on June 17, 2017;

4. *June 17 through June 22:* U.S. Navy Vessels and multiple Tall Ships moored in various locations throughout the Port of Boston;

5. *June 17:* U.S. Navy Blue Angels aerial demonstration;

6. *June 17 through June 22:* 25-yard safety zone around all moored Tall Ships involved in the event;

7. *June 17 through June 22:* Public tours of U.S. Navy vessels and Tall Ships;

8. *June 17 through June 22:* Vessel movement control measures in effect;

9. *June 22:* Safety zone established approximately 5-nautical miles east of Rockport, MA for the restart of the Rendez-Vous 2017 Tall Ships Regatta.

Temporary Spectator Anchorages

The Coast Guard proposes to add temporary section 110.T01–0949 to establish thirteen temporary spectator anchorages for spectator craft for the arrival of the participating Tall Ships on June 16, 2017 and the Sail Boston 2017 Parade of Tall Ships on June 17, 2017. This proposal also includes the temporary suspension of 33 CFR 110.138, the Boston Harbor, Massachusetts anchorage ground, during the periods the new spectator anchorages and regulations are temporarily established.

The proposed anchorage regulations would temporarily establish spectator anchorages for recreational, special use, fishing, and commercial vessels during the Sail Boston 2017 Parade of Tall Ships.

The Coast Guard proposes to establish these temporary spectator anchorages in the vicinity of Boston North Channel, Long Island, Deer Island, President Roads, and Boston Inner Harbor. The applicable dates and times for the proposed temporary spectator anchorages are from 8:00 a.m. on June 16 through 4:00 p.m. on June 17, 2017.

On June 17, 2017, following the Parade of Sail, vessel operators may depart from their respective anchorages in sequence with the movement and mooring of the final flotilla of tall ships. After the final flotilla of tall ships has passed Castle Island, vessel operators anchored in spectator anchorages east of Castle Island may depart for locations outside of Boston Harbor. After the final flotilla of tall ships has safely moored, vessel operators may depart from the remaining established spectator anchorages. Vessels transiting through Boston Harbor must proceed as directed by the Captain of the Port (COTP), Sector Boston or the COTP's representative on scene.

Special Local Regulations

In 1992, 2000, 2009, and 2012, similar events, including Sail Boston 1992, 2000, 2009, and War of 1812 in 2012, drew several hundred thousand spectators by land, as well as water, to Boston Harbor.

Recognizing the significant amount of recreational boating traffic this event is expected to draw, the Coast Guard proposes to establish a special local regulation that would create vessel movement control measures in Boston Harbor that will be in effect during the entirety of the Sail Boston 2017 event. This section would be designated as section 100.T01–0949.

This proposed special local regulation is needed to control vessel movement in order to facilitate timely law enforcement support vessels access to Maritime and transportation facilities. Additionally, the regulated areas will protect the maritime public and participating vessels from possible hazards to navigation associated with dense vessel traffic.

The proposed local regulation for vessel movement control establishes a counter-clockwise traffic pattern around Boston Inner Harbor to ensure spectator vessels are following an organized route, facilitating the smooth flow of boating traffic, thereby minimizing disruption on the waterway. A Coast Guard Patrol Commander (PATCOM) will be on-scene controlling the flow of traffic.

The waterway between the World Trade Center Pier and the Fish Pier does not constitute an area large enough for unhindered navigation. Due to the navigation restrictions in this waterway, when vessels over 125 feet enter this area, on-scene patrol personnel will halt the flow of vessel traffic and allow no other vessel to enter the channel until the larger vessel is clear of the narrow channel.

Due to concerns of tenants at the World Trade Center Pier and the Fish Pier, waterside viewing hours for Tall Ships berthed at these facilities will be limited to times specified in the regulatory text, outside of which only vessels which are tenants within the channels of the World Trade Center Pier and the Fish Pier will be authorized access.

Safety Zones

The Coast Guard is proposing to establish safety zones in section 165.T01–0949. On June 16, 2017, tall ships participating in the parade of sail will rally in Broad Sound. The Coast Guard is proposing to establish a 100-yard safety zone surrounding participating Tall Ships while they are anchored in Broad Sound. The regulation would be enforced from June 16 to June 17.

The Coast Guard is proposing to establish 1000-yard safety zones ahead and astern and 100-yards on each side of participating Tall Ships, during their transit from their anchorages in Broad Sound to the start of the parade of sail and during the parade of sail into Boston Harbor. This would be enforced on June 17, 2017.

The Coast Guard is proposing to establish 25-yard safety zones surrounding participating Tall Ships while moored. The proposed regulations would be in effect on June 16, 2017.

These restrictions are expected to minimize the risks associated with the large number of recreational vessels anticipated to be operating within the confines of Boston Inner Harbor during the event. The high density of spectators, in conjunction with the daily commercial deep draft vessel traffic, poses a significant threat to the safety of life and property.

Additionally, The Coast Guard is proposing to establish a 3000-yard by 2000-yard safety zone approximately 5 nautical miles east of Rockport, MA for the restart of the Rendez-Vous 2017 Tall Ships Regatta. This proposed regulation would be in enforced on June 22, 2017 from 4:00 p.m. until 8:00 p.m. Though we do not anticipate many spectator vessels for the restart of the regatta, this safety zone is necessary to minimize the risks associated with multiple tall ships maneuvering and preparing for the restart of the Rendez-Vous 2017 Tall Ships Regatta in a confined area.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has not reviewed it. As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

We expect the adverse economic impact of this proposed rule to be minimal. Although this regulation may have some adverse impact on the public, the potential impact will be minimized for the following reasons:

Although this regulation imposes temporary spectator anchorages, traffic control measures, and safety zones in portions of Boston Harbor during the events, the effect of this regulation will not be significant for the following reasons: Vessels needing to depart the temporary spectator anchorages may do so with permission from the COTP's designated on-scene representative and vessels will have sufficient transit room around the outer edge of the designated anchorages. The traffic control measures are confined to areas of minimal distance, they follow the natural flow of Boston Harbor traffic, they are in compliance with the navigational rules of the road, and crossovers have been established for vessels wanting to change direction. The 25-yard safety zone around participating Tall Ships while moored will have no impact to vessel movement in Boston Harbor and will only be in place during the 5 days of Sail Boston activities. Sail Boston, Inc. over the past 6 months has held multiple public meetings discussing Sail Boston 2017 events and during each meeting, these proposals have been discussed. An extensive advance notice will be made to mariners via appropriate means, which may include broadcast notice to mariners, local notice to mariners, facsimile, marine safety information bulletin, local Port Operators Group meetings, Harbor Safety Committee meetings, the Internet, USCG Sector Boston Homeport Web page, handouts, and local newspapers and media. The advance notice will permit mariners to adjust their plans accordingly. Similar restrictions were established for other Sail Boston events in 1992, 2000, 2009, and War of 1812 in 2012. Based upon the Coast Guard's experiences from those previous events of similar magnitude, these proposed regulations have been narrowly tailored to impose the least impact on maritime interests while providing the necessary level of safety.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves suspending permanent anchorages, proposing temporary spectator anchorages, establishing temporary safety zones, and traffic control measures to facilitate the safety of all vessels participating, watching the Parade of Tall Ships and the viewing of the moored Tall Ships during the Sail Boston 2017 event. Such actions are categorically excluded from further review under paragraphs 34(4), (g), and (h) of Figure 2–1 of Commandant Instruction M16475.lD. A preliminary

environmental analysis checklist and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** Section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects

33 CFR Part 100

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

33 CFR Part 110

Anchorages Grounds.

33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR parts 100, 110, and 165 as follows:

PART 100—REGATTAS AND MARINE PARADES

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

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

■ 2. Add § 100.T01–0949 to read as follows:

§ 100.T01–0949 Special Local Regulation: Sail Boston 2017; Port of Boston, MA

(a) *Location:* This special local regulation establishes a regulated area to include all waters west of a line drawn from the monument at Castle Island in approximate position 42°20′21″ N., 71°00′37″ W., to the Logan Airport Security Zone Buoy ''24'' in approximate position 42°20′45″ N., 71°00′29″ W., and then to land in approximate position 42°20′48″ N., 71°00′27″ W., including the Reserved Channel to the Summer Street retractile bridge in approximate position 42°20′34″ N., 71°02′11″ W., the Charles River to the Gridley Locks at the Charles River Dam in approximate position 42°22′07″ N., 71°03′40″ W., the Mystic River at the Alford Street Bridge in approximate position 42°23′22″ N., 71°04′16″ W., and the Chelsea River to the McArdle Bridge in approximate position 42°23′09″ N., 71°02′21″ W.

(b) *Special Local Regulations.* (1) During the effective period, vessel operators transiting through the regulated area shall proceed in a counterclockwise direction at no wake speeds not to exceed five knots, unless otherwise authorized by the Captain of the Port.

(2) Vessel operators shall comply with the directions and orders of the COTP or the COTP's representative, upon being hailed by siren, radio, flashing lights, or other means. The COTP's representative may be any Coast Guard commissioned, warrant, or petty officer or any Federal, state, or local law enforcement officer who has been designated by the COTP to act on the COTP's behalf. The COTP's representative may be on a Coast Guard vessel, a Coast Guard Auxiliary vessel, a federal, state or local law enforcement or safety vessel, or a location on shore.

(3) From 4:00 p.m. on June 17, 2017 through 8:00 a.m. on June 22, 2017, vessel control measures will be implemented. The traffic pattern will be in a counterclockwise rotation, such that all vessels shall stay generally as far to the starboard side of the channel as is safe and practicable.

(4) To facilitate commercial ferry traffic with minimal disruption, commercial ferries within the regulated area, moving between stops on their normal routes, will be exempt from the mandatory counterclockwise traffic pattern. This exemption does not give ferries navigational precedence or in any way alter their responsibilities under the Rules of the Road or any other pertinent regulations.

(5) Vessel operators transiting the waterway between the World Trade Center and Fish Pier must enter and keep to the starboard side of the channel, proceeding as directed by the on-scene COTP's representative. Vessel traffic shall move in a counterclockwise direction around a turning point as marked by an appropriate on-scene COTP's representative.

(6) Vessel operators transiting this area must maintain at least a twenty five (25) yard safe distance from all participating Sail Boston Tall Ships and must make way for all deep draft vessel traffic underway in the area.

(7) When a vessel greater than 125 feet enters the waterway between the World Trade Center and the Fish Pier, no other vessel will be allowed to enter until the larger vessel departs that area, unless authorized by the on-scene COTP's representative.

(8) From 10:00 p.m. through 8:00 a.m. daily, while the regulated area is in effect, only vessels which are tenants within the channels of the World Trade Center and the Fish Pier will be authorized access.

(9) The COTP may control the movement of all vessels operating on the navigable waters of Boston Harbor when the COTP has determined that such orders are justified in the interest of safety by reason of weather, visibility, sea conditions, temporary port congestion, or other temporary hazards circumstance.

(10) To obtain permissions required by this regulation, individuals may reach the COTP or a COTP representative via VHF channel 16 or

617–223–5757 (Sector Boston Command Center).

(11) *Penalties.* Those who violate this section are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

(c) *Enforcement Period.* This regulation is will be enforced from 4:00 p.m. on June 17, 2017 through 8:00 a.m. on June 22, 2017.

PART 110—ANCHORAGES GROUND

■ 3. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471; 33 U.S.C. 1221 through 1236, 2030, 2035, 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g).

§ 110.138 [Suspended]

■ 4. From 8:00 a.m. on June 16 through 4:00 p.m. on June 17, 2017, suspend § 110.138.

■ 5. Add § 110.T01–0949 to read as follows:

§ 110.T01–0949 Temporary Anchorages: Sail Boston 2017; Port of Boston, MA.

(a) *Anchorages.* All anchorages in this paragraph are applicable as specified. Vessel operators using the anchorages in this paragraph must comply with the general operational requirements specified in paragraph (b) and (c) of this section. All coordinates are NAD 1983.

(1) Anchorage 1. (i). All waters bounded by the following coordinates: 42°22′06″ N./071°02′43″ W., 42°22′11″ N./071°02′39″ W., 42°22′07″ N./071°02′32″ W., and 42°22′03″ N./071°02′35″ W.

(ii) This anchorage ground is designated for the exclusive use of recreational vessels that are 45 feet or less in length and have superstructures that do not exceed 10 feet in height.

(2) Anchorage 2. (i) All waters bounded by the following coordinates: 42°21′41″ N./071°02′25″ W., 42°21′47″ N./071°02′20″ W., 42°21′35″ N./071°01′53″ W., and 42°21′29″ N./071°01′58″ W.

(ii) This anchorage ground is designated for the exclusive use of recreational vessels that are 45 feet or less in length and have superstructures that do not exceed 10 feet in height.

(3) Anchorage 3. (i) All waters bounded by the following coordinates: 42°21′26″ N./071°01′51″ W., 42°21′32″ N./071°01′47″ W., 42°21′25″ N./071°01′33″ W., and 42°21′19″ N./071°01′37″.

(ii) This anchorage ground is designated for the exclusive use of recreational vessels that are 45 feet or less in length and their height above water does not to exceed 50 feet.

(4) Anchorage 4. (i) All waters bounded by the following coordinates: 42°21′19″ N./071°01′37″ W., 42°21′25″ N./071°01′33″ W., 42°21′09″ N./071°01′02″ W., and 42°21′04″ N./071°01′06″.

(ii) This anchorage ground is designated for the exclusive use of inspected and uninspected small passenger vessels (certificated by the Coast Guard under Subchapters T and K of Title 46, Code of Federal Regulations), and charter vessels that do not exceed 50 feet in height above the water line.

(5) Anchorage 5. (i) All waters bounded by the following coordinates: 42°21′04″ N./071°01′06″ W., 42°21′09″ N./071°01′02″ W., 42°20′48″ N./071°00′29″ W., and 42°20′47″ N./071°00′29″.

(ii) This anchorage ground is designated for the exclusive use of inspected and uninspected small passenger vessels (certificated by the Coast Guard under Subchapters T and K of Title 46, Code of Federal Regulations), and charter vessels that do not exceed 50 feet in height above the water line.

(6) Anchorage 6. (i) All waters bounded by the following coordinates: 42°20′09″ N./070°59′39″ W., 42°20′23″ N./070°59′32″ W., 42°20′19″ N./071°59′17″ W., and 42°20′07″ N./070°59′24″.

(ii) This anchorage ground is designated for the exclusive use of recreational vessels.

(7) Anchorage 7. (i) All waters bounded by the following coordinates: 42°20′06″ N./070°59′23″ W., 42°20′36″ N./070°59′06″ W., 42°20′34″ N./070°58′31″ W., and 42°20′05″ N./070°58′45″.

(ii) This anchorage ground is designated for the exclusive use of recreational vessels.

(8) Anchorage 8. (i) All waters bounded by the following coordinates: 42°20′06″ N./070°58′43″ W., 42°20′35″ N./070°58′28″ W., 42°20′33″ N./070°57′29″ W., and 42°20′05″ N./070°57′31″.

(ii) This anchorage ground is designated a general anchorage with no restrictions.

(9) Anchorage 9. (i) All waters bounded by the following coordinates: 42°19′45″ N./070°59′55″ W., 42°19′58″ N./070°59′55″ W., 42°19′57″ N./070°58′47″ W., and 42°19′44″ N./070°58′47″.

(ii) This anchorage ground is designated as general transient anchorage for all vessels that do not exceed 50 feet in height above the water line, with no overnight anchoring. This anchorage is only applicable from 6 a.m. on June 17, 2017 until 4 p.m. on June 17, 2017.

(10) Anchorage 10. (i) All waters bounded by the following coordinates: 42°19′44″ N./070°58′44″ W., 42°19′58″ N./070°58′47″ W., 42°19′55″ N./070°57′28″ W., and 42°19′43″ N./070°57′35″.

(ii) This anchorage ground is designated for the exclusive use of recreational vessels with no overnight anchoring. This anchorage is only applicable from 6 a.m. on June 17, 2017 until 4 p.m. on June 17, 2017.

(11) Anchorage 11. (i) All waters bounded by the following coordinates: 42°20′30″ N./070°56′30″ W., 42°21′58″ N./070°56′05″ W., and 42°21′32″ N./070°55′27″.

(ii) This anchorage ground is designated for the exclusive use of late arriving recreational vessels and no overnight anchoring. This anchorage is only applicable from 6 a.m. on June 17, 2017 until 4 p.m. on June 17, 2017.

(12) Anchorage 12. (i) All waters bounded by the following coordinates: 42°20′07″ N./070°56′28″ W., 42°21′43″ N./070°54′51″ W., 42°21′18″ N./070°54′29″ W., and 42°20′05″ N./070°55′51″.

(ii) This anchorage ground is designated for the exclusive use of late arriving recreational vessels and no overnight anchoring. This anchorage is only applicable from 6 a.m. on June 17, 2017 until 4 p.m. on June 17, 2017.

(13) Anchorage 13. (i) All waters bounded by the following coordinates: 42°19′55″ N./070°56′40″ W., 42°20′06″ N./070°56′28″ W., 42°20′05″ N./070°55′51″ W., and 42°19′51″ N./070°56′05″.

(ii) This anchorage ground is designated for the exclusive use of inspected and uninspected small passenger vessels (certificated by the Coast Guard under Subchapters T and K of Title 46, Code of Federal Regulations), and charter vessels. This anchorage is only applicable from 6 a.m. on June 17, 2017 until 4 p.m. on June 17, 2017.

(b) *The regulations.* The anchorages designated in paragraphs (a)(1) through (13) of this section are subject to the following regulations:

(1) General Operational Requirements for all anchorages. Vessel operators using any of the anchorages established in this section shall:

(i) Ensure their vessels are properly anchored and remain safely in position at anchor during marine events.

(ii) Vessel operators shall comply with the directions and orders of the COTP or the COTP's representatives, upon being hailed by siren, radio, flashing lights, or other means. The COTP's representative may be any Coast Guard commissioned, warrant, or petty

officer or any Federal, state, or local law enforcement officer who has been designated by the COTP to act on the COTP's behalf. The COTP's representative may be on a Coast Guard vessel, a Coast Guard Auxiliary vessel, a federal, state, or local law enforcement or safety vessel, or a location on shore.

(iii) Vacate anchorages after termination of their effective periods.

(iv) Buoy with identifiable markers and release anchors fouled on lobster trap lines if such anchors cannot be freed or raised.

(v) Display anchor lights when anchoring at night in any anchorage.

(vi) Do not leave vessels unattended in any anchorage at any time.

(vii) Do not tie off to any aid to navigation or buoy.

(ix) Maintain at least 20 feet of clearance if maneuvering between anchored vessels.

(x) Do not nest or tie off to other vessels in that anchorage.

(xi) Based on COTP approval and direction, vessels commercially engaged in the collection and legal disposal of marine sewage may operate within spectator anchorages during the applicable periods.

(c) *Enforcement dates.* This section will be enforced from 8:00 a.m. on June 16, 2017 through 4:00 p.m. on June 17, 2017 unless otherwise noted.

NOTE TO *§ 110.T01–0949:* Caution: The designated spectator anchorages in this section have not been specially surveyed or inspected and navigational charts may not show all seabed obstructions or shallowest depths. Additionally, the anchorages are in areas of substantial currents. Mariners who use these temporary anchorages should take appropriate precautions, including using all means available to ensure vessels are not dragging anchor.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(G), 6.04–1, 6.04–6, and 160.5.

■ 7. Add § 165.T01–0949 to read as follows:

§ 165.T01–0949 Safety Zone: Sail Boston 2017; Port of Boston, MA.

(a) *Location.* The following are safety zones (all coordinates are NAD 1983):

(1) All navigable waters from surface to bottom, within a 100-yard radius of each participating Tall Ship while anchored in Broad Sound.

(2) All navigable waters from surface to bottom, within 1000-yards ahead and astern and 100-yards on each side of participating Tall Ships, during their transit from anchorage to mooring.

(3) All navigable waters from surface to bottom, within 25-yards surrounding participating Tall Ships while moored at various locations throughout the Port of Boston.

(4) All navigable waters from surface to bottom, bounded within the following points (NAD 83): From 42°39.00′ N., 070°26.00′ W., thence to 42°39.00′ N., 070°24.00′ W., thence to 42°38.00′ N., 070°24.00′ W., thence to 42°38.00′ N N., 070°26.00′ W., thence to the first point.

(b) *Regulations.* While these safety zones are being enforced, the following regulations, along with those contained in 33 CFR 165.23, apply:

(1) No person or vessel may enter or remain in a safety zone without the permission of the COTP, Sector Boston or the COTP's representative.

(2) Any person or vessel permitted to enter the safety zones shall comply with the directions and orders of the COTP or the COTP's representative. Upon being hailed by siren, radio, flashing lights, or other means, the operator of a vessel within the zone shall proceed as directed. Any person or vessel within the security zone shall exit the zone when directed by the COTP or the COTP's representative.

(3) To obtain permissions required by this regulation, individuals may reach the COTP or a COTP representative via VHF channel 16 or 617–223–5757 (Sector Boston Command Center) to obtain permission.

(4) *Penalties.* Those who violate this section are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

(c) *COTP Representative.* The COTP's representative may be any Coast Guard commissioned, warrant, or petty officer or any Federal, state, or local law enforcement officer who has been designated by the COTP to act on the COTP's behalf. The COTP's representative may be on a Coast Guard vessel, a Coast Guard Auxiliary vessel, a federal, state or local law enforcement or safety vessel, or a location on shore.

(d) *Enforcement dates.* Paragraph (a)(1) of this section is applicable on June 16, 2017 through June 17, 2017. Paragraph (a)(2) of this section is applicable on June 16, 2017. Paragraph (a)(3) of this section is applicable on June 17, 2017 through June 22, 2017. Paragraph (a)(4) of this section is applicable on June 22, 2017 from 4:00 p.m. until 8:00 p.m.

Dated: March 17, 2017.

C.C. Gelzer,

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

[FR Doc. 2017–05748 Filed 3–23–17; 8:45 am]

BILLING CODE 9110–04–P

Notices

Federal Register
Vol. 82, No. 56
Friday, March 24, 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

Forest Service

Malheur National Forest, Blue Mountain Ranger District and Umatilla National Forest, North Fork John Day Ranger District; Oregon; Ragged Ruby Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) to disclose the environmental effects of upland restoration activities; watershed, fisheries, and wildlife restoration; bat gate installation; prescribed burning; road activities; and recreation system changes in the Ragged Ruby planning area.

DATES: Comments concerning the scope of the analysis must be received by 30 days from date of publication in the **Federal Register**, which initiates the project's scoping period. The draft environmental impact statement is expected January 2018 and the final environmental impact statement is expected July 2018.

ADDRESSES: Send written comments to Dave Halemeier, District Ranger, Blue Mountain Ranger District, c/o Sasha Fertig, P.O. Box 909, John Day, OR 97845. Comments may also be sent via email to *comments-pacificnorthwest-malheur-bluemountain@fs.fed.us,* or via facsimile to 541–575–3319.

FOR FURTHER INFORMATION CONTACT: Sasha Fertig, NEPA Planner, Blue Mountain Ranger District, 431 Patterson Bridge Road, P.O. Box 909, John Day, OR 97845. Phone: 541–575–3061. Email: *sashafertig@fs.fed.us*.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Ragged Ruby planning area encompasses approximately 34,000 acres in the Granite Boulder Creek and Balance Creek subwatersheds that drain into the Middle Fork John Day River. The legal description for the planning area includes Townships 10 and 11 South, Ranges 33 and 34 East, Willamette Meridian, Grant County, Oregon. The full scoping package is available on the Malheur National Forest Web site: *https://www.fs.usda.gov/project/?project=49392*.

Purpose and Need for Action

The purpose and need for the Ragged Ruby Project was developed by comparing the management objectives and desired conditions in the Malheur and Umatilla Forest Plans to the existing conditions in the Ragged Ruby planning area related to forest and watershed resiliency and function. The purpose and need is to: Maintain and improve landscape resiliency and manage for diverse forest composition, stocking levels, and pattern to maintain healthy ecological function and process within a complex disturbance regime of wildfire, drought, insects, and diseases; promote forest conditions that allow for the reintroduction of fire upon the landscape, thereby creating conditions that are conducive for firefighter safety, resource values, and private lands; improve aquatic resource conditions; improve wildlife habitat; improve one or more of the nine roadless area characteristics (as defined by the 2001 Roadless Area Conservation Rule) within the Dixie Butte and Greenhorn Mountain inventoried roadless areas and restore the characteristics of ecosystem composition and structure within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period; and contribute to the social and economic health of those enjoying multiple uses in the Ragged Ruby planning area.

Proposed Action

The proposed action includes:

(1) Upland restoration on approximately 9,030 acres. Activities types include dry pine restoration, mixed conifer restoration, aspen restoration, scabland flat bunchgrass restoration, and whitebark pine and western white pine restoration. Upland restoration activities would help restore forest structure, composition, and density toward more resilient vegetative conditions.

(2) Watershed, fisheries, and wildlife restoration that includes ecological riparian treatments (variable density thinning, openings, leave areas, tree tipping, and potential removal within riparian habitat conservation areas) and large wood treatments (placement of trees within streams and floodplains).

(3) Bat gate installation at 2 mine adits using an existing road or pack stock.

(4) Prescribed burning on up to 34,000 acres to restore and maintain an ecosystem that would thrive with the recurring disturbance of wildfire within the planning area. Treated stands would see a combination of burning piled material and underburning. Those stands not mechanically treated would be managed exclusively with the use of prescribed burning. As conditions and stand characteristics allow, natural ignitions within the planning area would be used to meet the objectives of prescribed burning.

(5) Road activities that support implementing upland restoration and other project activities as well as road system changes. Road maintenance and reconstruction for haul would occur on open or temporarily opened roads to provide safe access and adequate drainage. Temporary roads (approximately 10 miles) would be constructed to access some timber harvest units, which would be rehabilitated following use. The following changes to the road system are proposed: decommissioning 1.9 miles of road, closing 6.4 miles of currently open road, confirming the previous administrative closure of 26.7 miles or road, opening 2.8 miles of currently closed road, relocating 0.2 miles of road, and adding 2.5 miles existing roadbed onto system as closed road.

(6) Recreation system changes to improve or maintain quality recreational opportunities by reducing user conflicts on the current trail system, improving access to trail systems, mitigating resource concerns, and providing family friendly and Americans with Disability Act (ADA) accessible trails. Seven trails and their associated trailheads would be improved with 3.3 miles of new trail

construction, 9.1 miles of trail co-designated on existing roads, 5.1 miles of trails being un-designated, and 18.7 miles of trail remaining on the system.

Preliminary connectivity corridors have been identified between late and old structure stands to allow for movement of old-growth dependent species. The goal of creating ''connectivity'' is to manage stands in corridors at higher canopy densities when compared to more intensively managed stands located outside of corridors.

The Ragged Ruby Project will also include a variety of project design criteria that serve to mitigate impacts of activities to forest resources, including wildlife, soils, watershed condition, aquatic species, riparian habitat conservation areas, heritage resources, visuals, rangeland, botanical resources, and invasive plants. The proposed action may also include amendments to the Malheur National Forest Land and Resource Management Plan, as amended: dedicated old growth unit changes, reduce satisfactory and/or total cover, removal of trees greater than or equal to 21 inches diameter at breast height, and harvest within late and old structure stands.

Possible Alternatives

The Forest Service will consider a range of alternatives. One of these will be the ''no action'' alternative in which none of the proposed action would be implemented. Additional alternatives may be included in response to issues raised by the public during the scoping process or due to additional concerns for resource values identified by the interdisciplinary team.

Responsible Official

The Forest Supervisor of the Malheur National Forest, 431 Patterson Bridge Road, John Day, OR 97845, is the Responsible Official. As the Responsible Official, I will decide if the proposed action will be implemented. I will document the decision and rationale for the decision in the Record of Decision. I have delegated the responsibility for preparing the draft EIS and final EIS to the District Ranger, Blue Mountain Ranger District.

Nature of Decision To Be Made

Based on the purpose and need, the Responsible Official reviews the proposed action, the other alternatives, the environmental consequences, and public comments on the analysis in order to make the following decision: (1) Whether to implement the proposed activities; and if so, how much and at what specific locations; (2) What, if any, specific project monitoring requirements are needed to assure project design criteria and mitigation measures are implemented and effective, and to evaluate the success of the project objectives.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. The interdisciplinary team will continue to seek information and comments from Federal, State, and local agencies, Tribal governments, and other individuals or organizations that may be interested in, or affected by, the proposed action. There is a collaborative group in the area that the interdisciplinary team will interact with during the analysis process.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however.

Dated: March 17, 2017.

Jeanne M. Higgins,

Associate Deputy Chief, National Forest System.

[FR Doc. 2017–05826 Filed 3–23–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Nez Perce-Clearwater National Forests; Idaho; Nez Perce-Clearwater National Forests Clear Creek Integrated Restoration Project

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement (SEIS) for the Clear Creek Integrated Restoration Project.

SUMMARY: The U.S. Forest Service is giving notice of its intent to prepare a SEIS for the Clear Creek Integrated Restoration Project on the Moose Creek Ranger District of the Nez Perce-Clearwater National Forests, Idaho. Cheryl Probert, Forest Supervisor, has withdrawn the February 2016 Record of Decision (ROD) for this project. Supervisor Probert plans to prepare a SEIS to further review the project alternatives and analysis, to correct and update information that was presented in the Final Environmental Impact Statement (FEIS), and to consider information that has become available since the FEIS was published in September 2015.

Authority: This NOI is being published pursuant to regulations (40 CFR 1508.22) implementing the procedural provisions of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*).

Scoping: A NOI published on January 6, 2012 initiated the scoping period for the Clear Creek Integrated Restoration Project. A legal notice advertising the start of a 30-day scoping period was advertised in the Lewiston, Idaho *Lewiston Tribune* on December 30, 2011. In accordance with 40 CFR 1502.9(c)(4), there will be no scoping conducted for this SEIS. The scope of the Clear Creek Integrated Restoration FEIS established the scope for this SEIS.

The SEIS will be advertised for public comment as required by 40 CFR 1503.1. The Draft SEIS will be announced for public review and comment in the **Federal Register**, on the Nez Perce-Clearwater National Forests' project Web site, and in the Lewiston, Idaho *Lewiston Tribune,* as well as other local media.

FOR FURTHER INFORMATION CONTACT: Lois Hill, Environmental Coordinator, (208) 935–4258.

SUPPLEMENTARY INFORMATION: The US Forest Service is announcing its intent to prepare a SEIS for the Clear Creek Integrated Restoration Project. The SEIS will supplement the analysis from the Clear Creek Integrated Restoration FEIS (2015) by providing an updated analysis of the environmental effects. The Clear Creek Integrated Restoration FEIS evaluated the potential effects of four alternatives, including No Action and three action alternatives.

The Nez Perce-Clearwater Forest Supervisor will issue a new ROD after evaluating the SEIS and public comments. An objection period for the new ROD will be provided, consistent with 36 CFR part 218.

Responsible Official and Lead Agency

The USDA Forest Service is the lead agency for this proposal. The Nez Perce-Clearwater Forest Supervisor is the responsible official.

Nature of Decision To Be Made

Whether to adopt the proposed action, in whole or in part, or another

alternative; and what mitigation measures and management requirements will be implemented.

Dated: March 17, 2017.

Jeanne M. Higgins,

Associate Deputy Chief, National Forest System.

[FR Doc. 2017–05825 Filed 3–23–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Colville Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Colville Resource Advisory Committee (RAC) will meet in Colville, Washington. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following Web site: *http://cloudapps-usda-gov.force.com/FSSRS/RAC_Page?id=001t0000002Jcv4AAC.*

DATES: The meeting will be held on April 7, 2017, at 9:30 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Colville National Forest (NF) Supervisor's Office, 765 South Main Street, Colville, Washington.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Colville NF Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Rodney Smoldon, Designated Federal Officer, by phone at 509–684–7000 or via email at *rsmoldon@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review project proposals, and
2. Make project recommendations for Title II Funds.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by March 31, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Franklin Pemberton, RAC Coordinator, Colville RAC, 765 South Main Street, Colville, Washington, 99114; by email to *fpemberton@fs.fed.us,* or via facsimile to 509–684–7280.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–05761 Filed 3–23–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

San Juan Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The San Juan Resource Advisory Committee (RAC) will meet in Durango, Colorado. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following Web site*: https://www.fs.usda.gov/sanjuan/.*

DATES: The meeting will be held on April 4, 2017, from 9:15 a.m.–2:15 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held at the Sonoran meeting rooms of the San Juan Public Lands Center, 15 Burnett Court, Durango, Colorado.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the San Juan Public Lands Center. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Ann Bond, RAC Coordinator, by phone at 970–385–1210 or via email at *abond@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Introduce the newly appointed San Juan RAC members,
2. Project proposal presentations,
3. Public input,
4. Review proposals, and
5. Make project recommendations for Title II funding.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by March 17, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Ann Bond, RAC Coordinator, San Juan Public Lands Center, 15 Burnett Court, Durango, Colorado 81301; by email to *abond@fs.fed.us* or via facsimile to 970–375–2331.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION**

CONTACT. All reasonable accommodation requests are managed on a case by case basis.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–05760 Filed 3–23–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

Advisory Committee on Supply Chain Competitiveness: Notice of Public Meetings

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of open meetings.

SUMMARY: This notice sets forth the schedule and proposed topics of discussion for public meetings of the Advisory Committee on Supply Chain Competitiveness (Committee).

DATES: The meetings will be held on April 19, 2017, from 12:00 p.m. to 3:00 p.m., and April 20, 2017, from 9:00 a.m. to 4:00 p.m., Eastern Standard Time (EST).

ADDRESSES: The meetings on April 19 and 20 will be held at the 'Future of Flight' museum, 8415 Paine Field Blvd., Mukilteo, WA 98275.

FOR FURTHER INFORMATION CONTACT: Richard Boll, Office of Supply Chain, Professional & Business Services (OSCPBS), International Trade Administration. Phone: (202) 482–1135 or Email: *richard.boll@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Committee was established under the discretionary authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2). It provides advice to the Secretary of Commerce on the necessary elements of a comprehensive policy approach to supply chain competitiveness designed to support U.S. export growth and national economic competitiveness, encourage innovation, facilitate the movement of goods, and improve the competitiveness of U.S. supply chains for goods and services in the domestic and global economy; and provides advice to the Secretary on regulatory policies and programs and investment priorities that affect the competitiveness of U.S. supply chains. For more information about the Committee visit: *http://trade.gov/td/services/oscpb/supplychain/acscc/.*

Matters to be Considered: Committee members are expected to continue to discuss the major competitiveness-related topics raised at the previous Committee meetings, including trade and competitiveness; freight movement and policy; trade innovation; regulatory issues; finance and infrastructure; and workforce development. The Committee's subcommittees will report on the status of their work regarding these topics. The agendas may change to accommodate Committee business. The Office of Supply Chain, Professional & Business Services will post the final detailed agendas on its Web site, *http://trade.gov/td/services/oscpb/supplychain/acscc/,* at least one week prior to the meeting.

The meetings will be open to the public and press on a first-come, first-served basis. Space is limited. The public meetings are physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Mr. Richard Boll, at (202) 482–1135 or *richard.boll@trade.gov* five (5) business days before the meeting.

Interested parties are invited to submit written comments to the Committee at any time before and after the meeting. Parties wishing to submit written comments for consideration by the Committee in advance of this meeting must send them to the Office of Supply Chain, Professional & Business Services, 1401 Constitution Ave. NW., Room 11014, Washington, DC, 20230, or email to *richard.boll@trade.gov.*

For consideration during the meetings, and to ensure transmission to the Committee prior to the meetings, comments must be received no later than 5:00 p.m. EST on April 12, 2017. Comments received after April 12, 2017, will be distributed to the Committee, but may not be considered at the meetings. The minutes of the meetings will be posted on the Committee Web site within 60 days of the meeting.

Dated: March 20, 2017.

Maureen Smith,

Director, Office of Supply Chain.

[FR Doc. 2017–05861 Filed 3–23–17; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 17–00001]

Export Trade Certificate of Review

ACTION: Notice of application for an Export Trade Certificate of Review for ADM Rice, Inc. and ADM Export Co., Application No. 17–00001.

SUMMARY: The Office of Trade and Economic Analysis (''OTEA'') of the International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed application and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, Office of Trade and Economic Analysis, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or email at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked as privileged or confidential business information will be deemed to be nonconfidential.

An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 21028, Washington, DC 20230.

Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to

this application as ''Export Trade Certificate of Review, application number 17–00001.''

A summary of the current application follows.

Summary of the Application

Applicant: ADM Rice, Inc. and ADM Export Co., 600 White Plains Road #605, Tarrytown, New York, 10591.

Contact: Andrew Shoyer, Partner—Sidley Austin LLP; Telephone: (202) 736–8326.

Application No.: 17–00001.

Date Deemed Submitted: March 10, 2017.

Summary: ADM Rice, Inc. and ADM Export Co. seek a Certificate of Review to engage in the Export Trade Activities and Methods of Operation described below in the following Export Trade and Export Markets:

Export Trade

Products: ADM Rice, Inc. and ADM Export Co. propose to export under the Certificate, directly and through other suppliers, rice and rice products, including but not limited to: Harvest rice; rough rice; brown rice; milled, under milled, and unpolished rice; coated rice; oiled rice; enriched rice; rice bran; polished rice; head rice; broken rice; second head rice; brewers rice; screenings; and rice flour; but not wild rice. This includes U.S. Calrose, U.S. Akitakomachi, Calhikari, U.S. Koshihikari, U.S. Mochi, and U.S. M–401. Listed below are the North American Industry Classification System codes at the six-digit level for the rice products that ADM Rice, Inc. and ADM Export Co. intend to export:

- 1006.10
- 1006.20
- 1006.30
- 1006.40

Services: All services related to the export of Products.

Technology Rights: All intellectual property rights associated with Products or Services, including, but not limited to: Patents, trademarks, services marks, trade names, copyrights, neighboring (related) rights, trade secrets, know-how, and confidential databases and computer programs.

Export Trade Facilitation Services: Services to facilitate the export of Products, including but not limited to: Consulting and trade strategy; converting harvest rice to marketable finished rice products via the drying, storage, milling and packaging process for export; arranging and coordinating delivery of products to port of export; arranging for inland and/or marine transportation; allocating products to vessel; arranging for storage space at port; arranging for warehousing, stevedoring, wharfage, handling, inspection, fumigation and freight forwarding; insurance and financing; documentation and services related to compliance with customs requirements; sales and marketing; export brokerage; foreign marketing and analysis; foreign market development; overseas advertising and promotion; product-related research and design based upon foreign buyer and consumer preferences; inspection and quality control; shipping and export management; export licensing; provisions of overseas sales and distribution facilities and overseas sales staff; legal, accounting, and tax assistance; development and application of management information systems; trade show exhibitions; professional services in the area of government relations and assistance with federal and state export assistance programs; invoicing foreign buyers; collecting payment for products; and arranging for payment of applicable commissions and fees.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operations

To engage in Export Trade in the Export Markets, ADM Rice, Inc. and ADM Export Co. may:

1. Exchange information with Suppliers or Export Intermediaries individually regarding the availability of Products for export, prices of Products for sale in the Export Markets, and coordinating the export of Products to Export Markets;
2. Process other Suppliers' harvest rice to marketable finished Products for Export Markets via drying, storage, milling, and packaging processes;
3. Solicit orders for the export of Products from potential foreign distributors and purchasers in Export Markets;
4. Prepare and submit offers of Products to potential foreign distributors, purchasers, and other entities for sale in Export Markets;
5. Establish the price and quantity of Products for sale in Export Markets and set other terms for any export sale;
6. Negotiate and enter into agreements for sale of Products in Export Markets;
7. Enter into agreements to purchase Products from one or more Suppliers to fulfill specific export sales obligations;
8. Apply for and utilize government export assistance and incentive programs; and
9. Meet with Suppliers or other entities periodically to discuss general matters specific to the activities approved in this Certificate (not related to price and supply arrangements between ADM Rice, Inc. and ADM Export Co. and the individual Suppliers) such as relevant facts concerning the Export Markets (*e.g.,* demand conditions, transportation costs and prices in the export markets), or the possibility of joint marketing, bidding or selling arrangements in the Export Markets.

Definition

''Supplier'' means a person who mills, produces, provides, markets, or sells Products, Services and/or Technology Rights.

''Export Intermediary'' means a person who acts as a distributor, representative, sales or marketing agent, joint marketer, or broker, or who performs similar functions.

Dated: March 21, 2017.

Amanda Reynolds,

Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 2017–05866 Filed 3–23–17; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 99–11A05]

Export Trade Certificate of Review

ACTION: Notice of application to amend the Export Trade Certificate of Review issued to California Almond Export Association, LLC (''CAEA''), Application No. 99–11A05.

SUMMARY: The Office of Trade and Economic Analysis (''OTEA'') of the International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, Office of Trade and Economic Analysis, International Trade Administration, (202) 482–5131

(this is not a toll-free number) or email at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) (''the Act'') authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its application.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked as privileged or confidential business information will be deemed to be nonconfidential.

An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 21028, Washington, DC 20230.

Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the amended Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 99–11A05.''

Summary of the Application

Applicant: CAEA, 4800 Sisk Road, Modesto, CA 95356.

Contact: Bill Morecraft, Chairman, Telephone: (916) 446–8537.

Application No.: 99–11A05.

Date Deemed Submitted: March 13, 2017.

Proposed Amendment: CAEA seeks to amend its Certificate as follows:

- Remove California Gold Almonds, LLC as a Member
- Change the name of Member Paramount Farms, Inc. to Wonderful Pistachios & Almonds, LLC

CAEA's proposed amendment of its Certificate would result in the following Members list:

Almonds California Pride, Inc., Caruthers, CA
Baldwin-Minkler Farms, Orland, CA
Blue Diamond Growers, Sacramento, CA
Campos Brothers, Caruthers, CA
Chico Nut Company, Chico, CA
Del Rio Nut Company, Livingston, CA
Fair Trade Corner, Inc., Chico, CA
Fisher Nut Company, Modesto, CA
Hilltop Ranch, Inc., Ballico, CA
Hughson Nut, Inc., Hughson, CA
Mariani Nut Company, Winters, CA
Nutco, LLC d.b.a. Spycher Brothers, Turlock, CA
P–R Farms, Inc., Clovis, CA
Roche Brothers International Family Nut Co., Escalon, CA
RPAC, LLC, Los Banos, CA
South Valley Almond Company, LLC, Wasco, CA
SunnyGem, LLC, Wasco, CA
Western Nut Company, Chico, CA
Wonderful Pistachios & Almonds, LLC, Los Angeles, CA

Dated: March 21, 2017.

Amanda Reynolds,

Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce, (202) 482–5131, etca@trade.gov.

[FR Doc. 2017–05867 Filed 3–23–17; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF246

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Chevron Richmond Refinery Long Wharf Maintenance and Efficiency Project in San Francisco Bay, California

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received an application from Chevron for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to pile driving and removal associated with the Long Wharf Maintenance and Efficiency Project (WMEP). Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to Chevron to incidentally take marine mammals during the specified activity.

DATES: Comments and information must be received no later than April 24, 2017.

ADDRESSES: Comments on the applications should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to *ITP.pauline@noaa.gov.*

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. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted for public viewing on the Internet at *www.nmfs.noaa.gov/pr/permits/incidental/construction.htm* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Rob Pauline, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the applications and supporting documents, as well as a list of the references cited in this document may be obtained online at: *www.nmfs.noaa.gov/pr/permits/incidental/construction.htm.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified area, the incidental, but not intentional, taking of small numbers of marine mammals, providing that certain findings are made and the necessary prescriptions are established.

The incidental taking of small numbers of marine mammals may be

allowed only if NMFS (through authority delegated by the Secretary) finds that the total taking by the specified activity during the specified time period will (i) have a negligible impact on the species or stock(s) and (ii) not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). Further, the permissible methods of taking, as well as the other means of effecting the least practicable adverse impact on the species or stock and its habitat (*i.e.,* mitigation) must be prescribed. Last, requirements pertaining to the monitoring and reporting of such taking must be set forth.

Where there is the potential for serious injury or death, the allowance of incidental taking requires promulgation of regulations under section 101(a)(5)(A). Subsequently, a Letter (or Letters) of Authorization (LOA) may be issued as governed by the prescriptions established in such regulations, provided that the level of taking will be consistent with the findings made for the total taking allowable under the specific regulations. Under section 101(a)(5)(D), NMFS may authorize incidental taking by harassment only (*i.e.,* no serious injury or mortality), for periods of not more than one year, pursuant to requirements and conditions contained within an IHA. The promulgation of regulations or issuance of IHAs (with their associated prescripted mitigation, monitoring, and reporting) requires notice and opportunity for public comment.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Summary of Request

On July 21, 2014, NMFS received a request from Chevron for authorization to take marine mammals incidental to pile driving and pile removal associated with the WMEP in San Francisco Bay, California. The project was delayed due to funding constraints. Chevron submitted a revised version of the request on November 16, 2016, which was deemed adequate and complete on January 12, 2017. Chevron proposes to undertake the WMEP in order to comply with current Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) requirements and to improve safety and efficiency at the Long Wharf. Construction would start in 2018, and be complete by the fourth quarter of 2022. Therefore, Chevron expects to request additional IHAs in association with this multi-year project. The effective dates for this first proposed IHA would be from January 1, 2018 through December 31, 2018. The use of both vibratory and impact pile driving during pile removal and installation during the four-year construction period is expected to produce underwater sound at levels that have the potential to result in Level B (behavioral) harassment of marine mammals. However, only impact driving will occur during 2018 and would be covered under the proposed IHA. Species expected to occur in the area and for which authorization is requested include California sea lion (*Zalophus californianus*) and Pacific harbor seal (*Phoca vitulina*).

Description of the Specified Activity

Overview

The Chevron's Richmond Refinery Long Wharf (Long Wharf) is the largest marine oil terminal in California. Its operations are regulated primarily by the California State Lands Commission (CSLC) through a State Lands lease, Article 5 of CSLC regulations, and MOTEMS (California Building Code (CBC) Chapter 31F). The Long Wharf has existed in its current location since the early 1900s (Figure 1–1 in Application). The Berth 2 fender system (timber pile and whaler) was designed and installed in 1940. Marine loading arms, gangways, and fender systems at Berths 1, 3 and 4 were installed in 1972. The Berth 4 fender panels were replaced in 2011 and the Berth 1 fender panels were replaced in 2012. The existing configuration of these systems have limitations to accepting more modern, fuel efficient vessels with shorter parallel mid-body hulls and in some cases do not meet current MOTEMS requirements.

The purpose of the proposed WMEP is to comply with current MOTEMS requirements and to improve safety and efficiency at the Long Wharf. To meet MOTEMS requirements, the fendering system at Berth 2 is being updated and the Berth 4 loading platform will be seismically retrofitted to stiffen the structure and reduce movement of the Long Wharf in the event of a level 1 or 2 earthquake. Safety will be improved by replacing gangways and fire monitors. Efficiency at the Long Wharf will be improved by updating the fender system configuration at Berth 4 to accommodate newer, more fuel efficient vessels and thus reduce idling time for vessels waiting to berth. Further, efficiency will be improved by updating the fender system at Berth 1 to accommodate barges, enabling balanced utilization across Berths 1, 2, and 3.

Dates and Duration

Project construction would start in 2018, and be completed by the fourth quarter of 2022. Pile driving activities would be timed to occur within the standard NMFS work windows for listed fish species (June 1 through November 30) in those four years. The effective date for the first proposed IHA would be from January 1, 2018 through December 31, 2018. Over the course of the multi-year project 249 piles of various sizes will be installed via impact and vibratory driving; 161 piles will be removed via vibratory removal; and 209 driving days are planned. During the first year of construction covered under this proposed IHA, eight 24-inch concrete piles would be installed by impact driving over 4 workdays at Berth 2.

Specified Geographic Region

The Long Wharf is located in San Francisco Bay (the Bay) just south of the eastern terminus of the Richmond-San Rafael Bridge (RSRB) in Contra Costa County. The wharf is located in the northern portion of the Central Bay, which is generally defined as the area between the RSRB, Golden Gate Bridge, and San Francisco-Oakland Bay Bridge. The South Bay is located south of the San Francisco-Oakland Bay Bridge. San Pablo Bay extends north of the RSRB.

Detailed Description of Specified Activities

The complete multi-year project would involve modifications at four berths (Berths 1, 2, 3, and 4) as shown in Figure 1–1 in the Application. Proposed modifications to the Long Wharf include replacing gangways and cranes, adding new mooring hooks and standoff fenders, adding new dolphins and catwalks, and modifying the fire water system at Berths 1, 2, 3 and/or 4, as well as the seismic retrofit to the Berth 4 loading platform. The type and numbers of piles to be installed, as well

as those that will be removed, are summarized in Table 1–1 in the Application and an overview of the modifications at Berths 1 to 4 are shown in Figure 1–2 in the Application.

The combined modifications to Berths 1–4 would require the installation of 141 new concrete piles to support new and replacement equipment and their associated structures. The Berth 4 loading platform would add eight, 60-inch diameter steel piles as part of the seismic retrofit.

The project would also add four clusters of 13 composite piles each (52 total) as markers and protection of the new batter (driven at an angle) piles on the east side of the Berth 4 retrofit. The project would remove 106 existing timber piles, two existing 18-inch and two existing 24-inch concrete piles. A total of 12 24-inch temporary steel piles would also be installed and removed during the seismic retrofit of Berth 4. The modifications at each berth are summarized below.

Modifications at Berth 1 include the following:

- Replace gangway to accommodate barges and add a new raised fire monitor.
- Construct a new 24′ × 20′ mooring dolphin and hook to accommodate barges.
- Construct a new 24′ × 25′ breasting dolphin and 13′ × 26′ breasting point with standoff fenders to accommodate barges.The new breasting dolphin will require removal of an existing catwalk and two piles and moving a catwalk to a slightly different location to maintain access to currently existing dolphins. A new catwalk will be installed to provide access to the new breasting dolphin.
- A portion of the existing gangway will be removed. The remaining portion is used for other existing services located on its structure.

Much of this work will be above the water or on the deck of the terminal. The mooring dolphin and hook, breasting dolphin, and new gangway will require installation of 42 new 24-inch square concrete piles using impact driving methods.

Modifications at Berth 2 include the following:

- Install new gangway to replace portable gangway and add a new elevated fire monitor.
- Replace one bollard with a new hook.
- Install four new standoff fenders (to replace timber fender pile system).
- Replace existing auxiliary and hose cranes and vapor recovery crane to accommodate the new standoff fenders.
- Remove the existing timber fender pile system along the length of the Berth (~650 ft.)
- Three (3) existing brace piles (22-inch square concrete jacketed timber piles) would be removed by cutting below the mud line if possible.

These modifications will require the installation of 51 new 24-inch square concrete piles, using impact driving methods, to support the gangway, standoff fenders, hose crane, and auxiliary crane. To keep Berth 2 operational during construction, four temporary fenders will be installed, supported by 36 temporary 14-inch H-piles driven using vibratory methods. It is expected that the H-piles would largely sink under their own weight and would require very little driving. The H-piles and temporary fenders will be removed once the permanent standoff fenders are complete. The auxiliary and hose cranes are being replaced with cranes with longer reach to accommodate the additional distance of the new standoff fenders. The new vapor recovery crane would be mounted on an existing pedestal and not require in-water work.

Modifications at Berth 3 include the following:

- Install new fixed gangway to replace portable gangway and add a new raised fire monitor. The gangway would be supported by four, 24-inch square concrete piles. This would be the only in-water work for modifications at Berth 3.

Modifications at Berth 4 include the following:

- Install two new 36′ × 20′ dolphins with standoff fenders (two per dolphin) and two catwalks.
- Seismically retrofit the Berth 4 loading platform including bolstering and relocation of piping and electrical facilities.

The new fenders would add 44 new 24-inch square concrete piles.

The seismic retrofit would structurally stiffen the Berth 4 Loading Platform under seismic loads. This will require cutting holes in the concrete decking and driving eight, 60-inch diameter hollow steel batter piles, using impact pile driving. To accommodate the new retrofit, an existing sump will be replaced with a new sump and two, 24-inch square concrete piles will be removed or cut to the ''mudline.'' The engineering team has determined that to drive the 60-inch batter piles, twelve temporary steel piles, 24 inches in diameter, will be needed to support templates for the angled piles during driving. Two templates are required, each 24 feet by 4 feet and supported by up to six 24-inch steel pipe piles. The templates will be above water. The project would also add 4 clusters of 13 composite piles each (52 total composite piles) as markers and protection of the new batter piles on the east side of the retrofit. See Table 1 for pile summary information.

Table 1. Summary of Pile Types, Sizes, Locations, and Installation/Removal Methods.

Item	Description	No. Piles	Pile Installation / Removal Method
New Installation	Berth 1 Mooring Hook Dolphin	13	Impact
	Berth 1 Outer Breasting Dolphin	17	Impact
	Berth 1 Inner Breasting Point	8	Impact
	Berth 1 Gangway	4	Impact
	Berth 2 South Outside Fender	10	Impact
	Berth 2 South Inside Fender	10	Impact
	Berth 2 North Inside Fender	9	Impact
	Berth 2 North Outside Fender	10	Impact
	Berth 2 Main Hose Crane	4	Impact
	Berth 2 Aux Crane	4	Impact
	Berth 2 Gangway	4	Impact
	Berth 3 Gangway	4	Impact
	Berth 4 South Breasting Dolphin	22	Impact
	Berth 4 North Breasting Dolphin	22	Impact
	Total 24-inch Square Concrete Piles	**141**	
	Berth 4 Loading Platform Retrofit (60-inch-diameter Steel Piles)	8	Impact
	Berth 4 Barrier Piles (4 Clusters of 13 Composite Piles)	52	Vibrate
	Total	**201**	
Permanent Removal	Berth 1 Pile Removal	-2	Vibrate
	Berth 2 Pile Removal (106 Wooden - Actual Count)	-106	Vibrate
	Berth 2 Brace Piles (22-inch Square Concrete Jacketed Timber Piles)	-3	Cut
	Berth 4 Concrete Pile Removal	-2	Cut
	Total Removal	**-113**	
	Net Change	**88**	
Temporary	Berth 1 Pile Installation and Removal	36	Vibrate
	Berth 2 Whaler Installation and Removal (excluding wooden Piles)	12	Vibrate
Total Installation		**249**	
Total Removal		**116**	

Note that the proposed IHA covers actions occurring during 2018 only. These actions include only the installation of eight 24-inch concrete piles by impact hammer driving over four workdays. These piles would replace existing auxiliary and hose cranes and vapor recovery crane at Berth 2. Impact installation would occur utilizing a DelMag D62 22 or similar diesel hammer, producing approximately 165,000 ft lbs maximum energy (may not need full energy) over a duration of approximately 20 minutes per pile.

Proposed mitigation, monitoring, and reporting measures are described in in detail later in the document (*Mitigation* and *Monitoring and Reporting* sections).

Description of Marine Mammals in the Area of the Specified Activity

Although 35 species of marine mammals can be found off the coast of California, few species venture into San Francisco Bay, and only Pacific harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), and harbor porpoises (*Phocoena phocoena*) make the Bay a permanent home. Small numbers of gray whales (*Eschrichtius robustus*) are regularly sighted in the Bay during their yearly migration, though most sightings tend to occur in the Central Bay near the Golden Gate Bridge. Two other species that may occasionally occur within San Francisco Bay include the Steller sea lion (*Eumetopias jubatus*) and bottlenose dolphin (*Tursiops truncatus*).

Pacific Harbor Seal

The Pacific harbor seal is one of five subspecies of *Phoca vitulina,* or the common harbor seal. They are a true seal, with a rounded head and visible ear canal, distinct from the eared seals, or sea lions, which have a pointed head and an external ear. Although generally solitary in the water, harbor seals come ashore at ''haul-outs''—shoreline areas where pinnipeds congregate to rest, socialize, breed, and molt—that are used for resting, thermoregulation, birthing, and nursing pups. Haul-out sites are relatively consistent from year to year (Kopec and Harvey 1995), and females have been recorded returning to their own natal haul-out when breeding (Green *et al.,* 2006). The nearest haul-out site to the project site is Castro Rocks, approximately 650 meters north

of the northernmost point on the Long Wharf.

The haul-out sites at Mowry Slough (~55 km distant from project site), in the South Bay, Corte Madera Marsh (~8 km distant) and Castro Rocks (~650 m distant), in the northern portion of the Central Bay, and Yerba Buena Island (~12 km distant) in the Central Bay, support the largest concentrations of harbor seals within the San Francisco Bay. The California Department of Transportation (Caltrans) conducted marine mammal surveys before and during seismic retrofit work on the RSRB in northern San Francisco Bay. The RSRB is located north of the project site, The surveys included extensive monitoring of marine mammals at points throughout the Bay. Although the study focused on harbor seals hauled out at Castro Rocks and Red Rock Island near the RSRB, all other observed marine mammals were recorded. Monitoring took place from May 1998 to February 2002 (Green *et al.,* 2002.) and determined that at least 500 harbor seals populate San Francisco Bay. This estimate agrees with previous seal counts in San Francisco Bay, which ranged from 524 to 641 seals from 1987 to 1999 (Goals Project 2000).

Although births of harbor seals have not been observed at Corte Madera Marsh and Yerba Buena Island, a few pups have been seen at these sites. The main pupping areas in the San Francisco Bay are at Mowry Slough and Castro Rocks (Caltrans 2012). Seals haul out year-round on Castro Rocks during medium to low tides; few low tide sites are available within San Francisco Bay. The seals at Castro Rocks are habituated, to a degree, to some sources of human disturbance such as large tanker traffic and the noise from vehicle traffic on the bridge, but often flush into the water when small boats maneuver close by or when people work on the bridge (Kopec and Harvey 1995). Long-term monitoring studies have been conducted at the largest harbor seal colonies in Point Reyes National Seashore (~45 km west of the project site on Pacific coast) and Golden Gate National Recreation Area (~15 km southwest of the project site) since 1976. Castro Rocks and other haul-outs in San Francisco Bay are part of the regional survey area for this study and have been included in annual survey efforts. Between 2007 and 2012, the average number of adults observed at Castro Rocks ranged from 126 to 166 during the breeding season (March through May) and from 92 to 129 during the molting season (June through July) (Truchinski *et al.,* 2008, Flynn *et al.,* 2009, Codde *et al.,* 2010, Codde *et al.,* 2011, Codde *et al.* 2012, Codde and Allen 2013).

California Sea Lion

The California sea lion (*Zalophus californianus*) belongs to the family Otariidae or ''eared seals,'' referring to the external ear flaps not shared by other pinniped families. While California sea lions forage and conduct many activities within the water, they also use haul-outs. California sea lions breed in Southern California and along the Channel Islands during the spring.

In the Bay, sea lions haul out primarily on floating docks at Pier 39 in the Fisherman's Wharf area of the San Francisco Marina, approximately 12.5 km southwest of the project site. The California sea lions usually arrive at Pier 39 in August after returning from the Channel Islands (Caltrans 2013). In addition to the Pier 39 haul-out, California sea lions haul out on buoys and similar structures throughout the Bay. They are seen swimming off mainly the San Francisco and Marin County shorelines within the Bay but may occasionally enter the project area to forage. Over the monitoring period for the RSRB, monitors sighted California sea lions on 90 occasions in the northern portion of the Central Bay and at least 57 times in the Central Bay. No pupping activity has been observed at this site or at other locations within the San Francisco Bay (Caltrans 2012).

Although there is little information regarding the foraging behavior of the California sea lion in the San Francisco Bay, they have been observed foraging on a regular basis in the shipping channel south of Yerba Buena Island. Because California sea lions forage over a wide range in San Francisco Bay, it is possible that a limited number of individuals would be incidentally harassed during construction.

Harbor Porpoise

The harbor porpoise (*Phocoena phocoena*) is a member of the Phocoenidae family. They generally occur in groups of two to five individuals, and are considered to be shy, relatively nonsocial animals.

In prior years, harbor porpoises were observed primarily outside of San Francisco Bay. The few harbor porpoises that entered did not venture far into the Bay. No harbor porpoises were observed during marine mammal monitoring conducted before and during seismic retrofit work on the RSRB. In recent years, there have been increasingly common observations of harbor porpoises within San Francisco Bay. According to observations by the Golden Gate Cetacean Research team, as part of their multi- year assessment, approximately 650 harbor porpoises have been observed in the San Francisco Bay, and up to 100 may occur on a single day (Golden Gate Cetacean Research 2017). In San Francisco Bay, harbor porpoises are concentrated in the vicinity of the Golden Gate Bridge (approximately 12 km southwest of the project site) and Angel Island (5.5 km southwest), with lesser numbers sighted in the vicinity of Alcatraz (11 km south) and west of Treasure Island (10 km southeast) (Keener 2011). Because this species may venture into the Bay east of Angel Island, there is a slight chance that a small number of individuals could occur in the vicinity of the proposed project.

Gray Whale

Gray whales (*Eschrichtius robustus*) are large baleen whales. They are one of the most frequently seen whales along the California coast, easily recognized by their mottled gray color and lack of dorsal fin. They feed in northern waters primarily off the Bering, Chukchi, and western Beaufort seas during the summer, before heading south to the breeding and calving grounds off Mexico over the winter. Between December and January, late-stage pregnant females, adult males, and immature females and males will migrate southward. The northward migration peaks between February and March. During this time, recently pregnant females, adult males, immature females, and females with calves move north to the feeding grounds (NOAA 2003). A few individuals will enter into the San Francisco Bay during their northward migration.

RSRB project monitors recorded 12 living and 2 dead gray whales, all in either the Central Bay or San Pablo Bay, and all but 2sightings occurred during the months of April and May (Winning 2008). One gray whale was sighted in June and one in October (the specific years were unreported). The Oceanic Society has tracked gray whale sightings since they began returning to the Bay regularly in the late 1990s. The Oceanic Society data show that all age classes of gray whales are entering the Bay and that they enter as singles or in groups of up to five individuals. However, the data do not distinguish between sightings of gray whales and number of individual whales (Winning 2008). It is possible that a small number of gray whales enter the Bay in any given year, typically from March to May. However, this is outside of the June to November window when pile driving would occur.

Steller Sea Lion

Steller sea lions (*Eumetopias jubatus*) have been reported at Año Nuevo Island between Santa Cruz and Half Moon Bay and at the Farallon Islands about 48 km off the coast of San Francisco (Fuller 2012). Two studies of Steller sea lion distribution did not detect individuals in San Francisco Bay. The SF Bay Subtidal Habitat Goals Report, Appendix 2–1 contains one reference to Steller sea lions in the San Francisco Bay, stating that since 1989, several hundred California sea lions have congregated in the winter on docks at Pier 39, which are on rare occasions joined by a few Steller sea lions (Cohen 2010). Over a 2-year period from 2010–2012, 16 Steller sea lions were sighted in the Bay from land or from the Golden Gate Bridge (GGCR, 2012) This species is an uncommon visitor to San Francisco Bay and is not expected to occur in the project area during construction. As a result, this species is not considered further.

Bottlenose Dolphin

The range of the bottlenose dolphin (*Tursiops truncatus*) has expanded northward along the Pacific Coast since the 1982–1983 El Niño (Carretta *et al.,* 2013; Wells and Baldridge 1990). They now occur as far north as the San Francisco Bay region and have been observed along the coast in Half Moon Bay, San Mateo, Ocean Beach in San Francisco, and Rodeo Beach in Marin County. Observations indicate that bottlenose dolphin occasionally enter San Francisco Bay, sometimes foraging for fish in Fort Point Cove, just east of the Golden Gate Bridge (Golden Gate Cetacean Research 2014). While individuals of this species occasionally enter San Francisco Bay, observations indicate that they remain in proximity to the Golden Gate near the mouth of the Bay and would not be within the project area during construction. As a result, this species is not considered further.

Table 2 lists the marine mammal species with the potential for occurrence in the vicinity of the project during the project timeframe and summarizes key information regarding stock status and abundance. None of these species are listed as threatened or endangered under the Endangered Species Act. Furthermore, they are not listed as depleted or as strategic stocks under the MMPA. Section 3 and 4 of Chevron's application contains summaries of marine mammal species' status and trends, distribution and habitat preferences, behavior and life history, and auditory capabilities. Please also refer to NMFS' Web site (*www.nmfs.noaa.gov/pr/species/mammals/*) for generalized species accounts. NMFS' Stock Assessment Reports are also available at *http://www.nmfs.noaa.gov/pr/sars,* and provide more detailed accounts of these stocks' status and abundance.

TABLE 2—MARINE MAMMALS POTENTIALLY PRESENT IN THE VICINITY OF THE PROJECT [1]

Species	Stock	ESA/MMPA status; strategic (Y/N) [2]	Stock abundance (CV/N_{min}) [3]	PBR [4]	Occurrence in/near project	Seasonal
Pacific harbor seal *Phoca vitulina*.	California Stock	-/N	30,968 (-/27,348)	1,641	Common	Year-round.
California sea lion *Zalophus californianus*.	Eastern U.S. Stock	-/N	296,750 (-/153,337)	9,200	Uncommon	Year-round.
Harbor porpoise *Phocoena phocoena*.	San Francisco-Russian River Stock.	-/N	9,886 (0.51/6,625)	66	Common in the vicinity of the Golden Gate and Richardson's Bay, Rare elsewhere.	Year-round.
Gray whale *Eschrichtius robustus*.	Eastern North Pacific Stock.	-/N	20,990 (0.05/20,125)	624	Rare to occasional	December–April.

[1] Source: Carretta *et al.* 2016.

[2] ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR (see footnote 3) or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[3] CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable. For certain stocks of pinnipeds, abundance estimates are based upon observations of animals (often pups) ashore multiplied by some correction factor derived from knowledge of the species' (or similar species') life history to arrive at a best abundance estimate; therefore, there is no associated CV. In these cases, the minimum abundance may represent actual counts of all animals ashore.

[4] Potential biological removal, defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population size (OSP).

Potential Effects of the Specified Activity on Marine Mammals and Their Habitat

This section includes a summary and discussion of the ways that components of the specified activity may impact marine mammals and their habitat. The *Estimated Take* section later in this document will include an analysis of the number of individuals that are expected to be taken by this activity. The *Negligible Impact Analyses and Determination* section will consider the content of this section, the *Estimated Take by Incidental Harassment* section, and the *Mitigation* section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

Impact pile driving may create underwater noise at levels that could injure or behaviorally disturb marine mammals. In order to assess the level of impacts of sound on marine mammals it is necessary to have a basic understanding of underwater sound characteristics and potential effects. A brief overview is provided below.

Description of Sound Sources

Sound travels in waves, the basic components of which are frequency, wavelength, velocity, and amplitude.

Frequency is the number of pressure waves that pass by a reference point per unit of time and is measured in hertz (Hz) or cycles per second. Wavelength is the distance between two peaks of a sound wave; lower frequency sounds have longer wavelengths than higher frequency sounds and attenuate (decrease) more rapidly in shallower water. Amplitude is the height of the sound pressure wave or the 'loudness' of a sound and is typically measured using the decibel (dB) scale. A dB is the ratio between a measured pressure (with sound) and a reference pressure (sound at a constant pressure, established by scientific standards). It is a logarithmic unit that accounts for large variations in amplitude; therefore, relatively small changes in dB ratings correspond to large changes in sound pressure. When referring to sound pressure levels (SPLs; the sound force per unit area), sound is referenced in the context of underwater sound pressure to 1 microPascal (μPa). One pascal is the pressure resulting from a force of one newton exerted over an area of one square meter. The source level (SL) represents the sound level at a distance of 1 m from the source (referenced to 1 μPa). The received level is the sound level at the listener's position. Note that all underwater sound levels in this document are referenced to a pressure of 1 μPa.

Root mean square (rms) is the quadratic mean sound pressure over the duration of an impulse, and is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urick 1983). Rms accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels (Hastings and Popper, 2005). This measurement is often used in the context of discussing behavioral effects, in part because behavioral effects, which often result from auditory cues, may be better expressed through averaged units than by peak pressures.

When underwater objects vibrate or activity occurs, sound-pressure waves are created. These waves alternately compress and decompress the water as the sound wave travels. Underwater sound waves radiate in all directions away from the source (similar to ripples on the surface of a pond), except in cases where the source is directional. The compressions and decompressions associated with sound waves are detected as changes in pressure by aquatic life and man-made sound receptors such as hydrophones.

Even in the absence of sound from the specified activity, the underwater environment is typically loud due to ambient sound. Ambient sound is defined as environmental background sound levels lacking a single source or point (Richardson *et al.,* 1995), and the sound level of a region is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.,* waves, earthquakes, ice, atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (*e.g.,* vessels, dredging, aircraft, construction). A number of sources contribute to ambient sound, including the following (Richardson *et al.,* 1995):

- *Wind and waves:* The complex interactions between wind and water surface, including processes such as breaking waves and wave-induced bubble oscillations and cavitation, are a main source of naturally occurring ambient noise for frequencies between 200 Hz and 50 kHz (Mitson 1995). In general, ambient sound levels tend to increase with increasing wind speed and wave height. Surf noise becomes important near shore, with measurements collected at a distance of 8.5 km from shore showing an increase of 10 dB in the 100 to 700 Hz band during heavy surf conditions.
- *Precipitation:* Sound from rain and hail impacting the water surface can become an important component of total noise at frequencies above 500 Hz, and possibly down to 100 Hz during quiet times.
- *Biological:* Marine mammals can contribute significantly to ambient noise levels, as can some fish and shrimp. The frequency band for biological contributions is from approximately 12 Hz to over 100 kHz.
- *Anthropogenic:* Sources of ambient noise related to human activity include transportation (surface vessels and aircraft), dredging and construction, oil and gas drilling and production, seismic surveys, sonar, explosions, and ocean acoustic studies. Shipping noise typically dominates the total ambient noise for frequencies between 20 and 300 Hz. In general, the frequencies of anthropogenic sounds are below 1 kHz and, if higher frequency sound levels are created, they attenuate rapidly (Richardson *et al.,* 1995). Sound from identifiable anthropogenic sources other than the activity of interest (*e.g.,* a passing vessel) is sometimes termed background sound, as opposed to ambient sound.

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise ''ambient'' or ''background'' sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.,* 1995). The result is that, depending on the source type and its intensity, sound from the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

In-water construction activities associated with the project would include impact pile driving. Underwater sounds produced by pile driving fall into one of two general sound types: Impulsive and non-impulsive (defined in the following). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.,* Ward, 1997 in Southall *et al.,* 2007). Please see Southall *et al.,* (2007) for an in-depth discussion of these concepts. Only impulsive sound is described as part of this notice of proposed IHA.

Impulsive sound sources (*e.g.,* explosions, gunshots, sonic booms, impact pile driving) produce signals that are brief (typically considered to be less than one second), broadband, atonal transients (ANSI, 1986; Harris, 1998; NIOSH, 1998; ISO, 2003; ANSI, 2005) and occur either as isolated events or repeated in some succession. Impulsive sounds are all characterized by a relatively rapid rise from ambient pressure to a maximal pressure value followed by a rapid decay period that may include a period of diminishing, oscillating maximal and minimal pressures, and generally have an increased capacity to induce physical injury as compared with sounds that lack these features.

Impact hammers used as part of the proposed project operate by repeatedly dropping a heavy piston onto a pile to drive the pile into the substrate. Sound generated by impact hammers is characterized by rapid rise times and high peak levels, a potentially injurious combination (Hastings and Popper 2005).

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals, and exposure to sound can have deleterious effects. To appropriately assess these potential effects, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten 1999; Au and Hastings 2008). To reflect this, Southall *et al.,* (2007) recommended that marine mammals be divided into functional hearing groups based on measured or estimated hearing ranges on the basis of available behavioral data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. The lower and/or upper frequencies for some of these functional hearing groups have been modified from those designated by Southall *et al.,* (2007), and the revised generalized hearing ranges are presented in the new Guidance. The functional hearing groups and the associated frequencies are indicated in Table 3 below.

TABLE 3—MARINE MAMMAL HEARING GROUPS AND THEIR GENERALIZED HEARING RANGE

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, *Kogia,* river dolphins, cephalorhynchid, *Lagenorhynchus cruciger* and *L. australis*).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.,* 2007) and PW pinniped (approximation).

Acoustic Effects, Underwater

Potential Effects of Pile Driving Sound—The effects of sounds from pile driving might result in one or more of the following: Temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, and masking (Richardson *et al.,* 1995; Gordon *et al.,* 2004; Nowacek *et al.,* 2007; Southall *et al.,* 2007). The effects of pile driving on marine mammals are dependent on several factors, including the size, type, and depth of the animal; the depth, intensity, and duration of the pile driving sound; the depth of the water column; the substrate of the habitat; the standoff distance between the pile and the animal; and the sound propagation properties of the environment. Impacts to marine mammals from pile driving activities are expected to result primarily from acoustic pathways. As such, the degree of effect is intrinsically related to the received level and duration of the sound exposure, which are in turn influenced by the distance between the animal and the source. The further away from the source, the less intense the exposure should be. The substrate and depth of the habitat affect the sound propagation properties of the environment. Shallow environments are typically more structurally complex, which leads to rapid sound attenuation. In addition, substrates that are soft (*e.g.,* sand) would absorb or attenuate the sound more readily than hard substrates (*e.g.,* rock) which may reflect the acoustic wave. Soft porous substrates would also likely require less time to drive the pile, and possibly less forceful equipment, which would ultimately decrease the intensity of the acoustic source.

In the absence of mitigation, impacts to marine species would be expected to result from physiological and behavioral responses to both the type and strength of the acoustic signature (Viada *et al.,* 2008). The type and severity of behavioral impacts are more difficult to define due to limited studies addressing the behavioral effects of impulsive sounds on marine mammals. Potential effects from impulsive sound sources can range in severity from effects such as behavioral disturbance or tactile perception to physical discomfort, slight injury of the internal organs and the auditory system, or mortality (Yelverton *et al.,* 1973).

Hearing Impairment and Other Physical Effects—Marine mammals exposed to high intensity sound repeatedly or for prolonged periods can experience hearing threshold shift (TS), which is defined as ''a change, usually an increase, in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level'' (NMFS, 2016). The amount of threshold shift is customarily expressed in decibels (ANSI 1995, Yost 2007). A TS can be permanent (PTS) or temporary (TTS). PTS is a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS 2016). TTS is a temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS 2016).

Marine mammals depend on acoustic cues for vital biological functions (*e.g.,* orientation, communication, finding prey, avoiding predators); thus, TTS may result in reduced fitness in survival and reproduction. However, this depends on the frequency and duration of TTS, as well as the biological context in which it occurs. TTS of limited duration, occurring in a frequency range that does not coincide with that used for recognition of important acoustic cues, would have little to no effect on an animal's fitness. Repeated sound exposure that leads to TTS could cause PTS. PTS constitutes injury, but TTS does not (Southall *et al.,* 2007). The following subsections discuss in somewhat more detail the possibilities of TTS, PTS, and non-auditory physical effects.

Temporary Threshold Shift—TTS is the mildest form of hearing impairment that can occur during exposure to a strong sound (Kryter 1985). While experiencing TTS, the hearing threshold rises, and a sound must be stronger in order to be heard. In terrestrial mammals, TTS can last from minutes or hours to days (in cases of strong TTS). For sound exposures at or somewhat above the TTS threshold, hearing sensitivity in both terrestrial and marine mammals recovers rapidly after exposure to the sound ends.

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of

threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious. For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that occurs during a time where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin (*Tursiops truncatus*), beluga whale (*Delphinapterus leucas*), harbor porpoise (*Phocoena phocoena*), and Yangtze finless porpoise (*Neophocaena asiaeorientalis*)) and three species of pinnipeds (northern elephant seal (*Mirounga angustirostris*), harbor seal *(Phoca vitulina*) and California sea lion (*Zalophus californianus*)) exposed to a limited number of sound sources (*i.e.,* mostly tones and octave-band noise) in laboratory settings (*e.g.,* Finneran, 2016; Finneran *et al.,* 2002; Finneran and Schlundt, 2010, 2013; Nachtigall *et al.,* 2004; Kastaket *et al.,* 2005; Lucke *et al.,* 2009; Popov *et al.,* 2011). In general, harbor seals and harbor porpoises have a lower TTS onset than other measured pinniped or cetacean species (Kastak *et al.,* 2005; Kastelein *et al.,* 2011, 2012a, 2012b, 2013a, 2013b, 2014a, 2014b, 2015a, 2015b, 2015c, 2016). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species. There are no data available on noise-induced hearing loss for mysticetes. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Southall *et al.,* (2007), Finneran and Jenkins (2012), and Finneran (2016).

Permanent Threshold Shift—When PTS occurs, there is physical damage to the sound receptors in the ear. In severe cases, there can be total or partial deafness, while in other cases the animal has an impaired ability to hear sounds in specific frequency ranges (Kryter 1985). There is no specific evidence that exposure to pulses of sound can cause PTS in any marine mammal. However, given the possibility that mammals close to a sound source might incur TTS, there has been further speculation about the possibility that some individuals might incur PTS. Single or occasional occurrences of mild TTS are not indicative of permanent auditory damage, but repeated or (in some cases) single exposures to a level well above that causing TTS onset might elicit PTS.

Relationships between TTS and PTS thresholds have not been studied in marine mammals but are assumed to be similar to those in humans and other terrestrial mammals. Available data from humans and other terrestrial mammals indicate that a 40 dB threshold shift approximates PTS onset (see Ward *et al.,* 1958, 1959; Ward 1960; Kryter *et al.,* 1966; Miller 1974; Ahroon *et al.,* 1996; Henderson *et al.,* 2008).

PTS onset acoustic thresholds for marine mammals have not been directly measured and must be extrapolated from available TTS onset measurements. Thus, based on cetacean measurements from TTS studies (see Southall *et al.,* 2007; Finneran, 2015; Finneran, 2016 (found in Appendix A of the Guidance)) a threshold shift of 6 dB is considered the minimum threshold shift clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability and is typically the minimum amount of threshold shift that can be differentiated in most experimental conditions (Finneran *et al.,* 2000; Schlundt *et al.,* 2000; Finneran *et al.,* 2002).

Measured peak underwater source levels from impact pile driving can be as high as 214 dB re 1 μPa (Laughlin 2011). Although no marine mammals have been shown to experience TTS or PTS as a result of being exposed to pile driving activities, captive bottlenose dolphins and beluga whales exhibited changes in behavior when exposed to strong-pulsed sounds (Finneran *et al.,* 2000, 2002, 2005). The animals tolerated high received levels of sound before exhibiting aversive behaviors. Experiments on a beluga whale showed that exposure to a single watergun impulse at a received level of 207 kilopascal (kPa) (30 psi) peak-to-peak (p-p), which is equivalent to 228 dB p-p, resulted in a 7 and 6 dB TTS in the beluga whale at 0.4 and 30 kHz, respectively. Thresholds returned to within 2 dB of the pre-exposure level within four minutes of the exposure (Finneran *et al.,* 2002). Although the source level of pile driving from one hammer strike is expected to be much lower than the single watergun impulse cited here, animals being exposed for a prolonged period to repeated hammer strikes could receive more sound exposure in terms of sound exposure level (SEL) than from the single watergun impulse (estimated at 188 dB re 1 μPa^2-s) in the aforementioned experiment (Finneran *et al.,* 2002). However, in order for marine mammals to experience TTS or PTS, the animals have to be close enough to be exposed to high intensity sound levels for a prolonged period.

Non-auditory Physiological Effects—Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to strong underwater sound include stress, neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage (Cox *et al.,* 2006; Southall *et al.,* 2007). Studies examining such effects are limited. In general, little is known about the potential for pile driving to cause auditory impairment or other physical effects in marine mammals. Available data suggest that such effects, if they occur at all, would presumably be limited to short distances from the sound source and to activities that extend over a prolonged period. The available data do not allow identification of a specific exposure level above which non-auditory effects can be expected (Southall *et al.,* 2007) or any meaningful quantitative predictions of the numbers (if any) of marine mammals that might be affected in those ways. Marine mammals that show behavioral avoidance of pile driving, including some odontocetes and some pinnipeds, are especially unlikely to incur auditory impairment or non-auditory physical effects. Given the modest number of piles that will be driven, limited driving time per pile, short duration of the project, relatively low sound source levels, and small Level A (injury) harassment zones, NMFS is confident that marine mammals would not experience auditory or non-acoustic physiological impacts.

Disturbance Reactions

Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.,* minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.,* Richardson *et al.,*1995; Wartzok *et al.,* 2003; Southall *et al.,* 2007; Weilgart, 2007; Archer *et al.,* 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous

experience with a sound source, context, and numerous other factors (Ellison *et al.,* 2012), and can vary depending on characteristics associated with the sound source (*e.g.,* whether it is moving or stationary, number of sources, distance from the source). Please see Appendices B–C of Southall *et al.,* (2007) for a review of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.,* 2003). Animals are most likely to habituate to sounds that are predictable and unvarying. It is important to note that habituation is appropriately considered as a ''progressive reduction in response to stimuli that are perceived as neither aversive nor beneficial,'' rather than as, more generally, moderation in response to human disturbance (Bejder *et al.,* 2009). The opposite process is sensitization, when an unpleasant experience leads to subsequent responses, often in the form of avoidance, at a lower level of exposure. Behavioral state may affect the type of response as well. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.,* 1995; NRC, 2003; Wartzok *et al.,* 2003). Controlled experiments with captive marine mammals showed pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.,* 1997; Finneran *et al.,* 2003). Observed responses of wild marine mammals to loud pulsed sound sources (typically seismic guns or acoustic harassment devices, but also including pile driving) have been varied but often consist of avoidance behavior or other behavioral changes suggesting discomfort (Morton and Symonds 2002; Thorson and Reyff 2006; see also Gordon *et al.,* 2004; Wartzok *et al.,* 2003; Nowacek *et al.,* 2007).

With both types of pile driving, it is likely that the onset of pile driving could result in temporary, short-term changes in an animal's typical behavior and/or avoidance of the affected area. These behavioral changes may include (Richardson *et al.,* 1995): Changing durations of surfacing and dives, number of blows per surfacing (cetaceans only), or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior; avoidance of areas where sound sources are located; and/or flight responses (*e.g.,* pinnipeds flushing into water from haul-outs or rookeries). Pinnipeds may increase the amount of time spent hauled out, possibly to avoid in-water disturbance (Thorson and Reyff 2006). Since pile driving would likely only occur for a few hours a day, over a short period, it is unlikely to result in permanent displacement. Any potential impacts from pile driving activities could be experienced by individual marine mammals, but would not be likely to cause population level impacts, or affect the long-term fitness of the species.

The biological significance of many of these behavioral disturbances is difficult to predict, especially if the detected disturbances appear minor. However, the consequences of behavioral modification could be expected to be biologically significant if the change affects growth, survival, or reproduction. Significant behavioral modifications that could potentially lead to effects on growth, survival, or reproduction include:

- Drastic changes in diving/surfacing patterns (such as those thought to cause beaked whale stranding due to exposure to military mid-frequency tactical sonar);
- Habitat abandonment due to loss of desirable acoustic environment; and
- Cessation of feeding or social interaction.

The onset of behavioral disturbance from anthropogenic sound depends on both external factors (characteristics of sound sources and their paths) and the specific characteristics of the receiving animals (hearing, motivation, experience, demography) and is difficult to predict (Southall *et al.,* 2007).

Stress Responses

An animal's perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses (*e.g.,* Seyle 1950; Moberg 2000). In many cases, an animal's first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a significant long-term effect on an animal's fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (*e.g.,* Moberg 1987; Blecha 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.,* 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and ''distress'' is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficient to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments and for both laboratory and free-ranging animals (*e.g.,* Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker 2000; Romano *et al.,* 2002b) and, more rarely, studied in wild populations (*e.g.,* Romano *et al.,* 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. These and other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as ''distress.'' In addition, any animal experiencing TTS would likely also experience stress responses (NRC 2003).

Auditory Masking

Natural and artificial sounds can disrupt behavior by masking, or interfering with, a marine mammal's ability to hear other sounds. Masking occurs when the receipt of a sound is interfered with by another coincident

sound at similar frequencies and at similar or higher levels. Chronic exposure to excessive, though not high-intensity, sound could cause masking at particular frequencies for marine mammals that utilize sound for vital biological functions. Masking can interfere with detection of acoustic signals such as communication calls, echolocation sounds, and environmental sounds important to marine mammals. Therefore, under certain circumstances, marine mammals whose acoustical sensors or environment are being severely masked could also be impaired from maximizing their performance fitness in survival and reproduction. If the coincident (masking) sound were man-made, it could be potentially harassing if it disrupted hearing-related behavior. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs during the sound exposure. Because masking (without resulting in TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect.

The frequency range of the potentially masking sound is important in determining any potential behavioral impacts. Because sound generated from in-water pile driving is mostly concentrated at low frequency ranges, it may affect detection of communication calls and other potentially important natural sounds such as surf and prey sound. It may also affect communication signals when they occur near the sound band and thus reduce the communication space of animals (*e.g.,* Clark *et al.,* 2009) and cause increased stress levels (*e.g.,* Foote *et al.,* 2004; Holt *et al.,* 2009).

Masking has the potential to impact species at the population or community levels as well as at individual levels. Masking affects both senders and receivers of the signals and can potentially have long-term chronic effects on marine mammal species and populations. Recent research suggests that low frequency ambient sound levels have increased by as much as 20 dB (more than three times in terms of SPL) in the world's ocean from pre-industrial periods, and that most of these increases are from distant shipping (Hildebrand 2009). All anthropogenic sound sources, such as those from vessel traffic, pile driving, and dredging activities, contribute to the elevated ambient sound levels, thus intensifying masking.

The most intense underwater sounds in the proposed action are those produced by impact pile driving. Given that the energy distribution of pile driving covers a broad frequency spectrum, sound from these sources would likely be within the audible range of marine mammals present in the project area. Impact pile driving activity is relatively short-term, with rapid pulses occurring for approximately twenty minutes per pile.

Anticipated Effects on Habitat

The proposed project would result in small net increase in bay fill of approximately 0.01 acre of benthic habitat due to the placement of piles. The piles would generally be placed within the existing footprint of the Long Wharf. This would not have a measurable influence on habitat for marine mammals in the Bay. A temporary, small-scale loss of foraging habitat may occur for marine mammals if marine mammals leave the area during pile driving activities. Acoustic energy created during pile replacement work would have the potential to disturb fish within the vicinity of the pile replacement work. As a result, the affected area could have a temporarily decreased foraging value to marine mammals. During pile driving, high noise levels may exclude fish from the vicinity of pile driving; Hastings and Popper (2005) identified several studies that suggest fish will relocate to avoid areas of damaging noise energy. An analysis of potential noise output of the proposed project indicates that the distance from underwater pile driving at which noise has the potential to cause temporary hearing loss in fish ranges from approximately 10 to 158 m (32 ft to 520 ft) from pile driving activity, depending on the type of pile. Therefore, if fish leave the area of disturbance, pinniped foraging habitat may have temporarily decreased foraging value when piles are driven.

The duration of fish avoidance of this area after pile driving stops is unknown. However, the affected area represents an extremely small portion of the total area within foraging range of marine mammals that may be present in the project area.

As such, the main impact associated with the proposed activity would be temporarily elevated sound levels and the associated direct effects on marine mammals, as discussed previously in this document. The most likely impact to marine mammal habitat occurs from pile driving effects on likely marine mammal prey (*i.e.,* fish) near the project location, and minor impacts to the immediate substrate during installation and removal of piles during the dock construction project.

Effects on Potential Prey—Construction activities would produce impulsive sounds. Fish react to sounds that are especially strong and/or intermittent low-frequency sounds. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. Hastings and Popper (2005) identified several studies that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of pile driving on fish, although several are based on studies in support of large, multiyear bridge construction projects (*e.g.,* Scholik and Yan, 2001, 2002; Popper and Hastings, 2009) and are therefore not directly comparable with the proposed project. Sound pulses at received levels of 160 dB may cause subtle changes in fish behavior. SPLs of 180 dB may cause noticeable changes in behavior (Pearson *et al.,* 1992; Skalski *et al.,* 1992). SPLs of sufficient strength have been known to cause injury to fish and fish mortality. In general, impacts to marine mammal prey species from the proposed project are expected to be minor and temporary due to the relatively short timeframe of four days of pile driving activities for a total of 160 minutes that would occur under the proposed IHA.

The most likely impact to fish from pile driving activities at the project area would be temporary behavioral avoidance of the area. The duration of fish avoidance of this area after pile driving stops is unknown, but a rapid return to normal recruitment, distribution and behavior is anticipated.

Effects on Potential Foraging Habitat—San Francisco Bay is classified as Essential Fish Habitat (EFH) under the Magnuson-Stevens Fisheries Conservation and Management Act, as amended by the Sustainable Fisheries Act. The EFH provisions of the Sustainable Fisheries Act are designed to protect fisheries habitat from being lost due to disturbance and degradation. The act requires implementation of measures to conserve and enhance EFH. San Francisco Bay, including the area of the project, is classified as EFH for 20 species of commercially important fish and sharks that are federally managed under three fisheries management plans (FMPs): Coastal Pelagic, Pacific Groundfish, and Pacific Coast Salmon (Table 9–1 in the Application). The Pacific Coast Salmon FMP includes Chinook salmon.

In addition to EFH designations, San Francisco Bay is designated as a Habitat Area of Particular Concern (HAPC) for various fish species within the Pacific Groundfish and Coastal Pelagic FMPs, as this estuarine system serves as breeding and rearing grounds important to these fish stocks. A number of these

fish species are prey species for pinnipeds.

Given the short duration of increased underwater noise levels and small project footprint associated with the proposed project, there is not likely to be a permanent, adverse effect on EFH. Therefore, the project is not likely to have a permanent, adverse effect on marine mammal foraging habitat.

Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in San Francisco Bay. While the proposed project would result in a small net increase in Bay fill of approximately 0.01 acre of benthic foraging habitat, this would not have a measurable influence on habitat for marine mammals in the Bay.

In summary, given the short duration of sound associated with individual pile driving events and the relatively small area that would be affected, pile driving activities associated with the proposed action are not likely to have a permanent, adverse effect on any fish habitat, or populations of fish species. Thus, any impacts to marine mammal habitat are not expected to cause significant or long-term consequences for individual marine mammals or their populations.

Estimated Take

This section includes an estimate of the number of incidental ''takes'' proposed for authorization pursuant to this IHA, which will inform both NMFS' consideration of whether the number of takes is ''small'' and the negligible impact determination.

Harassment is the primary means of take expected to result from these activities. Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

As described previously in the *Effects* section, Level B Harassment is expected to occur and is proposed to be authorized for select species in numbers identified below. Based on the nature of the activity and the anticipated effectiveness of the mitigation measures, Level A harassment is neither anticipated nor proposed to be authorized.

In order to estimate the potential incidents of take that may occur incidental to the specified activity, we must first estimate the extent of the sound field that may be produced by the activity and then consider the sound field in combination with information about marine mammal density or abundance in the project area. We first provide information on applicable sound thresholds for determining effects to marine mammals before describing the information used in estimating the sound fields, the available marine mammal density or abundance information, and the method of estimating potential incidences of take

Sound Thresholds—NMFS uses sound exposure thresholds to determine when an activity that produces underwater sound might result in impacts to a marine mammal such that a ''take'' by harassment might occur. On August 4, 2016, NMFS released its Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Guidance) (81 FR 51694) (available at *http://www.nmfs.noaa.gov/pr/acoustics/guidelines.htm*). This new guidance established new thresholds for predicting auditory injury, which equates to Level A harassment under the MMPA. As will be discussed below, NMFS has revised PTS (and TTS) onset acoustic thresholds for impulsive and non-impulsive sound as part of its new acoustic guidance. The Guidance does not address Level B harassment; therefore, NMFS uses the current acoustic exposure criteria to determine exposure to underwater noise sound pressure levels for Level B harassment (Table 4).

During the installation of piles, the project has the potential to increase airborne noise levels. Airborne pile-driving RMS noise levels above the NMFS airborne noise thresholds are not expected to extend to the Castro Rocks haul-out site, which is located 650 m north of Long Wharf. In addition, the Castro Rocks haul out is subject to high levels of background noise from the Richmond Bridge, ongoing vessel activity at the Long Wharf, ferry traffic, and other general boat traffic. Any pinnipeds that surface in the area over which the airborne noise thresholds may be exceeded would have already been exposed to underwater noise levels above the applicable thresholds and thus would not result in an additional incidental take. Airborne noise is not considered further.

Source Levels—Pile driving generates underwater noise that can potentially result in disturbance to marine mammals in the project area. In order to establish distances to PTS and behavioral harassment isopleths, the sound source level associated with a specific pile driving activity must be measured directly or estimated using proxy information. The intensity of pile driving sounds is greatly influenced by factors such as the material type and dimension of piles. To estimate the noise effects of the 24-inch square concrete piles proposed for use in Year 1 of this project, Chevron reviewed sound pressure levels (SPLs) from other projects conducted under similar circumstances. These projects include the Pier 40 Berth Construction in San Francisco, and the Berth 22 and Berth 32 reconstruction projects at the Port of Oakland. However, NMFS elected to use data from only the Pier 40 project since 24-inch square concrete piles were installed at that location. At Berth 22 and Berth 32, 24-inch octagonal concrete piles were installed. The differences in pile shape may result in varying SPLs. Impact pile driving at Pier 40 resulted in measured RMS values ranging from 162–174 dB and peak SPLs from 172 to 186 dB. SEL measurements were not recorded. From Pier 40, NMFS selected a RMS value of 170 dB, which was the average of the eight piles tested, excluding 2 piles that utilized ''jetting''. Jetting consists of employing a carefully directed and pressurized flow of water to assist in pile placement by liquefying soils at the pile tip during pile placement. Jetting tends to increase driving efficiency while decreasing sound levels and will not be utilized by Chevron during this project. NMFS used an identical approach to arrive at an average peak value of 181 dB.

Based on Pier 40 Results

Sound Propagation—Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

$$TL = B * \log_{10} (R_1/R_2),$$

Where:

R1 = the distance of the modeled SPL from the driven pile, and

R2 = the distance from the driven pile of the initial measurement.

This formula neglects loss due to scattering and absorption, which is assumed to be zero here. The degree to which underwater sound propagates away from a sound source is dependent on a variety of factors, most notably the water bathymetry and presence or

absence of reflective or absorptive conditions including in-water structures and sediments. Spherical spreading occurs in a perfectly unobstructed (free-field) environment not limited by depth or water surface, resulting in a 6 dB reduction in sound level for each doubling of distance from the source (20*log(range)). Cylindrical spreading occurs in an environment in which sound propagation is bounded by the water surface and sea bottom, resulting in a reduction of 3 dB in sound level for each doubling of distance from the source (10*log(range)). As is common practice in coastal waters, here we assume practical spreading loss (4.5 dB reduction in sound level for each doubling of distance) here. Practical spreading is a compromise that is often used under conditions where water increases with depth as the receiver moves away from the shoreline, resulting in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions.

Level A Zone—Chevron's Level A harassment zone was calculated by utilizing the methods presented in Appendix D of NMFS' Guidance and the accompanying User Spreadsheet. The Guidance provides updated PTS onset thresholds using the cumulative SEL (SEL_{cum}) metric, which incorporates marine mammal auditory weighting functions, to identify the received levels, or acoustic thresholds, at which individual marine mammals are predicted to experience changes in their hearing sensitivity for acute, incidental exposure to all underwater anthropogenic sound sources. The Guidance (Appendix D) and its companion User Spreadsheet provide alternative methodology for incorporating these more complex thresholds and associated weighting functions.

The User Spreadsheet accounts for weighting functions using Weighting Factor Adjustments (WFAs), and NMFS used the recommended values for impact driving therein (2 kHz). Pile driving durations were estimated based on similar project experience. NMFS' new acoustic thresholds use dual metrics of SELcum and peak sound level (PK) for impulsive sounds (*e.g.,* impact pile driving). The noise levels noted above were used in the Spreadsheet for 24-inch square concrete piles. It was estimated that two piles would be installed in one 24-hr workday with installation for each pile requiring approximately 300 blows. NMFS used an RMS of 170 dB and pulse duration of 0.1 seconds. Measured SEL values were not available for 24-inch square concrete piles.

Utilizing the User Spreadsheet, NMFS applied the updated PTS onset thresholds for impulsive PK and SELcum in the new acoustic guidance to determine distance to the isopleths for PTS onset for impact pile driving. In determining the cumulative sound exposure levels, the Guidance considers the duration of the activity, the sound exposure level produced by the source during a 24-hr period, and the generalized hearing range of the receiving species. In the case of the duel metric acoustic thresholds for impulsive sound, the larger of the two isopleths for calculating PTS onset is used. Results in Table 4 display the Level A injury zones for the various hearing groups.

TABLE 4—INJURY ZONES AND SHUTDOWN ZONES FOR HEARING GROUPS ASSOCIATED WITH INSTALLATION OF 24-INCH CONCRETE PILES VIA IMPACT DRIVING

Hearing group	Low-frequency cetaceans (gray whale)	Mid-frequency cetaceans	High-frequency cetaceans (harbor porpoise)	Phocid pinnipeds (harbor seal)	Otariid pinnipeds (CA sea lion)
PTS Onset Acoustic Thresholds—Impulsive * (Received Level).	Lpk,flat: 219 dB ..... L_E,LF,24h: 183 dB	Lpk,flat: 230 dB ..... L_E,MF,24h: 185 dB ...	Lpk,flat: 202 dB ..... L_E,HF,24h: 155 dB	Lpk,flat: 218 dB ..... L_E,PW,24h: 185 dB ...	Lpk,flat: 232 dB. L_E,OW,24h: 203 dB.
PTS Isopleth to threshold (m).	20.8	0.7	24.8	11.1	0.8.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μPa, and cumulative sound exposure level (L_E) has a reference value of 1 $\mu Pa^2 s$. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

The zone of influence (ZOI) refers to the area(s) in which SPLs equal or exceed NMFS' current Level B harassment thresholds (160 dB for impulse sound). Calculated radial distances to the 160 dB threshold assume a field free of obstruction. Assuming a source level of 170 dB RMS, installation of the 24-inch concrete piles is expected to produce underwater sound exceeding the Level B 160 dB RMS threshold over a distance of 46 meters (150 feet) (Table 5).

TABLE 5—ISOPLETH FOR LEVEL B HARASSMENT ASSOCIATED WITH IMPACT DRIVING OF 24-INCH CONCRETE PILES

Criterion	Definition	Threshold	Isopleth (distance from source)
Level B harassment	Behavioral disruption	160 dB RMS (impulse sources)	46 m

Density/Abundance—Data specifying a marine mammal's density or abundance in a given area can often be used to generate exposure estimates. However, no systematic line transect surveys of marine mammals have been performed in the San Francisco Bay near the project site. Density information for marine mammal species has been generated by Caltrans based on 15 years (2000–2015) of observations as part of the San Francisco-Oakland Bay Bridge replacement project (Caltrans 2016). The data revealed densities of 0.00004 animals/km^2 for gray whale, 0.021 animals/km^2 for harbor porpoise, 0.09 animals/km^2 for California sea lion, and 0.17 animals/km^2 for harbor seal. Utilization of these data to develop exposure estimates results in very small exposure values. Despite the near zero estimate provided through use of the Caltrans density data, local observational data leads us to believe that this estimate may not be accurate in illustrating the potential for take at this particular site, so we have to use other information. Instead, NMFS relied on local observational data as described below.

Take Estimate—The estimated number of marine mammals that may be exposed to noise at levels expected to result in take as defined in the MMPA is determined by comparing the calculated areas over which the Level B harassment threshold may be exceeded, as described above, with the expected distribution of marine mammal species within the vicinity of the proposed project. NMFS calculated take qualitatively utilizing observational data taken during marine mammal monitoring associated with the RSRB retrofit project, the San Francisco-Oakland Bay Bridge replacement project, and other marine mammal observations for San Francisco Bay. As described previously in the *Effects* section, Level B Harassment is expected to occur and is proposed to be authorized in the numbers identified below.

Pacific Harbor Seal

Castro Rocks is the largest harbor seal haul out site in the northern part of San Francisco Bay and is the second largest pupping site in the Bay (Green *et al.,* 2002). The pupping season is from March to June in San Francisco Bay. During the molting season (typically June–July and coinciding with the period when piles will be driven) as many as 129 harbor seals have been observed using Castro Rocks as a haul out. Harbor seals are more likely to be hauled out in the late afternoon and evening, and are more likely to be in the water during the morning and early afternoon (Green *et al.,* 2002). However, during the molting season, harbor seals spend more time hauled out and tend to enter the water later in the evening. During molting, harbor seals can stay onshore resting for an average of 12 hours per day during the molt compared to around 7 hours per day outside of the pupping/molting seasons (NPS 2014).

Tidal stage is a major controlling factor of haul out usage at Castro Rocks with more seals present during low tides than high tide periods (Green *et al.,* 2002). Additionally, the number of seals hauled out at Castro Rocks also varies with the time of day, with proportionally more animals hauled out during the nighttime hours (Green *et al.* 2002). Therefore, the number of harbor seals in the water around Castro Rocks will vary throughout the work period. The take estimates are based on the highest number of harbor seals observed at Castro Rocks during 2007 to 2012 annual surveys (approximately 129 seals). Without site-specific data, it is impossible to determine how many hauled out seals enter the water and, of those, how many enter into the Level B harassment area. Given the relatively small size of the Level B harassment area compared to the large expanse of Bay water that is available to the seals, NMFS will assume that no more than 6 seals per day would enter into the Level B harassment area during the 40 minutes of pile driving per day scheduled to occur over 4 days. Therefore, NMFS proposes that up to 6 seals per day may be exposed to Level B harassment over 4 days of impact driving, resulting in a total of 24 takes.

California Sea Lion

Relatively few California sea lions are expected to be present in the project area during periods of pile driving, as there are no haul-outs utilized by this species in the vicinity. However, monitoring for the RSRB did observe small numbers of this species in the north and central portions of the Bay during working hours. During monitoring that occurred over a period of May 1998 to February 2002, California sea lions were sighted at least 90 times in the northern portion of the Central Bay and at least 57 times near the San Francisco-Oakland Bay Bridge in the Central Bay. During monitoring for the San Francisco-Oakland Bay Bridge Project in the Central Bay, California sea lions were observed on 69 occasions in the vicinity of the bridge over a 14-year period from 2000–2014 (Caltrans 2015b). The limited data regarding these observations do not allow a quantitative assessment of potential take. Given the limited driving time, low number of sea lions that are likely to be found in the northern part of the Bay, and small size of the level B zone, NMFS is proposing a total of 2 California sea lion takes.

Harbor Porpoise

A small but growing population of harbor porpoises utilizes San Francisco Bay. Harbor porpoises are typically spotted in the vicinity of Angel Island and the Golden Gate Bridge (6 and 12 km southwest respectively) (Keener 2011), but may utilize other areas in the Central Bay in low numbers, including the project area. The density and frequency of this usage throughout the Bay is unknown. For this proposed IHA, NMFS is not authorizing take of any harbor porpoise since the proposed exclusion zone will be conservatively set at 50 m, which is larger than the Level B zone isopleth of 46 m, and take can be avoided.

Gray Whale

The only whale species that enters San Francisco bay with any regularity is the gray whale. Gray whales occasionally enter the Bay during their northward migration period, and are most often sighted in the Bay between February and May. Most venture only about 2 to 3 km past the Golden Gate Bridge, but gray whales have occasionally been sighted as far north as San Pablo Bay. Impact pile driving is not expected to occur during this time, however, and gray whales are not likely to be present at other times of year. Furthermore, the proposed exclusion zone of 50 m for this species is larger than the Level B zone isopleth of 46 m. As such, NMFS is not proposing to authorize any gray whale take.

Table 6 shows estimated Level B take for authorized species.

TABLE 6—SUMMARY OF ESTIMATED TAKE BY SPECIES

[Level B Harassment]

Pile type	Pile driver type	Number of piles	Number of driving days	Species	
				Harbor seal	CA sea lion
24-inch square concrete	Impact	8	4	24	2

Mitigation

Under section 101(a)(5)(D) of the MMPA, NMFS shall prescribe the ''permissible methods of taking by harassment pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for subsistence uses.''

To ensure that the ''least practicable impact'' will be achieved, NMFS evaluates mitigation measures in consideration of the following factors in relation to one another: The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, their habitat, and their availability for subsistence uses (latter where relevant); the proven or likely efficacy of the measures; and the practicability of the measures for applicant implementation.

Mitigation for Mammals and Their Habitat

The following measures would apply to Chevron's mitigation through the exclusion zone and zone of influence ZOI:

Time Restriction—For all in-water pile driving activities, Chevron shall operate only during daylight hours when visual monitoring of marine mammals can be conducted.

Seasonal Restriction—To minimize impacts to listed fish species, pile-driving activities would occur between June 1 and November 30.

Exclusion Zone—For all pile driving activities, Chevron will establish an exclusion zone intended to contain the area in which Level A harassment thresholds are exceeded. The purpose of the exclusion zone is to define an area within which shutdown of construction activity would occur upon sighting of a marine mammal within that area (or in anticipation of an animal entering the defined area), thus preventing potential injury of marine mammals. The calculated distance to Level A harassment isopleths threshold during impact pile driving, assuming a maximum of 2 piles per day is 25 m for harbor porpoise; 11.1 m for harbor seal; 0.8 m for California sea lion, and; 20.8 m for gray whales.

NMFS proposes to require a 15 m exclusion zone for harbor seals and California sea lions. In order to prevent any take of the cetacean species, a 50 m exclusion zone is proposed for harbor porpoises and gray whales. A shutdown will occur prior to a marine mammal entering the shutdown zones. Activity will cease until the observer is confident that the animal is clear of the shutdown zone. The animal will be considered clear if:

- It has been observed leaving the shutdown zone; or
- It has not been seen in the shutdown zone for 30 minutes for cetaceans and 15 minutes for pinnipeds.

10-meter Shutdown Zone—During the in-water operation of heavy machinery (*e.g.,* barge movements), a 10-m shutdown zone for all marine mammals will be implemented. If a marine mammal comes within 10 m, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions.

Level B Harassment Zone (Zone of Influence)—The ZOI refers to the area(s) in which SPLs equal or exceed NMFS' current Level B harassment thresholds (160 dB rms for pulse sources). ZOIs provide utility for monitoring that is conducted for mitigation purposes (*i.e.,* exclusion zone monitoring) by establishing monitoring protocols for areas adjacent to the exclusion zone. Monitoring of the ZOI enables observers to be aware of, and communicate about, the presence of marine mammals within the project area but outside the exclusion zone and thus prepare for potential shutdowns of activity should those marine mammals approach the exclusion zone. However, the primary purpose of ZOI monitoring is to allow documentation of incidents of Level B harassment; ZOI monitoring is discussed in greater detail later (see *Monitoring and Reporting*). The modeled radial distances for the ZOI for impact pile driving of 24-inch square concrete piles is 46 m. NMFS proposes a 50 m Level B zone for harbor seals and California sea lions.

In order to document observed incidents of harassment, monitors will record all marine mammals observed within the ZOI. Due to the relatively small ZOI and to the monitoring locations chosen by Chevron we expect that two monitors will be able to observe the entire ZOI.

Ramp up/Soft-start—A ''soft-start'' technique is intended to allow marine mammals to vacate the area before the pile driver reaches full power. For impact driving, an initial set of three strikes would be made by the hammer at reduced energy, followed by a 30-sec waiting period, then two subsequent three- strike sets before initiating continuous driving. Soft start will be required at the beginning of each day's impact pile driving work and at any time following a cessation of impact pile driving of thirty minutes or longer.

Pile Caps/Cushions—Chevron will employ the use of pile caps or cushions as sound attenuation devices to reduce impacts from sound exposure during impact pile driving.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has preliminarily determined that the proposed mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth, ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

• Occurrence of marine mammal species or stocks in the action area (*e.g.,* presence, abundance, distribution, density).

• Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas).

• Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors.

• How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks.

• Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat).

• Mitigation and monitoring effectiveness.

Chevron will collect sighting data and will record behavioral responses to construction activities for marine mammal species observed in the project location during the period of activity. Monitoring will be conducted by qualified marine mammal observers (MMO), who are trained biologists, with the following minimum qualifications:

• Independent observers (*i.e.,* not construction personnel) are required;

• At least one observer must have prior experience working as an observer;

• Other observers may substitute education (undergraduate degree in biological science or related field) or training for experience;

• Ability to conduct field observations and collect data according to assigned protocols;

• Experience or training in the field identification of marine mammals, including the identification of behaviors;

• Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;

• Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates and times when in-water construction activities were suspended to avoid potential incidental injury from construction sound of marine mammals observed within a defined shutdown zone; and marine mammal behavior;

• Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary; and

• NMFS will require submission and approval of observer CVs.

Chevron will monitor the exclusion zones and Level B harassment zone before, during, and after pile driving, with at least two observers located at the best practicable vantage points. Based on our requirements, the Marine Mammal Monitoring Plan would implement the following procedures for pile driving:

• During observation periods, observers will continuously scan the area for marine mammals using binoculars and the naked eye;

• Monitoring shall begin 30 minutes prior to impact pile driving;

• Observers will conduct observations, meet training requirements, fill out data forms, and report findings in accordance with this IHA;

• If the exclusion zone is obscured by fog or poor lighting conditions, pile driving will not be initiated until the exclusion zone is clearly visible. Should such conditions arise while impact driving is underway, the activity would be halted;

• Observers will be in continuous contact with the construction personnel via two-way radio. A cellular phone will be used for back-up communications and for safety purposes;

• Observers will implement mitigation measures including monitoring of the proposed shutdown and monitoring zones, clearing of the zones, and shutdown procedures; and

• At the end of the pile-driving day, post-construction monitoring will be conducted for 30 minutes beyond the cessation of pile driving.

Data Collection

We require that observers use approved data forms. Among other pieces of information, chevron will record detailed information about any implementation of shutdowns, including the distance of animals to the pile being driven, a description of specific actions that ensued, and resulting behavior of the animal, if any. In addition, Chevron will attempt to distinguish between the number of individual animals taken and the number of incidents of take, when possible. We require that, at a minimum, that the following information be recorded on sighting forms:

• Date and time that permitted construction activity begins or ends;

• Weather parameters (*e.g.,* percent cloud cover, percent glare, visibility) and Beaufort sea state;

• Species, numbers, and, if possible, sex and age class of observed marine mammals;

• Construction activities occurring during each sighting;

• Marine mammal behavior patterns observed, including bearing and direction of travel;

• Specific focus should be paid to behavioral reactions just prior to, or during, soft-start and shutdown procedures;

• Location of marine mammal, distance from observer to the marine mammal, and distance from pile driving activities to marine mammals;

• Record of whether an observation required the implementation of mitigation measures, including shutdown procedures and the duration of each shutdown; and

• Other human activity in the area. Record the hull numbers of fishing vessels if possible.

Reporting Measures

Chevron shall submit a draft report to NMFS within 90 days of the completion of marine mammal monitoring, or 60 days prior to the issuance of any subsequent IHA for this project (if required), whichever comes first. The annual report would detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed. If no comments are received from NMFS within 30 days, the draft final report will become final. If comments are received, a final report must be submitted up to 30 days after receipt of comments. Reports shall contain the following information:

• Summaries of monitoring effort (*e.g.,* total hours, total distances, and marine mammal distribution through the study period, accounting for sea state and other factors affecting visibility and detectability of marine mammals);

• Analyses of the effects of various factors influencing detectability of

marine mammals (*e.g.,* sea state, number of observers, and fog/glare); and

• Species composition, occurrence, and distribution of marine mammal sightings, including date, numbers, age/size/gender categories (if determinable), and group sizes.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA (if issued), such as an injury (Level A harassment), serious injury or mortality (*e.g.,* ship-strike, gear interaction, and/or entanglement), Chevron would immediately cease the specified activities and immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator. The report would include the following information:

• Time, date, and location (latitude/longitude) of the incident;

• Name and type of vessel involved (if applicable);

• Vessel's speed during and leading up to the incident (if applicable);

• Description of the incident;

• Status of all sound source used in the 24 hours preceding the incident;

• Water depth;

• Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);

• Description of all marine mammal observations in the 24 hours preceding the incident;

• Species identification or description of the animal(s) involved;

• Fate of the animal(s); and

• Photographs or video footage of the animal(s) (if equipment is available).

Activities would not resume until NMFS is able to review the circumstances of the prohibited take. NMFS would work with Chevron to determine necessary actions to minimize the likelihood of further prohibited take and ensure MMPA compliance. Chevron would not be able to resume their activities until notified by NMFS via letter, email, or telephone.

In the event that Chevron discovers an injured or dead marine mammal, and the lead MMO determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition as described in the next paragraph), Chevron would immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator. The report would include the same information identified in the section above. Activities would be able to continue while NMFS reviews the circumstances of the incident. NMFS would work with Chevron to determine whether modifications in the activities are appropriate.

In the event that Chevron discovers an injured or dead marine mammal, and the lead MMO determines that the injury or death is not associated with or related to the activities authorized in the IHA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Chevron would report the incident to Office of Protected Resources, NMFS, and West Coast Regional Stranding Coordinator, within 24 hours of the discovery. Chevron would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. Pile driving activities would be permitted to continue.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes, alone, is not enough information on which to base an impact determination. In addition to considering the authorized number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration, etc.), as well as effects on habitat, the status of the affected stocks, and the likely effectiveness of the mitigation. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into these analyses via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, this introductory discussion of our analyses applies to all the species listed in Table 7 given that the anticipated effects of Chevron's construction activities involving impact pile driving on marine mammals are expected to be relatively similar in nature. There is no information about the nature or severity of the impacts, or the size, status, or structure of any species or stock that would lead to a different analysis for this activity, or else species-specific factors would be identified and analyzed.

Impact pile driving activities associated with the proposed project, as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level B harassment (behavioral disturbance) from underwater sounds generated from pile driving. Potential takes could occur if individuals of these species are present in the ensonified zone when in-water construction is under way.

No marine mammal stocks for which incidental take authorization is proposed are listed as threatened or endangered under the ESA or determined to be strategic or depleted under the MMPA. No injuries or mortalities are anticipated to occur as a result of Chevron's impact pile driving activities. The relatively low marine mammal density and small shutdown zones make injury takes of marine mammals unlikely. In addition, the Level A exclusion zones would be thoroughly monitored before the proposed impact pile driving occurs and driving activities would be would be postponed if a marine mammal is sighted entering the exclusion zones. The likelihood that marine mammals will be detected by trained observers is high under the environmental conditions described for the proposed project. The employment of the soft-start mitigation measure would also allow marine mammal in or near the ZOI or exclusion zone to move away from the impact driving sound source. Therefore, the proposed mitigation and monitoring measures are expected to eliminate the potential for injury and reduce the amount and intensity of behavioral harassment. Furthermore, the pile driving activities analyzed here are similar to, or less impactful than, numerous construction activities conducted in other similar locations which have taken place with no reported injuries or mortality to marine mammals, and no known long-term adverse consequences from behavioral harassment.

The takes that are anticipated and authorized are expected to be limited to short-term Level B harassment (behavioral and TTS) as only eight piles will be driven over 4 days with each pile requiring approximately 20 minutes of driving time. Marine mammals

present near the action area and taken by Level B harassment would most likely show overt brief disturbance (*e.g.* startle reaction) and avoidance of the area from elevated noise level during pile driving. A few marine mammals could experience TTS if they move into the Level B ZOI. However, TTS is a temporary loss of hearing sensitivity when exposed to loud sound, and the hearing threshold is expected to recover completely within minutes to hours. Therefore, it is not considered an injury. Repeated exposures of individuals to levels of sound that may cause Level B harassment are unlikely to significantly disrupt foraging behavior. Thus, even repeated Level B harassment of some small subset of the overall stock is unlikely to result in any significant realized decrease in fitness for the affected individuals, and thus would not result in any adverse impact to the stock as a whole.

The proposed project is not expected to have significant adverse effects on affected marine mammals' habitat. While EFH for several species does exist in the proposed project area, the proposed activities would not permanently modify existing marine mammal habitat. The activities may cause fish to leave the area temporarily. This could impact marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of affected habitat, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

In summary, this negligible impact analysis is founded on the following factors: (1) The possibility of non-auditory injury, serious injury, or mortality may reasonably be considered discountable; (2) the anticipated incidents of Level B harassment consist of, at worst, TTS or temporary modifications in behavior; (3) the short duration of in-water construction activities (4 days, 160 minutes total driving time); (4) limited spatial impacts to marine mammal habitat; and (5) the presumed efficacy of the proposed mitigation measures in reducing the effects of the specified activity to the level of least practicable impact. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activity will have only short-term effects on individuals. The specified activity is not expected to impact rates of recruitment or survival and will therefore not result in population-level impacts.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under Section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, NMFS compares the number of individuals taken to the most appropriate estimation of the relevant species or stock size in our determination of whether an authorization is limited to small numbers of marine mammals.

The numbers of animals authorized to be taken would be considered small relative to the relevant stocks or populations (<0.01 percent for both species as shown in Table 7) even if each estimated taking occurred to a new individual. However, the likelihood that each take would occur to a new individual is extremely low. Further, these takes are likely to occur only within some small portion of the overall regional stock.

TABLE 7—POPULATION ABUNDANCE ESTIMATES, TOTAL PROPOSED LEVEL B TAKE, AND PERCENTAGE OF POPULATION THAT MAY BE TAKEN FOR THE POTENTIALLY AFFECTED SPECIES DURING THE PROPOSED PROJECT

Species	Abundance *	Total proposed Level B take	Percentage of stock or population
Harbor seal	30,968[1]	24	<0.01
California sea lion (U.S. Stock)	296,750	2	<0.01

* Abundance estimates are taken from the 2015 U.S. Pacific Marine Mammal Stock Assessments (Carretta *et al.,* 2016).
[1] California stock abundance estimate

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

Issuance of an MMPA authorization requires compliance with the ESA. No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that consultation under section 7 of the ESA is not required for this action.

National Environmental Policy Act (NEPA)

Issuance of an MMPA authorization requires compliance with NEPA. NMFS will pursue categorical exclusion (CE) status under NEPA for this action. As such, we have preliminary determined the issuance of the proposed IHA is consistent with categories of activities identified in CE B4 of the Companion Manual for NAO 216–6A and we have not identified any extraordinary circumstances listed in Chapter 4 of the Companion Manual for NAO 216–6A that would preclude this categorical exclusion. If, at the close of the public comment period, NMFS has not received comments or information contradictory to our initial CE determination, we will prepare a CE memorandum for the record.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to Chevron for conducting

impact pile driving at the MWEP in San Francisco Bay. This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued).

1. This Incidental Harassment Authorization (IHA) is valid from January 1, 2018 through December 31, 2018.

2. This Authorization is valid only for in-water construction work associated with the Chevron Long Wharf Maintenance and Efficiency Project.

3. General Conditions.

(a) A copy of this IHA must be in the possession of Chevron, its designees, and work crew personnel operating under the authority of this IHA.

(b) The species authorized for taking by Level B harassment include Pacific harbor seal (*Phoca vitulina*) and California sea lion (*Zalophus californianus*). Table 1 shows the number of takes permitted for each species.

TABLE 8—TOTAL PROPOSED LEVEL B TAKES

Species	Total proposed Level B takes
Harbor seal	24
California sea lion	2

(c) The taking, by Level B harassment only, is limited to the species listed in condition 3(b). See Table 1 above.

(d) The taking by injury (Level A harassment), serious injury, or death of any of the species listed in condition 3(b) or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA.

(e) Chevron shall conduct briefings between construction supervisors and crews, marine mammal monitoring team, and staff prior to the start of all in-water pile driving, and when new personnel join the work.

4. Mitigation Measures.

The holder of this Authorization is required to implement the following mitigation measures:

(a) Time Restrictions: For all in-water pile driving activities, Chevron shall operate only during daylight hours.

(b) Establishment of Shutdown zone: For all pile driving activities, Chevron shall establish shutdown zones of 50 m for harbor porpoises and gray whales and 15 m for harbor seals and California sea lions.

(c) Establishment of Level B harassment zone (ZOI): For all pile driving activities, Chevron shall establish a ZOI of 50 m for species listed in 3(b).

(d) The shutdown zone and ZOI shall be monitored throughout the time required to install a pile. If a harbor seal or California sea lion is observed entering the ZOI, a Level B exposure shall be recorded and behaviors documented. That pile segment shall be completed without cessation, unless the animal approaches the shutdown zone. Pile installation shall be halted immediately before the animal enters the Level A zone.

(e) If any marine mammal species other than those listed in condition 3(b) enters or approaches the ZOI zone all activities shall be shut down until the animal is seen leaving the ZOI or it has not been seen in the shutdown zone for 30 minutes for cetaceans and 15 minutes for pinnipeds.

(f) Use of Ramp Up/Soft Start.

(i) The project shall utilize soft start techniques for all impact pile driving. We require Chevron to implement an initial set of three strikes would be made by the hammer at reduced energy, followed by a 30-second waiting period, then two subsequent three- strike sets.

(ii) Soft start shall be required at the beginning of each day's impact pile driving work and at any time following a cessation of pile driving of 30 minutes or longer.

(iii) If a marine mammal is present within a shutdown zone, ramping up shall be delayed until the animal(s) leaves the relevant shutdown zone. Activity shall begin only after the MMO has determined, through sighting, that the animal(s) has moved outside the relevant shutdown zone or it has not been seen in the shutdown zone for 30 minutes for cetaceans and 15 minutes for pinnipeds.

(iv) If species listed in 3(b) is present in the Level B harassment zone, ramping up shall begin and a Level B take shall be documented. Ramping up shall occur when these species are in the Level B harassment zone whether they entered the Level B zone from the Level A zone, or from outside the project area.

(g) Pile caps or cushions shall be used during all impact pile-driving activities.

(h) For in-water heavy machinery work other than pile driving (*e.g.,* standard barges, tug boats, barge-mounted excavators, or clamshell equipment used to place or remove material), if a marine mammal comes within 10 meters, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions.

5. Monitoring and Reporting.

The holder of this Authorization is required to submit a report to NMFS within 90 days of the completion of marine mammal monitoring, or 60 days prior to the issuance of any subsequent IHA for this project (if required), whichever comes first.

(a) Visual Marine Mammal Monitoring and Observation.

(i) At least two individuals meeting the minimum qualifications below shall monitor the shutdown zones and Level B harassment zone from best practicable vantage points during impact pile driving,

(ii) Requirements when choosing MMOs as follows:

a. Independent observers (*i.e.,* not construction personnel) are required.

b. At least one observer must have prior experience working as an observer.

c. Other observers may substitute education (undergraduate degree in biological science or related field) or training for experience.

d. Ability to conduct field observations and collect data according to assigned protocols

e. Experience or training in the field identification of marine mammals, including the identification of behaviors.

f. Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations.

g. Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates and times when in-water construction activities were suspended to avoid potential incidental injury from construction sound of marine mammals observed within a defined shutdown zone; and marine mammal behavior.

h. Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

i. Chevron shall submit observer CVs for NMFS approval.

(iii) If the exclusion zone is obscured by fog or poor lighting conditions, pile driving shall not be initiated until the exclusion zone is clearly visible. Should such conditions arise while impact driving is underway, the activity shall be halted.

(iv) At the end of the pile-driving day, post-construction monitoring will be conducted for 30 minutes beyond the cessation of pile driving

(b) Data Collection.

(i) Observers are required to use approved data forms. Among other pieces of information, Chevron shall record detailed information about any implementation of shutdowns,

including the distance of animals to the pile and description of specific actions that ensued and resulting behavior of the animal, if any. In addition, Chevron shall attempt to distinguish between the number of individual animals taken and the number of incidents of take. At a minimum, the following information shall be collected on the sighting forms:

a. Date and time that monitored activity begins or ends;

b. Weather parameters (*e.g.,* percent cloud cover, percent glare, visibility) and Beaufort sea state.

c. Species, numbers, and, if possible, sex and age class of observed marine mammals;

d. Construction activities occurring during each sighting;

e. Marine mammal behavior patterns observed, including bearing and direction of travel;

f. Specific focus should be paid to behavioral reactions just prior to, or during, soft-start and shutdown procedures;

g. Location of marine mammal, distance from observer to the marine mammal, and distance from pile driving activities to marine mammals;

h. Record of whether an observation required the implementation of mitigation measures, including shutdown procedures and the duration of each shutdown; and

i. Other human activity in the area.

(c) Reporting Measures.

(i) In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA, such as an injury (Level A harassment), serious injury or mortality (*e.g.,* ship-strike, gear interaction, and/or entanglement), Chevron would immediately cease the specified activities and immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator. The report would include the following information:

a. Time, date, and location (latitude/longitude) of the incident;

b. Name and type of vessel involved;

c. Vessel's speed during and leading up to the incident;

d. Description of the incident;

e. Status of all sound source use in the 24 hours preceding the incident;

f. Water depth;

g. Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);

h. Description of all marine mammal observations in the 24 hours preceding the incident;

i. Species identification or description of the animal(s) involved;

j. Fate of the animal(s); and

k. Photographs or video footage of the animal(s) (if equipment is available).

Activities would not resume until NMFS is able to review the circumstances of the prohibited take. NMFS would work with Chevron to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Chevron would not be able to resume their activities until notified by NMFS via letter, email, or telephone.

(ii) In the event that Chevron discovers an injured or dead marine mammal, and the lead MMO determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition as described in the next paragraph), Chevron would immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator. The report would include the same information identified in the paragraph above. Activities would be able to continue while NMFS reviews the circumstances of the incident. NMFS would work with Chevron to determine whether modifications in the activities are appropriate.

(iii) In the event that Chevron discovers an injured or dead marine mammal, and the lead MMO determines that the injury or death is not associated with or related to the activities authorized in the IHA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Chevron would report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Coordinator, within 24 hours of the discovery. Chevron would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network.

6. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein, or if NMFS determines the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

Request for Public Comments

NMFS requests comment on our analysis, the draft authorization, and any other aspect of the Notice of Proposed IHA for impact pile driving associated with Chevron's Long Wharf Maintenance and Efficiency Project from January 1, 2018 through December 31, 2018. Please include with your comments any supporting data or literature citations to help inform our final decision on Chevron's request for an MMPA authorization.

Dated: March 17, 2017.

Donna S. Wieting,

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

[FR Doc. 2017–05843 Filed 3–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Membership Solicitation for Hydrographic Services Review Panel

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: In accordance with the Hydrographic Service Improvements Act Amendments of 2002, the Administrator of the National Oceanic and Atmospheric Administration (NOAA) is required to solicit nominations for membership at least once a year for the Hydrographic Services Review Panel (HSRP). The NOAA Administrator seeks and encourages individuals with expertise in marine navigation and technology, port administration, marine shipping or other intermodal transportation industries, cartography and geographic information systems, geodesy, physical oceanography, coastal resource management, including coastal preparedness and emergency response, and other related fields.

DATES: Nominations are sought to fill five vacancies that occur on January 1, 2018. Nominations should be submitted by no later than May 30, 2017. Nominations will be accepted and kept on file on an ongoing basis regardless of date submitted for use with current and future vacancies. HSRP maintains a pool of candidates and advertises once a year to fulfill the HSIA requirements on membership solicitation. Current members who may be eligible for a second term must reapply.

ADDRESSES: Nominations will be accepted by email and should be sent to: *Hydroservices.panel@noaa.gov* and *Lynne.Mersfelder@noaa.gov.* You will receive a confirmation response.

FOR FURTHER INFORMATION CONTACT: Lynne Mersfelder-Lewis, NOAA Telephone: 301–713–2750 x166.

SUPPLEMENTARY INFORMATION: The HSRP, a Federal advisory committee, advises the Administrator on matters related to the responsibilities and

authorities set forth in section 303 of the Hydrographic Services Improvement Act and such other appropriate matters as the Administrator refers to the Panel for review and advice. Those responsibilities and authorities include, but are not limited to: Acquiring and disseminating hydrographic data and providing hydrographic services, as those terms are defined in the Act; promulgating standards for hydrographic data and services; ensuring comprehensive geographic coverage of hydrographic services; and testing, developing, and operating vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services.

The Act states ''the voting members of the Panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields relating to hydrographic data and hydrographic services, marine transportation, port administration, vessel pilotage, coastal and fishery management, and other disciplines as determined appropriate by the Administrator.'' The NOAA Administrator seeks and encourages individuals with expertise in marine navigation and technology, port administration, marine shipping or other intermodal transportation industries, cartography and geographic information systems, geodesy, physical oceanography, coastal resource management, including coastal preparedness and emergency response, and other related fields. To apply for membership on the Panel, applicants are requested to submit the following five items and respond to five questions. The entire package should be a maximum length of eight pages or fewer. NOAA is an equal opportunity employer.

(1) A cover letter that responds to the five questions listed below and serves as a statement of interest to serve on the panel. Please see ''Short Response Questions'' below.

(2) Highlight the nominee's specific area(s) of expertise relevant to the purpose of the Panel from the list in the **Federal Register** Notice.

(3) A current resume.

(4) A short biography of 400 to 500 words.

(5) The nominee's full name, title, institutional affiliation, mailing address, email, phone, fax and contact information.

Short Response Questions

(1) List the area(s) of expertise, as listed above, which you would best represent on this Panel.

(2) List the geographic region(s) of the country with which you primarily associate your expertise.

(3) Describe your leadership or professional experiences which you believe will contribute to the effectiveness of this panel.

(4) Describe your familiarity and experience with NOAA navigation data, products, and services.

(5) Generally describe the breadth and scope of stakeholders, users, or other groups whose views and input you believe you can share with the panel.

Under 33 U.S.C. 883a, *et seq.,* NOAA's National Ocean Service (NOS) is responsible for providing nautical charts and related information for safe navigation. NOS collects and compiles hydrographic, tidal and current, geodetic, and a variety of other data in order to fulfill this responsibility. The HSRP provides advice on current and emerging oceanographic and marine science technologies relating to operations, research and development; and dissemination of data pertaining to:

(a) Hydrographic surveying;
(b) shoreline surveying;
(c) nautical charting;
(d) water level measurements;
(e) current measurements;
(f) geodetic measurements;
(g) geospatial measurements;
(h) geomagnetic measurements; and
(i) other oceanographic/marine related sciences.

The Panel has fifteen voting members appointed by the NOAA Administrator in accordance with 33 U.S.C. 892c. Members are selected on a standardized basis, in accordance with applicable Department of Commerce guidance. The Co-Directors of the Center for Coastal and Ocean Mapping/Joint Hydrographic Center and two other NOAA employees serve as nonvoting members of the Panel. The Director, NOAA Office of Coast Survey, serves as the Designated Federal Official (DFO).

Voting members are individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more disciplines relating to hydrographic surveying, tides, currents, geodetic and geospatial measurements, marine transportation, port administration, vessel pilotage, coastal or fishery management, and other oceanographic or marine science areas as deemed appropriate by the Administrator. Full-time officers or employees of the United States may not be appointed as a voting member. Any voting member of the Panel who is an applicant for, or beneficiary of (as determined by the Administrator) any assistance under 33 U.S.C. 892c shall disclose to the Panel that relationship, and may not vote on any other matter pertaining to that assistance.

Voting members of the Panel serve a four-year term, except that vacancy appointments are for the remainder of the unexpired term of the vacancy. Members serve at the discretion of the Administrator and are subject to government ethics standards. Any individual appointed to a partial or full term may be reappointed for one additional full term. A voting member may serve until his or her successor has taken office. The Panel selects one voting member to serve as the Chair and another to serve as the Vice Chair. The Vice Chair acts as Chair in the absence or incapacity of the Chair but will not automatically become the Chair if the Chair resigns. Meetings occur at least twice a year, and at the call of the Chair or upon the request of a majority of the voting members or of the Administrator. Voting members receive compensation at a rate established by the Administrator, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when engaged in performing duties for the Panel. Members are reimbursed for actual and reasonable expenses incurred in performing such duties.

Individuals Selected for Panel Membershp

Upon selection and agreement to serve on the HSRP Panel, you become a Special Government Employee (SGE) of the United States Government. 18 U.S.C. 202(a) an SGE(s) is an officer or employee of an agency who is retained, designated, appointed, or employed to perform temporary duties, with or without compensation, not to exceed 130 days during any period of 365 consecutive days, either on a fulltime or intermittent basis. After the selection process is complete, applicants selected to serve on the Panel must complete the following actions before they can be appointed as a Panel member:

(a) Security Clearance (on-line Background Security Check process and fingerprinting conducted through NOAA Workforce Management); and

(b) Confidential Financial Disclosure Report—As an SGE, you are required to file a Confidential Financial Disclosure Report to avoid involvement in a real or apparent conflict of interest. You may find the Confidential Financial Disclosure Report at the following Web

site. *http://www.usoge.gov/forms/form_450.aspx.*

Dated: March 10, 2017.

Shepard M. Smith,

NOAA, Director, Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2017–05639 Filed 3–23–17; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF299

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rehabilitation of the Jetty System at the Mouth of the Columbia River

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

ACTION: Notice of issuance of Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that a Letter of Authorization (LOA) has been issued to the US Army Corps of Engineers (Corps) for the take of marine mammals incidental to the rehabilitation of the Jetty System at the Mouth of the Columbia River (MCR).

DATES: Effective from May 1, 2017, through April 30, 2022.

ADDRESSES: The LOA and supporting documentation is available online at: *www.nmfs.noaa.gov/pr/permits/incidental/construction.htm.* In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Rob Pauline, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

On June 12, 2015, NMFS received an adequate and complete application from the Corps for the taking of marine mammals incidental to the rehabilitation of the Jetty System at the MCR in Washington and Oregon. On August 25, 2016 NMFS published a notice of proposed rulemaking in the **Federal Register**, requesting comments and information related to the Corps request for thirty days (81 FR 58443). A corrected notice and extension of the public comment period was published in the **Federal Register** on September 6, 2016 (81 FR 61160). The final rule was published in the **Federal Register** on February 10, 2017 (82 FR 10286). For detailed information on this action, please refer to those documents. The regulations include mitigation, monitoring, and reporting requirements for the incidental take of marine mammals during the rehabilitation of the Jetty System at the MCR in Washington and Oregon.

The purpose of the project is to rehabilitate the MCR jetty system, which has degraded over time. Rehabilitation of the jetty system will require vibratory pile driving for installation and subsequent removal of three off-loading facilities at the three MCR jetties. The pile driving and removal portion of the project will require approximately 49 days of in-water pile driving and removal. Vibratory pile driving and removal activities will generate underwater noise levels that are anticipated to result in Level B harassment of marine mammals. Pedestrian surveys of the jetty system will also occur which are anticipated to result in disturbance of hauled out pinnipeds. The Corps is authorized to take individuals of seven species of marine mammals by Level B harassment.

Authorization

We have issued an LOA to the Corps authorizing the take of marine mammals incidental to construction activities and pedestrian surveys as described above. Take of marine mammals will be minimized through implementation of the following mitigation measures: (1) Establishment and visual monitoring of shutdown and disturbance zones; (2) vessel-based monitoring of offshore waters; (3) shut-down of all pile installation, removal, or maintenance activities if any killer whales are observed within the Zone of Influence (ZOI) between May 1 and July 1 to eliminate potential for take of southern resident killer whales; and (4) implementation of a hydroacoustic monitoring plan to ensure that shutdown zones and ZOIs have been delineated appropriately. The Corps will submit annual marine mammal monitoring reports as required.

Based on these findings and the information discussed in the preamble to the final rule, the activities described under these LOAs will have a negligible impact on marine mammal stocks and will not have an unmitigable adverse impact on the availability of the affected marine mammal stock for subsistence uses.

Dated: March 17, 2017.

Donna S. Wieting,

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

[FR Doc. 2017–05842 Filed 3–23–17; 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: This action deletes products from the Procurement List previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Effective April 23, 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 2/17/2017 (82 FR 11019), 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):
8415–00–NSH–2946—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XSS
8415–00–NSH–2947—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, SS
8415–00–NSH–2948—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, MS
8415–00–NSH–2949—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, LS
8415–00–NSH–2950—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XLS
8415–00–NSH–2951—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XSR
8415–00–NSH–2952—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, SR
8415–00–NSH–2953—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, MR
8415–00–NSH–2954—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, LR
8415–00–NSH–2955—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XLR
8415–00–NSH–2956—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XSL
8415–00–NSH–2957—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, SL
8415–00–NSH–2958—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, ML
8415–00–NSH–2959—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, LL
8415–00–NSH–2960—Shirt, Underwear, Lightweight Fire Retardant, ECWC, Army, Desert Sand, XLL

Mandatory Source(s) of Supply: Southeastern Kentucky Rehabilitation Industries, Inc., Corbin, KY, Peckham Vocational Industries, Inc., Lansing, MI.

Contracting Activity: Army Contracting Command—Aberdeen Proving Ground, Natick Contracting Division.

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–05900 Filed 3–23–17; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletion from the Procurement List.

SUMMARY: The Committee is proposing to delete a product from the Procurement List that was previously furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before April 23, 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: 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 action.

Deletion

The following product is proposed for deletion from the Procurement List:

Product

NSN(s)—Product Name(s): 4610–01–117–8271—Bag, Drinking Water Storage

Mandatory Source(s) of Supply: Huntsville Rehabilitation Foundation, Huntsville, AL

Contracting Activity: Defense Logistics Agency Land and Maritime

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–05899 Filed 3–23–17; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Final Additions; Correction

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Notice; correction.

SUMMARY: The Committee for Purchase From People Who Are Blind or Severely Disabled published a document in the **Federal Register** of February 3, 2017, concerning a notice of Additions.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603–2132.

Correction

In the **Federal Register** of February 3, 2017, in FR Doc. 2017–02333, (82 FR 9203–9204), the Committee would like to correct the notice for ''Procurement List; Additions'' **DATES:** Effective February 26, 2017 to March 5, 2017.

Dated: March 21, 2017.

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–05901 Filed 3–23–17; 8:45 am]

BILLING CODE 6353–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of the collection requirement on respondents can be properly assessed.

Currently, CNCS is soliciting comments on its request for renewal with no change of its National Service Trust Enrollment Form and National Service Trust Exit Form. The Enrollment Form and Exit Forms are used by AmeriCorps members and program staff to enroll in the National Service Trust and to document the completion of AmeriCorps member's term of service. AmeriCorps requires these forms in order for members to receive a Segal Education Award.

Copies of the forms can be obtained by contacting the office listed in the Addresses section of this Notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by May 23, 2017.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service, Attention Erin Dahlin, 250 E Street SW., Washington, DC 20525.

(2) By hand delivery or by courier to the CNCS mailroom at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except Federal holidays.

(3) Electronically through *www.regulations.gov.*

Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Erin Dahlin, (202) 606–6931, or by email at *edhalin@cns.gov.*

SUPPLEMENTARY INFORMATION: CNCS is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submissions of responses).

Background

The Enrollment Form and Exit Forms are used by AmeriCorps members and program staff to enroll in the National Service Trust and to document the completion of a member's term of service, a requirement to receiving a Segal Education Award and to meet other legal and program requirements. This information is also entered electronically into the National Service Trust database.

Current Action

CNCS seeks to renew the current information collection with no changes. The information collection will be used in the same manner as the existing forms. CNCS also seeks to continue using the current forms until the forms are renewed by OMB. The current application is due to expire on 06/30/2017.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: National Service Trust Enrollment and Exit Forms.

OMB Number: 3045–0006.

Agency Number: None.

Affected Public: AmeriCorps members, grantee and other program staff.

Total Respondents: 160,000.

Frequency: Once per form.

Average Time per Response: Averages 10 minutes per form.

Estimated Total Burden Hours: 266,667.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in CNCS's request for Office of Management and Budget approval of the information collection forms; they will also become a matter of public record.

Dated: March 21, 2017.

Erin A. Dahlin,

Deputy Chief of Program Operations.

[FR Doc. 2017–05889 Filed 3–23–17; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2016–0037; OMB Control Number 0704–0477]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 24, 2017.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 209.5, Organizational and Consultant Conflicts of Interest, and related provision at DFARS 252.209–7008, Notice of Prohibition Relating to Organizational Conflict of Interest-Major Defense Acquisition Program; OMB Control Number 0704–0477.

Type of Request: Revision.

Number of Respondents: 22.

Responses per Respondent: 3 approximately.

Annual Responses: 67.

Average Burden per Response: 40 hours.

Annual Burden Hours: 2,680.

Needs and Uses: This information collection requires an offeror to submit a mitigation plan if requesting an exemption from the statutory limitation on future contracting. This information will be used to resolve organizational conflicts of interest arising in a systems engineering and technical assistance contract for a major defense acquisition program, as required by section 207 of Weapon Systems Acquisition Reform Act of 2009.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Frequency: On occasion.

Respondent's Obligation: DFARS 204.404–70(a) prescribes use of DFARS clause 252.204–7000, Disclosure of Information, in contracts that require the contractor to access or generate

unclassified information that may be sensitive and inappropriate for release to the public. The clause requires the contractor to obtain approval of the contracting officer before release of any unclassified contract-related information outside the contractor's organization, unless the information is already in the public domain. In requesting this approval, the contractor must identify the specific information to be released, the medium to be used, and the purpose for the release.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, docket number, and title for the **Federal Register** document. The general policy for comments and other public 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 provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

DoD Clearance Officer: Mr. Frederick C. Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at: Publication Collections Program, WHS/ESD Information Management Division, 4800 Mark Center Drive, 2nd Floor, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2017–05873 Filed 3–23–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2016–0041; OMB Control Number 0704–0225]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Consideration will be given to all comments received by April 24, 2017.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS), Part 204, Administrative Matters and Related Clause at 252.204; OMB Control Number 0704–0225.

Type of Request: Revision.

Number of Respondents: 1,196.

Responses per Respondent: Approximately 2.35.

Annual Responses: 2,806.

Average Burden per Response: Approximately 3 hours.

Annual Burden Hours: 8,418.

Needs and Uses: DFARS 204.404–70(a) prescribes the use of the clause at DFARS 252.204–7000, Disclosure of Information, when the contractor will have access to or generate unclassified information that may be sensitive and inappropriate for release to the public. Upon receipt of a contractor's request, the Government reviews the information provided by the contractor to determine if it is sensitive or otherwise inappropriate for release for the stated purpose.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Frequency: On occasion.

Respondent's Obligation: DFARS 204.404–70(a) prescribes use of DFARS Clause 252.204–7000, Disclosure of Information, in contracts that require the contractor to access or generate unclassified information that may be sensitive and inappropriate for release to the public. The clause requires the contractor to obtain approval of the contracting officer before release of any unclassified contract-related information outside the contractor's organization, unless the information is already in the public domain. In requesting this approval, the contractor must identify the specific information to be released, the medium to be used, and the purpose for the release.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, docket number, and title for the **Federal Register** document. The general policy for comments and other public 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 provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

DoD Clearance Officer: Mr. Frederick C. Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at: Publication Collections Program, WHS/ESD Information Management Division, 4800 Mark Center Drive, 2nd Floor, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2017–05872 Filed 3–23–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; EnZinc, Inc.

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to EnZinc, Inc., a revocable, nonassignable, exclusive license to practice in the field of use of a zinc electrode for use in a nickel-zinc battery for two or three wheeled electric vehicles; the field of use of a zinc electrode for use in a nickel-zinc battery

for micro-grid energy storage; the field of use of a zinc electrode for use in a nickel-zinc battery in a start-stop vehicle; the field of use of a zinc electrode for use in a nickel-zinc battery for hybrid-electric vehicles and the field of use of a zinc electrode for use in a nickel-zinc battery for electric vehicles having at least four wheels in the United States, the Government-owned inventions described in U.S. Patent Application No. 13/832,576 entitled ''Zinc Electrodes for Batteries'', Navy Case No. 102,137 and U.S. Patent Application No. 14/501,629 entitled ''Three-Dimensional Zinc Sponge Electrodes for Primary and Secondary Zinc-Containing Batteries'', Navy Case No. 102,137 and any continuations, divisionals or re-issues thereof.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than April 10, 2017.

ADDRESSES: Written objections are to be filed with the Naval Research Laboratory, Code 1004, 4555 Overlook Avenue SW., Washington, DC 20375–5320.

FOR FURTHER INFORMATION CONTACT: Amanda Horansky-McKinney, Acting Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue SW., Washington, DC 20375–5320, telephone 202–767–1644. Due to U.S. Postal delays, please fax 202–404–7920, email: *NRL1004@research.nrl.navy.mil* or use courier delivery to expedite response.

(Authority: 35 U.S.C. 207, 37 CFR Part 404.)

Dated: March 16, 2017.

A.M. Nichols,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2017–05696 Filed 3–23–17; 8:45 am]

BILLING CODE 3810–FF–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sunshine Act Notice

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice of closed meeting; correction.

SUMMARY: The Defense Nuclear Facilities Safety Board (Board) published a notice in the **Federal Register** of March 21, 2017, (82 FR 14506), concerning a closed meeting on March 23, 2017, at the Board's headquarters located at 625 Indiana Avenue NW., Suite 352, Washington, DC 20004–2901. The Board corrects that notice by changing the description of the meeting's closed status, as set forth below.

CONTACT PERSON FOR MORE INFORMATION: Katherine Herrera, Deputy General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004–2901, (800) 788–4016. This is a toll-free number.

Correction

In the **Federal Register** of March 21, 2017, in FR Doc. 2017–05622, on page 14507, in the first column, correct the paragraph under the ''Status'' caption to read: ''Closed. During the closed meeting, the Board Members will discuss issues dealing with potential Recommendations to the Secretary of Energy. The Board is invoking the exemptions to close a meeting described in 5 U.S.C. 552b(c)(3) and (9)(B) and 10 CFR 1704.4(c) and (h). The Board has determined that it is necessary to close the meeting since conducting an open meeting is likely to disclose matters that are specifically exempted from disclosure by statute, and/or be likely to significantly frustrate implementation of a proposed agency action. In this case, the deliberations will pertain to potential Board Recommendations which, under 42 U.S.C. 2286d(b) and (h)(3), may not be made publicly available until after they have been received by the Secretary of Energy or the President, respectively.''

Dated: March 21, 2017.

Sean Sullivan,

Chairman.

[FR Doc. 2017–06015 Filed 3–22–17; 4:15 pm]

BILLING CODE 3670–01–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: EC17–93–000.
Applicants: Otter Tail Power Company.
Description: Request for Approvals Pursuant To Section 203 of the Federal Power Act of Otter Tail Power Company.
Filed Date: 3/16/17.
Accession Number: 20170316–5229.
Comments Due: 5 p.m. ET 4/6/17.

Docket Numbers: EC17–94–000.
Applicants: Otter Tail Power Company.
Description: Request for Approvals Pursuant to Section 203 of the Federal Power Act of Otter Tail Power Company.
Filed Date: 3/16/17.
Accession Number: 20170316–5233.
Comments Due: 5 p.m. ET 4/6/17.

Docket Numbers: EC17–95–000.
Applicants: Otter Tail Power Company.
Description: Request for Approvals Pursuant To Section 203 of the Federal Power Act of Otter Tail Power Company.
Filed Date: 3/16/17.
Accession Number: 20170316–5235.
Comments Due: 5 p.m. ET 4/6/17.

Docket Numbers: EC17–96–000.
Applicants: Otter Tail Power Company.
Description: Request for Approvals Pursuant to Section 203 of the Federal Power Act of Otter Tail Power Company.
Filed Date: 3/16/17.
Accession Number: 20170316–5237.
Comments Due: 5 p.m. ET 4/6/17.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG17–79–000.
Applicants: Gulf Coast Solar Center I, LLC.
Description: Self-Certification of EWG Status of Gulf Coast Solar Center I, LLC.
Filed Date: 3/20/17.
Accession Number: 20170320–5208.
Comments Due: 5 p.m. ET 4/10/17.

Docket Numbers: EG17–80–000.
Applicants: Gulf Coast Solar Center II, LLC.
Description: Self-Certification of EWG Status of Gulf Coast Solar Center II, LLC.
Filed Date: 3/20/17.
Accession Number: 20170320–5209.
Comments Due: 5 p.m. ET 4/10/17.

Docket Numbers: EG17–81–000.
Applicants: Gulf Coast Solar Center III, LLC.
Description: Self-Certification of EWG Status of Gulf Coast Solar Center III, LLC.
Filed Date: 3/20/17.
Accession Number: 20170320–5212.
Comments Due: 5 p.m. ET 4/10/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–2708–005.
Applicants: Potomac-Appalachian Highline Transmission, PJM Interconnection, L.L.C.
Description: Compliance filing: PATH ROE Compliance Filing re Opinion 554 in ER09–1256 and ER12–2708 to be effective 1/19/2017.
Filed Date: 3/20/17.

Accession Number: 20170320–5155.
Comments Due: 5 p.m. ET 4/10/17.

Docket Numbers: ER17–1248–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Amended and Restated Service Agreements with City of Victorville to be effective 4/1/2017.
Filed Date: 3/17/17.
Accession Number: 20170317–5179.
Comments Due: 5 p.m. ET 4/7/17.

Docket Numbers: ER17–1257–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: DSA for Decade Dairy Digester Project, SA No. 952 to be effective 5/22/2017.
Filed Date: 3/20/17.
Accession Number: 20170320–5154.
Comments Due: 5 p.m. ET 4/10/17.

Docket Numbers: ER17–1258–000.
Applicants: Canadian Wood Products-Montreal, Inc.
Description: Tariff Cancellation: Cancellation filing to be effective 3/21/2017.
Filed Date: 3/20/17.
Accession Number: 20170320–5169.
Comments Due: 5 p.m. ET 4/10/17.

Docket Numbers: ER17–1259–000.
Applicants: ITC Midwest LLC.
Description: § 205(d) Rate Filing: Filing of a Joint Use Agreement to be effective 5/19/2017.
Filed Date: 3/20/17.
Accession Number: 20170320–5182.
Comments Due: 5 p.m. ET 4/10/17.

Docket Numbers: ER17–1260–000.
Applicants: Wisconsin Public Service Corporation.
Description: § 205(d) Rate Filing: Wisconsin Public Service Corporation's Annual PEB/PBOP Filing to be effective 4/1/2017.
Filed Date: 3/20/17.
Accession Number: 20170320–5184.
Comments Due: 5 p.m. ET 4/10/17.

Docket Numbers: ER17–1261–000.
Applicants: Otter Tail Power Company.
Description: § 205(d) Rate Filing: Filing of Certificate of Concurrence to be effective 1/25/2017.
Filed Date: 3/20/17.
Accession Number: 20170320–5193.
Comments Due: 5 p.m. ET 4/10/17.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH17–12–000.
Applicants: Macquarie Sierra Investment Holdings, In, Electrodes Holdings, LLC, Watt Battery Holdings, LLC, Battery Storage Holdings, LLC, Sparks Battery Holdings, LLC, Sparks Battery Holdings 2, LLC.
Description: Macquarie Sierra Investment Holdings, Inc., et. al. submits FERC 65–B Waiver Notification.
Filed Date: 3/17/17.
Accession Number: 20170317–5200.
Comments Due: 5 p.m. ET 4/7/17.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RD17–5–000.
Applicants: North American Electric Reliability Corporation.
Description: Joint Petition of the North American Electric Reliability Corporation and Western Electricity Coordinating Council for Approval of Proposed Regional Reliability Standard VAR–501–WECC–3.
Filed Date: 3/10/17.
Accession Number: 20170310–5318.
Comments Due: 5 p.m. ET 4/19/17.

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 20, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05847 Filed 3–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–46–000]

Southern Natural Gas Company, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Fairburn Expansion Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Fairburn Expansion Project involving construction and operation of facilities by Southern Natural Gas Company, LLC (Southern) in Clayton, Cobb, Fayette, Fulton, and Monroe Counties, Georgia. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before April 19, 2017.

If you sent comments on this project to the Commission before the opening of this docket on February 3, 2017, you will need to file those comments in Docket No. CP17–46–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Southern provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?''. This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for

viewing on the FERC Web site (*www.ferc.gov*).

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP17–46–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of the Proposed Project

Southern proposes to provide approximately 343 million cubic feet per day of new firm transportation capacity to delivery points in Southern's Zone 2 and Zone 3 systems from a new interconnection with an existing Transcontinental Gas Pipe Line Company pipeline in Fayette County, Georgia. Southern plans to begin construction of the project in early 2018 for an anticipated in-service date of October 2018. The Fairburn Expansion project would include the following facilities:

- One new 4.9-mile-long 30-inch-diameter Fairburn Lateral from the Transcontinental Gas Pipeline Company interconnect in Fayette County, Georgia, to the proposed Fairburn Compressor Station in Fulton County, Georgia;
- one 1.6-mile-long 30-inch-diameter South Main 2nd Loop Line Extension looping [1] along with pig [2] receiver from mileposts (MP) 373.6 to 375.2 on Southern's existing South Main Line System in Monroe County, Georgia;
- acquisition of the 19.7-mile-long 30-inch-diameter McDonough Lateral that extends from Southern's existing SNG-to-McDonough Meter Station in Fulton County, Georgia to the proposed Plant McDonough Meter Station in Cobb County, Georgia;
- a new Plant McDonough Meter Station in Cobb County, Georgia, a SNG-to-McDonough Meter Station modification in Fulton County, Georgia; and a new UPS Meter Station in Fulton County, Georgia, all located on the McDonough Lateral;
- one new Transco-to-SNG Meter Station with pig launcher in Fayette County, Georgia,
- one new 18,000-horsepower electric Fairburn Compressor Station with pig receiver in Fulton County, Georgia; and
- modification of the Jonesboro Meter Station in Clayton County, Georgia.

A map depicting the general location of the project facilities is included in appendix 1.[3]

Land Requirements for Construction

Southern proposes to use 170 acres of land for construction of the project, and would retain 59 acres of new permanent right-of-way for operations. The Fairburn Lateral would require 65 acres for construction, comprised of 34 acres of temporary right-of-way to be restored and allowed to revert to former uses, and 31 acres of new permanent right-of-way retained for operations. The South Main 2nd Loop Line Extension would require 21 acres for construction, comprised of 16 acres of temporary right-of-way and 5 acres of new permanent right-of-way. The Fairburn Compressor Station would require 28 acres for construction, comprised of 13 acres of temporary workspace and 15 acres of new permanent operational workspace. The five meter stations would require 4.3 acres for construction and Columbia would retain all of this acreage within its proposed permanent pipeline right-of-way for operations. Columbia would require six new permanent access roads totaling 4.5 acres for construction and operation. Columbia would require 8.5 acres of temporary access roads and three contractor yards totaling 39 acres for construction, all of which would revert to previous use following construction.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [4] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation, wildlife, threatened and endangered species, and migratory birds;
- land use and socioeconomics;
- air quality and noise;
- public safety; and
- cumulative impacts.

We will also evaluate reasonable alternatives to the project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/

[1] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

[2] A ''pig'' is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

[3] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[4] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[5] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Army Corps of Engineers has expressed intention to participate as a cooperating agency in the preparation of the EA to satisfy its NEPA responsibilities related to this project.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[6] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the ''Document-less Intervention Guide'' under the ''e-filing'' link on the Commission's Web site. Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.*

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP17–46). 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 meetings 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 20, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–05844 Filed 3–23–17; 8:45 am]

BILLING CODE 6717–01–P

[5] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[6] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1173–000.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

Description: § 205(d) Rate Filing: 2017–03–13_SA 2010 Amended Ameren-SIPC WDS to be effective 2/9/2017.

Filed Date: 3/13/17.

Accession Number: 20170313–5262.

Comments Due: 5 p.m. ET 4/3/17.

Docket Numbers: ER17–1174–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: Amended IFA and Amended DSA Between SCE and AEPCO, SA Nos. 179 & 180 to be effective 4/1/2017.

Filed Date: 3/13/17.

Accession Number: 20170313–5306.

Comments Due: 5 p.m. ET 4/3/17.

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 14, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05823 Filed 3–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Filing

	Docket Nos.
Savage, Jeffrey S	ID–6679–001
Van Abel, Brian J	ID–7433–001
Mahling, Wendy B	ID–7213–001

Take notice that on March 10, 2017, Jeffrey S. Savage, Brian J. Van Abel, and Wendy B. Mahling filed a supplement to application for authorization to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b), and Part 45 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR part 45.8 (2016).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on March 31, 2017.

Dated: March 14, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05824 Filed 3–23–17; 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: PR17–20–001.

Applicants: Atmos Pipeline-Texas.

Description: Tariff filing per 284.123(b), (e): Atmos Pipeline—Texas, Further Revisions to Statement of Operating Conditions to be effective 12/21/2016; Filing Type: 1000.

Filed Date: 3/10/17.

Accession Number: 201703105288.

Comments/Protests Due: 5 p.m. ET 3/31/17.

Docket Numbers: RP17–529–001.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.205(b): 03/14/17 Negotiated Rates—Consolidated Edison Energy Inc. (HUB) 2275–89 to be effective 3/11/2017.

Filed Date: 03/15/2017.

Accession Number: 20170315–5062.

Comment Date: 5:00 p.m. Eastern Time on Monday, March 27, 2017.

Docket Numbers: RP17–536–000.

Applicants: Natural Gas Pipeline Company of America.

Description: Natural Gas Pipeline Company of America LLC submits tariff filing per 154.204: North Shore Gas Negotiated Rate to be effective 4/1/2017.

Filed Date: 03/15/2017.

Accession Number: 20170315–5106.

Comment Date: 5:00 p.m. Eastern Time on Monday, March 27, 2017.

Docket Numbers: RP17–537–000.

Applicants: Natural Gas Pipeline Company of America.

Description: Natural Gas Pipeline Company of America LLC submits tariff filing per 154.204: Enstor Energy Services Negotiated Rate to be effective 4/1/2017.

Filed Date: 03/15/2017.

Accession Number: 20170315–5137.

Comment Date: 5:00 p.m. Eastern Time on Monday, March 27, 2017.

Docket Numbers: RP17–538–000.

Applicants: Golden Triangle Storage, Inc.

Description: Golden Triangle Storage, Inc. submits tariff filing per 154.204: GTS Capacity Release Revisions to be effective 4/17/2017.

Filed Date: 03/15/2017.

Accession Number: 20170315–5142.

Comment Date: 5:00 p.m. Eastern Time on Monday, March 27, 2017.

Docket Numbers: RP17–350–001.

Applicants: Eastern Shore Natural Gas Company.

Description: Eastern Shore Natural Gas Company submits tariff filing per 154.206: Motion to Place Suspended Tariff Record Into Effect to be effective 3/16/2017.

Filed Date: 03/16/2017.

Accession Number: 20170316–5158.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, March 28, 2017.

Docket Numbers: RP17–539–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 03/16/17 Negotiated Rates—Consolidated Edison Energy Inc. (HUB) 2275–89 to be effective 3/15/2017.

Filed Date: 03/16/2017.

Accession Number: 20170316–5075.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, March 28, 2017.

Docket Numbers: RP17–540–000.

Applicants: Panhandle Eastern Pipe Line Company, LP.

Description: Panhandle Eastern Pipe Line Company, LP submits tariff filing per 154.203: Flow Through of Penalty Revenues Report filed on 3–16–17.

Filed Date: 03/16/2017.

Accession Number: 20170316–5076.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, March 28, 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 20, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05876 Filed 3–23–17; 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: RP17–429–001.
Applicants: Golden Pass Pipeline LLC.
Description: Golden Pass Pipeline LLC submits tariff filing per 154.203: Golden Pass Pipeline Supplement to 2017 Annual Retainage Report.
Filed Date: 03/13/2017.
Accession Number: 20170313–5260.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 27, 2017.

Docket Numbers: RP17–498–002.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Cameron Interstate Pipeline, LLC submits tariff filing per 154.205(b): Cameron Interstate Pipeline Limited Section 4 Rate Change (Re-submittal) to be effective 4/1/2017.
Filed Date: 03/13/2017.
Accession Number: 20170313–5168.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 20, 2017.

Docket Numbers: RP17–529–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 03/13/17 Negotiated Rates—Consolidated Edison Energy Inc. (HUB) 2275–89 to be effective 3/11/2017.
Filed Date: 03/13/2017.
Accession Number: 20170313–5145.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 27, 2017.

Docket Numbers: RP17–530–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 03/13/17 Mercuria Energy America, Inc. (HUB) 7540–89 to be effective 3/11/2017.
Filed Date: 03/13/2017.
Accession Number: 20170313–5151.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 27, 2017.

Docket Numbers: RP17–531–000.
Applicants: DBM Pipeline, LLC.
Description: DBM Pipeline, LLC submits tariff filing per 154.204: Negotiated Rate Filing to be effective 3/14/2017.
Filed Date: 03/13/2017.
Accession Number: 20170313–5221.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 27, 2017.

Docket Numbers: RP17–532–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: Negotiated Rate—Colonial Gas to Shell Energy 793382 to be effective 4/1/2017.
Filed Date: 03/14/2017.
Accession Number: 20170314–5098.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 27, 2017.

Docket Numbers: RP17–533–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.203: Notice Regarding Non-Jurisdictional Gathering Facilities (M–73).
Filed Date: 03/15/2017.
Accession Number: 20170315–5016.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 27, 2017.

Docket Numbers: RP17–534–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.203: Notice Regarding Non-Jurisdictional Gathering Facilities (PEB–1075).
Filed Date: 03/15/2017.
Accession Number: 20170315–5017.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 27, 2017.

Docket Numbers: RP17–535–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Midcontinent Express Pipeline LLC submits tariff filing per 154.203: 2017 Annual Penalty Revenue Crediting Report.
Filed Date: 03/15/2017.
Accession Number: 20170315–5021.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 27, 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 15, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05848 Filed 3–23–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9032–3]

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 03/13/2017 Through 03/17/2017
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. 20170037, Final, USFS, MT, Galton Vegetation Management, Review Period Ends: 04/27/2017, Contact: Ron Komac 406–296–2536 x7130

EIS No. 20170038, Draft, USFS, ID, Winschell Dugway Motorized Trail Project, Comment Period Ends: 05/08/2017, Contact: Jessica Taylor 208–557–5837

EIS No. 20170039, Final, USFS, OR, Green Mountain Project, Review Period Ends: 05/10/2017, Contact: Dean Schlichting 541–822–7214

EIS No. 20170040, Final, USFS, CA, Smith River NRA Restoration and Motorized Travel Management, Review Period Ends: 04/24/2017, Contact: Carol Spinos 707–441–3561

EIS No. 20170041, Draft, FHWA, IN, I–69 Section 6 Martinsville to Indianapolis, Comment Period Ends: 05/08/2017, Contact: Michelle Allen 317–226–7344

EIS No. 20170042, Draft Supplement, BOP, KY, Proposed U.S. Penitentiary

and Federal Prison Camp, Letcher County, KY, Comment Period Ends: 05/08/2017, Contact: Issac Gaston 202–514–6470

EIS No. 20170043, Draft, HUD, NY, Coastal and Social Resiliency Initiatives for Tottenville Shoreline, Comment Period Ends: 05/08/2017, Contact: Daniel Greene 844–969–7474

Governor's Office of Storm Recovery (GOSR), New York State Housing Trust Fund Corporation is the lead agency for this project.

EIS No. 20170044, Final, USFS, CO, Snowmass Multi-Season Recreation Projects, Review Period Ends: 05/01/2017, Contact: Roger Poirier 970–945–3245

EIS No. 20170045, Draft Supplement, FTA, NJ, Northern Branch Corridor, Comment Period Ends: 05/23/2017, Contact: Donald Burns 212–668–2203

Dated: March 21, 2017.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017–05895 Filed 3–23–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9959–65–Region 2]

Proposed CERCLA Section 122(h) Cost Recovery Settlement for the Metro Leather Superfund Site, City of Gloversville, Fulton County, New York; Request for Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

DATES: Comments must be submitted on or before April 24, 2017.

ADDRESSES: The proposed settlement is available for public inspection at EPA Region 2 offices at 290 Broadway, New York, New York 10007–1866. Comments should reference the Metro Leather Superfund Site, City of Gloversville, Fulton County, New York, Index No. II–CERCLA–02–2016–2019. To request a copy of the proposed settlement agreement, please contact the EPA employee identified below.

FOR FURTHER INFORMATION CONTACT: Gregory Wall, Attorney-Advisor, Regional Support Division, Office of Site Remediation Enforcement, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Mail Code 2272A, Washington, DC 20460. Email: *wall.gregory@epa.gov*. Telephone: 202–564–4498.

SUPPLEMENTARY INFORMATION: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given by the U.S. Environmental Protection Agency (''EPA''), Region 2, of a proposed cost recovery settlement agreement pursuant to Section 122(h) of CERCLA, 42 U.S.C. 9622(h), with Genesco Inc. (''Genesco'') for the Metro Leather Superfund Site (''Site''), located in the City of Gloversville, Fulton County, New York. Genesco agrees to pay EPA $1.5 million in reimbursement of EPA's past response costs paid at or in connection with the Site.

The settlement includes a covenant by EPA not to sue or to take administrative action against Genesco pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a), with regard to the response costs related to the work at the Site enumerated in the settlement agreement. For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlement. EPA will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at EPA Region 2, 290 Broadway, New York, New York 10007–1866.

Dated: February 8, 2017.

John Prince,

Acting Director, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region 2.

[FR Doc. 2017–05905 Filed 3–23–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9958–94–Region 4; CERCLA–04–2017–3751]

Ward Transformer Superfund Site; Raleigh, Wake County, North Carolina; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement.

SUMMARY: Under 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency is proposing to enter into a settlement with the Domtar Paper Company, LLC, concerning the Ward Transformer Superfund Site located in Raleigh, Wake County, North Carolina. The proposed settlement addresses recovery of CERCLA costs for a cleanup action performed by the EPA at the Site.

DATES: The Agency will consider public comments on the proposed settlement until April 24, 2017. The Agency will consider all comments received and may modify or withdraw its consent to the proposed settlement if comments received disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from the Agency by contacting Ms. Paula V. Painter, Program Analyst, using the contact information provided in this notice. Comments may also be submitted by referencing the Site's name through one of the following methods:

- *Internet: https://www.epa.gov/aboutepa/about-epa-region-4-southeast#r4-public-notices.*
- *U.S. Mail:* U.S. Environmental Protection Agency, Superfund Division, Attn: Paula V. Painter, 61 Forsyth Street SW., Atlanta, Georgia 30303.
- *Email: Painter.Paula@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at 404/562–8887.

Dated: January 4, 2017.

Greg Armstrong,

Acting Chief, Enforcement and Community Engagement Branch, Superfund Division.

[FR Doc. 2017–05907 Filed 3–23–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[CERCLA–04–2017–3752; FRL–9959–76–Region 4]

Kentucky Wood Preserving Site Winchester, Clark County, Kentucky, Notice of Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of settlement.

SUMMARY: Under 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement with CSX Transportation, Inc. concerning the Kentucky Wood Preserving Site located in Winchester, Clark County, Kentucky. The settlement addresses recovery of CERCLA costs for a cleanup action performed by the EPA at the Site.

DATES: The Agency will consider public comments on the settlement until April 24, 2017. The Agency will consider all

comments received and may modify or withdraw its consent to the proposed settlement if comments received disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from the Agency by contacting Ms. Paula V. Painter, Program Analyst, using the contact information provided in this notice. Comments may also be submitted by referencing the Site's name through one of the following methods:

Internet: https://www.epa.gov/aboutepa/about-epa-region-4-southeast#r4-public-notices.

- *U.S. Mail:* U.S. Environmental Protection Agency, Superfund Division, Attn: Paula V. Painter, 61 Forsyth Street SW., Atlanta, Georgia 30303.
- *Email: painter.paula@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at (404) 562–8887.

Dated: November 10, 2016.

Anita L. Davis,

Chief, Enforcement and Community Engagement Branch, Superfund Division.

[FR Doc. 2017–05903 Filed 3–23–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 19, 2017.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *Feather River Bancorp, Inc.,* Dover, Delaware; to become a bank holding company by acquiring 100 percent of Bank of Feather River, Yuba City, California.

Board of Governors of the Federal Reserve System, March 21, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–05865 Filed 3–23–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 13, 2017.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Jose Quiroga and the MNB 2016 Stock Trust,* Edinburg, Texas; to retain 25 percent or more of the voting shares of MNB Ventures, Inc., and thereby indirectly retain voting shares of Texas National Bank, both of Mercedes, Texas; in addition Jose Quiroga and the MNB 2016 Stock Trust have applied to join the Ortega control group and indirectly acquire, MNB Ventures, Inc., Mercedes, Texas.

Board of Governors of the Federal Reserve System, March 21, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–05864 Filed 3–23–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Supplemental Evidence and Data Request on Telehealth for Acute and Chronic Care Consultations

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for supplemental evidence and data submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public to inform our review on *Telehealth for Acute and Chronic Care Consultations,* which is currently being conducted by the AHRQ's Evidence-based Practice Centers (EPC) Program. Access to published and unpublished pertinent scientific information will improve the quality of this review. AHRQ is conducting this systematic review pursuant to the Public Health Service Act.

DATES: Submission Deadline on or before April 24, 2017.

ADDRESSES:

Email submissions: SEADS@epc-src.org.

Print submissions:

Mailing Address: Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, P.O. Box 69539, Portland, OR 97239.

Shipping Address (FedEx, UPS, etc.): Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, 3710 SW U.S. Veterans Hospital Road, Mail Code: R&D 71, Portland, OR 97239.

FOR FURTHER INFORMATION CONTACT: Ryan McKenna, Telephone: 503–220–8262 ext. 51723 or Email: *SEADS@epc-src.org.*

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the Evidence-based Practice Centers (EPC) Program to complete a review of the evidence for *Telehealth for Acute and Chronic Care Consultations.*

The EPC Program is dedicated to identifying as many studies as possible

that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (*e.g.,* details of studies conducted). We are looking for studies that report on *Telehealth for Acute and Chronic Care Consultations,* including those that describe adverse events. The entire research protocol, including the key questions, is also available online at: *https://www.effectivehealthcare.ahrq.gov/index.cfm/search-for-guides-reviews-and-reports/?pageaction=displayproduct&productid=2434.*

This is to notify the public that the EPC Program would find the following information on *Telehealth for Acute and Chronic Care Consultations* helpful:

- A list of completed studies that your organization has sponsored for this indication. In the list, please *indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number.*
- *For completed studies that do not have results on ClinicalTrials.gov,* please provide a summary, including the following elements: Study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.
- *A list of ongoing studies that your organization has sponsored for this indication.* In the list, please provide the *ClinicalTrials.gov* trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.
- Description of whether the above studies constitute ALL Phase II *and above clinical trials* sponsored by your organization for this indication and an index outlining the relevant information in each submitted file.

Your contribution will be very beneficial to the EPC Program. The contents of all submissions will be made available to the public upon request. Materials submitted must be publicly available or able to be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the EPC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EPC Program Web site and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: *https://www.effectivehealthcare.ahrq.gov/index.cfm/join-the-email-list1/.*

The systematic review will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions.

The Key Questions

KQ 1: Are telehealth consultations effective in improving clinical and economic outcomes?

Telehealth consultations can be for any acute or chronic clinical condition across any specialty ranging from infectious disease to psychiatry.

Clinical and economic outcomes may include, but are not limited to, mortality and morbidity, utilization of health services, cost of services, and access to services.

KQ 2: Are telehealth consultations effective in improving intermediate outcomes?

Intermediate outcomes include both outcomes that precede the ultimate outcomes of interest and secondary outcomes.

Intermediate outcomes may include, but are not limited to, patient and provider satisfaction, behavior, and decisions (*e.g.,* patient completion of treatment, provider antibiotic stewardship); volume of services; and health care processes (*e.g.,* time to diagnosis or treatment).

KQ 3: Have telehealth consultations resulted in harms, adverse events, or negative unintended consequences?

What are the characteristics of telehealth consultations that have been the subject of comparative studies?

The characteristics include:

(a) Clinical conditions addressed. These can include broad categories such as diagnosis and treatment of infectious disease or specific conditions (*e.g.,* upper respiratory infection, hepatitis C, skin infections) or decisions (*e.g.,* stewardship of antibiotics or antimicrobials, selection of treatments).

(b) Characteristics of the providers and patients involved.

(c) Relationships among the providers and patients involved including whether these are new or ongoing relationships.

(d) Telehealth modalities and/or methods for sharing patient data used.

(e) Whether specifics in (d) meet Medicare's coverage and HIPAA requirements.

(f) Settings including.

- Type of health care organization including the organizational structure (*e.g.,* integrated delivery system, critical access) and the type of care (*e.g.,* long-term care, inpatient, ambulatory care).
- Country.
- Geographic and economic characteristics such as urban or rural areas, or areas with high vs. low socioeconomic resources.

(g) Other circumstances (*e.g.,* appropriate transportation, climate).

(h) Payment models or requirements or limits for payment including.

- The payer/insurance for the patient (*e.g.,* Medicare, Medicaid, commercial).
- Any parameters for payment (*e.g.,* relative value units [RVUs]) or limits on visits.
- Any eligibility requirements for payment based on patient, provider, setting or context characteristics.

KQ 5: Do clinical, economic, intermediate, or negative outcomes (*i.e.,* the outcomes in Key Questions 1, 2, and 3) vary across telehealth consultation characteristics (Key Question 4)?

PICOTS (Populations, Interventions, Comparators, Outcomes, Timing, Settings)

Populations

- Patients of any age, with medical care needs for prevention, treatment, or management of chronic or acute conditions.
- Providers (clinicians or health care organizations).
- Payers for health care services (public, private, insurers, patients).

Interventions

- Telehealth consultations are defined as the use of telehealth designed to facilitate collaboration among providers, often involving a specialist, or between clinical team members, across time and/or distance, on the assessment, diagnosis, and/or clinical management of a specific patient or group of patients.
- Telehealth consultations can be for any acute or chronic conditions. The search will be both general as well as focused on conditions identified as areas of growth and policy interest such as infection, disease, dermatology, and critical care.
- Telehealth consultations can use any technology (*e.g.,* real-time video, store and forward).

Comparator

Other locations, patients, or time periods that use in-person consultations

or provide usual care (which could include no access to specific services).

Outcomes for Each Key Question

Key Question 1: Clinical and Economic Outcomes

- Clinical outcomes such as mortality, morbidity, function, recovery, infection, and access to services.
- Economic outcomes such as return on investment, cost, volume of visits, and resource use.

Key Question 2: Intermediate Outcomes

- Patient satisfaction, behavior, and decisions such as completion of treatment, or satisfaction with less travel to access health care.
- Provider satisfaction, behavior, and decisions such as choice of treatment or antibiotic stewardship.
- Time to diagnosis and time to treatment.
- Diagnostic concordance or other measures of agreement between in-person and telehealth consultations.

Key Question 3: Adverse Effects or Unintended Consequences

- Loss of privacy or breach of data security.
- Misdiagnosis or delayed diagnosis.
- Inappropriate treatment.
- Increase in resource costs, negative return on investment.

Key Question 4: Not Applicable (This is a Descriptive Question)

Key Question 5: Clinical and Economic Outcomes (see Key Question 1), Intermediate Outcomes (see Key Question 2), and Adverse Effects or Unintended Consequences (see Key Question 3).

Timing

- Telehealth consultations can be used at any point in the diagnosis, treatment, or management of a patient.
- Outcome measurement needs to occur after the telehealth consultation.

Setting

The consultation can involve providers and patients in any location. These could include inpatient, outpatient, or long-term care, and could be in civilian, Veterans Administration, or military facilities.

Study Designs

- Comparative studies, including trials and observational studies.
- Descriptive studies may be used to inform the decision model as needed but will not be included in the systematic review.

Sharon B. Arnold,

Acting Director.

[FR Doc. 2017–05840 Filed 3–23–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project ''*Generic Clearance for the Collection of Data Through ACTION III Field-Based Investigations to Improve Health Care Delivery.*'' In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on December 20, 2016 and allowed 60 days for public comment. AHRQ did not receive any substantive comments during this period. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by April 24, 2017.

ADDRESSES: Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ's desk officer) or by email at *OIRA_submission@omb.eop.gov* (attention: AHRQ's desk officer).

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov*

SUPPLEMENTARY INFORMATION:

Proposed Project

Generic Clearance for the Collection of Data Through ACTION III Field-Based Investigations To Improve Health Care Delivery

The Agency for Healthcare Research and Quality (AHRQ) is requesting OMB approval of a generic clearance for purposes of conducting field-based research to improve care delivery in diverse health care settings. More specifically, AHRQ seeks this clearance to support timely and meaningful answers to research questions investigated through AHRQ's ACTION Program. ACTION III research produces field-based, stakeholder-informed knowledge about ways to improve care delivery, and real-world-driven implementation and dissemination of evidence across diverse care settings. A generic clearance to support expedited performance of ACTION III research activities would enable AHRQ to more efficiently meet agency goals while fully meeting the intent and requirements of the Paperwork Reduction Act in a timely manner.

Collection of the information described in this request is essential to supporting AHRQ's mission, which is to produce evidence to make health care safer, higher quality, more accessible, equitable, and affordable, and to work within HHS and with other partners to make sure that the evidence is understood and used. More specifically, in support of this mission, AHRQ initiates and oversees projects with the following overarching aims:

- Expand knowledge about how specific changes to processes or structures of care delivery might improve care quality;
- Develop and test interventions, strategies, tools, trainings and guidance for putting that knowledge into practice;
- Disseminate and implement evidence-based practices across diverse care settings.

Method of Collection

Information collections conducted under this clearance will be collected via the following methods:

- Interviews—Interviews (telephone or in-person) will be conducted with clinical or management staff from diverse health care settings, patients, or other providers or recipients of care with the purposes of expanding knowledge about how specific changes to processes or structures of care delivery might improve care quality; obtaining stakeholder-informed input about how and why an intervention or strategy will or won't work in a particular real world setting; identifying contextual factors that facilitate or impede implementation of complex system interventions or evidence-based practices; and identifying needs and challenges of intended users of tools and/or beneficiaries of trainings and other resources.
- Small discussion groups/focus groups—Small discussion groups/Focus

groups will be conducted with providers or recipients of care from diverse health care settings with the purposes of obtaining stakeholder-informed input about how and why an intervention or strategy is or is not working in a particular real world setting and identifying needs and gaining user/beneficiary feedback on value and limitations of prototype redesigned care processes, tools, resources or trainings.

- Implementation Logs will be used to track activities, time and resource use associated with use of tools, trainings or other resources and to monitor progress and identify needed revisions to implementation methods.
- Recruitment and Screening Calls will be used to identify and enroll individuals, groups, or organizations willing to participate in the broader research study.
- Questionnaires or brief surveys will be used to capture broad, high level staff or patient level feedback on experience with tools, redesigned care processes, trainings or other resources.
- Cognitive Testing of surveys, Web sites, or other resources will be used to support the development of materials that resonate and can be understood by intended users.
- Collection of published and internal documents, performance assessments, and other data or information that could provide important contextual information about the specific settings of care into which new tools, resources, training or redesigned care processes will be introduced.

AHRQ will use the proposed generic clearance to obtain field-based, stakeholder-informed input and feedback about how and why interventions or strategies designed to improve care quality (*i.e.,* safety, effectiveness, patient-centeredness, timeliness, efficiency, and equity) do or do not work in the real world. Information collected under this clearance would be expected to increase understanding of how contextual factors and other key variables might affect the implementation and effectiveness of specific strategies, interventions or tools when utilized in particular settings. This knowledge would help health care providers and other decision-makers consider whether, when and how to use and adapt such strategies, interventions or tools to conform to their own needs and to the distinctive characteristics of the intended settings. Additionally, information collected under this clearance would be expected to increase AHRQ's understanding of contextual variables and other factors that facilitate or impede dissemination and implementation of clinical guidelines, evidence-based practices, and other research-based findings from the Patient-Centered Outcomes Research Institute (PCORI), National Institutes of Health (NIH), and other partners.

Estimated Annual Respondent Burden

As described above a variety of instruments and platforms will be used to collect information from respondents, though few, if any, single projects would be expected to use all the methods listed.

The average number annual burden hours per year requested (2,189.5) are presented in Table 1 below, and is based on an assumed average of 5 projects per year (we rounded up the past average of 4.5 projects per year to 5). The maximum total burden across all three years is thus 6,568.5 hours.

TABLE 1—ESTIMATED ANNUALIZED BURDEN HOURS

Data collection type	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Interviews	375	2	1	750
Focus Groups/Small Discussions	420	1.5	1.5	945
Implementation Logs	20	8	1	160
Recruitment and Screening	139	1	0.5	69.5
Cognitive Testing	40	1	1	40
Questionnaires/Brief Surveys	1000	1	0.2	200
Collection of Internal Documents	25	1	1	25
Total				2189.5

TABLE 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Interviews	250	500	[a] $95.05	$47,525.00
(Clinicians—line 1; Patients—line 2)	125	250	[b] 27.12	6,780.00
Focus Groups/Small Discussions	420	945	[c] 27.12	25,628.40
Implementation Logs	20	160	[c] 27.12	4,339.20
Recruitment and Screening	139	69.5	[a] 95.05	6,605.98
Cognitive Testing	40	40	[c] 27.12	1,084.80
Questionnaires/Brief Surveys	1000	200	[c] 27.12	5,424.00
Collection of Internal Documents	25	25	[a] 95.05	2,376.25
Total				99,763.63

* National Compensation Survey: Occupational wages in the United States May 2015 "U.S. Department of Labor, Bureau of Labor Statistics": *http://www.bls.gov/oes/current/oes_stru.htm.*

[a] Based on the mean wages for *29–1069 Physicians and Surgeons, All Other.*

[b] Based on the mean wages for *00–0000 All Occupations.*

[c] Based on the mean wages for *29–9099 Miscellaneous Health Practitioners and Technical Workers: Healthcare Practitioners and Technical Workers, All Other.*

Using average wage rates for relevant job categories from 2016 BLS data, the total annual costs associated with these data collections per year are $116,746.13 as shown in Table 2 above, for a total cost for all three years of $350,238.39.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Sharon B. Arnold,

Acting Director.

[FR Doc. 2017–05839 Filed 3–23–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC–2017–0024, NIOSH–297]

Effect of Stockpiling Conditions on the Performance of Medical N95 Respirators and High-Level Protective Surgical Gowns

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for information.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention announces the request for information about facilities that stockpile N95 respirators and high-level protective surgical gowns.

DATES: Electronic or written submissions must be received by [30 days from FRN posting].

ADDRESSES: You may submit responses, identified by CDC–2017–0024 and docket number NIOSH–297, by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226–1998.

Instructions: All information received in response to this notice must include the agency name and docket number [CDC–2017–0024; NIOSH–297]. All relevant responses received will be posted without change to *www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or information received, go to *www.regulations.gov.* All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226–1998.

FOR FURTHER INFORMATION CONTACT: Kerri Wizner, NIOSH, National Personal Protective Technology Laboratory, Research Branch, 626 Cochrans Mill Road, Building 19A, Pittsburgh, PA 15236, (412) 386–5225, (not a toll free number).

SUPPLEMENTARY INFORMATION: NIOSH seeks information about personal protective equipment (PPE) environmental storage conditions and inventory for federal, state, municipal, county, and hospital system stockpiles. Maintaining PPE stockpiles for public health emergencies is a significant cost and time investment for these various entities, which may include purchasing new products, maintaining inventory records, and lease or purchase of environmentally controlled storage space away from contaminated areas, dust, sun light, extreme temperatures, excessive moisture, and damaging chemicals. The information provided by respondents to this Notice will be used to inform a research study design where N95 respirators and high-protection level surgical gowns are sampled from stockpiles and tested against established performance standards. The research study will be designed to obtain scientific data to assess (1) the potential to extend manufacturer-recommended shelf life and (2) the effect of common, albeit sometimes non-ideal, stockpile conditions on the protections provided by respirators and surgical gowns. NIOSH seeks to sample N95 respirators and high-protection level surgical gowns from a variety of stockpiles representing contemporary storage conditions from across the nation. To that end, the information sought in this Notice is aimed at ensuring that study findings are broadly applicable to U.S. stockpiles.

Background: Various entities stockpile personal protective equipment (PPE) in preparation for public health responses to outbreaks of high consequence infectious diseases such as SARS, influenza, and Ebola, where PPE demand may outpace supply. Stockpiling PPE is a costly endeavor that includes PPE purchase, storage space, product rotation over time, and environmental controls for heat, humidity, dust, and sunlight. Resource limitations may lead facilities to stockpile PPE in environments that do not meet manufacturer storage recommendations or exceed shelf life, increasing the potential for PPE degradation. Even when resources exist to store PPE per manufacturer's environmental recommendations, the influence of long-term storage time alone on PPE performance has been questioned. Additionally, large quantities of stockpiled PPE obtained during previous nationwide responses may now be exceeding its shelf life and expected replacement costs will likely far exceed available budgets. Data is needed to better understand the potential impact upon worker health and safety.

Information Needs: Information is needed to assist NIOSH in identifying important factors to focus the research study design. Information is needed from facilities that stockpile N95 respirators and high-level protective surgical gowns for use during public health emergencies. Please ensure the type of stockpile you are affiliated with is included in the responses to any of the below questions.

1. Please describe the type of stockpile with which you are affiliated (*e.g.,* federal, state, county). Please describe the end users of the stockpiled products (*e.g.,* healthcare workers, public).

2. Please describe the extent to which environmental controls are implemented and maintained. For example, does the stockpile employ controls against humidity, temperature, sunlight, dust, or chemical exposure? Please describe how these controls are implemented, monitored, regularity of monitoring, and what optimal conditions are. Available guidance documents used for the stockpile would

be welcome. What are the barriers to maintaining these controls? What factors are currently not being controlled that you feel are relevant to this effort?

3. How do you monitor for N95 respirator and high-level protective surgical gown deterioration? What are signs of deterioration you consider (*e.g.,* cosmetic, box damage, expiration dates)? What are barriers in determining deterioration?

4. If applicable, please describe your process for PPE rotation. For example, please describe your process for ensuring new products are purchased upon expiration of shelf-life for currently stockpiled N95 respirators/high-level surgical gowns. Quantity estimates of the stockpiled N95 respirator/surgical gown inventory exceeding the recommended shelf life would be valuable to the design of this study.

5. If stockpiled N95 respirators/surgical gowns are purchased from a distributor (*i.e.* not directly from the manufacturer), please describe your process for obtaining information on storage practices from these distributors.

6. What types of controls are available in the shipping environment? Do they instruct points-of-use on storage requirements? Other use limitations/instructions?

7. Please provide information about the N95 respirator and high-level surgical gown inventory available in the stockpile, including brands, models, and related estimated numbers to help us better understand the type and quantities of PPE that may be affected by this research.

Frank Hearl,

Chief of Staff, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2017–05896 Filed 3–23–17; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Proposed Collection; Public Comment Request; Proposed Extension With Modifications of a Currently Approved Collection; National Survey of Older Americans Act Participants; Correction

AGENCY: Administration for Community Living, HHS.

ACTION: Notice of correction.

SUMMARY: The Administration for Community Living published a proposed collection of information document in the **Federal Register** on March 13, 2017. (82 FR 13457 and 13458) The document title and summary incorrectly stated that no changes were proposed to the currently approved collection.

FOR FURTHER INFORMATION CONTACT: Heather Menne at 202–795–7733 or *Heather.Menne@acl.hhs.gov.*

Corrections

The Title of the Notice should read: Agency Information Collection Activities; Proposed Collection; Public Comment Request; Proposed Extension with Modifications of a Currently Approved Collection; National Survey of Older Americans Act Participants. Under the **SUMMARY** section, page 13457, column two, correct the last sentence in the section to read: ''This notice solicits comments on a proposed extension with modifications to a currently approved collection.''

Dated: March 20, 2017.

Daniel P. Berger,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2017–05827 Filed 3–23–17; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 Aging Special Emphasis Panel; Brain Lymphatics and Alzheimer's Disease.

Date: April 18, 2017.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Greg Bissonette, Ph.D., Scientific Review Officer, National Institute on Aging, National Institutes of Health, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, Md 20892, 301–402–1622, *bissonettegb@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: March 20, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–05837 Filed 3–23–17; 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; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases; Special Emphasis Panel NIAID Investigator Initiated Program Project Applications (P01)

Date: April 18–19, 2017.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call)

Contact Person: Geetanjali Bansal, Ph.D., Scientific Reviewer Officer, Scientific Review Program, Division of Extramural Activities, Room 3G49, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892–9834, (240) 669–5073, *geetanjali.bansal@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 20, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–05838 Filed 3–23–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

Agency Information Collection Activities: Extension, Without Changes, of an Existing Information Collection; Comment Request; OMB Control No. 1653–0043

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 60-Day notice of information collection for review; Forms No. 10–002; Electronic Funds Transfer Waiver Request; OMB Control No. 1653–0043.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (USICE) is submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until May 23, 2017.

Written comments and suggestions regarding items contained in this notice and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), PRA Clearance Officer, U.S. Immigration and Customs Enforcement, 801 I Street NW., Mailstop 5800, Washington, DC 20536–5800.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information 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 agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, without changes, of a currently approved information collection.

(2) *Title of the Form/Collection:* Electronic Funds Transfer Waiver Request.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* ICE Form 10–002; U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. Section 404(b) of the Immigration and Nationality Act (8 U.S.C. 1101 note) provides for the reimbursement to States and localities for assistance provided in meeting an immigration emergency. This collection of information allows for State or local governments to request reimbursement.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 650 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 350 annual burden hours.

Dated: March 21, 2017.

Scott Elmore,

PRA Clearance Officer, Office of the Chief Information Officer, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. 2017–05881 Filed 3–23–17; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2016–N232; FF08ESMF00–FXES11120800000–178]

Habitat Conservation Plan for Pacific Gas and Electric Company's San Francisco Bay Area Operations and Maintenance

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; receipt of permit application, draft environmental assessment, draft habitat conservation plan, request for comment; withdrawal of notice to prepare an environmental impact statement.

SUMMARY: This notice advises the public that we, the U.S. Fish and Wildlife Service, have prepared a draft environmental assessment under the National Environmental Policy Act of 1967, as amended, and its implementing regulations. This notice also announces the receipt of an application for an incidental take permit under the Endangered Species Act of 1973, as amended, and receipt of a draft habitat conservation plan. Also, we announce that we are withdrawing a prior notice to prepare an environmental impact statement.

DATES: *Submitting Comments:* To ensure consideration, written comments must be received by April 24, 2017.

ADDRESSES: *Submitting Comments:* Please address written comments to Mike Thomas, Chief, Conservation Planning Division, or Eric Tattersall, Assistant Field Supervisor, by mail/hand-delivery at U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W–2605, Sacramento, California 95825; or by facsimile to (916) 414–6713. You may telephone (916) 414–6600 to make an appointment during regular business hours to drop off comments at the Sacramento Fish and Wildlife Office.

Reviewing Documents: You may obtain electronic copies of the draft habitat conservation plan and draft EA by downloading them from the Sacramento Fish and Wildlife Office Web site at *http://www.fws.gov/sacramento,* or by contacting any of the individuals in **FOR FURTHER INFORMATION CONTACT**. Copies of these documents are also available for public inspection, by appointment, during regular business hours at the Sacramento Fish and Wildlife Office (see **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT: Josh Emery, San Joaquin Valley Division; Mike Thomas, Chief, Conservation Planning Division; or Eric Tattersall, Assistant Field Supervisor, at the Sacramento Fish and Wildlife Office (see **ADDRESSES**) or at (916) 414–6600 (telephone). If you use a telecommunications device for the deaf, please call the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: This notice advises the public that we, the U.S. Fish and Wildlife Service (Service), have prepared a draft environmental assessment (draft EA) under the National Environmental Policy Act of 1967, as amended (42 U.S.C. 4321 *et*

seq.; NEPA), and its implementing regulations in the Code of Federal Regulations (CFR) at 40 CFR 1506.6.

This notice also announces the receipt of an application from Pacific Gas and Electric Company (PG&E) for a 30-year incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* Act). PG&E prepared the Draft Bay Area Habitat Conservation Plan (Draft Plan, or HCP) pursuant to section 10(a)(1)(B) of the Act. PG&E is requesting the authorization of incidental take for 32 covered species that could result from activities covered under the Draft Plan.

Introduction

The Draft Plan is a comprehensive regional habitat conservation plan for the nine counties surrounding the San Francisco Bay, and is designed to provide long-term conservation and management of sensitive species and the habitats upon which those species depend, while accommodating routine operation and maintenance (O&M) activities and minor construction for PG&E's gas and electrical distribution facilities and implementation of the Draft Plan.

Background Information

Section 9 of the Act (16 U.S.C. 1531–1544 *et seq.*) and Federal regulations (50 CFR 17) prohibit the taking of fish and wildlife species listed as endangered or threatened under section 4 of the Act. Take of federally listed fish or wildlife is defined under the Act as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed species, or attempt to engage in such conduct. The term ''harass'' is defined in the regulations as to carry out actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3). The term ''harm'' is defined in the regulations as significant habitat modification or degradation that results in death or injury of listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). However, under specified circumstances, the Service may issue permits that allow the take of federally listed species, provided that the take that occurs is incidental to, but not the purpose of, an otherwise lawful activity.

Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively. Section 10(a)(1)(B) of the Act contains provisions for issuing such incidental take permits to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met:

(1) The taking will be incidental;

(2) The applicants will, to the maximum extent practicable, minimize and mitigate the impact of such taking;

(3) The applicants will develop a proposed HCP and ensure that adequate funding for the HCP will be provided;

(4) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

(5) The applicants will carry out any other measures that the Service may require as being necessary or appropriate for the purposes of the HCP.

Proposed Action

The Service would issue an ITP to PG&E for a period of 30 years for certain covered activities (described below) in the 9 counties surrounding the San Francisco Bay. Annual species effects as a result of PG&E's activities are estimated to be approximately 60 acres of permanent habitat loss and 326 acres of temporary habitat disturbance. PG&E has requested a ITP for 32 species (Covered Species), 19 animals and 13 plants, all of which are currently listed as threatened or endangered under the Act.

Plan Area

The geographic scope of the Draft Plan includes Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Mateo, and San Francisco Counties; collectively, this area is known as the study area in the Draft Plan and Draft EA. Within the study area, the Plan Area consists of PG&E's gas and electric transmission and distribution facilities, rights-of-way, buffer lands, areas owned by PG&E and/or subject to PG&E easements, access routes, and those areas acquired as mitigation to offset the impacts resulting from covered activities. The total plan area is approximately 402,440 acres; of this total acreage, 128,735 acres (32 percent) are in natural land-cover types, 246,777 acres (61 percent) are in urban land-cover types, and 26,928 acres (7 percent) are in agricultural land-cover types.

Covered Activities

The proposed section 10 ITP may allow take of covered wildlife species resulting from covered activities in the proposed HCP plan area. PG&E is requesting incidental take authorization for covered species that could be affected by activities identified in the Draft Plan. The Draft Plan covers all PG&E O&M, minor new construction, and pipeline safety enhancement program activities related to PG&E's natural gas and electric transmission and distribution systems that may result in take of covered species and that are located in the plan area. O&M activities occur throughout PG&E's existing network of facilities and would occur at or near the existing facilities. Minor new construction activities include installing new or replacement structures to upgrade facilities or to extend service to new customers. Minor new construction, when in natural vegetation or agricultural land-cover types that contain suitable habitat for covered species, is limited to approximately 2 miles or fewer of new electric or gas line extensions from an existing line, a total of 1 acre or less of new gas pressure limiting stations within the study area, and 0.5 acre or less for each electric substation expansion. End-to-end extensions exceeding approximately 2 miles would not be covered under the Draft Plan. Multiple 2-mile extensions in different areas would be covered, but each would be treated as a separate activity. The size of a minor new construction project would be estimated as the total footprint, expressed in acres. Additionally, PG&E's community pipeline safety initiative involves upgrading key existing gas transmission pipelines located in heavily populated and other critical areas. Covered activities include inspection, field testing, and potentially replacing many pipeline segments to ensure reliable and safe delivery of gas to customers. Pipeline replacements are estimated to average between 4 miles and 8 miles and are primarily in urban areas, although there would also be replacement activities in areas of natural vegetation.

Covered Species

Covered species are those species addressed in the Draft HCP for which conservation actions will be implemented and for which PG&E is seeking an ITP for a period of 30 years. Proposed covered species include those listed as threatened or endangered under the Act.

The following federally listed threatened and endangered wildlife species are proposed to be covered by the Draft HCP: The endangered California freshwater shrimp (*Syncaris pacifica*), endangered conservancy fairy shrimp (*Branchinecta conservatio*), endangered longhorn fairy shrimp (*Branchinecta longiantenna*), threatened vernal pool fairy shrimp (*Branchinecta lynchi*), endangered vernal pool tadpole shrimp (*Lepidurus packardi*), threatened

delta green ground beetle (*Elaphrus viridis*), threatened Bay checkerspot butterfly (*Euphydryas editha bayensis*), endangered callippe silverspot butterfly (*Speyeria callippe callippe*), endangered Lange's metalmark butterfly (*Apodemia mormo langei*), endangered Mission blue butterfly (*Plebejus icarioides missionensis*), endangered San Bruno elfin butterfly (*Incisalia mossii bayensis*), threatened California tiger salamander (Central Distinct Population Segment (DPS)) (*Ambystoma californiense*), endangered California tiger Salamander (Sonoma County DPS) (*Ambystoma californiense*), threatened California red-legged frog (*Rana draytonii*), threatened Alameda whipsnake (*Masticophis lateralis euryxanthus*), endangered San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), endangered Ridgway's rail (*Rallus obsoletus*), endangered salt marsh harvest mouse (*Reithrodontomys raviventris*), and endangered San Joaquin kit fox (*Vulpes macrotis mutica*).

Take of federally listed plant species is not prohibited on non-Federal land under the Act, and cannot be authorized under a section 10 permit. However, PG&E proposes to include federally listed plant species in recognition of the conservation benefits provided for them under the Draft Plan. For the purposes of the Draft Plan, federally listed plant species are further included to meet regulatory obligations under section 7 of the Act. All species included on the ITP would receive assurances under Service's ''No Surprises'' regulations found in 50 CFR 17.22(b)(5) and 17.32(b)(5). The following federally listed plant species are included in the Draft Plan in recognition of the conservation benefits provided for them and the assurances PG&E would receive if they are included on permit: Threatened pallid manzanita (*Arctostaphylos pallida*), endangered Sonoma sunshine (*Blennosperma bakeri*), endangered coyote ceanothus (*Ceanothus ferrisae*), endangered fountain thistle (*Cirsium fontinale fontinale*), endangered Santa Clara Valley dudleya (*Dudleya abramsii setchellii*), endangered Contra Costa wallflower (*Erysimum capitatum angustatum*), threatened Marin dwarf flax (*Hesperolinon congestum*), endangered Burke's goldfields (*Lasthenia burkei*), endangered Contra Costa goldfields (*Lasthenia conjugens*), endangered Sebastopol meadowfoam (*Limnanthese vinculantes*), endangered Antioch Dunes evening primrose (*Oenothera deltoides howellii*), endangered white-rayed pentachaeta (*Pentachaeta bellidiflora*), and endangered Metcalf Canyon jewelflower (*Streptanthus glandulosus albidus*).

National Environmental Policy Act Compliance

The Draft EA was prepared to analyze the impacts of issuing an ITP based on the Draft Plan and to inform the public of the proposed action, alternatives, and associated impacts and disclose any irreversible commitments of resources.

The proposed permit issuance triggers the need for compliance with NEPA. The proposed action presented in the Draft EA is compared to the no-action alternative. The no-action alternative represents estimated future conditions to which the proposed action's estimated future conditions can be compared.

Based on the expected scope of the HCP in 2006, the Service published a Notice of Intent (NOI) to prepare a joint environmental impact statement/environmental impact report (EIS/EIR) in the **Federal Register** on November 7, 2006 (71 FR 65123). The NOI announced a 30-day public scoping period during which the public was invited to provide written comments and attend three public scoping meetings, which were held on January 14, 2006, in Petaluma, California, and January 15, 2006, in Santa Clara and Walnut Creek, California. However, since 2006, the overall scope of the Draft HCP has been reduced from that expected at the time the Service published the NOI. The Service did not directly receive any public comments. However, two State agencies, the California Department of Transportation and the Delta Protection Commission, indirectly submitted comment letters, one to the California Department of Fish and Wildlife and one to the State Clearinghouse. No significant issues were identified during the 30-day public scoping period. Also, upon review, it appears that there are no potential significant impacts to the human environment. As a result, the Service withdraws our intent to prepare a joint EIS/EIR and is now providing notice of the availability of a Draft EA, which evaluates the impacts of the Proposed Action described above (issuance of the permit and implementation of the Draft Plan), as well as the No-Action Alternative described below.

No-Action Alternative

Under the No-Action Alternative, the Service would not issue an ITP to PG&E, and the Draft Plan would not be implemented. Under this alternative, individual PG&E projects and activities that may adversely affect federally listed animal species would require consultation with the Service pursuant to section 7 or section 10 of the Act on a case-by-case basis. Under the No Action Alternative, there would be no comprehensive means to coordinate and standardize mitigation requirements of the Act within the Plan Area; this is anticipated to result in a more costly, less equitable, less efficient project review process that would provide fewer conservation benefits. Conservation planning and implementation would not happen at a regional scale and would be unlikely to result in a large interconnected system of conservation lands, but would instead likely result in relatively small and isolated conservation lands spread out over the entire study area.

Public Comments

We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on this notice, the Draft EA, and Draft Plan. We particularly seek comments on the following:

1. Biological information concerning the species;
2. Relevant data concerning the species;
3. Additional information concerning the range, distribution, population size, and population trends of the species;
4. Current or planned activities in the subject area and their possible impacts on the species;
5. The presence of archeological sites, buildings and structures, historic events, sacred and traditional areas, and other historic preservation concerns, which are required to be considered in project planning by the National Historic Preservation Act; and
6. Identification of any other environmental issues that should be considered with regard to the proposed development and permit action.

You may submit your comments and materials by one of the methods listed in the **ADDRESSES** section. Comments and materials we receive will be available for public inspection by appointment, during normal business hours (Monday through Friday, 8 a.m. to 4:30 p.m.) at the Service's Sacramento address (see **ADDRESSES**).

Public Availability of Comments

Before including your address, phone number, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—might 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.

Next Steps

Issuance of an incidental take permit is a Federal proposed action subject to compliance with NEPA. We will evaluate the application, associated documents, and any public comments we receive to determine whether the application meets the requirements of NEPA regulations and section 10(a) of the Act. If we determine that those requirements are met, we will issue a permit to the applicant for the incidental take of the Covered Species. We will make our final permit decision no sooner than 30 days after the public comment period closes.

Authority

We publish this notice under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4347 *et seq.;* NEPA), and its implementing regulations in the Code of Federal Regulations (CFR) at 40 CFR 1500–1508, as well as in compliance with section 10(c) of the Endangered Species Act (16 U.S.C. 1531–1544 *et seq.;* Act).

Dated: March 20, 2017.

Alexandra Pitts,

Deputy Regional Director, U.S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2017–05856 Filed 3–23–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[17X LLIDB00100 LF1000000.HT0000 LXSIOVHD0000.4500104754]

Notice of Public Meeting; Boise District Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA), the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management's (BLM) Boise District Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Boise District RAC meeting will be held on April 5, 2017, at the BLM Boise District Office. The meeting will begin at 9:00 a.m. and end no later than 4:00 p.m. (times are Mountain Time).

ADDRESSES: BLM Boise District Office, 3948 Development Avenue, Boise, Idaho 83705.

FOR FURTHER INFORMATION CONTACT: Michael Williamson, by telephone at 208–384–3393; or by email at *mwilliamson@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may contact Mr. Williamson by calling the Federal Relay Service (FRS) at 800–877–8339. The FRS is available 24 hours a day, seven days a week, to leave a message or question with Mr. Williamson. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member RAC advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in Idaho. During the April 5, 2017, meeting the Boise District RAC will receive updates on the Wild Horse and Burro program; travel management planning; fire program; Soda Fire rehabilitation; the Four Rivers Field Office Resource Management Plan; and other field office updates. Additional topics may be added and will be included in local media announcements, and the final agenda RAC meetings are open to the public. The public may present written comments to the RAC at the address provided above. Each RAC meeting will have time allocated for oral comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations, should contact the BLM as provided above (see **FOR FURTHER INFORMATION CONTACT**).

Before including your address, phone number, email address, or other personal identifying information in your comments, please note 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.

Authority: 43 CFR 1784.4–1.

Aimee Betts,

Associate District Manager.

[FR Doc. 2017–05868 Filed 3–23–17; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORV00000.L10200000. DF0000.LXSSH1050000.17X.HAG 17–0089]

Notice of Public Meeting; Southeast Oregon Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management's (BLM), Southeast Oregon Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Southeast Oregon RAC meeting will be held on Monday, April 10, 2017, and Tuesday, April 11, 2017 in Ontario, OR. The meeting on April 10, 2017, will consist of a field trip to view the Soda Fire burn area beginning at 8 a.m. and ending at 5 p.m. The April 11, 2017 meeting will begin at 8 a.m. and end at 12 p.m. (times are Mountain Time).

ADDRESSES: The meeting will be held at the Clarion Inn, 1249 Tapadera Ave, Ontario, OR 97914. The telephone conference line number for the April 11, 2017, meeting is 1–866–524–6456, Participant Code: 608605.

FOR FURTHER INFORMATION CONTACT: Larisa Bogardus, Public Affairs Officer, by mail at BLM Lakeview District Office, 1301 S G Street, Lakeview, Oregon 97630; by telephone at (541) 947–6237; or be email at *lbogardus@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1 (800) 877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Southeast Oregon RAC consists of 15 members appointed by the Secretary of the Interior. Their diverse perspectives are represented in commodity, conservation, and general interests. They provide advice to BLM and U.S. Forest Service resource managers regarding management plans and proposed resource actions on public land in southeast Oregon. This meeting is open to the public in its entirety. The agenda will be released online at *https://www.blm.gov/site-page/get-involved-resource-advisory-council-*

near-you-oregon-washington-southeast-oregon-rac prior to April 3, 2017. Agenda items for the meeting include: Discussion and impressions from the field trip; an update and possible recommendations from the Lands with Wilderness Characteristics subcommittee; an update from the Tri-State Fuels Break subcommittee; and an update on the Sage Grouse Causal Factors Analysis process. Any other matters that may reasonably come before the Southeast Oregon RAC may also be addressed.

A public comment period will be available from 11 a.m. to 11:30 a.m. during the April 11, 2017, meeting. Unless otherwise approved by the Southeast Oregon RAC Chair, the public comment period will last no longer than 30 minutes, and each speaker may address the Southeast Oregon RAC for a maximum of 5 minutes. Meeting times and the duration of the public comment periods may be extended or altered when the authorized representative considers it necessary to accommodate necessary business and all who seek to be heard regarding matters before the Southeast Oregon RAC.

Before including your address, phone number, email address, or other personal identifying information in your comments, please 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.

Authority: 43 CFR 1784.4–2.

Donald Gonzalez,

Vale District Manager.

[FR Doc. 2017–05869 Filed 3–23–17; 8:45 am]

BILLING CODE 4310–33–P

INTERNATIONAL TRADE COMMISSION

Petitions for Duty Suspensions and Reductions: Notice That Comments Received on Previously Filed Petitions Are Available for Viewing on the Commission's Web Site

AGENCY: United States International Trade Commission.

ACTION: Notice that the Commission has published on its Web site comments received from the public on previously submitted petitions for duty suspensions and reductions.

SUMMARY: As required by the American Manufacturing Competitiveness Act of 2016, the Commission is publishing notice that comments received from the public on previously submitted petitions for duty suspensions and reductions are now available for public viewing on the Commission's Web site.

ADDRESSES: All Commission offices are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. The public file for this proceeding may be viewed on the Commission's MTBPS at *https://www.usitc.gov/mtbps.*

FOR FURTHER INFORMATION CONTACT: For general inquiries, contact Jennifer Rohrbach at *mtbinfo@usitc.gov*. For filing inquiries, contact the Office of Secretary, Docket Services division, U.S. International Trade Commission, telephone (202) 205–3238. The media should contact Peg O'Laughlin, Public Affairs Officer (202–205–1819 or *margaret.olaughlin@usitc.gov*). General information concerning the Commission may be obtained by accessing its internet server (*https://www.usitc.gov*).

Background: The American Manufacturing Competitiveness Act of 2016 (the Act), Public Law 114–159, May 20, 2016, 19 U.S.C. 1332 note, established a new process for the submission and consideration of requests for temporary duty suspensions and reductions. Section 3(b)(1) of the Act requires that the Commission initiate the process by publishing a notice requesting members of the public who can demonstrate that they are likely beneficiaries of duty suspensions or reductions to submit petitions and Commission disclosure forms to the Commission. The Commission published this notice in the **Federal Register** on October 14, 2016 (81 FR 71114). The notice required that petitions be submitted no later than the close of business on December 12, 2016.

Section 3(b)(3)(A) of the Act requires that the Commission, no later than 30 days after the expiration of the period for filing petitions, publish on its Web site the petitions received that contain the information required by the Act; section 3(b)(3)(B) of the Act requires that the Commission, at the same time, publish a notice in the **Federal Register** requesting members of the public to submit comments to the Commission on the petitions published on the Commission's Web site. The Commission published the petitions received on its Web site effective January 11, 2017, and published a notice in the **Federal Register** on January 11, 2017 (82 FR 3357) requesting members of the public to submit comments on those petitions no later than the close of business on February 24, 2017.

Section 3(b)(3)(B)(ii) of the Act requires that the Commission publish notice in the **Federal Register** directing members of the public to a publicly available Commission Web site to view the comments received. This notice complies with that requirement. Members of the public may view those comments on the Commission's Web site at *https://mtbps.usitc.gov*.

The Commission is now in the process of preparing the reports it is required to submit, under sections 3(b)(3)(C) and (E) of the Act, to the House Committee on Ways and Means and the Senate Committee on Finance (Committees) on the petitions for duty suspensions and reductions submitted. The Commission will submit its preliminary report to the Committees in June 2017 and its final report in August 2017. In preparing its reports the Commission will consider the petitions and comments submitted, the report that the U.S. Department of Commerce (Commerce) submits under section 3(c) of the Act (in consultation with U.S. Customs and Border Protection (CBP) and other relevant Federal agencies), and any other information it considers appropriate.

By order of the Commission.

Issued: March 21, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–05875 Filed 3–23–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–976]

Certain Woven Textile Fabrics and Products Containing Same; Issuance of a General Exclusion Order; Termination of the Investigation

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a general exclusion order barring entry of certain woven textile fabrics and products containing same. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2532. Copies of non-confidential documents filed in connection with this

investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 18, 2015, based on a supplemented and twice-amended complaint filed by AAVN, Inc. of Richardson, Texas (''AAVN''). 80 FR 79094 (Dec. 18, 2015). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain woven textile fabrics and products containing same, by reason of infringement of claims 1–7 of U.S. Patent No. 9,131,790 (''the '790 patent'') and/or by reason of false advertising. The notice of investigation named fifteen respondents: AQ Textiles, LLC of Greensboro, North Carolina; Creative Textile Mills Pvt. Ltd. of Mumbai, India and Indo Count Industries Ltd., both of Mumbai, India; Indo Count Global, Inc. of New York, New York; GHCL Limited of Uttar Pradesh, India; Grace Home Fashions LLC of New York, New York; E & E Company, Ltd. of Maharashtra, India; E&E Company, Ltd. d/b/a JLA Home of Fremont, California; Welspun Global Brands Ltd. of Gujarat, India; Welspun USA Inc. of New York, New York; Elite Home Products, Inc. of Saddle Brook, New Jersey; Pacific Coast Textiles, Inc. and Amrapur Overseas, Inc., both of Garden Grove, California; Westport Linens, Inc. of New York, New York; and Pradip Overseas Ltd. of Ahmedabad, India (''Pradip''). In the course of the investigation, fourteen of the respondents were terminated from the investigation based upon settlement agreement or consent order. *See* Order No. 21 at 2–3 (Nov. 10, 2016) (summarizing the procedural history of the investigation). The last remaining respondent was Pradip.

AAVN accused Pradip of false advertising, specifically alleging that Pradip misrepresented the thread count of sheets manufactured in India, imported into the United Sates, and sold in United States department stores. Second Am. Compl. ¶¶ 39–41, 80 (Nov. 12, 2015); *id.* at Ex. 46 (''800 Thread Count'' sheets measured at 252.7 threads). Although Pradip responded to the complaint, Pradip later terminated its relationship with its attorneys and represented that it would not participate in the remainder of the investigation. *See* Order No. 14 at 1 (Apr. 19, 2016); *see also* 19 CFR 210.17 (failures to act).

On September 2, 2016, AAVN moved for leave to file a motion for summary determination of violation. The summary determination motion that was appended argued, *inter alia,* that Pradip had violated section 337 by falsely advertising the thread count of its imported sheets, that the false advertising was deceptive, material, and injurious to AAVN. AAVN sought a general exclusion order and 100 percent bond during the Presidential review period. *See* 19 U.S.C. 1337(d)(2), (j)(3). On September 15, 2016, the Commission investigative attorney (''IA'') responded in support of the motion for leave and the accompanying summary determination motion including its proposed relief. Pradip did not respond. *See* 19 CFR 210.17(c).

On November 10, 2016, the ALJ granted the motion for summary determination as an initial determination (Order No. 21). The ID found that AAVN had shown a violation of section 337 by reason of false advertising under section 43 of the Lanham Act, 15 U.S.C. 1125(a)(1)(B). Order No. 21 at 7–9, 13–15. As to remedy, citing 19 U.S.C. 1337(d)(2), which sets forth the test for issuance of a general exclusion order, *id.* at 16, the ALJ found that ''the evidence shows a widespread pattern of violation of Section 337,'' *id.* at 17. The ALJ also found that ''the evidence shows that it is difficult to identify the source and manufacturers of the falsely advertised products,'' because ''U.S. retailers fail to identify the manufacturer, importer or seller of the textile products at the point of sale.'' *Id.* at 18. Nor do import records ''reveal the names of the original manufacturers of the materials used to construct the imported products.'' *Id.* Accordingly, the ALJ found ''that the evidence shows that it is difficult, if not impossible, to identify the sources of the falsely advertised goods.'' *Id.* Based on these findings the ALJ recommended the issuance of a general exclusion order. *Id.* In the alternative, the ALJ recommended the issuance of a limited exclusion order. *Id.* at 19. The ALJ recommended that bond be set at 100 percent of the entered value of the falsely advertised products. *Id.*

On December 20, 2016, the Commission determined not to review Order No. 21, resulting in a finding of a violation of section 337. 81 FR 95195 (Dec. 27, 2016). The Commission requested written submissions on remedy, the public interest, and bonding. *Id.* at 95196. On January 6, 2017, AAVN and the IA filed submissions on these issues. On January 13, 2017, the IA filed a reply to AAVN's submission. No other submissions were received.

The Commission finds that the statutory requirements for relief under 19 U.S.C. 1337(d)(2) are met. In addition, the Commission finds that the public interest factors enumerated in 19 U.S.C. 1337(d)(1) do not preclude issuance of the statutory relief.

The Commission has determined that the appropriate remedy in this investigation is a general exclusion order prohibiting the entry of certain woven textile fabrics and products containing same that are falsely advertised through a misrepresentation of thread count. The Commission has also determined that the bond during the period of Presidential review pursuant to 19 U.S.C. 1337(j) shall be in the amount of 100 percent of the entered value of the imported articles that are subject to the general exclusion order. The Commission's order was delivered to the President and to the United States Trade Representative on the day of its issuance.

The authority for the Commission's determinations is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 20, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–05845 Filed 3–23–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1030]

Certain High-Potency Sweeteners, Processes for Making Same, and Products Containing Same; Commission Determination Not To Review an Initial Determination Granting Complainants' Motion for Termination of the Investigation Based on Withdrawal of the Complaint; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 7) of the presiding administrative law judge (''ALJ'') granting Complainants' motion for termination of the investigation based on withdrawal of the complaint. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Investigation No. 337–TA–1030 on November 28, 2016, based on a complaint filed by Complainants Celanese International Corporation of Irving, Texas; Celanese Sales U.S. Ltd. of Irving, Texas; and Celanese IP Hungary Bt of Budapest, Hungary (collectively, ''Complainants'' or ''Celanese''). *See* 81 FR 85640–1 (Nov. 28, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain high-potency sweeteners, processes for making same, and products containing same by reason of infringement of certain claims of U.S. Patent No. 9,024,016 (''the '016 patent''). *See id.* The notice of investigation identified Suzhou Hope Technology Co., Ltd. of Suzhou City, China; Anhui Jinhe Industrial Co., Ltd. of Anhui, China; and Vitasweet Co., Ltd. of Beijing, China (collectively, ''Respondents'') as respondents in this investigation. *See id.* The Office of Unfair Import Investigations is also a party to this investigation. *See id.*

On February 2, 2017, Complainants filed a motion for termination of the investigation based on withdrawal of the complaint. On February 13, 2017, Respondents filed responses in opposition to Complainants' motion. On the same day, the Commission Investigative Attorney (''IA'') filed a response in support of Complainants' motion. Additionally, on February 17, 2017, Complainants filed a motion for leave to file a reply in support of their motion.

On March 1, 2017, the ALJ issued the subject ID, denying Complainants' motion for leave to file a reply but granting their motion for termination of the investigation. The ALJ found that Complainants' motion complied with Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), ''insomuch as it includes a statement that '[t]here are no agreements, written or oral, express or implied, between Complainant and Respondents . . . concerning the subject matter of this Investigation.' '' ID at 4 (alteration in original). The ALJ also found no ''extraordinary circumstances that merit denying Celanese's motion at this relatively early point in the investigation.'' *Id.* (citations omitted).

No party has filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID. The investigation is terminated.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 20, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–05830 Filed 3–23–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1045]

Certain Document Cameras and Software for Use Therewith; 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 17, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Pathway Innovations and Technologies, Inc. of San Diego, California. The complaint 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 document cameras and software for use therewith by reason of infringement of certain claims of U.S. Patent No. 8,508,751 (''the '751 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

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, 19

U.S.C. 1337, 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 17, 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 document cameras and software for use therewith by reason of infringement of one or more of claims 1–10, 12–18, and 20 of the '751 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 complainant is: Pathway Innovations and Technologies, Inc., 10211 Pacific Mesa Boulevard, Suite 412, San Diego, CA 92121.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

IPEVO, Inc., 440 North Wolfe Road, Sunnyvale, CA 94085

AVer Information Inc., 668 Mission Court, Fremont, CA 94539

Lumens Integration, Inc., 4116 Clipper Court, Fremont, CA 94538

(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 respondents 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 a 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 20, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–05846 Filed 3–23–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

Notice of Public Meeting for the Draft Supplemental Revised Final Environmental Impact Statement for Proposed United States Penitentiary and Federal Prison Camp in Letcher County, Kentucky

AGENCY: Federal Bureau of Prisons, U.S. Department of Justice.

ACTION: Notice.

SUMMARY: The U.S. Department of Justice, Federal Bureau of Prisons (Bureau) is announcing a public meeting for the Draft Supplemental Revised Final Environmental Impact Statement (RFEIS) for the proposed United States Penitentiary (USP) and Federal Prison Camp (FPC) in Letcher County, Kentucky. A 45-day public comment period on the Draft Supplemental RFEIS was initiated with the publication of the Notice of Availability of the Draft Supplemental RFEIS in the **Federal Register** on March 24, 2017, and will end on May 8, 2017. During the 45-day public comment period, the Bureau will conduct a public meeting to receive oral and written comments on the Draft Supplemental RFEIS. This notice announces the date, time, and location of the public meeting and provides supplementary information about the environmental planning effort.

DATES: The public meeting will be held on April 12, 2017 between 5:30 p.m. and 8:00 p.m.

ADDRESSES: Letcher County Central High School located at 435 Cougar Drive, Whitesburg, Kentucky. Bureau representatives will be available at poster stations during the public meeting to clarify information related to the Draft Supplemental RFEIS. Federal, state, and local agencies and officials, and interested groups and individuals are encouraged to provide comments in person at the public meeting or in writing anytime during the public comment period. At the public meetings, attendees will be able to submit comments in writing and orally to a stenographer who will transcribe comments. Written comments on the Draft Supplemental RFEIS may be submitted during the 45-day review period via the U.S. Postal Service or electronically. Written comments may be submitted via mail to: Mr. Issac Gaston, Site Selection Specialist, U.S. Department of Justice, Federal Bureau of Prisons, 320 First Street NW., Washington, DC 20534. Written comments may also be submitted via email to *igaston@bop.gov.* All written comments must be postmarked or received via email by May 8, 2017 to ensure consideration in connection with the Final Supplemental RFEIS. All comments received during the public comment period, whether oral or written, will be given equal consideration, become part of the public record on the Draft Supplemental RFEIS and be responded to in the Final Supplemental RFEIS.

The Draft Supplemental RFEIS is available electronically on the project Web site at *http://www.fbopletchercountyeis.com.* Copies of the Draft Supplemental RFEIS are available for public review at the following repositories:

1. Harry M. Caudill Memorial Library, 220 Main Street, Whitesburg, KY.
2. Blackey Public Library, 295 Main Street Loop, Blackey, KY.
3. Jenkins Public Library, 9543 Highway 805, Jenkins, KY.
4. Fleming Neon Public Library, 1049 Highway 317, Neon, KY.

FOR FURTHER INFORMATION CONTACT: Mr. Issac Gaston, Site Selection Specialist, Capacity Planning and Construction Branch, Federal Bureau of Prisons, 320 First Street NW., Washington, DC 20534 (Telephone: (202) 514–6470, Fax: (202) 616–6024, or Email: *igaston@bop.gov*).

SUPPLEMENTARY INFORMATION: A Notice of Intent to prepare a Supplemental RFEIS was published in the **Federal Register** on November 18, 2016 (81 **Federal Register** 81809). The Draft Supplemental RFEIS was prepared to address changes to the proposed action, as required under NEPA [40 CFR 1502.9(c)], and to assess new circumstances or information relevant to potential environmental impacts. In

March 2016, the Bureau completed the Revised Final EIS for the Proposed United States Penitentiary and Federal Prison Camp, Letcher County, Kentucky, which evaluated the potential environmental impacts from the acquisition of property and construction and operation of a new United States Penitentiary, Federal Prison Camp, ancillary facilities, and access roads in Letcher County. The RFEIS analyzed two potential locations: An approximately 753-acre site in eastern Letcher County (Alternative 1—Payne Gap), and an approximately 700-acre site in western Letcher County (Alternative 2—Roxana). The RFEIS identified Alternative 2—Roxana as the preferred alternative because it best meets the project needs and, on balance, would have fewer impacts to the natural and built environment.

The Bureau was originally considering acquiring approximately 700 acres at the Roxana site for this project. The Bureau removed two parcels of land at the Roxana site from acquisition consideration, resulting in a proposed site of approximately 570 acres. This reduction in site size necessitated modifying the facilities layout evaluated for Alternative 2—Roxana in the RFEIS. The environmental impacts of the Modified Alternative 2—Roxana have been analyzed in the Draft Supplemental RFEIS. The alternatives evaluated in the Draft Supplemental RFEIS include the No Action Alternative and Modified Alternative 2—Roxana.

Modified Alternative 2—Roxana is the Preferred Alternative and includes proposed facilities that would house approximately 1,216 total inmates: Approximately 960 within the USP and approximately 256 within the FPC. Inmates housed in the USP would be high-security male inmates and those housed in the FPC would be minimum-security male inmates. In addition to the USP and FPC, several ancillary facilities necessary for the operation of the USP and FPC would be constructed. The ancillary facilities would include a central utility plant, outdoor firing range, outside warehouse, staff training building, garage/landscape building, access roads, and parking lots. A non-lethal/lethal fence and site lighting would also be installed. The non-lethal/lethal fence would be placed around the perimeter of the USP between two parallel, chain link and razor wire fences. Operation of the USP and FPC would require approximately 300 full-time staff.

The Draft Supplemental RFEIS analyzes potential direct, indirect and cumulative environmental impacts that may result from Modified Alternative 2—Roxana, including land use and zoning; topography, geology, and soils; air quality; noise; infrastructure and utilities; cultural resources; water resources; and biological resources. The Bureau determined there is no significant new information relevant to environmental concerns and no appreciable changes to potential impacts as a result of the modifications to the Roxana site size and facilities layout under Modified Alternative 2—Roxana to the following resource areas: Socioeconomics and environmental justice, community facilities and services, transportation and traffic, and hazardous materials and waste. Relevant and reasonable measures that could avoid or mitigate environmental impacts have been analyzed.

The Bureau is consulting with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act and with the Kentucky Heritage Council under Section 106 of the National Historic Preservation Act. When complete, results of these ongoing consultations will be included in the Final Supplemental RFEIS.

A notice of availability of the Draft Supplemental RFEIS and a notice of public meeting is being published in the area newspapers to identify further details about the public meeting and the specific opportunities and methods for the public to provide comments on the Draft Supplemental RFEIS. The mailing list for the Draft Supplemental RFEIS was based on the mailing list in the 2016 RFEIS. Those on this list will receive a copy of the Draft Supplemental RFEIS. This list includes local, state, and federal agencies with jurisdiction, elected officials and community leaders, businesses and organizations, and other interested parties and individuals. Anyone wishing to be added to the mailing list to receive a copy of the Draft Supplemental RFEIS may request to be added by contacting the Bureau's Site Selection Specialist at the address below. Following completion of the 45-day public comment period on the Draft Supplemental RFEIS, the Bureau will issue a Final Supplemental RFEIS that will include comments received during the public comment period on the Draft Supplemental RFEIS. The Final Supplemental RFEIS will also include the Bureau's response to substantive comments received on the Draft Supplemental RFEIS. Following publication of the Final Supplemental RFEIS, a 30-day review period will be provided. No action will be taken to implement any of the proposed alternatives until completion of the 30-day review period on the Final Supplemental RFEIS and issuance of a Record of Decision on behalf of the Bureau by its Director or Acting Director.

Dated: March 17, 2017.

Issac Gaston,

Site Selection Specialist, Capacity Planning and Construction, U.S. Department of Justice, Federal Bureau of Prisons.

[FR Doc. 2017–05784 Filed 3–23–17; 8:45 am]

BILLING CODE 4410–P

MERIT SYSTEMS PROTECTION BOARD

Membership of the Merit Systems Protection Board's Performance Review Board

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: Notice is hereby given of the members of the Merit Systems Protection Board's Performance Review Board.

DATES: March 24, 2017.

FOR FURTHER INFORMATION CONTACT: Pervis Lee at 202–254–4413 or *pervis.lee@mspb.gov.*

SUPPLEMENTARY INFORMATION: The Merit Systems Protection Board is publishing the names of the current and new members of its Performance Review Board (PRB) as required by 5 U.S.C. 4314(c)(4). Laura M. Albornoz, currently a member of the PRB, will serve as Chairman of the PRB. Michael Cushing of the Export-Import Bank and Louis Lopez of the Office of Special Counsel are new members of the PRB. Susan M. Swafford and William L. Boulden continue to serve as members of the PRB.

William D. Spencer,

Acting Chief Information Officer.

[FR Doc. 2017–05882 Filed 3–23–17; 8:45 am]

BILLING CODE 7400–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0064]

Information Collection: NRC Form 241, "Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters"

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on this renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, NRC Form 241, ''Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters.''

DATES: Submit comments by May 23, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0064. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–5 F53, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0064 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0064. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2017–0064 on this Web site.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML16365A161. The supporting statement and NRC Form 241, ''Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters'' is available in ADAMS under Accession No. ML16365A163.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV*.

B. Submitting Comments

Please include Docket ID NRC–2017–0064 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* NRC Form 241, ''Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters''.
2. *OMB approval number:* 3150–0013.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* NRC Form 241.
5. *How often the collection is required or requested:* NRC Form 241 must be submitted each time an Agreement State licensee wants to engage in or revise its activities involving the use of radioactive byproduct material in a non-Agreement State, areas of exclusive Federal jurisdiction, or offshore waters. The NRC may waive the requirements for filing additional copies of NRC Form 241 during the remainder of the calendar year following receipt of the initial form.
6. *Who will be required or asked to respond:* Any licensee who holds a specific license from an Agreement State and wants to conduct the same activity in non-Agreement States, areas of exclusive Federal Jurisdiction, or offshore waters under the general license in section 150.20 of title 10 of the *Code of Federal Regulations* (10 CFR).
7. *The estimated number of annual responses:* 1,720 responses.
8. *The estimated number of annual respondents:* 200 respondents.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 480 hours (100 hours for initial submissions + 380 hours for changes + 0 hours for clarifications).
10. *Abstract:* Any Agreement State licensee who engages in the use of radioactive material in non-Agreement States, areas of exclusive Federal jurisdiction, or offshore waters, under the general license in 10 CFR 150.20, is required to file, with the NRC Regional Administrator for the Region in which the Agreement State that issues the license is located, a copy of NRC Form 241, ''Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters,'' a copy of its Agreement State specific license, and the appropriate fee as prescribed in 10 CFR 170.31 at least 3 days before engaging in such activity. This

mandatory notification permits the NRC to schedule inspections of the activities to determine whether the activities are being conducted in accordance with requirements for protection of the public health and safety.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 20th day of March 2017.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017–05829 Filed 3–23–17; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before May 23, 2017.

ADDRESSES: Comments should be addressed to Denora Miller, FOIA/Privacy Act Officer. Denora Miller can be contacted by telephone at 202–692–1236 or email at *pcfr@peacecorps.gov.* Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Denora Miller at Peace Corps address above.

SUPPLEMENTARY INFORMATION: The Peace Corps Office of Communications activities and publications support section 2 of the Peace Corps Act, which states that one of the agency's missions is to ''promote a better understanding of other peoples on the part of all Americans.'' The Peace Corps Media Library project gathers and makes accessible, via the internet, stories and photos of Peace Corps Volunteers who have served in 140 countries over the past 54 years, helping to convey to the American public the Peace Corps' legacy of service to host country communities throughout the world.

OMB Control Number: 0420–0552.

Old Title: Peace Corps Digital Library.

New Title: Peace Corps Media Library.

Type of Review: Regular.

Affected Public: Individuals.

Respondents' Obligation to Reply: Voluntary.

Burden to the Public:

a. *Number of Respondents (first year):* 500.

b. *Frequency of response:* 1 response.

c. *Completion time:* 5 minutes.

d. *Annual burden hours:* 42 hours.

General Description of Collection: The Peace Corps Media Library collects stories and photographs from Returned Peace Corps Volunteers along with basic contact information (name, phone number, email address) and information about their Peace Corps service, such as dates of service, geographic location, and sector of service. Respondents include Returned Peace Corps Volunteers and current or former Peace Corps staff interested in voluntarily submitting photos and/or videos to the Peace Corps Media Library. This information is used to add assets to the media library on the Peace Corps Web site; provide photos for use in exhibits, news articles and events about Peace Corps; assist in documenting the history of the Peace Corps as experienced by its Volunteers through the years.

Request for Comment: Peace Corps invites comments on whether the proposed collection of information is necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice issued in Washington, DC, on March 21, 2017.

Denora Miller,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2017–05891 Filed 3–23–17; 8:45 am]

BILLING CODE 6051–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2017–98 and CP2017–144; MC2017–99 and CP2017–145; CP2017–146]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing recent Postal Service filings for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 28, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also

establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2017–98 and CP2017–144; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 298 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* March 20, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr; *Comments Due:* March 28, 2017.

2. *Docket No(s).:* MC2017–99 and CP2017–145; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 44 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* March 20, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr; *Comments Due:* March 28, 2017.

3. *Docket No(s).:* CP2017–146; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 7 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* March 20, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Curtis E. Kidd; *Comments Due:* March 28, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–05870 Filed 3–23–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* March 24, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 20, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 44 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–99, CP2017–145.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–05835 Filed 3–23–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* March 24, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 20, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 298 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–98, CP2017–144.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–05836 Filed 3–23–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80281; File No. SR–C2–2017–010]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Complex Orders

March 20, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 6, 2017, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to amend its rules related to complex orders. The text of the proposed rule change is provided below (additions are *italicized;* deletions are [bracketed]).

* * * * *

C2 Options Exchange, Incorporated

Rules

* * * * *

Rule 1.1. Definitions

* * * * *

Exchange Spread Market

The term ''Exchange spread market'' means the derived net market based on the BBOs in the individual series legs comprising

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

a complex order and, if a stock-option order, the NBBO of the stock leg.

* * * * *

National Spread Market

The term ''national spread market'' means the derived net market based on the NBBOs in the individual series legs comprising a complex order and, if a stock-option order, the NBBO of the stock leg.

* * * * *

Rule 6.13. Complex Order Execution

(a)–(c) No change.

. . . ***Interpretations and Policies:***

.01 No change.

.02 For each class where COA is activated, the Exchange may also determine to activate COA for complex orders resting in COB. For such classes, any non-marketable order resting at the top of COB may be automatically subject to COA if the order is within a number of ticks away from *the opposite side of* the current [derived net]*Exchange spread* market. [The ''derived net market'' will be calculated based on the derived net price of the individual series legs. For stock-option orders, the derived net market for a strategy will be calculated using the Exchange's best bid or offer in the individual option series leg(s) and the NBBO in the stock leg.] The Exchange may also determine on a class-by-class and strategy basis to limit the frequency of COAs initiated for complex orders resting in COB.

.03 No change.

.04 Price Check Parameters: On a class-by-class basis, the Exchange may determine (and announce via Regulatory Circular) which of the following price check parameters will apply to eligible complex orders. Paragraphs (b)[, (e)] and (g)*(1)* will not be applicable to stock-option orders.

For purposes of this Interpretation and Policy .04:

Vertical Spread. A ''vertical'' spread is a two-legged complex order with one leg to buy a number of calls (puts) and one leg to sell the same number of calls (puts) with the same expiration date but different exercise prices.

Butterfly Spread. A ''butterfly'' spread is a three-legged complex order with two legs to buy (sell) the same number of calls (puts) and one leg to sell (buy) twice as many calls (puts), all with the same expiration date but different exercise prices, and the exercise price of the middle leg is between the exercise prices of the other legs. If the exercise price of the middle leg is halfway between the exercise prices of the other legs, it is a ''true'' butterfly; otherwise, it is a ''skewed'' butterfly.

Box Spread. A ''box'' spread is a four-legged complex order with one leg to buy calls and one leg to sell puts with one strike price, and one leg to sell calls and one leg to buy puts with another strike price, all of which have the same expiration date and are for the same number of contracts.

To the extent a price check parameter is applicable, the Exchange will not automatically execute an eligible complex order that is:

(a)–(d) No change.

(e) *Acceptable* Percentage [Distance]*Range* Parameter:

(i) An *incoming complex* order *(including a stock-option order) after all leg series are open for trading* that is marketable *and would execute immediately upon submission to the COB or following a COA* if[, following COA,] the execution would be at a price [that is not within]*outside* an acceptable percentage [distance from the derived net price of the individual series legs]*range. The ''acceptable percentage range'' is the national spread market (or Exchange spread market if the NBBO in any leg is locked, crossed or unavailable and for pairs of orders submitted to AIM or SAM) that existed when the System received the order or* at the start of COA[. The ''acceptable percentage distance'' will be a percentage determined by the Exchange on a class-by-class basis and shall be no less than 3 percent. Such a complex order will be cancelled.]*, as applicable, plus/minus:*

(A) the amount equal to a percentage (which may not be less than 3%) of the national spread market (the ''percentage amount'') if that amount is not less than a minimum amount or greater than a maximum amount (the Exchange will determine the percentage and minimum and maximum amounts and announce them to Trading Permit Holders by Regulatory Circular);

(B) the minimum amount, if the percentage amount is less than the minimum amount; or

(C) the maximum amount, if the percentage amount is greater than the maximum amount.

(ii) The System cancels an order (or any remaining size after partial execution of the order) that would execute or rest in the COB at a price outside the acceptable price range.

(iii) If the System rejects either order in a pair of orders submitted to AIM or SAM pursuant to this parameter, then the System also cancels the paired order. Notwithstanding the foregoing, with respect to an AIM Retained (''A:AIR'') order as defined in Interpretation and Policy .10 to Rule 6.51, if the System rejects the Agency Order pursuant to this check, then the System also rejects the contra-side order; however, if the System rejects the contra-side order pursuant to this check, the System still accepts the Agency Order if it satisfies the check. To the extent a contra-side order or response is marketable against the Agency Order, the execution price will be capped at the opposite side of the acceptable price range.

(f) [Stock-Option Derived Net Market Parameters: A stock-option order that is marketable if, following COA, the execution would not be within the acceptable derived net market for the strategy that existed at the start of COA.

(1) An ''acceptable derived net market'' for a strategy will be calculated using the Exchange's best bid or offer in the individual option series leg(s) and the NBBO in the stock leg plus/minus an acceptable tick distance. An ''acceptable tick distance'' (''ATD'') will be determined by the Exchange on a class-by-class and premium basis.

(2) Such a stock-option order will be cancelled.

(3) To the extent that any non-marketable order resting at the top of the COB is priced within the ATD of the derived net market, the full order will be subject to COA (and the processing described in this paragraph (f)). The Exchange may also determine on a class-by-class and strategy basis to limit the frequency of COAs initiated for non-marketable stock-option orders resting in COB.

In classes where this price check parameter is available, it will also be available for COA responses under Rule 6.13(c), AIM and Solicitation Auction Mechanism stock-option orders and responses under Rule 6.51 and 6.52, and customer-to-customer immediate cross stock-option orders under Rule 6.51.08. Such paired stock-option orders and responses under these provisions will not be accepted except that, to the extent that only a paired contra-side order subject to an auction under Rule 6.51 or 6.52 exceeds this price check parameter, the contra-side order will not be accepted and the paired original Agency Order will not be accepted or, at the order entry firm's discretion (i.e., an AIM Retained (''A:AIR'') order as defined in Interpretation and Policy .10 to Rule 6.51), continue processing as an unpaired stock-option order. To the extent that a contra-side order or response is marketable, its price will be capped at the price inside the acceptable derived net market.]*Reserved.*

(g) Limit Order Price Parameters: [The Exchange will not accept for execution eligible limit orders if]*The System rejects back to a Trading Permit Holder a complex limit order with a net debit (credit) price more than a specified amount above (below):*

(1) prior to the opening *of a series* (including *during any pre-opening period and opening rotation)*[before a series is opened following a halt), the order is priced at a net debit that is more than an ATD above] the derived net market using the Exchange's previous day's clos*ing*[e] *prices* in the individual option series legs comprising the complex order. *However, this does not apply*[or the order is priced at a net credit that is more than an ATD below the derived net market using the Exchange's previous day's close in the individual series legs comprising the complex order (as determined by the Exchange on a class by class and net premium basis)]*to stock-option orders, to orders for the account of Market-Makers or away Market-Makers, or if there is no Exchange previous day's closing price in any leg;* or

(2) [once a series has opened, the order is priced at a net debit that is more than an ATD above]*intraday,* the opposite side *of the national spread*[derived net] market. *This applies to stock-option orders, but does not apply* [using the Exchange's best bid or offer in the individual option series legs comprising the complex order or the order is priced at a net credit that is more than an ATD below the opposite side derived net market using the Exchange's best bid or offer in the individual option series legs comprising the complex order (as determined by the Exchange on a class by class and net premium basis)]*if the NBBO in any leg is locked, crossed or unavailable or if there is no Exchange spread market.*

[Paragraph (g)(1) is not applicable to limit orders of Exchange Market-Makers or away Market-Makers or Intermarket Sweep Orders (''ISOs'') as ISOs cannot be entered prior to the opening on the System. Paragraph (g)(2) is applicable to ISOs for all classes where the limit order price parameter is activated. The Exchange may determine on a class by class basis and announce via Regulatory Circular whether to apply paragraphs (g)(1) and/or (g)(2) to immediate-or-cancel complex orders if doing so would be necessary or appropriate in furtherance of the interests of investors and the promotion of fair and orderly markets. The Exchange may determine to widen or narrow the ATDs with respect to particular order types, in the interests of fair and orderly markets or, in furtherance of the objectives of the Options Order Protection and Locked/Crossed Market Plan, as announced via Regulatory Circular.]

(3) For purposes of this paragraph (g):

(i) [An ATD shall be no less than 5 minimum net price increment ticks (where the ''minimum net price increment'' is the minimum increment for net priced bids and offers for the given complex order strategy).]*The Exchange determines the amount, which may be no less than $0.02, on a class-by-class and net premium basis and announces the amount to Trading Permit Holders via Regulatory Circular. The Exchange may determine to apply a different amount to orders entered during the pre-opening or a trading rotation.*

(ii) No limit order price parameter applies to complex orders submitted during a halt (including during any pre-opening period and opening rotation prior to re-opening following the halt) or to pairs of orders submitted to AIM or SAM. The limit order price parameter will take precedence over another price check parameter to the extent that both are applicable to an incoming limit order.

(ii*i*) The senior official in the Help Desk may grant [intra-day]relief *on any trading day (including prior to opening)* by widening or inactivating one or more of the applicable [ATD]*amount* parameter settings [for complex orders]in the interest of a fair and orderly market.

(A) Notification of [intra-day]*this* relief will be announced via electronic message to Trading Permit Holders that request to receive such messages. Such [intra-day]relief will not extend beyond the trade day on which it is granted, unless a determination to extend such relief is announced to Trading Permit Holders via Regulatory Circular. The Exchange will make and keep records to document all determinations to grant [intra-day]*this* relief under this Rule, and shall maintain those records in accordance with Rule 17a–1 under the Exchange Act.

(B) The Exchange will periodically review determinations to grant [intra-day]relief *on any trading day* for consistency with the interest of a fair and orderly market. [If a limit order is not accepted for execution because the limit order price ATD has not been met, the order will be returned to the order entry firm. The limit order price parameter will take precedence over another price check parameter to the extent that both are applicable to an incoming limit order.]

(h) No change.

.06 Special Provisions Applicable to Stock-Option Orders: Stock-option orders may be executed against other stock-option orders through the COB and COA. Stock-option orders will not be legged against the individual component legs, except as provided in paragraph (d) below.

(a) No change.

(b) Option Component. Notwithstanding the special priority provisions contained in paragraphs (c) and (d) below, the option leg(s) of a stock-option order shall not be executed on the system (i) at a price that is inferior to the Exchange's best bid (offer) in the series or (ii) at the Exchange's best bid (offer) in that series if one or more public customer orders are resting at the best bid (offer) price on the Book in each of the component option series and the stock-option order could otherwise be executed in full (or in a permissible ratio). The option leg(s) of a stock-option order may be executed in a one-cent increment, regardless of the minimum quoting increment applicable to that series.

(1) No change.

(2) To the extent that a stock-option order resting in COB becomes marketable against the [derived net]*Exchange spread* market, the full order will be subject to COA (and the processing described in paragraph (b)(1) of this Interpretation and Policy). [The ''derived net market'' for a strategy will be calculated using the Exchange's best bid or offer in the individual option series leg(s) and the NBBO in the stock leg.]

(c)–(f) No change.

.07 Execution of Complex Orders on the COB Open:

(a) Complex orders, including stock-option orders, do not participate in opening rotations for individual component option series legs conducted pursuant to Rule 6.11. When the last of the individual component option series legs that make up a complex order strategy has opened (and, in the case of a stock-option order, the underlying stock has opened), the COB for that strategy will open. The COB will open with no trade, except as follows:

(i) The COB will open with a trade against the individual component option series legs if there are complex orders on only one side of the COB that are marketable against the opposite side of the [derived net]*Exchange spread* market. The resulting execution will occur at the [derived net]*Exchange spread* market price to the extent marketable pursuant to the rules of trading priority otherwise applicable to incoming electronic orders in the individual component legs. To the extent there is any remaining balance, the complex orders will trade pursuant to subparagraph (ii) below or, if unable to trade, be processed as they would on an intra-day basis under Rule 6.13. This paragraph (i) is not applicable to stock-option orders because stock-option orders do not trade against the individual component option series legs when the COB opens.

(ii) The COB will open (or continue to open with another trade if a trade occurred pursuant to subparagraph (i) above) with a trade against complex orders if there are complex orders in the COB (including any remaining balance of an order that enters the COB after a partial trade with the legs pursuant to subparagraph (i)) that are marketable against each other and priced within the [derived net]*Exchange spread* market. The resulting execution will occur at a market clearing price that is inside the [derived net]*Exchange spread* market and that matches complex orders to the extent marketable pursuant to the allocation algorithm from Rule 6.12, as determined by the Exchange on a class-by-class basis with the addition that the COB gives priority to complex orders whose net price is better than the market clearing price first, and then to complex orders at the market clearing price. To the extent there is any remaining balance, the complex orders will be processed as they would on an intra-day basis under Rule 6.13. This subparagraph (ii) is applicable to stock-option orders.

(b) [The ''derived net market'' for a stock-option order strategy will be calculated using the Exchange's best bid or offer in the individual option series leg(s) and the NBBO in the stock leg. The ''derived net market'' for any other complex order strategy will be calculated using the Exchange's best bid or offer in the individual option series legs.

(c)] The Exchange may also use the process described in paragraph (a) of this Interpretation and Policy .07 when the COB reopens a strategy after a time period during which trading of that strategy was unavailable.

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange has in place various price protection mechanisms that are designed to prevent complex orders from executing at potentially erroneous

prices.[5] These mechanisms are designed to help maintain a fair and orderly market by mitigating potential risks associated with complex orders trading at prices that are extreme or potentially erroneous. Currently, certain of these price protection mechanisms applicable to complex orders compare a complex order's net price, or the net price at which a complex order would execute, against the derived net market price based on the Exchange's best bid or offer (''BBO'') in the individual series legs.[6] The Exchange proposes to amend these mechanisms to provide they will use the derived net market based on the national best bid or offer (''NBBO'') in the individual series legs rather than the BBO. The Exchange also proposes to update the parameter that requires a complex order to execute at a range within an acceptable percentage distance from the current market.

Limit Order Price Parameter for Complex Orders

The proposed rule change amends the limit order price parameters for complex and stock-option orders, which are intended to block executions at prices that exceed the derived net market by more than a reasonable amount. Rule 6.13, Interpretation and Policy .04(g) currently provides the Exchange will not accept for execution eligible limit orders if:

- Prior to the opening (including before a series is opened following a halt), the order is priced at a net debit that is more than an acceptable tick distance (''ATD'') above the derived net market using the Exchange's previous day's close in the individual series legs comprising the complex order or the order is priced at a net credit that is more than an ATD below the derived net market using the Exchange's previous day's close in the individual series legs comprising the complex order (as determined by the Exchange on a class-by-class and net premium basis);[7] or
- once a series has opened, the order is priced at a net debit that is more than an ATD above the opposite side derived net market using the Exchange's best bid or offer in the individual series legs comprising the complex order or the order is priced at a net credit that is more than an ATD below the opposite side derived net market based on the individual series legs comprising the complex order (as determined by the Exchange on a class-by-class and net premium basis).

The Exchange proposes to amend these provisions to provide a complex order's price generally will be compared to the derived net price based on the national spread market.[8] Specifically, proposed subparagraph (g)(1) states the System rejects back to a Trading Permit Holder[9] a complex limit order with a net debit (credit) price more than distance specified amount above (below):

- Prior to the opening of a series (including during any pre-opening period and opening rotation), the derived net market using the Exchange's previous day's closing prices in the individual series legs comprising the complex order. However, this does not apply to stock-option orders, to orders for the account of C2 or away market-makers, or if there is no Exchange previous day's closing price in any leg; or
- intraday, the opposite side of the national spread market. This applies to stock-option orders, but does not apply if the NBBO in any leg is locked, crossed or unavailable[10] or if there is no Exchange spread market.[11]

While the Exchange believes Trading Permit Holders are generally willing to accept executions at prices that exceed the maximum possible value of the applicable spread to a certain extent, executions too far away from the market may be erroneous. The current limit order price parameter when trading is open compares the order prices to the Exchange spread market, which is the derived net market based on the BBOs of the individual series legs comprising a complex order and, if a stock-option order, the NBBO of the stock leg. The proposed rule change amends this parameter so it compares an order's price to the national spread market intraday (*i.e.*, when open for trading). As discussed above, the NBBO of the legs (upon which the national spread market is based) more accurately reflects the entire market for the legs comprising a complex order at the time of execution than the Exchange spread market (based on the BBO of the legs). Therefore, the Exchange believes it is appropriate for complex order net execution prices during the trading day to be based on the best prices throughout the entire market rather than those only on C2's market.[12]

Prior to individual series legs opening on C2 (which the rule clarifies includes any pre-opening period and opening rotation),[13] the System will continue to use the derived net market using the Exchange's previous day's closing prices as the comparison figure. The check will continue to not apply to stock-option orders or orders of C2 or away market-makers. The check will also not apply if there is no Exchange previous day's closing price in any leg (and thus no reliable measure against which to compare the price of the order to determine its reasonability).

With respect to complex orders entered during a trading halt (which includes any pre-opening period or opening rotation prior to re-opening following a halt),[14] current subparagraph (g)(1) applies, using the derived net market using the Exchange's previous day's closing prices. The

[5] *See, e.g.,* Rules 6.13, Interpretation and Policy .04.

[6] *See id.*

[7] This provision currently does not apply to orders of Exchange Market-Makers or away Market-Makers or Intermarket Sweep Orders (''ISOs'') (which cannot be entered prior to the opening of the System). The proposed rule change eliminates the reference to ISOs—because Trading Permit Holders may not enter ISOs prior to the opening, the rule does not need to specify this check will not apply to those orders prior to the opening, as none will enter the System during that time.

[8] The proposed rule change adds the definition of national spread market to Rule 1.1, defined as the derived net market based on the NBBOs in the individual series legs comprising a complex order and, if a stock-option order, the NBBO of the stock leg.

[9] Current subparagraph (3)(ii)(B) states if a limit order is not accepted for execution because the limit order price ATD has not been met, the order will be returned to the order entry firm. The proposed rule change deletes this language, as it is no longer needed due to the revised introductory language in proposed paragraph (g). Additionally, the proposed rule change moves the rule provision stating the limit order price parameter will take precedence over another price check parameter to the extent both are applicable to an incoming limit order from current subparagraph (3)(ii)(B) to proposed subparagraph (3)(ii).

[10] If the NBBO (or BBO) is not currently being disseminated, the NBBO (or BBO) will be considered ''unavailable.''

[11] The proposed rule change adds the definition of Exchange spread market to Rule 1.1, defined as the derived net market based on the BBOs in the individual series legs comprising a complex order and, if a stock-option order, the NBBO of the stock leg. The proposed rule change makes corresponding changes to Rule 6.13, Interpretations and Policies .02, 06, and .07 to incorporate the proposed defined term (as well as delete the definition currently in those provision [sic] to avoid duplication). The proposed rule change also clarifies in Interpretation and Policy .02 the number of ticks is applied to the opposite side of the Exchange spread market, which is consistent with System functionality and language in other rules that incorporate the Exchange spread market or national spread market.

[12] The proposed rule change also makes nonsubstantive changes to paragraph (g).

[13] Pursuant to Rule 6.11, the procedure used to open classes for trading on the Exchange includes use of a pre-opening period (which currently begins at 6:30 a.m.) and trading rotation. The pre-opening period and rotation occur prior to a class being open, and the proposed rule change merely makes this clear.

[14] Pursuant to Rule 6.11(i), the Exchange may reopen a class following a trading halt using the procedure described in the rule, including use of a pre-opening period and rotation. Any such pre-opening period and rotation would occur while trading is still halted, as trading would not yet be reopened, and the proposed rule change merely makes this clear.

proposed rule change states in subparagraph (g)(3)(ii) the System will no longer apply the limit order price parameter to complex orders entered during a trading halt. If a halt occurs during the trading day, it is difficult for the System at this time to determine reliable pricing for each leg during a likely volatile time when quotes may be available for some legs but not others. The Exchange believes this is preferable to applying the check using the previous day's closing price, which would be stale by that time.

The proposed rule change states this price parameter will not apply to pairs of orders submitted to AIM or SAM. The AIM and SAM functionality separately limits the prices at which those pairs may be submitted and executed, and thus it would be duplicative for the System to apply this price parameter to those pairs of orders.[15]

Once a series has opened on C2, this check will compare the price of a complex order with a net debit (credit) price to the opposite side of the national spread market. The national spread market would more accurately reflect the then-current market, rather than the Exchange spread market, and thus the Exchange believes it would be a better measure to use for purposes of determining the reasonability of the prices of orders. This applies to stock-option orders, but does not apply if the NBBO in any leg is locked, crossed or unavailable[16] or if there is no Exchange spread market[17] (and thus no reliable measure against which to compare the price of the order to determine its reasonability).

Currently, C2 does not accept stock-option orders. However, current paragraph (g) does not specify whether the limit order price parameter would apply to stock-option orders if C2 accepted them. The proposed rule change states proposed subparagraph (g)(1) does not apply to stock-option orders but subparagraph (g)(2) does apply to stock-option orders.

Current subparagraph (3)(i) states an ATD may be no less than five minimum net price increment ticks (where the ''minimum net price increment'' is the minimum increment for net priced bids and offers for the given complex order strategy). The proposed rule change states the Exchange will determine a specified amount, rather than an ATD, which may be no less than $0.02. With respect to complex orders, the Exchange has determined pursuant to Rule 6.4(4) the minimum increment for complex orders in all but three classes (SPX, OEX and XEO) is $0.01, which would be the minimum increment tick under current Rule 6.13, Interpretation and Policy .04(g) (thus the current minimum is essentially $0.01 for almost all classes). The Exchange generally announces the setting for this parameter in a monetary amount rather than number of ticks, so the Exchange believes amending the rule to use the term amount rather than ticks is consistent with this practice.[18]

Additionally, because market conditions during pre-opening periods and trading rotations are different than those present during regular trading hours, the proposed rule change provides the Exchange with flexibility to apply a different amount during those times. The Exchange believes it is appropriate to have the ability to apply a different amount during the pre-open period or opening rotation so the check does not impact the Exchange's ability to open an option or determination of the opening price.[19]

The proposed rule change deletes the Exchange's flexibility to not apply this price parameter to immediate-or-cancel complex orders, as the Exchange believes these orders are also at risk of execution at extreme and potentially erroneous prices and thus will benefit from applicability of these checks.

Example

The System receives a complex order to buy Series A and sell Series B for a net debit price of $1.50. Suppose the NBBO for Series A is $2.00 to $2.20 and the NBBO for Series B is $1.00 to $1.20, making the national spread market for a strategy with a buy Series A leg and sell Series B leg $0.80 to $1.20. The Exchange has set the limit order price parameter at $0.20 (thus a limit order will be rejected if more than $0.20 above (below) the opposite side of the national spread market). Because the net debit price of the complex order is $0.30 above the offer of the national spread market, the System rejects this order.

Acceptable Percentage Range Parameter

The proposed rule change amends Rule 6.13, Interpretation and Policy .04(e), which currently provides the Exchange will not automatically execute an eligible complex order that is marketable if, following a complex order auction (''COA''), the execution would be at a price that is not within an acceptable percentage distance from the derived net price of the individual series legs that existed at the start of COA. The acceptable percentage distance is a percentage determined by the Exchange on a class-by-class basis and is no less than 3%.

The proposed rule change amends this price protection mechanism to provide the Exchange will not automatically execute an incoming complex order (including a stock-option order) after all leg series are open for trading[20] that is marketable and would execute immediately upon submission to the complex order book (''COB'') or following a COA if the execution would be at a price outside an acceptable percentage range, which is the national spread market that existed when the System received the order or at the start of COA, as applicable, plus/minus:

- The amount equal to a percentage (which may not be less than 3%) of the national spread market (the ''percentage amount'') if that amount is not less than a minimum amount or greater than a maximum amount (the Exchange will determine the percentage and minimum and maximum amounts and announce

[15] *See* Rules 6.51(a) and Interpretation and Policy .06, and 6.52(a) and Interpretation and Policy .01, respectively.

[16] If the NBBO (or BBO) is not currently being disseminated, the NBBO (or BBO) will be considered ''unavailable.''

[17] The Exchange notes this is consistent with functionality today—the System does not apply the limit order price parameter to an order if there is no Exchange spread market (which includes if there is no C2-disseminated quote in any leg comprising the complex order).

[18] *See* Regulatory Circular RG16–008.

[19] Note current Rule 6.13, Interpretation and Policy .04(g)(3)(ii) permits a senior official on the Exchange Help Desk to grant intra-day relief by widening or inactivating one or more of the applicable ATD parameters settings in the interest of a fair and orderly market. The proposed rule change amends subparagraph (3)(ii) to become subparagraph (3)(iii) and to provide this relief (with respect to an amount rather than ATD) can be on any trading day (including prior to opening). The term intraday used elsewhere in Rule 6.13 generally refers to when trading is open, while this temporary relief may be granted at any time on a trading day, including prior to the open of trading. Granting this relief at any of those times may be necessary to address market events or volatility, which may occur prior to an opening, in addition to when the Exchange is open for trading, and maintain a fair and orderly market during those times. The proposed rule change clarifies when this relief may be granted. The Exchange will continue to make and keep records of any determination to grant relief, and periodically review these determinations. The proposed rule change also deletes language in paragraph (g) stating the Exchange may determine to widen or narrow the ATDs with respect to particular order types, in the interests of fair and orderly markets or, in furtherance of the objectives of the Options Order Protection and Locked/Crossed Market Plan, as announced via Regulatory Circular. Current subparagraph (3)(ii) and proposed subparagraph (3)(iii) includes language permitting the Exchange to widen or inactivate the settings in the interest of a fair and orderly market, so the Exchange believes this additional language is redundant.

[20] Rule 6.11 has separate price protections applicable to execution prices during pre-open and the opening rotation. The Exchange believes it is appropriate to apply the acceptable price range protection to orders when the leg series comprising the complex order are open to avoid interfering with the orderly opening process during which the System matches as many orders as possible.

them to Trading Permit Holders by Regulatory Circular);

- the minimum amount, if the percentage amount is less than the minimum amount; or
- the maximum amount, if the percentage amount is greater than the maximum amount.[21]

The System cancels an order (or any remaining size after partial execution of the order) that would execute or rest in the COB at a price outside the acceptable price range.

This proposed rule change expands this parameter to incoming complex orders that do not COA and may immediately execute, as well as orders that do COA (to which the current parameter applies), which will potentially prevent erroneous executions of more complex orders. The proposed rule change provides, while the acceptable price range will continue to be based on a percentage away from the market, the System will use the national spread market rather than the Exchange spread market for the reasons set forth above.[22] The proposed rule change also puts in place a ''maximum'' price range (with the minimum and maximum amounts), which will keep the acceptable price range from being too wide and thus enhance the effectiveness of this price parameter to prevent erroneous executions.[23]

Rule 6.13, Interpretation and Policy .04(f) sets forth a parameter currently applicable to stock-option orders, which is the same as the parameter in current paragraph (e), except the parameter in current paragraph (f) blocks executions of stock-option orders at prices more than a specified number of ticks away from the Exchange spread market, while current paragraph (e) blocks executions of complex orders at prices more than a specified percentage away from the Exchange spread market. Current paragraph (f) states the Exchange will not automatically execute a stock-option order that is marketable if, following a COA, the execution would not be within the acceptable derived net market for the strategy that existed at the start of COA. An ''acceptable derived net market'' for a strategy is calculated using the BBO in the individual option series leg(s) and the NBBO in the stock leg plus/minus an acceptable tick distance, which is determined by the Exchange on a class-by-class and premium basis. Such a stock-option order will be cancelled. The proposed rule change deletes paragraph (f) and applies the parameter in paragraph (e) (as proposed to be amended) to stock-option orders.[24] Proposed paragraph (e) will apply to stock-option orders in the same manner as it does to other complex orders.[25] Therefore, the Exchange believes it simplifies its rules to include the enhanced parameter once in the rules using the proposed defined terms.

Example

Suppose the NBBO for Series A is $2.00 to $2.20 (50 × 50) and the NBBO for Series B is $1.00 to $1.20 (50 × 50), making the national spread market for a strategy with a buy Series A leg and sell Series B leg $0.80 to $1.20. Also suppose the BBO for Series A is $1.98 to $2.22 (10 × 10) and the BBO for Series B is $0.98 to $1.22 (10 × 10), making the Exchange spread market for a strategy with a buy Series A leg and sell Series B leg $0.76 to $1.24. Pursuant to proposed Rule 6.13, Interpretation and Policy .04(g), the Exchange has set the limit order price parameter at $0.20 (thus a limit order will be rejected if more than $0.20 above (below) the opposite side of the national spread market). The Exchange determined the following settings for the acceptable percentage range parameter: 10%, with a minimum amount of $0.05 and a maximum amount of $0.10. Therefore, the acceptable percentage range is $0.72 to $1.30.[26] The System receives a COA-eligible[27] complex order to buy 35 Series A and sell 35 Series B for a net debit price of $1.40. A COA begins, and at the end of the COA, there are no auction responses or opposite side complex orders resting in the COB. The complex order executes against the 10 contracts in the leg market at a net price of $1.24 (buy 10 contracts in Series A at the $2.22 offer, and sell 10 contracts in Series B at the $0.98 bid), which price is within the acceptable price range. The resulting BBO for Series A is $1.98 to $2.26 (10 × 10), and the resulting BBO for Series B is $0.94 to $1.22 (10 × 10), making the resulting Exchange spread market for a strategy with a buy Series A leg and sell Series B leg $0.76 to $1.32. The System cancels the remaining 25 contracts of the order, because the next execution price with the leg markets of $1.32 and the $1.40 net debit price of the order are each outside the acceptable price range, and therefore, the order cannot trade or rest in the book at a price not outside the acceptable price range.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[28] Specifically, the Exchange believes the proposed rule change is consistent with the Section

[21] The proposed rule change also amends the name of this price parameter to be consistent with the proposed changes.

[22] Proposed subparagraph (e)(i) states the acceptable price range uses the Exchange spread market rather than the national spread market if the NBBO in any leg is locked, crossed or unavailable (and thus there is no reliable measure against which to compare the price of the order to determine its reasonability). Pursuant to proposed subparagraph (e)(i), the acceptable price range will also continue to use the Exchange spread market for pairs of orders submitted to AIM and SAM (as it does today), as the AIM and SAM functionality separately limits the prices at which those pairs may be submitted and executed. *See* Rules 6.51(a) and Interpretation and Policy .06, and 6.52(a) and Interpretation and Policy .01, respectively. If the System rejects either order in the pair pursuant to this parameter, then the System also cancels the paired order. Notwithstanding the foregoing, with respect to an AIM Retained (''A:AIR'') order as defined in Interpretation and Policy .10 to Rule 6.51, if the System rejects the Agency Order pursuant to this check, then the System also rejects the contra-side order; however, if the System rejects the contra-side order pursuant to this check, the System still accepts the Agency Order if it satisfies the check. This currently is codified in paragraph (f) for stock-option orders and is being codified for all complex orders in proposed subparagraph (e)(iii), as it is consistent with current System functionality and the contingencies attached to those types of orders, as well as rules related to other price protections. *See, e.g.,* Rule 6.13, Interpretation and Policy .04(c) and (h). Additionally, the proposed rule change applies the provision in current paragraph (f), which states to the extent a contra-side order or response is marketable against the Agency Order, the execution price will be capped at the opposite side of the acceptable price range, to all complex orders in proposed paragraph (e)(iii).

[23] The maximum value acceptable price range in Rule 6.13, Interpretation and Policy .04(h) similarly uses an acceptable price range determined by a percentage away from the maximum possible value of a spread, with a minimum and maximum amount.

[24] Proposed paragraph (e) will apply to incoming orders and not auction responses. While this price protection will not cancel auction responses that would execute outside the acceptable price range, this price protection will prevent an order from executing outside the acceptable price range (including against an auction response), and thus responses will not execute against an order outside the acceptable price range.

[25] The proposed rule change makes a conforming change to the introductory paragraph of Interpretation and Policy .04.

[26] The bid side of this range equals $0.72, which is $0.80 minus 10% of $0.80 (or $0.08), an amount greater than the minimum and less than the maximum. The offer side of this range equals $1.30, which is $1.20 plus the maximum amount of $0.10, because 10% of $1.20 (or $0.12) is greater than that maximum amount.

[27] See Rule 6.13(c) for a description of the COA process and order eligibility requirements. Note, in this example, the same result occurs for a non-COA eligible order—such order would execute against the 10 contracts resting in the leg markets at a net price of $1.24 upon submission to the COB rather than following a COA, and the System would cancel the remainder.

[28] 15 U.S.C. 78f(b).

6(b)(5)[29] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[30] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change removes impediments to and perfects the mechanism of a free and open market and national market system because the limit order price parameter (intraday) and the acceptable percentage range parameter for complex orders will be based on the national spread market when available, which is based on the NBBO, and thus will more accurately reflect the entire market for a complex order at the time of execution than the Exchange spread market (which is based on the BBO). The Exchange believes the enhanced price protection mechanisms will further protect investors and the public interest and maintain fair and orderly markets by mitigating potential risks associated with market participants entering orders at extreme and potentially erroneous prices.

With respect to the limit order price parameter for complex orders, the Exchange believes the national spread market when trading is open would be a better measure to use for purposes of determining the reasonability of the prices of orders and more accurately prevent executions of limit orders at erroneous prices, which ultimately protects investors. The Exchange also believes applying this check to immediate-or-cancel complex orders may prevent executions at extreme and potentially erroneous prices of these orders. The Exchange believes it is appropriate to have flexibility to determine to apply a different amount to complex orders entered during the pre-opening, a trading rotation, or a trading halt to reflect different market conditions during those times. This flexibility will further assist the Exchange with its efforts to maintain a fair and orderly market, which will ultimately protect investors.

With respect to the acceptable percentage range parameter, the national spread market would be a better measure to use for purposes of preventing executions of complex orders at erroneous prices, which ultimately protects investors. The proposed parameter will apply to complex orders that do not COA (and would execute against orders in the COB) in addition to those that do, which may prevent additional erroneous trades at prices that are extreme or ''too far away'' from the market.[31] The Exchange believes the methodology to determine the acceptable price range is reasonable because using a percentage amount provides Trading Permit Holders with precise protection, while the pre-set minimum and maximum ensures that the acceptable price range cannot be too wide or narrow to the point that the parameter would become ineffective.

The Exchange also believes the proposed rule change regarding how the acceptable percentage range parameter will apply to AIM and SAM orders is reasonable, as the proposed rule change is consistent with the contingencies attached to those types of orders.

The proposed rule change to apply a single limit order price parameter and acceptable price range to all complex orders, including stock-option orders (subject to certain exceptions consistent with the current rules), will protect investors, as it simplifies the rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will apply to all complex orders submitted to C2 in the same manner. The enhancements to the price protection mechanisms applicable to all incoming orders will help further prevent potentially erroneous executions, which benefits all market participants. The proposed rule change will not impose any burden on intermarket competition, as it merely incorporates best prices available on other markets into current price protection mechanisms applicable to complex orders. Additionally, the proposed rule change is substantially similar to a rule of another options exchange.[32]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[33] and Rule 19b–4(f)(6) thereunder.[34]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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–C2–2017–010 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.

[29] 15 U.S.C. 78f(b)(5).

[30] *Id.*

[31] As further discussed below, the proposed rule change is substantially similar to NASDAQ OMX [sic] PHLX LLC (''PHLX'') Rule 1098(i).

[32] *See* PHLX Rule 1098(i).

[33] 15 U.S.C. 78s(b)(3)(A).

[34] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

All submissions should refer to File Number SR–C2–2017–010. 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–C2–2017–010 and should be submitted on or before April 14, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05854 Filed 3–23–17; 8:45 am]

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[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80280; File No. SR–DTC–2017–001]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change To Establish a Sub-Account for Use With the DTCC Euroclear Global Collateral Ltd Collateral Management Service and Provide for the Authorization of a Representative To Receive Information About the Sub-Account

March 20, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 9, 2017, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to Rules, By-Laws and Organization Certificate of The Depository Trust Company (the ''DTC Rules'')[3] in order to add new Rule 35 (CMS Reporting) which would provide that any DTC Participant that is, or is acting on behalf of, a user of certain collateral management services (''CMS'')[4] of DTCC Euroclear Global Collateral Ltd. (''DEGCL'')[5] may establish one or more sub-Accounts for use in connection with CMS (each, a ''CMS Sub-Account''). A DTC Participant that establishes a CMS Sub-Account pursuant to the proposed rule (a ''CMS Participant'') would thereby: (i) Authorize DEGCL to receive account and transactional information and reports with respect to the CMS Sub-Account, and (ii) direct DTC to provide such information and reports to DEGCL, as described in detail below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposal would add new Rule 35 (CMS Reporting), which would provide that any DTC Participant that is, or is acting on behalf of, a user of DEGCL CMS may establish one or more CMS Sub-Accounts. A CMS Participant would thereby: (i) Authorize DEGCL to receive account and transactional information and reports with respect to the CMS Sub-Account, and (ii) direct DTC to provide such information and reports to DEGCL, as described below.

(i) Background

(a) DEGCL

DEGCL was formed in the United Kingdom (''UK''), and is authorized by the Financial Conduct Authority (''FCA'')[6] in the UK as a ''service company'' in accordance with applicable law of the UK.[7] DEGCL was formed for the purpose of offering global information, record keeping, and processing services for derivatives collateral transactions and other types of financing transactions. DEGCL seeks to provide services to buy-side and sell-side financial institutions that seek increased efficiency in the availability and deployment of collateral and streamlined margin processing, in light

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Each capitalized term not otherwise defined herein has its respective meaning as set forth in the Rules, By-Laws and Organization Certificate of The Depository Trust Company (the ''DTC Rules''), *available at http://www.dtcc.com/legal/rules-and-procedures.aspx.*

[4] In particular, there will be a CMS option authorizing DEGCL, on behalf of the CMS User, to propose collateral allocations to satisfy counterparty obligations of the CMS User, referred to by DEGCL as the ''Allocation Option'' and further explained below.

[5] DEGCL is a joint venture of The Depository Trust & Clearing Corporation (''DTCC''), the corporate parent of DTC, and Euroclear S.A./N.V. (''Euroclear''), the corporate parent of Euroclear Bank, described further below. DTC understands that CMS will be operated by Euroclear Bank and other entities in the Euroclear group, as service providers to DEGCL, in accordance with appropriate agreements between them.

[6] The FCA is an independent public body that regulates 56,000 financial services firms and financial markets in the UK financial services firms in the UK. It is accountable to the UK Treasury, which is responsible for the UK's financial system, and to Parliament.

[7] DEGCL was authorized as a ''service company'' by the FCA on March 29, 2016. A ''service company,'' as defined in the FCA Handbook, Glossary, is: ''[A] firm whose only permitted activities are making arrangements with a view to transactions in investments, and agreeing to carry on that regulated activity, and whose Part 4A permission: (a) Incorporates a limitation substantially to the effect that the firm carry on regulated activities only with market counterparties or intermediate customers; and (b) includes requirements substantially to the effect that the firm must not: (i) Guarantee, or otherwise accept responsibility for, the performance, by a participant in arrangements made by the firm in carrying on regulated activities, of obligations undertaken by that participant in connection with those arrangements; or (ii) approve any financial promotion on behalf of any other person or any specified class of persons; or (iii) in carrying on its regulated activities, provide services otherwise than in accordance with documents (of a kind specified in the requirement) provided by the firm to the FCA.'' FCA Handbook, Glossary, *available at https://www.handbook.fca.org.uk/handbook/glossary.*

of new and enhanced regulatory requirements.[8] These requirements have resulted in increased capital requirements, mandatory central clearing of more derivative transactions, and new margining rules for bilateral trades, driving a significant increased demand for high quality collateral, and for efficient and effective deployment of collateral.

(b) DEGCL CMS Options

DEGCL performs information and record-keeping services for CMS users who have entered into user agreements with DEGCL for this purpose (''CMS Users''). CMS Users are financial institutions that are counterparties to agreements establishing obligations between them to provide securities collateral with respect to swaps or other types of financing transactions. These bilateral swap or other financing agreements are entered into by such counterparties outside, and independently, of DEGCL or DTC.[9]

DEGCL will provide two CMS service options for the selection of collateral to satisfy these external collateral obligations. For use of these options at DEGCL, both counterparties must agree with DEGCL to apply the same collateral selection option to a transaction between them.

The first option is referred to by DEGCL as the ''Standard Option'' (also referred to as ''self-select''). The Standard Option relates to securities collateral at any U.S. settlement location and does not depend on the proposed rule change. It is described in this rule filing for informational purposes only.

The second collateral selection option is referred to by DEGCL as the ''Allocation Option'' (also referred to as ''auto-select''). This option relates to securities collateral held at DTC; the offering of this option by DEGCL depends on, and is subject to, approval of the proposed rule change. The CMS User with the obligation to deliver collateral must be a CMS Participant under the proposed rule change, or the customer of a CMS Participant acting on its behalf.[10] The CMS User that is the counterparty receiving collateral must also be either a DTC Participant or the customer of a DTC Participant acting on its behalf.[11]

(c) Standard Option, for Securities Collateral Held at Various Settlement Locations

CMS Users may elect the Standard Option for securities held at any applicable settlement location, including custodial banks and DTC. Under the Standard Option, a CMS User will have the option to specify to DEGCL, obligation by obligation, what collateral to transfer with respect to each counterparty collateral obligation and at what settlement location, hence ''self-select.'' DEGCL will process the information it receives from the CMS User and generate proposed settlement instructions for the transfer of such collateral at the applicable settlement location. DEGCL will send its proposed settlement instructions to the CMS User and/or its agent, referred to by DEGCL as a designated settlement service provider (''DSSP'').[12] The DSSP will determine whether to issue the proposed settlement instructions to the applicable settlement location.

For the Standard Option applied to securities collateral for which DTC is the applicable settlement location, DEGCL will not receive any information from DTC and, therefore, this option is not subject to the proposed rule change. The CMS User will self-report information to DEGCL.

(c) Allocation Option for Securities Collateral Held at DTC

The Allocation Option would only be used in connection with Eligible Securities held at DTC in a CMS Sub-Account by a CMS Participant (''CMS Securities''). The CMS Participant may be a CMS User acting for itself or a DTC Participant acting on behalf of a CMS User as the CMS Participant.[13] As described below, the Allocation Option is dependent on DEGCL receiving certain information from DTC for the applicable CMS Sub-Account of the applicable CMS Participant. The proposed rule change provides a mechanism for a CMS Participant to authorize DEGCL as its ''CMS Representative'' to receive the necessary information from DTC, and to direct DTC to provide DEGCL with that information, as described in detail below.

(ii) Proposed Rule Change

(a) The Proposed Rule Change Would Establish Dedicated CMS Sub-Accounts at DTC for CMS Participants and Provide That a CMS Participant Authorizes DEGCL, as its CMS Representative, To Receive Certain Information About its CMS Sub-Accounts and Directs DTC To Provide the Information to DEGCL, as its CMS Representative

The proposed rule change would allow a CMS Participant to establish one or more CMS Sub-Accounts. A CMS Participant would, from time to time, instruct DTC to transfer Securities from its Account to its CMS Sub-Account, to be available for allocation by DEGCL to delivery or pledge by book-entry at DTC in accordance with DTC Rules and Procedures (including risk management controls),[14] in satisfaction of the various

[8] *See* Basel III liquidity rules (Basel Committee on Banking Supervision, Basel III: A global framework for more resilient banks and the banking system, December 2010 and revised June 2011; Basel Committee on Banking Supervision, Basel III: The Liquidity Coverage Ratio and liquidity risk monitoring tools, January 2013; Basel Committee on Banking Supervision, Basel III: The net stable funding ratio, October 2014, *available at www.bis.org/bcbs/basel3.htm*), as well as recent regulatory changes by the Commodity Futures Trading Commission (Margin Requirements for Uncleared Swaps for Swap Dealers and Major Swap Participants, 81 FR 635 (January 6, 2016); 17 CFR 23 and 140), the U.S. prudential regulators (Margin and Capital Requirements for Covered Swap Entities, 80 FR 74840 (November 30, 2015); 12 CFR parts 45, 237, 349, 624 and 1221. The U.S. prudential regulators include: Office of the Comptroller of the Currency—Treasury, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, Farm Credit Administration, and the Federal Housing Finance Agency), European Market Infrastructure Regulation (European Supervisory Authorities' (ESAs) Final Draft Regulatory Technical Standards on risk-mitigation techniques for OTC-derivative contracts not cleared by a CCP under Article 11(15) of Regulation (EU) No 648/2012 (EMIR), *available at https://www.eba.europa.eu/documents/10180/1398349/RTS+on+Risk+Mitigation+Techniques+for+OTC+contracts+%28JC-2016-+18%29.pdf/fb0b3387-3366-4c56-9e25-74b2a4997e1d*), and the Basel Committee on Banking Supervision (''BCBS'') and the International Organization of Securities Commissions (''IOSCO'') (BCBS–IOSCO, Margin requirements for non-centrally cleared derivatives (March 2015), *available at http://www.bis.org/bcbs/publ/d317.htm*).

[9] A CMS User will typically be a major financial institution or buy-side investor that is a bank, broker dealer, or investment company. CMS Users will enter into a Collateral Management Service Agreement with DEGCL, which includes general terms of conditions and operating procedures (''CMS Agreement'').

[10] As further described below, a CMS Sub-Account is an account from which securities collateral may be delivered by a CMS Participant pursuant to the Allocation Option.

[11] The receiving DTC Participant is not a ''CMS Participant'' as defined in proposed Rule 35.

[12] DSSP is a DEGCL concept, not a DTC defined term. DTC understands that, pursuant to the CMS Agreement, a CMS User must either appoint a DSSP or act as its own DSSP, and the DSSP, as agent of the CMS User, is responsible for receiving the proposed settlement instructions (and other information) from DEGCL, and acting on such information in the manner agreed by the CMS User and its DSSP. If the applicable settlement location is DTC, the DSSP must be a DTC Participant that may instruct DTC in accordance with DTC Rules and Procedures. Because the Standard Option does not depend on a CMS Sub-Account, such DTC Participant is not a CMS Participant for purposes of the proposed rule change.

[13] DTC understands that, for purposes of the Allocation Option, DEGCL would consider the CMS Participant to be the DSSP.

[14] DTC risk management controls, including Collateral Monitor and Net Debit Cap (as defined in Rule 1, Section 1 of the DTC Rules), are designed so that DTC may complete system-wide settlement notwithstanding the failure to settle of its largest Participant or Affiliated Family of Participants. The

collateral obligations of the CMS Participant or the CMS User on behalf of which the CMS Participant is acting.

By establishing a CMS Sub-Account, a CMS Participant would be: (a) Authorizing DEGCL, as its CMS Representative, to receive the information defined below regarding CMS Securities credited to the CMS Sub-Account at the time of the report (''CMS Report''), and regarding any Delivery or Pledge from, or Delivery or Release to, the CMS Sub-Account (''CMS Delivery Information''); [15] (b) representing and warranting that it is duly authorized to instruct DTC to provide the CMS Reports and CMS Delivery Information about such CMS Sub-Account to the CMS Representative; (c) directing DTC to provide the CMS Reports and CMS Delivery Information to DEGCL; [16] and (d) representing and warranting that it would conduct business in such CMS Sub-Account as provided in proposed Rule 35, and otherwise pursuant to the DTC Rules and Procedures, and in compliance with applicable law.

The CMS Report would include, with respect to the CMS Securities credited to a CMS Sub-Account of such CMS Participant at the time of such report, the following information: (a) The CUSIP, ISIN, or other identification number of the CMS Securities and (b) the number of shares or other units or principal amount of the CMS Securities. CMS Delivery Information would be provided in real time, and would include, with respect to (i) each Delivery or Pledge of CMS Securities from, or (ii) Delivery or Release of CMS Securities to a CMS Sub-Account, a copy of any Delivery, Pledge, or Release message with respect to the CMS Sub-Account, including the following information: (x) The CUSIP, ISIN, or other identification number of such CMS Securities and (y) the number of shares or other units or principal amount of such CMS Securities.

(b) The Proposed Rule Change Supports a CMS Participant's Use of the DEGCL CMS Allocation Option

As explained above, once the CMS Participant establishes a CMS Sub-Account, DTC would send CMS Reports and CMS Delivery Information for that CMS Sub-Account to DEGCL. The CMS Reports and CMS Delivery Information would provide DEGCL with up-to-date snapshots of the Securities credited to the CMS Sub-Account to identify to DEGCL the available CMS Securities from which it could propose allocations for Delivery or Pledge by book-entry at DTC in accordance with DTC Rules and Procedures (including risk management controls) and for DEGCL to maintain such information and records as it has agreed with CMS Users that it will maintain.

DEGCL would review the Securities credited to a CMS Sub-Account and verify, through a series of algorithms, which CMS Securities in the CMS Sub-Account meet the collateral obligations of the applicable CMS User to its several counterparties that are CMS Users that have agreed to the Allocation Option. Based on the results, DEGCL would formulate a set of proposed settlement instructions for the Deliveries and/or Pledges of the CMS Securities in accordance with the DTC Rules and Procedures, including risk management controls.[17] DEGCL would then transmit the proposed settlement instructions to the CMS Participant, acting on its own behalf or on behalf of a CMS User; the CMS Participant would determine whether to submit the proposed settlement instruction(s) to DTC. That is, the CMS Participant remains responsible for deciding whether to submit the proposed settlement instructions. Once the CMS Participant submits the settlement instruction to DTC, DEGCL would receive the corresponding Delivery Information and update its records accordingly.

(c) Proposed Rule

The proposed rule change would add Rule 35 to the DTC Rules, to provide for:

i. The defined terms applicable to the proposed Rule 35,[18]

ii. the establishment and maintenance of one or more CMS Sub-Accounts for each CMS Participant;

iii. each CMS Participant's authorization of DEGCL as its CMS Representative;

iv. each CMS Participant's representation and warranty that it is duly authorized to instruct DTC to provide the CMS Reports and CMS Delivery Information about such CMS Sub-Account to the CMS Representative, and that it would conduct business in such CMS Sub-Account as provided in proposed Rule 35 and otherwise pursuant to the DTC Rules and Procedures, and in compliance with applicable law;

v. information to be provided by DTC to the CMS Representative of the CMS Participant, specifically, the CMS Report and CMS Delivery Information;

vi. Deliveries of Securities by a CMS Participant from an Account of the CMS Participant to its CMS Sub-Account, and Deliveries and Pledges from its CMS Sub-Account;

vii. each CMS Participant's liability as principal for the actions of its CMS Representative with respect to all matters provided under proposed Rule 35 or otherwise;

viii. DTC's disclaimer of liability to: (x) Any CMS Participant as a result of providing the CMS Report and CMS Delivery Information to its CMS Representative pursuant to proposed Rule 35; (y) the CMS Representative or any CMS Participant as a result of (i) any loss relating to proposed Rule 35, unless caused directly by DTC's gross negligence, willful misconduct, or violation of federal securities laws for which there is a private right of action or (ii) any force majeure, market disruption, or technical malfunction, or (z) any third party for any reason; and

ix. indemnification of DTC by the CMS Participant for any loss arising from any act or omission of its CMS Representative, or arising from the provision of the CMS Report and CMS Delivery Information to its CMS Representative or the receipt and use thereof by the CMS Representative, except to the extent caused directly by DTC's gross negligence or willful misconduct.

Collateral Monitor tests whether a Participant has sufficient collateral for DTC to pledge or liquidate if that Participant were to fail to meet its settlement obligation. Pursuant to these controls under applicable DTC Rules and Procedures, any Delivery instruction order to a CMS Sub-Account that would cause the CMS Participant to exceed its Net Debit Cap or to have insufficient DTC Collateral to secure its obligations to DTC, would not be processed by DTC. Deliveries would be processed in the same order and with the same priority as otherwise provided in the DTC Rules and Procedures, *i.e.,* such Deliveries would not take precedence over any other type of Delivery in the DTC system.

[15] Each CMS Participant would continue to be liable as principal for the actions of its CMS Representative and would indemnify DTC against any claim or loss arising from any act or omission of its CMS Representative, or arising from DTC's provision of the CMS Report and CMS Delivery Information to DEGCL or the receipt and use thereof by DEGCL, except to the extent caused directly by DTC's gross negligence or willful misconduct.

[16] The CMS Report and CMS Delivery Information would be transmitted to DEGCL using DTCC's existing Common Data Transfer Service (''CDTS'') over a dedicated BT Radianz link. CDTS is DTCC's proprietary file input and output management system. It enables DTCC to securely and reliably automate the exchange of files over a network link with its Participants, Members, and third-parties. *See* CDTS User Guide and Schemas, *available at http://www.dtcc.com/~/media/Files/Downloads/Settlement-Asset-Services/Underwriting/CDTS.zip.* BT Radianz is an existing DTCC network service provider.

[17] *See supra* note 12.

[18] The defined terms would be CMS, CMS Delivery Information, CMS Participant, CMS Report, CMS Representative, CMS Securities, CMS Sub-Account, DEGCL, and DTCC, as discussed above.

Implementation Timeframe

DTC will implement the proposed rule change upon approval of this filing by the Commission.

2. Statutory Basis

DTC believes that the proposed rule change is consistent with the requirements of the Act, and the rules and regulations thereunder applicable to DTC, in particular Section 17A(b)(3)(F) of the Act,[19] and Rule 17Ad–22(d)(7) promulgated thereunder.[20]

Section 17A(b)(3)(F) of the Act[21] requires, *inter alia,* that the DTC Rules be designed to promote the prompt and accurate clearance and settlement of securities transactions. By looking across transactions of a CMS User with multiple counterparties, the Allocation Option would offer efficiency by automating the selection of appropriate securities collateral to satisfy applicable collateral obligations. Proposed Rule 35 would provide a mechanism for DTC to provide information on behalf of CMS Participants to DEGCL, so that they may avail themselves of the efficiency of the Allocation Option and would not need to transmit delivery and position information to DEGCL. By supporting this efficiency in the collateral sector, DTC is helping to streamline the settlement of the increasing volume of collateral transactions, thereby promoting the prompt and accurate clearance and settlement, consistent with the requirements of the Act, in particular Section 17A(b)(3)(F), cited above.

Rule 17Ad–22(d)(7) promulgated under the Act[22] requires that a registered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to evaluate the potential sources of risks that can arise when the clearing agency establishes links either cross-border or domestically to clear or settle trades, and ensure that the risks are managed prudently on an ongoing basis. In developing this proposal, DTC evaluated the market, liquidity, operational, and information security, technology, and privacy risks that could arise in allowing CMS Participants to establish a CMS Sub-Account and allow DTC to provide information to DEGCL in support of the Allocation Option. Such risks include data error from the communication link or the external communication of a CMS Participant's proprietary information. DTC determined that the identified risks are mitigated because (i) the Allocation Option would not require any material change to DTC's settlement framework, technology or operating procedures including existing settlement cycles and risk management controls; (ii) DTCC's Technology Risk Management existing control procedures will manage data integrity and authorization provisioning to mitigate information and technology risk; and (iii) DEGCL is only receiving CMS Reports and CMS Delivery Information from a CMS Sub-Account specifically designated for this purpose by a CMS Participant. As a result, the CMS Sub-Account activity and reporting should be well monitored. Accordingly, DTC believes the proposed Rule 35 is consistent with DTC's obligations under Rule 17Ad–22(d)(7), cited above.

(B) Clearing Agency's Statement on Burden on Competition

DTC believes that the proposed rule change would not impose any burden on competition with respect to fees charged by DTC for the CMS Sub-Account and associated reporting because there would be no new or increased fees imposed. For transactions into and out of the CMS Sub-Account, standard, existing transaction fees would apply. In addition, DTC believes that the proposed rule change would not impose any burden on competition with respect to access to the proposed service. The proposed service is optional and would be available to all DTC Participants that choose to be CMS Users of the Allocation Option (or DTC Participants' customers that choose to be CMS Users of the Allocation Option and agree that such DTC Participants will act on their behalf in respect of this activity). However, DTC recognizes that the proposed rule is tailored to support a specialized service available only to such CMS Users. DTC relies on the representations of DEGCL that it provides open access to diverse CMS Users and thus, indirectly, the benefits of the proposed rule change should be available on a broad basis to industry members requiring such services, not imposing a burden on competition in this respect.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not been solicited or received. DTC will notify the Commission of any written comments received by DTC.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–DTC–2017–001 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–DTC–2017–001. 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

[19] 15 U.S.C. 78q–1(b)(3)(F).

[20] 17 CFR 240.17Ad–22(d)(7).

[21] 15 U.S.C. 78q–1(b)(3)(F).

[22] 17 CFR 240.17Ad–22(d)(7).

inspection and copying at the principal office of DTC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–DTC–2017–001 and should be submitted on or before April 14, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05853 Filed 3–23–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Regulation 14N and Schedule 14N, SEC File No. 270–598, OMB Control No. 3235–0655

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Schedule 14N (17 CFR 240.14n–101) requires the filing of certain information with the Commission by shareholders who submit a nominee or nominees for director pursuant to applicable state law, or a company's governing documents. Schedule 14N provides notice to the company of the shareholder's or shareholder group's intent to have the company include the shareholder's or shareholder group's nominee or nominees for director in the company's proxy materials. This information is intended to assist shareholders in making an informed voting decision with regards to any nominee or nominees put forth by a nominating shareholder or group, by allowing shareholders to gauge the nominating shareholder's interest in the company, longevity of ownership, and intent with regard to continued ownership in the company. We estimate that Schedule 14N takes approximately 40 hours per response and will be filed by approximately 10 issuers annually. In addition, we estimate that 75% of the 40 hours per response (30 hours per response) is prepared by the issuer for an annual reporting burden of 300 hours (30 hours per response × 10 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: March 21, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05880 Filed 3–23–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80279; File No. SR–CBOE–2017–019]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Related to Complex Orders

March 20, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 7, 2017, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules related to complex orders. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its rules related to complex orders to: (i) Simplify the definitions of the complex order types that may be made available on a class-by-class basis and remove references to certain specific complex order types that will no longer be defined; (ii) with respect to complex orders in open outcry, set forth applicable ratios for an order to be eligible for complex order priority within applicable priority rules; (iii) with respect to complex orders in open outcry, make explicit the priority applicable when there are other complex orders or quotes represented at the same net price, whether such other orders or quotes are in the complex order book (''COB'') or being represented in open outcry; and (iv) with respect to complex orders in open outcry, clarify the applicable minimum increment.

First, with respect to definitions, the Exchange proposes to amend Rule 6.53 to remove the definitions of spread order, combination order, straddle order and ratio order and replace them with a more general definition of a complex

[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

order (which includes a stock-option order and a security future-option order) to simplify the descriptions of the complex order types that may be made available on a class-by-class basis. The proposed definition of a ''complex order'' is any order for the same account as defined below:

• A ''complex order'' is any order involving the execution of two or more different options series in the same underlying security occurring at or near the same time for the purpose of executing a particular investment strategy.

• A ''stock-option order'' is an order to buy or sell a stated number of units of an underlying stock or a security convertible into the underlying stock (''convertible security'') coupled with either (i) the purchase or sale of options contract(s) on the opposite side of the market representing either (A) the same number of units of the underlying stock or convertible security, or (B) the number of units of the underlying stock or convertible security necessary to create a delta neutral position, or (ii) the purchase or sale of an equal number of put and call option contracts, each having the same exercise price, expiration date and each representing the same number of units of stock as, and on the opposite side of the market from, the underlying stock or convertible security portion of the order.[3]

• A ''security future-option order'' is an order to buy or sell a stated number of units of a security future or a related security convertible into a security future (''convertible security future'') coupled with either (i) the purchase or sale of option contract(s) on the opposite side of the market representing either the same number of the underlying for the security future or convertible security future or the number of units of the underlying for the security future or convertible security future necessary to create a delta neutral position or (ii) the purchase or sale of an equal number of put and call option contracts, each having the same exercise price, expiration date and each representing the same number of the underlying for the security future or convertible security future, as and on the opposite side of the market from, the underlying for the security future or convertible security future portion of the order. [4]

The proposed rule change moves the definitions of a ''stock-option order'' from Rule 1.1(ii) and ''security future-option order'' from Rule 1.1(zz) to Rule 6.53 (and replaces them in Rule 1.1 with cross-references to the new location of the definitions) so that all definitions of the various types of complex orders are located in the same place within the rules. The current and proposed definitions of stock-option order are substantially similar. However, the Exchange believes the language in the proposed definition of stock-option order is more consistent with the language in other rules, including Rules 6.53C (related to electronic handling of complex orders) and 6.80 (related to order protection, which relates to the Options Order Protection and Locked/Crossed Markets Plan, also commonly referred to as the Options Distributive Linkage Plan). The current and proposed definitions of security future-option order have no substantive differences. The proposed complex order definition is in part modeled after the definition of a complex order (including a stock-option order) already contained in Rule 6.53C(a).

The Exchange proposes conforming changes to Rules 6.9 (including Interpretation and Policy .03), 6.42(4) (including Interpretation and Policy .01), 6.45(b)(ii), 6.48(b), 6.73(c), 6.74(d)(iii) and 8.51 to harmonize these rules with the proposed changes in Rule 6.53 to consistently reference the proposed new definition of a complex order.[5] As a result of the proposed changes to Rule 6.53, the Exchange proposes to update related cross-references in Rules 6.53C.08, 6.74(d)(iii), 7.12(b)(i)(E), 24A.5 and 24B.5. The Exchange notes that, while Trading Permit Holders (''TPHs'') may represent in open outcry a complex order with any number of legs, and in any ratio, only complex orders in the proposed applicable ratios are eligible for complex order priority (subject to certain exceptions, including multi-class spreads and SPX Combo Orders (see Rules 24.19 and 24.20, respectively) set forth in Rule 6.45 and minimum increment relief set forth in Rule 6.42(4).

Second, with respect to complex orders represented and executed in open outcry, the Exchange is proposing to amend Rule 6.45 (pertaining to order and quote priority and allocation). Specifically, the proposed changes amend Rule 6.45(b)(ii) to set forth the following applicable ratio requirements for complex orders to be eligible for complex order priority and minimum increment relief when represented and executed in open outcry: [6]

• For a complex order, the order is in a ratio that is less than or equal to three-

[3] Rule 1.1(ii) currently defines a ''stock-option order'' as an order to buy or sell a stated number of units of an underlying or a related security coupled with either (i) the purchase or sale of option contract(s) on the opposite side of the market representing either the same number of units of the underlying or related security or the number of units of the underlying security necessary to create a delta neutral position or (ii) the purchase or sale of an equal number of put and call option contracts, each having the same exercise price, expiration date and each representing the same number of units of stock as, and on the opposite side of the market from, the underlying or related security portion of the order.

[4] Rule 1.1(zz) defines a ''security future-option order,'' which is deemed a type of Inter-regulatory Spread Order as that term is defined in Rule 1.1(ll), as an order to buy or sell a stated number of units of a security future or a related security convertible into a security future (''convertible security future'') coupled with either (i) the purchase or sale of option contract(s) on the opposite side of the market representing either the same number of the underlying for the security future or convertible security future or the number of units of the underlying for the security future or convertible security future necessary to create a delta neutral position or (ii) the purchase or sale of an equal number of put and call option contracts, each having the same exercise price, expiration date and each representing the same number of the underlying for the security future or convertible security future, as and on the opposite side of the market from, the underlying for the security future or convertible security future portion of the order. Rule 1.1(ll) defines an ''Inter-regulatory Spread Order'' as an order involving the simultaneous purchase and/or sale of at least one unit in contracts each of which is subject to different regulatory jurisdictions at stated limits, or at a stated differential, or at market prices on the floor of the Exchange.

[5] The proposed rule change also deletes the paragraph lettering from the order type definitions and puts the order types in alphabetical order, which the Exchange believes will allow investors to more easily locate the order type definitions within the rules. Other than proposed changes to the definition of complex orders as described above, the proposed rule change makes no substantive changes to the order type definitions.

[6] To be eligible for electronic processing via the CBOE Hybrid System's COB and complex order RFR auction (''COA''), the system requires that a complex order be entered on a single order ticket to be electronically processed. Under existing Rule 6.53C(a)(1) and (2), the Exchange may determine on a class-by-class basis the applicable number of legs of a complex order or stock-option order that is eligible for processing via COB and COA. Under the same provisions, the Exchange may determine on a class-by-class basis within certain parameters the applicable ratio of a complex order or stock-option order that is eligible for processing via COB and COA. Currently, the Exchange has limited COB and COA to orders of no more than four (4) legs and ratios equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) (and, for stock-option orders, ratios no greater than eight-to-one (8.00)). Under this current structure, orders with more than four (4) legs or that do not satisfy the ratio requirements are not eligible for electronic processing via COB or COA, but would instead be routed for handling in open outcry. The proposed rule change adds language to the introductory paragraph of Rule 6.53C(a) to explicitly state that the definitions of complex orders contained in that rule apply only for purposes of the electronic handling of complex orders pursuant to that rule, notwithstanding the proposed broader definition of complex order contained in Rule 6.53. Because there are two separate definitions of complex orders, the Exchange believes this additional language will bring clarity to the rules about when the definition of complex orders in Rule 6.53C(a) applies, which is in the context of electronic trading.

to-one (3.00) or the order is in a ratio that is larger than three-to-one (3.00) but the order is fully hedged (without regard to any prior existing position). An order will be considered fully hedged if the order is delta neutral +/−10% or if the party representing the order can demonstrate that the complex order is fully hedged using reasonable risk-valuation methodologies;

• for a stock-option order, the options leg(s) must (A) represent the same number of units of the underlying stock or convertible security in the stock leg or (B) represent the number of units of the underlying stock or convertible security necessary to create a delta neutral position, but in no case in a ratio greater than eight-to-one (8.00), where the ratio represents the total number of units of the underlying stock or convertible security in the options leg to the total number of units of stock or convertible security in the stock leg; and

• for a security futures-option order, the options leg(s) must (A) represent the same number of units of the underlying stock in the security future leg or (B) represent the number of units of the underlying stock necessary to create a delta neutral position, but in no case in a ratio greater than eight-to-one (8.00), where the ratio represents the total number of units of the underlying stock in the options leg to the total number of units of stock or convertible security in the security-futures leg.

The proposed rule change also adds to the respective rules that, for the purpose of applying the aforementioned ratios to complex orders comprised of both mini-option contracts and standard option contracts, ten (10) mini-option contracts will represent one (1) standard option contract.

As discussed above, proposed Rule 6.45(b)(ii)(A) sets forth the ratio that determines whether a complex order executed in open outcry is eligible for priority; however, proposed Rule 6.45(b)(ii)(B) sets forth the terms of the priority for complex orders. The Exchange proposes to add the following language to Rule 6.45(b)(ii)(B):

• A complex order may be executed without consideration to prices of the same complex order that might be available on other exchanges. A complex order with a ratio greater than three-to-one (3.00) may not trade through prices in the individual option series that are available on other exchanges.[7]

The above language is consistent with the order protection rules implemented by all options exchanges.[8] The Exchange is simply proposing to add the language to proposed Rule 6.45(b)(ii)(B) in order to avoid confusion with regards to the ability of a complex order to trade-through away markets.

Third, with respect to complex orders in classes where the COB is available, the Exchange also proposes to make explicit the open outcry priority applicable when there are other complex orders or quotes represented at the same net price, whether such other orders or quotes are in the COB or being represented in open outcry. Specifically, the Exchange proposes to amend Rule 6.45(b)(ii) to provide that if a complex order would trade in open outcry at the same net debit or credit price as another complex order, priority would go first to public customer orders in COB (with multiple public customer orders ranked based on time), then to complex order bids and offers represented in the trading crowd (with multiple bids and offers ranked in accordance with the allocation principles applicable to in-crowd market participants contained in Rule 6.45(b)(i)(B) and (D), respectively), and then to all other orders and quotes in the COB (with multiple bids and offers ranked in accordance with the allocation algorithm in effect pursuant to Rule 6.53C).[9] This methodology for prioritizing multiple complex orders for open outcry trading is consistent with the methodology applicable for prioritizing multiple simple orders for open outcry trading and how the Exchange has interpreted and applied complex order priority.[10] The Exchange is merely proposing to reflect this existing interpretation within its rule text for added clarity. The Exchange is proposing no changes to the existing prioritization methodology.

Fourth, with respect to minimum increments for bids and offers on complex orders, the Exchange proposes to clarify in Rule 6.42(4) which complex orders are eligible for the relief in Rule 6.42(4). Specifically, as discussed above, the Exchange proposes to add the below language to Rule 6.42(4):

• Complex orders that do not meet the requirements of Rule 6.45(b)(ii)(A) are not eligible for the minimum increment relief in this paragraph (4) (including the penny increment relief of subparagraph (a) below).

In short, if a complex order is in a ratio that is larger than the 3 to 1 and the order is not fully hedged, the order would not be eligible for the minimum increment relief.[11] Instead, each leg would have to satisfy the minimum increment applicable to simple orders generally.[12]

Finally, the proposed rule change makes other non-substantive, technical changes to Rules 6.45, 6.53C(a), 6.73, 24A.5 and 24B.5, including deleting extra spaces, adding spaces where necessary, correction of typos and revising rule headings to be consistent with other headings.

Discussion

Table 1 below summarizes this proposal as it relates to complex orders executed in open outcry and whether

[7] This is consistent with Rule 6.53C(c)(ii), which states that ''[c]omplex orders that are submitted to the COB may be executed without consideration to prices of the same complex orders that might be available on other exchanges[.]''

[8] Rule 6.81(b)(7) indicates that Trading Permit Holders need not prevent Trade-Throughs where the ''transaction that constituted the Trade-Through was effected as a portion of a Complex Trade[.]'' Additionally, a ''Complex Trade'' is defined as ''(i) the execution of an order in an option series in conjunction with the execution of one or more related order(s) in different option series in the same underlying security occurring at or near the same time in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.0) and for the purpose of executing a particular investment strategy (for the purpose of applying the aforementioned ratios to complex trades comprised of both mini-option contracts and standard option contracts, ten (10) mini-option contracts will represent one (1) standard option contract); or (ii) the execution of a stock-option order to buy or sell a stated number of units of an underlying stock or a security convertible into the underlying stock (''convertible security'') coupled with the purchase or sale of option contract(s) on the opposite side of the market representing either (A) the same number of units of the underlying stock or convertible security, or (B) the number of units of the underlying stock or convertible security necessary to create a delta neutral position, but in no case in a ratio greater than eight-to-one (8.00), where the ratio represents the total number of units of the underlying stock or convertible security in the option leg to the total number of units of the underlying stock or convertible security in the stock leg.'' *See* Rule 6.80.

[9] The Exchange notes that, for purposes of this provision, Voluntary Professionals and Professionals, as defined in Rules 1.1(fff) and (ggg), respectively, are treated in the same manner as broker-dealers in classes where the Voluntary Professional and Professional designations are available.

[10] The Exchange notes that the provision of Rule 6.45(b)(i)(D), applicable to TPHs relying on Section 11(a)(1)(D) of the Securities Exchange Act of 1934 (the ''Act'') and Rule 11a1–1(T) thereunder (commonly known as the ''G'' exemption rule'') would apply to complex orders in the same manner as it applies to simple orders. Those rule provisions provide that in open outcry, any TPH relying on the G exemption rule as an exemption must yield priority to any bid (offer) at the same price of public customer orders and broker-dealer orders resting in the electronic book, as well as any other bids and offers that have priority over such broker-dealer orders under those rules. Under these provisions, a TPH relying on the G exemption rule would yield priority to simple public customer orders and broker-dealer orders resting in the book and complex public customer orders and broker-dealer orders resting in the COB, as well as any other simple and complex bids and offers that have priority over such broker-dealer orders under those rules.

[11] As previously noted, the order would also not be eligible for complex order priority set forth in Rule 6.45(b)(ii)(B).

[12] *See* Rules 6.42(1)–(3).

those orders (based on their ratio) qualify for complex order minimum increment relief, complex order priority, and trade-through relief.

TABLE 1

Ratio	Eligible for complex order minimum increment relief—Rule 6.42(4)	Eligible for complex order priority—Rule 6.45(b)(ii)(B)	Eligible to trade-through complex order book prices on other exchanges—Rules 6.45(b)(ii)(B)	Eligible to trade-through leg prices on other exchanges (Rule 6.81)
≤3 to 1	Yes	Yes	Yes	Yes.
>3 to 1 But Fully Hedged	Yes	Yes	Yes	No.
>3 to 1 But Not Fully Hedged	No	No	Yes [13]	No.

When the definition of ''ratio order'' was first instituted in 2003 (which generally defined a permissible ratio as one that is less than or equal to 3 to 1), multi-leg strategies were in their infancy. Regardless, the Commission held that ''ratio orders within certain permissible ratios may provide market participants with greater flexibility and precision in effectuating trading and hedging strategies.'' [14] Today, multi-leg strategies are crucial pieces of market participants' overall trading strategies, and the permissible ratio has not been updated to reflect the reality of today's marketplace, which is valid, risk-reducing multi-leg orders may have ratios larger than 3 to 1. The Exchange believes having a mechanism by which a complex order in a ratio larger than 3 to 1 may receive the complex order benefits listed in Table 1 will allow market participants to execute more sophisticated multi-leg strategies, which will also allow market participants to more efficiently and effectively craft finely tuned risk profiles.

The Exchange understands that the Commission is concerned that the simple order market may be somehow disadvantaged by allowing certain multi-legged orders that have ratios larger than 3 to 1 to receive the complex order benefits listed in Table 1. The chief concern appears to be that if the ratios are too greatly expanded market participants will, for example, enter multi-legged strategies designed primarily to gain priority over orders on the limit order book or in the trading crowd, rather than to effectuate a bona fide trading or hedging strategy. Although the marketplace may in fact be better served by a structure that does not require multi-legged orders to, among other things, yield priority to a simple order (which cannot on its own satisfy the terms of a multi-leg order), this proposal does not require the Commission to pass judgment on the issue. Instead, this proposal strikes a balance between the Commission's concerns and the overall benefit of giving market participants the ability to efficiently execute bona-fide, multi-leg trading or hedging strategies. To ensure complex orders in ratios larger than 3 to 1 are receiving the complex order benefits listed in Table 1 only when the complex orders represent bona-fide multi-legged trading or hedging strategies, the Exchange is proposing that any complex order in a ratio larger than 3 to 1 must be fully hedged in order to receive the complex order benefits listed in Table 1.[15]

The ''fully hedged'' concept of this proposal is based, in part, on SEC Rules related to qualified contingent trades (''QCTs'').[16] Specifically, the Commission granted an exemption from Rule 611(a) for any trade-throughs of quotations in NMS stocks caused by the execution of an order involving one or more NMS stocks that are components of a QCT. More specifically, in order for a transaction to qualify as a QCT, the Commission requires, among other things, that the exempted NMS Stock Transaction be ''fully hedged (without regard to any prior existing position) as a result of the other components of the contingent trade.'' [17] The Exchange is simply proposing that the fully hedged concept be used to determine whether a multi-legged order in a ratio larger than 3 to 1 qualifies to receive the complex order benefits described in Table 1. Consistent with the QCT exemption, for the purposes of the complex order benefits a multi-legged order must be evaluated without regard to any prior existing position. In addition, in order to have a reasonable basis to conclude that an order is fully hedged market participants must use reasonable risk-valuation methodologies.[18]

In addition to allowing market participants to devise their own reasonable risk-valuation methodologies to determine if an order is fully hedged, the Exchange believes it's important to specify in the Rules a method for market participants to determine whether a complex order in a ratio larger than 3 to 1 is fully hedged. Thus, the Exchange is also proposing that a multi-legged order

[13] Exchanges are not required to honor the prices of a complex order on other exchanges.

[14] *See* Securities Exchange Act Release 48858 (December 1, 2003), 68 FR 68128 (December 5, 2003) (SR–CBOE–2003–007) (''Approval Order''). In approving ratio orders, the Commission stated that ''[t]he Commission believes that ratio orders within certain permissible ratios may provide market participants with greater flexibility and precision in effectuating trading and hedging strategies. In addition, the Commission believes that including such ratio orders in the exception to the priority rules provided in CBOE Rule 6.45(e) will facilitate the execution of ratio orders. In this regard, the Commission believes that the procedures governing the execution of complex orders, such as ratio orders, serve to reduce the risk of incomplete or inadequate executions while increasing efficiency and competitive pricing by requiring price improvement before the order can receive priority over other orders.'' *Id.* Pursuant to SR–CBOE–2017–009, Rule 6.45(e) was replaced with Rule 6.45(b)(ii).

[15] A Complex order in a ratio of 3 to 1 or less already receive the benefits listed in Table 1. The Exchange is not proposing to change the benefits as they relate to a complex order in a ratio of 3 to 1 or less.

[16] The Commission granted an exemption from Rule 611(a) for any trade-throughs of quotations in NMS stocks caused by the execution of an order involving one or more NMS stocks that are components of a QCT. *See* Securities Exchange Act Release 54389 (August 31, 2006), 71 FR 52829 (September 7, 2006) and Securities Exchange Act Release 57620 (April 4, 2008), 73 FR 19271 (April 9, 2008). The Commission defines a QCT as a transaction consisting of two or more component orders, executed as agent or principal, where: (1) At least one component order is in an NMS stock; (2) all components are effected with a product or price contingency that either has been agreed to by the respective counterparties or arranged for by a broker-dealer as principal or agent; (3) the execution of one component is contingent upon the execution of all other components at or near the same time; (4) the specific relationship between the component orders (*e.g.,* the spread between the prices of the component orders) is determined at the time the contingent order is placed; (5) the component orders bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or since cancelled; and (6) the Exempted NMS Stock Transaction is fully hedged (without regard to any prior existing position) as a result of the other components of the contingent trade. *Id.*

[17] *Id.*

[18] *See* QCT Exemptive Order, FN 16 (providing that a trading center may demonstrate that an Exempted NMS Stock Transaction is fully hedged based on the use of reasonable risk-valuation methodologies).

in a ratio larger than 3 to 1 that is delta neutral plus or minus 10% will be considered fully hedged for the purposes of the complex order benefits listed in Table 1. The Exchange believes delta hedging is one example of a proven, longstanding risk-valuation methodology, and a transaction that is nearly 100% delta neutral represents a bona-fide multi-legged strategy that deserves the complex order benefits listed in Table 1. For example, a complex order consisting of one leg to buy 30 VIX calls and another leg to sell 30 VIX puts—both in the same series—combined with a third leg to purchase 100 VIX calls in a separate series that have a delta of ''30'' (30% or .30) creates a delta neutral position, and there is no reason such a transaction should not receive the complex order benefits listed in Table 1. Additionally, because reasonable minds may disagree as to a particular options delta, the plus or minus 10% standard gives market participants a reasonable margin for error when determining whether the order should receive the complex order benefits listed in Table 1. For example, in the above transaction, the Exchange may determine that the delta for the 100 VIX calls is 29, which would mean the transaction is not 100% delta neutral because the transaction represents a position that is long 29 deltas and short 30 deltas. The difference in delta calculations should not affect the ability of the order to qualify for the complex order benefits listed in Table 1 because whether the transaction is 100% delta neutral, or nearly 100% delta neutral, such orders represent bona-fide multi-legged strategies that do not disadvantage the simple order market because the simple order market cannot satisfy the terms of the complex order.

In short, the Exchange believes this proposal is consistent with the Act and SR–CBOE–2003–007 because in the same way that the Commission held that ''ratio orders within certain permissible ratios may provide market participants with greater flexibility and precision in effectuating trading and hedging strategies[,]'' [19] complex orders that are fully hedged may provide market participants with greater flexibility and precision in effectuating trading and hedging strategies. The Exchange also believe this proposal is consistent with the Act and SR–CBOE–2003–007 because in the same way that the Commission held that ''including such ratio orders in the exception to the priority rules provided in CBOE Rule 6.45(e) [20] will facilitate the execution of ratio orders[,]'' [21] including fully hedged complex orders in the exception to the priority rules provided in CBOE Rule 6.45(b)(ii) will facilitate the execution of fully hedged complex orders. Finally, in the same way that the Commission held that ''the procedures governing the execution of complex orders, such as ratio orders, serve to reduce the risk of incomplete or inadequate executions while increasing efficiency and competitive pricing by requiring price improvement before the order can receive priority over other orders[,]'' [22] the Exchange believes the procedures governing the execution of fully hedged complex orders serve to reduce the risk of incomplete or inadequate executions while increasing efficiency and competitive pricing by requiring price improvement before the order can receive priority over other orders.

Upon approval of this rule change filing, the Exchange will announce the implementation date of the proposed rule change in a Regulatory Circular to be published no later than 90 days following the approval date. The implementation date will be no later than 180 days following the approval date.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[23] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [24] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [25] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that (1) removing the definitions of spread order, combination order, straddle order and ratio order from Rule 6.53 and incorporating the more general definition of a complex order (including a stock-option order (and the elimination of a redundant definition of stock-option order) and a security future-option order) into the Rule and (2) harmonizing rules that reference such definitions simplifies and provides more clarity and uniformity to the rules, which ultimately benefits investors. The Exchange believes the proposed nonsubstantive changes to the rules, include the alphabetization of the order type definitions, further benefits investors, as they improve the readability of and further simplify the rules.

Additionally, the Exchange believes the proposed rule change to limit complex order priority, complex order increments, and complex order trade-through principals to complex orders that satisfy the proposed ratio requirements will, in general, help protect investors by ensuring that market participants receiving complex order benefits are executing bona-fide multi-legged trading or hedging strategies. Furthermore, the Exchange believes this proposal is consistent with the Act and SR–CBOE–2003–007 because in the same way that the Commission held that ''ratio orders within certain permissible ratios may provide market participants with greater flexibility and precision in effectuating trading and hedging strategies[,]'' [26] complex orders that are fully hedged may provide market participants with greater flexibility and precision in effectuating trading and hedging strategies. The Exchange also believe this proposal is consistent with the Act and SR–CBOE–2003–007 because in the same way that the Commission held that ''including such ratio orders in the exception to the priority rules provided in CBOE Rule 6.45(e) will facilitate the execution of ratio orders[,]'' [27] including fully hedged complex orders in the exception to the priority rules provided in CBOE Rule 6.45(b)(ii) will facilitate the execution of fully hedged complex orders. Finally, in the same way that the Commission held that ''the procedures governing the execution of complex orders, such as ratio orders, serve to reduce the risk of incomplete or inadequate executions while increasing efficiency and competitive pricing by

[19] *See* Approval Order at 68128.

[20] As previously noted, pursuant to SR–CBOE–2017–009, Rule 6.45(e) was replaced by Rule 6.45(b)(ii).

[21] *See Id.*

[22] *See Id.*

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

[25] *Id.*

[26] *See* Approval Order at 68128.

[27] *See Id.*

requiring price improvement before the order can receive priority over other orders[,]'' [28] the Exchange believes the procedures governing the execution of fully hedged complex orders serve to reduce the risk of incomplete or inadequate executions while increasing efficiency and competitive pricing by requiring price improvement before the order can receive priority over other orders.

In addition, making explicit the open outcry priority applicable when there are other complex orders or quotes represented at the same net price, whether such other orders or quotes are in the COB or being represented in open outcry, provides added clarity to the rule text in a manner that is consistent with the existing methodology applicable for prioritizing multiple simple orders for open outcry trading and how the Exchange has interpreted and applied complex order priority. The Exchange notes that it is not proposing to amend how complex orders are allocated or the priority afforded to complex orders in open outcry; it is merely modifying the requirements for a complex order to be eligible for the existing open outcry complex order priority.

The Exchange notes that TPHs may continue to represent and execute in open outcry a complex order with any number of legs and in any ratio. However, if a complex order does not satisfy the applicable ratio requirements as set forth above, then it will not be eligible for the complex order benefits listed in Table 1. Additionally, even if a complex order is fully hedged market participants do not have to utilize the complex order benefits listed in Table 1 if they choose not to. The Exchange believes the proposed changes will increase opportunities for execution of complex orders and lead to tighter spreads on CBOE, which will benefit investors. The Exchange also believes that the proposed rule change is designed to not permit unfair discrimination among market participants, as all market participants may trade complex orders, and the priority eligibility requirements apply to complex orders of all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that simplifying and expanding its rules related to complex orders helps provide clarity with regards to the execution of complex orders and increases the likelihood that market participants will execute bona-fide complex orders on CBOE. This proposal promotes fair and orderly markets as well as assists the Exchange in its ability to effectively attract order flow and liquidity to its market, which ultimately benefits all TPHs and all investors. Complex orders are available to all TPHs (and all non-TPH market participants through TPHs), and the Exchange believes any perceived burden on customers is outweighed by customers' ability to execute complex orders as proposed.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*);or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2017–019 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2017–019. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2017–019 and should be submitted on or before April 14, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05852 Filed 3–23–17; 8:45 am]

BILLING CODE 8011–01–P

[28] *See Id.*

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32536; 812–14710]

Investment Managers Series Trust II and Vivaldi Asset Management, LLC

March 20, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application under Section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from Section 15(a) of the Act and Rule 18f-2 under the Act, as well as from certain disclosure requirements in Rule 20a-1 under the Act, Item 19(a)(3) of Form N–1A, Items 22(c)(1)(ii),

22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A under the Securities Exchange Act of 1934, and Sections 6–07(2)(a), (b), and (c) of Regulation S–X (''Disclosure Requirements''). The requested exemption would permit an investment adviser to hire and replace certain sub-advisers without shareholder approval and grant relief from the Disclosure Requirements as they relate to fees paid to the sub-advisers.

APPLICANTS: Investment Managers Series Trust II (the ''Trust''), a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series, and Vivaldi Asset Management, LLC, a Delaware limited liability company registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Adviser,'' and, collectively with the Trust, the ''Applicants'').

FILING DATES: The application was filed on October 21, 2016, and amended on March 2, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 14, 2017, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: Trust: 235 West Galena Street, Milwaukee, WI 53212, and Adviser: 225 West Wacker, Suite 2100, Chicago, IL 60606.

FOR FURTHER INFORMATION CONTACT: Courtney S. Thornton, Senior Counsel, at (202) 551–6812, or Daniele Marchesani, Assistant Chief Counsel, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. The Adviser serves as the investment adviser to the Subadvised Series pursuant to an investment advisory agreement with the Trust (the ''Investment Management Agreement'').[1] The Adviser will provide the Subabvised Series with continuous and comprehensive investment management services subject to the supervision of, and policies established by, the Subabvised Series' board of trustees (''Board'').[2] The Investment Management Agreement permits the Adviser, subject to the approval of the Board, to delegate to one or more sub-advisers (each, a ''Sub-Adviser'') the responsibility to provide the day-to-day portfolio investment management of the Subabvised Series, subject to the supervision and direction of the Adviser. The primary responsibility for managing the Subabvised Series will remain vested in the Adviser. The Adviser will hire, evaluate, allocate assets to and oversee the Sub-Advisers, including determining whether a Sub-Adviser should be terminated, at all times subject to the authority of the Board.

2. Applicants request an exemption to permit the Adviser, subject to Board approval, to hire certain Sub-Advisers pursuant to sub-advisory agreements and materially amend existing sub-advisory agreements without obtaining the shareholder approval required under Section 15(a) of the Act and Rule 18f-2 under the Act.[3] Applicants also seek an exemption from the Disclosure Requirements to permit a Subabvised Series to disclose (as both a dollar amount and a percentage of the Subadvised Series' net assets): (a) The aggregate fees paid to the Adviser; and (b) the aggregate fees paid to Sub-Advisers; and (c) the fee paid to each Affiliated Sub-Adviser (collectively, ''Aggregate Fee Disclosure'').

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the Application. Such terms and conditions provide for, among other safeguards, appropriate disclosure to Subadvised Series shareholders and notification about sub-advisory changes and enhanced Board oversight to protect the interests of the Subadvised Series' shareholders.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or any rule thereunder, if such relief is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act. Applicants believe that the requested relief meets this standard because, as further explained in the application, the Investment Management Agreement will remain subject to shareholder approval, while the role of the Sub-Advisers is substantially similar to that of individual portfolio managers, so that requiring shareholder approval of Sub-Advisory Agreements would impose unnecessary delays and expenses on the Subadvised Series. Applicants believe that the requested relief from the Disclosure Requirements meets this standard because it will improve the Adviser's ability to negotiate fees paid to the Sub-Advisers that are more advantageous for the Subadvised Series.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05849 Filed 3–23–17; 8:45 am]

BILLING CODE 8011–01–P

[1] The initial Subadvised Series is the Vivaldi Multi-Strategy Fund. Applicants request relief with respect to the named Applicants, as well as to any future series of the Trust and any other existing or future registered open-end management company or series thereof that: (a) Is advised by the Adviser; (b) uses the manager of managers structure described in the application; and (c) complies with the terms and conditions of the application (collectively with the initial Subadvised Series, the ''Subadvised Series''). The term ''Adviser'' includes (i) the Adviser, (ii) its successors, and (iii) any entity controlling, controlled by, or under common control with, the Adviser or its successors. For purposes of the requested order, ''successor'' is limited to an entity resulting from a reorganization into another jurisdiction or a change in the type of business organization.

[2] The term ''Board'' includes the board of trustees or directors of a future Subadvised Series, if different.

[3] The requested relief will not extend to any sub-adviser that is an affiliated person, as defined in Section 2(a)(3) of the Act, of a Subadvised Series or the Adviser, other than by reason of serving as a sub-adviser to one or more of the Subadvised Series (''Affiliated Sub-Adviser'').

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32537; 812–14686]

Advent/Claymore Enhanced Growth & Income Fund

March 20, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of application for an order under section 17(b) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 17(a) of the Act.

SUMMARY OF APPLICATION: Applicant seeks an order that would permit in-kind repurchases of shares of the Fund held by certain affiliated shareholders of the Fund.

APPLICANT: Advent/Claymore Enhanced Growth & Income Fund (the ''Fund'').

FILING DATES: The application was filed on August 10, 2016, and amended on December 19, 2016, March 10, 2017 and March 15, 2017. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 14, 2017, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicant, 1271 Avenue of the Americas, 45th Floor, New York, NY 10020.

FOR FURTHER INFORMATION CONTACT: Robert Shapiro, Branch Chief, at (202) 551–6821 (Chief Counsel's Office, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicant's Representations

1. The Fund is Delaware statutory trust registered as a closed-end management investment company under the Act. The Fund's investment objective is to seek current income and current gains from trading in securities, with a secondary objective of long-term capital appreciation. The Fund states that, under normal market conditions, it invests at least 40% of its Managed Assets [1] in a portfolio of equity securities and convertible securities of U.S. and non-U.S. issuers, and may invest up to 60% of its Managed Assets in non-convertible high-yield securities.[2] Shares of the Fund are listed and trade on the New York Stock Exchange. Guggenheim Funds Investment Advisors, LLC (''GFIA''), an investment adviser registered under the Investment Advisers Act of 1940 (the ''Advisers Act''), serves as investment adviser to the Fund. Advent Capital Management, LLC (''Advent''), an investment adviser registered under the Advisers Act, serves as the investment manager to the Fund.

2. The Fund proposes to conduct a tender offer for up to 32.5% of its outstanding shares at a price equal to 98% of net asset value per share (''NAV'') as of the business day immediately after the day such tender offer expires (the ''In-Kind Repurchase Offer''). Payment for any shares repurchased during the In-Kind Repurchase Offer would be made in-kind through a pro rata distribution of the Fund's Distributable Securities (as defined below). The In-Kind Repurchase Offer will be made pursuant to section 23(c)(2) of the Act and conducted in accordance with rule 13e–4 under the Securities Exchange Act of 1934.

3. Applicant states that the pro rata distribution of the Fund's portfolio securities would not include: (i) Securities that, if distributed, would be required to be registered under the Securities Act of 1933 (the ''1933 Act''); (ii) securities issued by entities in countries that restrict or prohibit the holdings of securities by non-residents other than through qualified investment vehicles, or whose distribution would otherwise be contrary to applicable local laws, rules or regulations; (iii) certain portfolio assets, such as derivative instruments or repurchase agreements, that involve the assumption of contractual obligations, require special trading facilities, or can only be traded with the counterparty to the transaction; and (iv) portfolio securities held by the Fund which are not eligible for clearance and trade settlement through the Depository Trust Company (''DTC''). Applicant's portfolio securities eligible to be distributed in the In-Kind Repurchase Offer, excluding securities set forth in clauses (i)–(iv) above, are referred to as ''Distributable Securities.'' Applicant represents that, as of January 31, 2017, approximately 65% of its Managed Assets were Distributable Securities.

4. Applicant states that the In-Kind Repurchase Offer is designed to accommodate the needs of shareholders who wish to participate in the In-Kind Repurchase Offer and long-term shareholders who would prefer to remain invested in a closed-end investment vehicle. Applicant further states that, under the In-Kind Repurchase Offer, the Fund will not have to incur substantial brokerage commissions and other and legal costs that would be incurred in a cash tender offer. Applicant also states that the In-Kind Repurchase Offer will minimize disruption to the investment management of Fund, while providing enhanced liquidity for the Fund's shareholders.

5. Applicant requests relief to permit any common shareholders of the Fund who are ''affiliated persons'' of the Fund within the meaning of section 2(a)(3) of the Act solely by reason of owning, controlling, or holding with the power to vote, 5% or more of the Fund's outstanding voting securities (each, an ''Affiliated Shareholder'') to participate in the proposed In-Kind Repurchase Offer.

Applicant's Legal Analysis

1. Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or any affiliated person of the person, acting as principal, from knowingly purchasing or selling any security or other property from or to the company. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include any person who directly or indirectly owns, controls, or holds with power to vote 5% or more of the outstanding voting securities of the other person. Applicant states that to the extent that the In-Kind Repurchase Offer could be deemed the purchase or sale of securities by an Affiliated Shareholder, the transactions would be prohibited by section 17(a). Accordingly, applicant requests an exemption from section 17(a) of the Act to the extent necessary to permit the participation of Affiliated Shareholders in the In-Kind Repurchase Offer.

2. Section 17(b) of the Act authorizes the Commission to exempt any transaction from the provisions of

[1] ''Managed Assets'' means the total assets of the Fund (including any assets attributable to the use of financial leverage, if any) minus the sum of accrued liabilities (other than debt representing financial leverage, if any).

[2] Applicant states that, as of January 31, 2017, its portfolio consisted of the following investments (as a percentage of Managed Assets): 52.3% convertible bonds; 26.0% corporate bonds; 8.4% cash and cash equivalents; 6.5% common stocks; 6.3% convertible preferred stocks; 0.5% senior floating rate interests.

section 17(a) if the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the transaction is consistent with the policy of each registered investment company and with the general purposes of the Act.

3. Applicant asserts that the terms of the In-Kind Repurchase Offer meet the requirements of sections 17(b) of the Act. Applicant asserts that neither the Fund nor an Affiliated Shareholder has any choice as to the Distributable Securities to be received as proceeds from the In-Kind Repurchase Offer. Instead, each participating shareholder will receive their pro rata portion of each of the Fund's Distributable Securities. Moreover, applicant states that the portfolio securities to be distributed in the In-Kind Repurchase Offer will be valued in accordance with section 2(a)(41) of the Act, which will be an objective, verifiable standard that removes any discretion of an Affiliated Shareholder, Advent or GFIA to conduct the In-Kind Repurchase Offer at a price that would be beneficial or detrimental to the interests of any particular shareholder. Applicant further states that the In-Kind Repurchase Offer is consistent with the Fund's investment policies and limitations. Applicant represents that the In-Kind Repurchase Offer is consistent with the general purposes of the Act because the interests of all shareholders are equally protected and no Affiliated Shareholder would receive an advantage or special benefit not available to any other shareholder participating in the In-Kind Repurchase Offer.

Applicant's Conditions

Applicant agrees that any order granting the requested relief will be subject to the following conditions:

1. Applicant will distribute to shareholders participating in the In-Kind Repurchase Offer an in-kind pro rata distribution of portfolio securities of Applicant. The pro rata distribution will not include: (a) Securities that, if distributed, would be required to be registered under the 1933 Act; (b) securities issued by entities in countries that restrict or prohibit the holdings of securities by non-residents other than through qualified investment vehicles, or whose distribution would otherwise be contrary to applicable local laws, rules or regulations; and (c) certain portfolio assets, such as derivative instruments or repurchase agreements, that involve the assumption of contractual obligations, require special trading facilities, or can only be traded with the counterparty to the transaction. In addition, Applicant will exclude from the distribution portfolio securities held by the Fund which are not eligible for clearance and trade settlement through the DTC. Cash will be paid for that portion of Applicant's assets represented by cash and cash equivalents (such as certificates of deposit, commercial paper and repurchase agreements) and other assets which are not readily distributable (including receivables and prepaid expenses), net of all liabilities (including accounts payable). Applicant will round down or up the aggregate amount of each portfolio security eligible to be distributed to ensure that the Fund will continue to hold the nearest round lot amount of each portfolio security. In lieu of distributing fractional securities (*i.e.* less than a full share in the case of stocks and less than the par amount denomination in which a single bond trades in the case of bonds) and accruals on portfolio securities, Applicant will distribute a higher pro-rata percentage of other portfolio securities, selected by lot, to represent such fractional securities. With respect to any amount that cannot be represented by a whole security, Applicant will distribute cash in lieu of such fractional securities. Such proration calculations will be made in accordance with written proration policies and procedures that will be approved by the Board of Trustees, including a majority of the Independent Trustees.

2. The securities distributed to shareholders pursuant to the In-Kind Repurchase Offer will be limited to securities that are traded on a public securities market or for which quoted bid and asked prices are available.

3. The securities distributed to shareholders pursuant to the In-Kind Repurchase Offer will be valued in the same manner as they would be valued for purposes of computing Applicant's net asset value, consistent with the requirements of section 2(a)(41) of the Act.

4. Applicant will maintain and preserve for a period of not less than six years from the end of the fiscal year in which the In-Kind Repurchase Offer occurs, the first two years in an easily accessible place, a written record of the In-Kind Repurchase Offer, that includes the identity of each shareholder of record that participated in the In-Kind Repurchase Offer, whether that shareholder was an Affiliated Shareholder, a description of each security distributed, the terms of the distribution, and the information or materials upon which the valuation was made.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05850 Filed 3–23–17; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 9914]

30-Day Notice of Proposed Information Collection: Medical Clearance Update

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to April 24, 2017.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Joan F. Grew, who may be reached on 703–875–5412 or at *GrewJF@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Medical Clearance Update.
- *OMB Control Number:* 1405–0131.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Medical Services (MED).
- *Form Number:* DS–3057.
- *Respondents:* Foreign service officers, federal employees, or family members.

• *Estimated Number of Respondents:* 16,280.
• *Estimated Number of Responses:* 16,280.
• *Average Time per Response:* 30 minutes.
• *Total Estimated Burden Time:* 8,140 hours.
• *Frequency:* As needed.
• *Obligation to Respond:* Requested to obtain benefits.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
• Enhance the quality, utility, and clarity of the information to be collected.
• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: Form DS–3057 is designed to collect medical information to provide medical providers with current and adequate information to base decisions on whether a federal employee and family members will have sufficient medical resources at a diplomatic mission abroad to maintain the health and fitness of the individual and family members.

Methodology: The information collected will be collected through the use of an electronic forms engine or by hand written submission using a pre-printed form.

Behzad Shahbazian,

Director of Clinical Services, Bureau of Medical Services, Department of State.

[FR Doc. 2017–05898 Filed 3–23–17; 8:45 am]

BILLING CODE 4710–36–P

DEPARTMENT OF STATE

[Public Notice: 9928]

Notice of Determinations: Culturally Significant Object Imported for Exhibition Determinations: ''The Martyrdom of Saint Ursula'' 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 an object to be included in the exhibition ''The Martyrdom of Saint Ursula,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The Metropolitan Museum of Art, New York, New York, from on or about April 10, 2017, until on or about June 30, 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 an object list, 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. 2017–05841 Filed 3–23–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Disposal of 41.63 Acres of Airport Land at Igor Sikorsky Memorial Airport in Stratford, CT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comments.

SUMMARY: Notice is being given that the FAA is considering a request from the City of Bridgeport in Bridgeport, CT, to dispose of a 33.98 acre parcel and 7.65 acre parcel of airport land that were identified for disposal in the Runway Safety Area Project Igor Sikorsky Memorial Airport Intergovernmental Agreement (''Intergovernmental Agreement'') at Igor Sikorsky Memorial Airport dated November, 2012 and signed April 17, 2013 by the Town of Stratford, City of Bridgeport, Connecticut Department of Transportation, Connecticut Office of Policy and Management, and the Federal Aviation Administration.

There are two subject parcels identified in the Intergovernmental Agreement. The first property is the Long Beach Parcel that is located to the southwest of the end of Runway 6 and is 33.98 acres. The second property known as Parcel 16, is located to the northwest of Runway 11 and is 7.65 acres. The two parcels will be transferred to the Town of Stratford, CT at a fair market value of $486,600. The parcels will be transferred with easements to protect the airport. Given the location of the two parcels, the disposal of this property will have no effect on aviation land nor future development opportunities for the airport. The proceeds of the disposal, per the Intergovernmental Agreement, will be used to reduce the overall Runway Safety Area project grant amount and fund a portion of the City's match for the Runway Safety Area project.

DATES: Comments must be received on or before April 24, 2017.

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

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov,* and follow the instructions on providing comments.
• *Fax:* 202–493–2251.
• *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W 12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
• *Hand Delivery:* Deliver to mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Interested persons may inspect the request and supporting documents by contacting the FAA at the address listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Mr. Jorge E. Panteli, Compliance and Land Use Specialist, Federal Aviation Administration New England Region Airports Division, 1200 District Avenue, Burlington, Massachusetts 01803. Telephone: 781–238–7618.

Issued in Burlington, Massachusetts, on January 25, 2017.

Mary T. Walsh,

Manager.

[FR Doc. 2017–05888 Filed 3–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–10]

Petition for Exemption; Summary of Petition Received; Skyyfish

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 13, 2017.

ADDRESSES: Send comments identified by docket number FAA–2016–6012 using any of the following methods:

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

Privacy: 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.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 683–7788, Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 17, 2017.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2016–6012.

Petitioner: Skyyfish.

Section(s) of 14 CFR Affected: Part 21, Subpart H; Part 27; and §§ 45.23(b), 45.27(a), 61.113, 91.7(a), 91.9(b)(2), 91.9(c); 91.103, 91.109(a), 91.119, 91.121, 91.151(a)(b), 91.203(a)(b), 91.405(a), 91.407(a)(l), 91.409(a)(2), and 91.417(a)(b).

Description of Relief Sought: The petitioner is requesting relief in order to operate the Hummingbird UAS, which has a takeoff weight of 121 pounds for commercial operations.

[FR Doc. 2017–05878 Filed 3–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2017–09]

Petition for Exemption; Summary of Petition Received; Minnesota Department of Natural Resources

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations (14 CFR). The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 13, 2017.

ADDRESSES: Send comments identified by docket number FAA–2016–9414 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC 20591–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: 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.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC 20591–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Brenda Robeson, (202) 267–4712, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 1, 2017.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2016–9414.

Petitioner: Minnesota Department of Natural Resources (DNR).

Section(s) of 14 CFR Affected: §§ 133.33(d)(1); 137.51(b).

Description of Relief Sought: The Petitioner requests an exemption for external loads over congested areas for

the purpose of firefighting missions. Specifically, the requirement to provide prior coordination and written approval from the Flight Service District Office, notice of the intended operation given to the public, and developing a plan for each complete operation.

DNR is tasked with suppression of all wildfires on private and public lands outside of the National Forests and Native American Reservations. Also, DNR requested to operate outside the United States due to having cooperative firefighting agreements with the Canadian Provinces of Manitoba and Ontario.

[FR Doc. 2017–05885 Filed 3–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–03]

Petition for Exemption; Summary of Petition Received; Joby Aviation LLC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 13, 2017.

ADDRESSES: Send comments identified by docket number FAA–2016–5094 using any of the following methods:

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

Privacy: 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.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 683–7788, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 17, 2017.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2016–5094.

Petitioner: Joby Aviation LLC.

Section(s) of 14 CFR Affected: Parts 21, Subpart H, and 91, Subpart E; and §§ 61.113(a)(b), 61.133(a), 61.23(a), 91.7(a), 91.9, 91.119, 91.121, 91.151(a)(b), 91.203(a)(b), and 91.401–91.417.

Description of Relief Sought: The petitioner is requesting relief in order to fly the S4–SS UAS, which has a takeoff weight of 62.5 pounds, for UAS testing.

[FR Doc. 2017–05887 Filed 3–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–11]

Petition for Exemption; Summary of Petition Received; Logistic Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 13, 2017.

ADDRESSES: Send comments identified by docket number FAA–2016–1618 using any of the following methods:

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

Privacy: 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.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 683–7788, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 17, 2017.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2016–1618.

Petitioner: Logistics Gliders, Inc.

Section(s) of 14 CFR Affected: Part 21, Subpart H and §§ 91.7(a), 91.9(b)(2), 91.203 (a) and (b), 91.405(a), 91.407(a)(1), 91.409(a)(1) and (2), 91.417(a) and (b), 409(a)(2).

Description of Relief Sought: The petitioner is requesting an exemption to operate a unmanned aircraft systems (weighing 400 lbs empty and 2,200 lbs loaded) with simulated cargo to perform test flights and gather critical performance data for research and development contracts with U.S. military agencies, with release at 1,500 feet AGL, and maximum altitude of 5,000 feet AGL.

[FR Doc. 2017–05879 Filed 3–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–05]

Petition for Exemption; Summary of Petition Received; Mahdad Emadipour

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 13, 2017.

ADDRESSES: Send comments identified by docket number FAA–2016–0447 using any of the following methods:

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

Privacy: 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.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 683–7788, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 17, 2017.

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2016–0447.

Petitioner: Mahdad Emadipour.

Section(s) of 14 CFR Affected: Part 21 subpart H; and §§ 45.23(b); 61.113(a)(b); 91.7(a); 91.9(b)(2); 91.103; 91.109; 91.119(c); 91.121; 91.151(a); 91.203(a)(b); 91.405(a); 91.407(a)(1); 91.409(a)(2), and 91.417(a)(b).

Description of Relief Sought: The petitioner is requesting relief in order to operate the Gryphon Dynamics 1400 Super UAS, with a total weight of 60 pounds, for aerial cinematography.

[FR Doc. 2017–05883 Filed 3–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–04]

Petition for Exemption; Summary of Petition Received; Hood Tech Corp Mechanical Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 13, 2017.

ADDRESSES: Send comments identified by docket number FAA–2016–5931 using any of the following methods:

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

Privacy: 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.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 683–7788, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 17, 2017.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2016–5931.

Petitioner: Hood Tech Corp Mechanical Inc.

Section(s) of 14 CFR Affected: § 107.3.

Description of Relief Sought: The petitioner is requesting relief in order to operate a tethered electric powered unmanned aircraft (multicopter) with max gross weight not to exceed 300 pounds.

[FR Doc. 2017–05884 Filed 3–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–02]

Petition for Exemption; Summary of Petition Received; NaturChem Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 13, 2017.

ADDRESSES: Send comments identified by docket number FAA–2016–9551 using any of the following methods:

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

Privacy: 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.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 683–7788, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 17, 2017.

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2016–9551.

Petitioner: NaturChem Inc.

Section(s) of 14 CFR Affected: Parts 21, 27, and 137, and 14 CFR 45.23(b), 61.113(a) and (b), 91.7(a), 91.9(b)(2), 91.103, 91.109, 91.119, 91.121, 91.151(b), 91.203(a) and (b), 91.405(a), 91.407(a)(1), 91.409(a)(2), 91.417(a) and (b), and 91.1501.

Description of Relief Sought: The petitioner is requesting an exemption for the purpose of operating its octocopter, the Stark Hx8 (dry weight of 69 pounds), to provide commercial agricultural-related services.

[FR Doc. 2017–05886 Filed 3–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on the Interstate 64 Peninsula Study in Virginia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA.

SUMMARY: This notice announces actions taken by the FHWA that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to widening approximately eight miles of Interstate 64 from west of Exit 242 (Marquis Parkway/State Highway 199) in the east to west of Exit 234 (State Highway 199) to the west. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the project will be barred unless the claim is filed on or before August 21, 2017. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such a claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. Mack Frost, Planning and Environmental Specialist, Federal Highway Administration, 400 North 8th Street, Richmond, Virginia 23219; telephone: (804) 775–3352; email: *Mack.frost@dot.gov.* The FHWA Virginia Division Office's normal business hours are 7:00 a.m. to 5:00 p.m. (Eastern Time). For the Virginia Department of Transportation (VDOT): Mr. Scott Smizik, 1401 East Broad Street, Richmond, Virginia 23219; email: *Scott.Smizik@vdot.virginia.gov;* telephone: (804) 371–4082.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following project in the State of Virginia: The widening of Interstate 64 for approximately eight miles from west of Exit 242 (Marquis Parkway/State Highway 199) in the east to west of Exit 234 (State Highway 199) to the west. The project would involve constructing one additional lane in each direction in the median. The actions taken by FHWA, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) approved on November 26, 2013, the Request for the Record of Decision (ROD) signed on June 15, 2016, and the ROD issued on October 10, 2016 and in other documents in the FHWA project files. The FEIS, Request for the ROD, and ROD can be viewed on the project's internet site at *http://www.virginiadot.org/projects/hamptonroads/i-64_peninsula_study.asp.*

These documents and other project records are also available by contacting FHWA or the Virginia Department of

Transportation at the phone numbers and addresses provided above.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128].
2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303].
4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536].
5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*].
6. Social and Economic: Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C 139(*l*)(1)

Issued on: March 15, 2017.

John Simkins,

Planning and Environment Team Leader, Richmond, Virginia.

[FR Doc. 2017–05628 Filed 3–23–17; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0293]

Agency Information Collection Activities; Reinstatement of an Information Collection: Financial Responsibility—Motor Carriers, Freight Forwarders, and Brokers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for reinstatement and approval and invites public comment. The FMCSA requests approval to reinstate, without any changes to the ICR titled, ''Financial Responsibility—Motor Carriers, Freight Forwarders, and Brokers,'' which is used to provide registered motor carriers, property brokers, and freight forwarders a means of meeting financial responsibility filing requirements. This ICR requires reinstatement because the previous ICR expired on February 28, 2017, before the ICR renewal request could be submitted to OMB for approval. The ICR sets forth the financial responsibility documentation requirements for motor carriers, freight forwarders, and brokers that arise as a result of the Agency's jurisdictional statutes. The reinstatement of the ICR allows the FMCSA to ensure the public is protected and will be compensated for claims involving bodily injury and property damage, or loss or damage to household goods, respectively, within the limits prescribed by FMCSA. Reinstatement of the ICR enforces the filing of surety bonds or trust fund agreements to help ensure that motor carriers and shippers are protected against non-performance of the broker's or freight forwarder's legal obligations. With reinstatement of the ICR, insurance companies can be held liable for any damages that may occur to the public (up to the limits of the policy), and to supersede any exclusions or limitations which may be contained in the insured motor carrier's or freight forwarder's policy. Additionally, FMCSA can make a determination regarding whether an entity qualifies for the grant of self-insurance authority.

DATES: Please send your comments by April 24, 2017. OMB must receive your comments by this date in order to act quickly on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2016–0293. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Tura Gatling, Office of Registration and Safety Information, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Telephone Number: (202) 385–2412; Email Address: *tura.gatling@dot.gov.* Office hours are from 8:00 a.m. to 5:00 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: The Secretary of Transportation (Secretary) is authorized to register for-hire motor carriers of property and passengers under the provisions of 49 U.S.C. 13902, surface freight forwarders under the provisions of 49 U.S.C. 13903, and property brokers under the provisions of 49 U.S.C. 13904. These persons may conduct transportation services only if they are registered pursuant to 49 U.S.C. 13901. The Secretary's authority to register these entities has been delegated to FMCSA. The registration, known as operating authority registration, remains valid only as long as these transportation entities maintain, on file with the FMCSA, evidence of the required levels of financial responsibility pursuant to 49 U.S.C. 13906. FMCSA regulations governing the financial responsibility requirements for these entities are found at 49 CFR part 387. The information collected from these forms are summarized and displayed in the Licensing and Information system.

Forms for Endorsements, Certificates of Insurance and Other Evidence of Bodily Injury and Property Damage (BI&PD) Liability and Cargo Liability Financial Responsibility

Forms BMC–91 and BMC–91X, titled ''Motor Carrier Automobile Bodily Injury and Property Damage Liability Certificate of Insurance,'' and Form BMC–82, titled ''Motor Carrier Bodily Injury Liability and Property Damage Liability Surety Bond Under 49 U.S.C. 13906,'' provide evidence of the required coverage for bodily injury and property damage (BI & PD) liability. A Form BMC–91X filing is required when a carrier's insurance is provided by multiple companies instead of just one. Form BMC–34, titled ''Household Goods Motor Carrier Cargo Liability Certificate of Insurance,'' and Form BMC–83, titled ''Household Goods Motor Carrier Cargo Liability Surety Bond Under 49 U.S.C. 13906,'' establish a carrier's compliance with the Agency's cargo liability requirements. Only household goods (HHG) motor carriers are required to file evidence of cargo insurance with FMCSA. 49 CFR 387.303(c). Form BMC–90, titled ''Endorsement for Motor Carrier Policies of Insurance for Automobile Bodily Injury and Property Damage Liability Under Section 13906,

Title 49 of the United States Code,'' and Form BMC–32, titled ''Endorsement for Motor Common Carrier Policies of Insurance for Cargo Liability Under 49 U.S.C. 13906,'' are executed by the insurance company, attached to BI & PD or cargo liability insurance policy, respectively, and forwarded to the motor carrier or freight forwarder.

Requirement To Obtain Surety Bond or Trust Fund Agreement

Form BMC–84, titled ''Broker's or Freight Forwarder's Surety Bond Under 49 U.S.C. 13906,'' and Form BMC–85, titled ''Broker's or Freight Forwarder's Trust Fund Agreement Under 49 U.S.C. 13906 or Notice of Cancellation of the Agreement,'' are filed by brokers or freight forwarders to comply with the requirement that they must have a $75,000 surety bond or trust fund agreement in effect before FMCSA will issue property broker or freight forwarder operating authority registration.

Cancellation of Prior Filings

Form BMC–35, titled ''Notice of Cancellation Motor Carrier Insurance under 49 U.S.C. 13906,'' Form BMC–36, titled ''Motor Carrier and Broker's Surety Bonds under 49 U.S.C. 13906 Notice of Cancellation,'' and Form BMC–85, titled ''Broker's or Freight Forwarder's Trust Fund Agreement Under 49 U.S.C. 13906 or Notice of Cancellation of the Agreement,'' can be used to cancel prior filings.

Self-Insurance

Motor carriers can also apply to FMCSA to self-insure BI & PD and/or cargo liability in lieu of filing certificates of insurance with the FMCSA, as long as the carrier maintains a satisfactory safety rating (see 49 CFR 387.309.) Form BMC–40 is the application used by carriers to apply for self-insurance authority.

Title: Financial Responsibility—Motor Carriers, Freight Forwarders, and Brokers.

OMB Control Number: 2126–0017.

Type of Request: Reinstatement of an information collection.

Respondents: Motor Carriers, Freight Forwarders and Brokers.

Estimated Number of Respondents: 237,624.

Estimated Time per Response: The estimated average burden per response for Form BMC–40 is 40 hours. The estimated average burden per response for the remaining insurance forms (BMC–34, 35, 36, 82, 83, 84, 85, 91, and 91X) is 10 minutes per form.

Expiration Date: February 28, 2017.

Frequency of Response: Certificates of insurance, surety bonds, and trust fund agreements are required when the transportation entity first registers with FMCSA and then when such coverages are changed or replaced by these entities. Notices of cancellation are required only when such certificates of insurance, surety bonds, and trust fund agreements are cancelled. The BMC–40 is filed only when a carrier seeks approval from FMCSA to self-insure its bodily injury and property damage (BI & PD) and/or cargo liability coverage.

Estimated Total Annual Burden: 61,687 hours [2 BMC–40 filings per year × 40 hours to complete + 369,637 filings per year for all the other forms × 10 minutes/60 minutes to complete = 61,687].

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87 on: March 20, 2017.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2017–05863 Filed 3–23–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2011–0027, Notice No. 10]

Northeast Corridor Safety Committee; Notice of Meeting

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

ACTION: Notice of Northeast Corridor Safety Committee (NECSC) meeting.

SUMMARY: FRA announces the eighth meeting of the NECSC, a Federal Advisory Committee mandated by section 212 of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) and amended by section 11305 of the Fixing America's Surface Transportation Act of 2015 (FAST Act). The NECSC is made up of stakeholders operating on the Northeast Corridor, and the purpose of the NECSC is to provide annual recommendations to the Secretary of Transportation. The NECSC meeting agenda will include presentations on: Implementation of Positive Train Control; the state of moveable bridges; New York City tunnel system inspection and maintenance; an update to the ongoing study of maintenance-of-way worker fatigue; state of the NEC catenary; condition of railroad tracks adjacent to the NEC; security along the NEC; and a general discussion of safety issues. This agenda is subject to change.

DATES: The NECSC meeting is scheduled to commence at 9:30 a.m. on Thursday, April 6, 2017, and will adjourn by 4:30 p.m.

ADDRESSES: The NECSC meeting will be held at the National Housing Center located at 1201 15th Street NW., Washington, DC 20005. The meeting is open to the public on a first-come, first-served basis, and is accessible to individuals with disabilities. Sign and oral interpretation can be made available if requested 10 calendar days before the meeting.

FOR FURTHER INFORMATION CONTACT: Mr. Kenton Kilgore, NECSC Administrative Officer/Coordinator, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493–6286; or Mr. Larry Woolverton, Executive Officer for Safety Analysis, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493–6212.

SUPPLEMENTARY INFORMATION: The NECSC is mandated by a statutory provision in section 212 of the PRIIA which was amended in 2015 by section 11305 of the FAST Act (codified at 49 U.S.C. 24905(e)). The NECSC is chartered by the Secretary of Transportation and is an official Federal Advisory Committee established in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. Title 5—Appendix.

Authority: 49 U.S.C. 24905(e).

Sarah L. Inderbitzin,

Acting Chief Counsel.

[FR Doc. 2017–05871 Filed 3–21–17; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

[Docket No. DOT–OST–2017–0034]

Agency Information Collection Activities and Request for Comments; Extension of an Approved Information Collection: Transportation Infrastructure Financing and Innovation Act (TIFIA) Program

AGENCY: Office of the Secretary of Transportation (OST), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995, OST invites public comments on a request to the Office of Management and Budget (OMB) to renew an Information Collection Request (ICR). The ICR is used to allow entities to apply for TIFIA credit assistance and assists the DOT in evaluating projects and project sponsors for program eligibility and creditworthiness.

DATES: We must receive your comments on or before May 23, 2017.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket No. DOT–OST–2017–0034. Interested persons are invited to submit written comments on the proposed information collection through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: The TIFIA program manager via email at *TIFIACredit@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Transportation Infrastructure Financing and Innovation Act program or TIFIA program.

OMB Control Number: 2105–0569.

Type of Request: Extension of a currently approved collection.

Respondents: State and local governments, transit agencies, railroad companies, special authorities, special districts, and private entities.

Estimated Total Annual Number of Respondents: 50 letters of interest and 50 applications.

Estimated Total Annual Burden Hours: 6,000 hours. Based on the number and type of interested stakeholders that have contacted the Department about this program, OST estimates that it will receive fifty (50) applications and fifty (50) letters of interest and that it will generally not take applicants more than 100 person-hours to assemble individual applications and 20 person-hours to assemble individual letters of interest. Therefore, the total annual hour burden of this collection of applications is 6,000 hours.

Frequency of Collection: The Department expects that this information collection will occur on a rolling basis as interested entities seek TIFIA credit assistance.

Background: This is an existing information collection that was originally approved through the emergency approval process on August 7, 2013. DOT will use the collected information to evaluate and select recipients for credit assistance. Applicants may be asked to provide additional supporting evidence or to quantify details during the review and negotiation process on a case-by-case basis, but completion of the letter of interest and application.

The application process required of 23 U.S.C. 602(a)(1)(A) begins with the submission of a letter of interest (LOI). Only after a project sponsor has submitted an LOI demonstrating satisfaction of all statutory eligibility requirements can the project sponsor be invited to submit an application. The LOI must describe the project, outline the proposed financial plan, provide a status of environmental review, and provide information regarding satisfaction of other eligibility requirements of the TIFIA credit program, in each case as indicated on the LOI form located on the Build America Bureau's TIFIA Web page: *https://www.transportation.gov/buildamerica/programs-services/tifia/applications.* DOT estimates that the letter of interest would require approximately 20 hours in each instance to complete.

If TIFIA determines that a project sponsor has satisfied the eligibility requirements described in 23 U.S.C. 602(a), TIFIA may invite the project sponsor to submit an application. The information that DOT seeks through the application includes: Contact information; project information, project purpose, cost, TIFIA credit assistance request, satisfaction of eligibility requirements, including creditworthiness, a financial plan, details of the applicant's organizational structure, and such other information as is indicated on the application form located on the Build America's TIFIA Web page at: *https://www.transportation.gov/buildamerica/programs-services/tifia/applications.* DOT estimates that each application will require approximately 100 hours to complete.

Issued in Washington, DC, on March 20, 2017.

Claire Barrett,

Departmental Chief Privacy & Information Governance Officer.

[FR Doc. 2017–05828 Filed 3–23–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection: Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning entry of taxable fuel.

DATES: Written comments should be received on or before May 23, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Kerry Dennis, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Entry of Taxable Fuel.

OMB Number: 1545–1897.

Regulation Project Number: REG–120616–03 (T.D. 9346).

Abstract: The regulation imposes joint and several liabilities on the importer of record for the tax imposed on the entry of taxable fuel into the U.S. and revises definition of ''enterer''.

Current Actions: There is no change to this existing regulation.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, not-for-profit institutions, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 1,125.

Estimated Time per Respondent: 1.25 hours.

Estimated Total Annual Burden Hours: 1,406.25.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 16, 2017.

Laurie Brimmer,

IRS Tax Analyst.

[FR Doc. 2017–05833 Filed 3–23–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection: Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning unified rule for loss on subsidiary stock.

DATES: Written comments should be received on or before May 23, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Kerry Dennis at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov* .

SUPPLEMENTARY INFORMATION:

Title: Unified Rule for Loss on Subsidiary Stock.

OMB Number: 1545–2096.

Regulation Project Number: REG–157711–02 (TD 9424—final).

Abstract: This document contains final regulations under sections 358, 362(e)(2), and 1502 of the Internal Revenue Code (Code). The regulations apply to corporations filing consolidated returns, and corporations that enter into certain tax-free reorganizations. The regulations provide rules for determining the tax consequences of a member's transfer (including by deconsolidation and worthlessness) of loss shares of subsidiary stock. In addition, the regulations provide that section 362(e)(2) generally does not apply to transactions between members of a consolidated group. Finally, the regulations conform or clarify various provisions of the consolidated return regulations, including those relating to adjustments to subsidiary stock basis.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 25.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 16, 2017.

Laurie Brimmer,

IRS Tax Analyst.

[FR Doc. 2017–05831 Filed 3–23–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting

comments concerning treatment of dual consolidated losses.

DATES: Written comments should be received on or before May 23, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Kerry Dennis at Internal Revenue Service, 1111 Constitution Avenue NW., Room 6526, Washington, DC 20224, or through the internet at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Treatment of Dual Consolidated Losses.

OMB Number: 1545–1083.

Regulation Project Number: TD 8434.

Abstract: Internal Revenue Code section 1503(d) denies use of the losses of one domestic corporation by another affiliated domestic corporation where the loss corporation is also subject to the income tax of another country. This regulation allows an affiliate to make use of the loss if the loss has not been used in the foreign country and if an agreement is attached to the income tax return of the dual resident corporation or group, to take the loss into income upon future use of the loss in the foreign country. The regulation also requires separate accounting for a dual consolidated loss where the dual resident corporation files a consolidated return.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Number of Responses: 896.

Estimated Time per Response: 1 hr., 49 minutes.

Estimated Total Annual Burden Hours: 1,620.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 16, 2017.

Laurie Brimmer,

IRS Tax Analyst.

[FR Doc. 2017–05832 Filed 3–23–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning certain transfers of domestic stock or securities by U.S. persons to foreign corporations.

DATES: Written comments should be received on or before May 23, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Kerry Dennis at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Kerry.Dennis@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Certain Transfers of Domestic Stock or Securities by U.S. Persons to Foreign Corporations.

OMB Number: 1545–1478.

Regulation Project Number: INTL–9–95 (TD 8702).

Abstract: This regulation relates to certain transfers of stock or securities of domestic corporations pursuant to the corporate organization, reorganization, or liquidation provisions of the internal Revenue Code. Transfers of stock or securities by U.S. persons in tax-free transactions are treated as taxable transactions when the acquirer is a foreign corporation, unless an exception applies under Code section 367(a). This regulation provides that no U.S. person will qualify for an exception unless the U.S. target company complies with certain reporting requirements.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 100.

Estimated Time Per Response: 10 hours.

Estimated Total Annual Burden Hours: 1,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to

minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 16, 2017.

Laurie Brimmer,

IRS Tax Analyst.

[FR Doc. 2017–05834 Filed 3–23–17; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES INSTITUTE OF PEACE

Announcement of the Priority Grant Competition Effective Immediately

AGENCY: United States Institute of Peace.

ACTION: Notice.

SUMMARY: The Agency announces its ongoing Priority Grant Competitions. The Priority Grant Competitions are restricted to projects that fit specific themes or topics identified by USIP as a priority.

The current Priority Grant Competitions are outlined below.

• Reassessing Peacebuilding in Uncertain Times—In this uncertain and fluid context, USIP is inviting innovative proposals from U.S.-based academic institutions, research and practitioner organizations, and others for collaborative projects that reflect on, help clarify, and flesh out one or more key issues and propose new approaches and responses to peacebuilding challenges. The deadline for submitting initial concept notes is March 21, 2017. For more information: *https://www.usip.org/grants-fellowships/grants/reassessing-peacebuilding-uncertain-times*.

• What Makes for Effective Peace Processes: A Comparative Approach—Under this grant competition, the United States Institute of Peace encourages proposals for research and analysis on what makes a complex peace process effective, how the success of a peace process is defined, and if successful processes share common elements. The deadline for submitting initial concept notes is March 21, 2017. Awards will be made in September, 2017. For more information: *https://www.usip.org/grants-fellowships/grants/what-makes-effective-peace-processes-comparative-approach*.

Deadline: March 21, 2017.

Please visit our Web site at: *https://www.usip.org/grants-fellowships/grants/* for specific information on the competitions as well as instructions about how to apply.

FOR FURTHER INFORMATION CONTACT: United States Institute of Peace Grant Program, Priority Grant Competitions, 2300 Constitution Avenue NW., Washington, DC 20037, Email: *GrantsAdministration@usip.org*.

Dated: March 14, 2017.

Joseph Lataille,

Chief Financial Officer.

[FR Doc. 2017–05476 Filed 3–23–17; 8:45 am]

BILLING CODE 6820–AR–M

FEDERAL REGISTER

Vol. 82 Friday,

No. 56 March 24, 2017

Part II

The President

Notice of March 22, 2017—Continuation of the National Emergency With Respect to South Sudan

Federal Register
Vol. 82, No. 56
Friday, March 24, 2017

Presidential Documents

Title 3—

The President

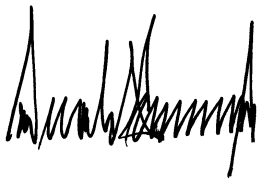
Notice of March 22, 2017

Continuation of the National Emergency With Respect to South Sudan

On April 3, 2014, by Executive Order 13664, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the situation in and in relation to South Sudan, which has been marked by activities that threaten the peace, security, or stability of South Sudan and the surrounding region, including widespread violence and atrocities, human rights abuses, recruitment and use of child soldiers, attacks on peacekeepers and humanitarian workers, and obstruction of humanitarian operations.

The situation in and in relation to South Sudan continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared on April 3, 2014, to deal with that threat must continue in effect beyond April 3, 2017. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13664.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
March 22, 2017.

[FR Doc. 2017–06075
Filed 3–23–17; 11:15 am]
Billing code 3295–F7–P

FEDERAL REGISTER

Vol. 82 Friday,

No. 56 March 24, 2017

Part III

The President

Proclamation 9579—National Agriculture Day, 2017

Federal Register
Vol. 82, No. 56
Friday, March 24, 2017

Presidential Documents

Title 3—

The President

Proclamation 9579 of March 21, 2017

National Agriculture Day, 2017

By the President of the United States of America

A Proclamation

America's farmers and ranchers help feed the world, fuel our Nation's economy, and lead global markets in output and productivity. The efficiency of American agriculture has provided this country with abundance our ancestors could not have imagined.

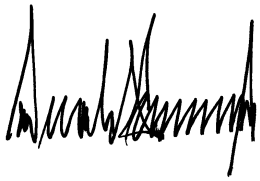
The agriculture sector of the United States is endlessly innovative. It continuously builds on its centuries of progress through advances in science, research, technology, safety, production, and marketing to meet the demands of changing consumer needs and complex world markets. The agriculture sector provides jobs across our Nation, not just for farmers and ranchers, but for foresters, scientists, processors, shippers, firefighters, police, and retailers.

American agriculture is the largest positive contributor to our Nation's net trade balance, generating 10 percent of our exports and millions of American jobs. America's farmers and ranchers provide a safe and plentiful domestic food supply, which is vital to our national security. Moreover, they safeguard our sustainable resource base for future generations. As my Administration fights for better trade deals, agriculture will be an important consideration so that its significant contributions will only increase in the years ahead.

American farmers and ranchers are the heart and soul of America and they represent the determined, self-reliant character of our Nation. We are proud of American agriculture and we recognize agriculture's critical role to our Nation's bright future.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 21, 2017, as National Agriculture Day. I encourage all Americans to observe this day by recognizing the preeminent role that agriculture plays in Americans' daily life, acknowledging agriculture's continuing importance to our country's economy, and expressing our deep appreciation of farmers and ranchers across the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.



[FR Doc. 2017–06080
Filed 3–23–17; 11:15 am]
Billing code 3295–F7–P

Reader Aids

Federal Register

Vol. 82, No. 56

Friday, March 24, 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**

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, 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
13379–13548 13
13549–13740 14
13741–13958 15
13959–14110 16
14111–14318 17
14319–14418 20
14419–14600 21
14601–14810 22
14811–14986 23
14987–15112 24

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.

2 CFR

3474 14419

3 CFR

Proclamations:
9574 12707
9575 12709
9576 12711
9577 13223
9578 14809
9579 15111
Executive Orders:
13532 (Revoked by EO 13779) 12499
13769 (Revoked by EO 13780) 13209
13777 12285
13778 12497
13779 12499
13780 13209
13781 13959
Administrative Orders:
Notices:
Notice of March 22, 2017 15107

7 CFR

205 14420
319 14987
966 13741
Proposed Rules:
51 14832
52 12424
271 12184
272 12184
273 12184
930 14481
945 14485

10 CFR

72 14987
429 ..... 14425, 14426
430 ..... 14425, 14427
431 14426
435 14427
Proposed Rules:
26 13778
50 13778
52 13778
72 15007
73 13778
140 13778

12 CFR

1202 13743
1207 14992
1223 14992
Proposed Rules:
1005 ..... 13782, 15009
1026 13782

13 CFR

107 14428

14 CFR

17 14429
21 13752
25 ..... 13961, 14111, 14113, 14115, 14117, 14119, 14122, 14125, 14126, 14128
27 13962
39 ..... 12289, 12291, 12293, 12393, 12395, 12397, 12401, 12405, 12407, 12410, 13059, 13062, 13063, 13379, 13382, 13385, 13753, 14429, 14601, 14602
71 ..... 12503, 12504, 12505, 12713, 12715, 13065
73 13389
91 14433
97 ..... 14811, 14813
234 ..... 14437, 14604
Proposed Rules:
25 14165
39 ..... 12301, 12303, 12305, 12308, 12310, 12312, 12314, 12424, 12753, 12755, 13073, 13077, 13079, 13405, 13565, 13567, 13570, 14488, 14642, 14646, 14832, 14835, 14837
71 ..... 12522, 12523, 12525, 13407, 13409, 14839, 14841
73 ..... 12526, 12529
399 13572

16 CFR

1240 12716

17 CFR

229 14130
232 14130
239 14130
249 14130
Proposed Rules:
1 13971
23 13971
40 13971
210 12757
211 12757
229 ..... 12757, 14282
230 14282
231 12757
232 14282
239 14282
240 13928
241 12757
249 14282
274 14282

18 CFR

11 12717
12 13390

21 CFR

1 14143

101 14143
112 14143
115 14143
117 14143
118 14143
201 14319
507 14143
510 ....12167, 12170
516 12167
520 12167
522 ....12167, 12170
529 ....12167, 12170
558 12167
800 14143
801 14319
862 ....13549, 13551
876 12171
882 13553
1100 14319
1308 ....12171, 13067, 14815
Proposed Rules:
73 ....12184, 12531
1132 14647
1301 14490
1308 14842
1311 14490

23 CFR

490 14438

28 CFR

802 13554

29 CFR

503 14147
1910 14439
1915 14439
1926 14439
4022 13755
4044 13755
Proposed Rules:
1910 12318
1915 12318
1926 12318
2510 12319

30 CFR

Proposed Rules:
938 13268

32 CFR

706 14606

33 CFR

100 ....12412, 12414
117 ....12177, 12415, 13756, 13757, 13758, 14607, 14820, 14995
165 ....12177, 12416, 13225, 13965, 14149, 14439
401 12418
402 12420
Proposed Rules:
100 ....13081, 14494, 15014
110 15014
117 ....12185, 13785
165 ....13081, 13410, 13572, 15014
328 12532

34 CFR

668 13227
674 13968

36 CFR

1193 12295
1194 12295

37 CFR

204 12180
Proposed Rules:
201 12326
350 14168
360 14168

38 CFR

17 14820

39 CFR

111 ....12180, 12181
243 12921
265 12921
266 12921
3004 12506

40 CFR

22 14324
50 14325
51 14324
52 ....12328, 13227, 13230, 13235, 13243, 13390, 13392, 13398, 14442, 14446, 14458, 14461, 14463, 14608, 14611, 14822
68 13968
81 13227
124 14324
171 14324
180 ....13245, 13251, 13759, 14614, 14617, 14620, 14623, 14631, 14633, 14636
271 ....13256, 14327
300 ....12422, 14149, 14324
320 12333
770 14324
Proposed Rules:
Ch. I 14172
52 ....13084, 13086, 13269, 13270, 13278, 13280, 13413, 14496, 14498, 14499, 14648, 14654, 14670, 14845
86 14671
110 12532
112 12532
116 12532
117 12532
122 12532
174 14846
180 14846
194 13282
230 12532
232 12532
271 14341
300 ....12532, 14149
302 12532
372 12924
401 12532

42 CFR

10 ....12508, 14332
73 13259
405 14639
410 14639
411 14639
414 14639
417 14639
422 14639
423 14639
424 14639
425 14639
438 12509
460 14639
510 14464
512 14464

44 CFR

64 ....13399, 14828
67 ....12510, 14153, 14158, 14162, 14334, 14336

47 CFR

0 13260
1 12512
54 ....14338, 14466, 14639
64 ....12182, 12922
69 14338
73 ....12922, 14995
74 ....13069, 13969
Proposed Rules:
6 13972
7 13972
14 13972
15 13285
20 13972
54 13413
64 ....12924, 13972
67 13972
73 13285

48 CFR

Proposed Rules:
816 13418
828 13418
852 13418
3001 14341
3002 14341
3004 14341
3024 14341
3039 14341
3052 14341

49 CFR

270 14476
380 14476
383 14476
384 14476
571 14477
585 14477
1250 13401
Proposed Rules:
171 14499
172 14499
173 14499
174 14499
177 14499
178 14499
179 14499
180 14499
350 14848
365 14848
385 14848
386 14848
387 14848
395 14848
523 14671
531 14671
533 14671
536 14671
537 14671
Ch. XII 13575

50 CFR

217 ....13765, 14996
300 12730
622 ....14477, 14641, 15005
635 ....12296, 12747, 14163
648 ....13402, 13562, 13564, 14478
660 12922
679 ....12423, 12749, 12750, 13072, 13267, 13777, 14479
Proposed Rules:
217 14185
622 12187
660 14850
679 ....13302, 14853

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 23, 2017

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