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

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

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1651

Designation of Beneficiary

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Final rule.

SUMMARY: The Federal Retirement Thrift Investment Board (Agency) is amending its death benefits regulations to modify the requirements necessary in order for a designation of beneficiary form to be valid.

DATES: This rule is effective May 15, 2017.

FOR FURTHER INFORMATION CONTACT: Austen Townsend at (202) 864–8647.

SUPPLEMENTARY INFORMATION: The Agency administers the Thrift Savings Plan (TSP), which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514. The TSP provisions of FERSA are codified, as amended, largely at 5 U.S.C. 8351 and 8401–79. The TSP is a tax-deferred retirement savings plan for Federal civilian employees, members of the uniformed services, and spouse beneficiaries. The TSP is similar to cash or deferred arrangements established for private-sector employees under section 401(k) of the Internal Revenue Code (26 U.S.C. 401(k)).

On March 30, 2017, the Agency published a proposed rule with request for comments in the **Federal Register** (82 FR 15642, March 30, 2017). The proposed rule amended 5 CFR 1651.3(c) to require that all pages of a TSP beneficiary designation form be signed and dated by the participant and only one witness. The Agency received no substantive comments and, therefore, is publishing the proposed rule as final without change.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation will affect Federal civilian employees and spouse beneficiaries who participate in the Thrift Savings Plan, which is a Federal defined contribution retirement savings plan created under the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514, and which is administered by the Agency.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act.

Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, 1501–1571, the effects of this regulation on state, local, and tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of $100 million or more by state, local, and tribal governments, in the aggregate, or by the private sector. Therefore, a statement under section 1532 is not required.

Submission to Congress and the General Accounting Office

Pursuant to 5 U.S.C. 810(a)(1)(A), the Agency submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States before publication of this rule in the **Federal Register**. The rule is not a major rule as defined in 5 U.S.C. 804(2).

List of Subjects in 5 CFR Part 1651

Claims, Government employees, Pensions, Retirement.

Gregory T. Long,

Executive Director, Federal Retirement Thrift Investment Board.

For the reasons stated in the preamble, the Agency amends 5 CFR chapter VI as follows:

PART 1651—DEATH BENEFITS

■ 1. The authority citation for part 1651 continues to read as follows:

Authority: 5 U.S.C. 8424(d), 8432d, 8432(j), 8433(e), 8435(c)(2), 8474(b)(5) and 8474(c)(1).

■ 2. Amend § 1651.3 by revising paragraph (c)(3) to read as follows:

§ 1651.3 Designation of beneficiary.

* * * * *

(c) * * *

(3) Be signed and properly dated by the participant and signed and properly dated by one witness;

(i) The participant must either sign the form in the presence of the witness or acknowledge his or her signature on the form to the witness;

(ii) All submitted and attached pages of the form must be signed and dated by the participant;

(iii) All submitted and attached pages of the form must be signed and dated by the same witness;

* * * * *

[FR Doc. 2017–09153 Filed 5–4–17; 8:45 am]
BILLING CODE 6760–01–P

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

7 CFR Part 3430

RIN 0524–AA69

Competitive and Noncompetitive Non-formula Federal Assistance Programs—General Award Administrative Provisions and Specific Administrative Provisions

AGENCY: National Institute of Food and Agriculture, USDA.

ACTION: Final rule with request for comments.

SUMMARY: The National Institute of Food and Agriculture (NIFA) is publishing as a final rule, a set of general and specific administrative requirements applicable to competitive and non-competitive non-formula programs. The purpose of this final rule is to implement sections of the Agriculture Act of 2014 (Pub. L. 113–79 or the 2014 Farm Bill), making it necessary to add a new section for centers of excellence by modifying Subparts A, B, C and D of the general administrative provisions. Although this final rule becomes effective on the date of publication, NIFA is requesting comments for a 30-day period as identified below.

DATES: This final rule becomes effective on May 5, 2017. NIFA is accepting comments for 30 days until June 5, 2017.

ADDRESSES: You may submit comments, identified by centers of excellence, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Email: Centers@nifa.usda.gov. Include centers of excellence in the subject line of the message.

Instructions: All comments received must include the agency name and reference to center of excellence. All comments received will be posted to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Erin Daly, Senior Policy Advisor, Phone: 202–401–3319

SUPPLEMENTARY INFORMATION:

I. Background and Summary

Authority

This rulemaking is authorized by section 1470 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (NARETPA), as amended, 7 U.S.C. 3316.

Organization of 7 CFR part 3430

A primary function of NIFA is the fair, effective, and efficient administration of Federal assistance programs implementing agricultural research, education, and extension programs. The awards made under the above authority are subject to the NIFA assistance regulations at 7 CFR part 3430, Competitive and Noncompetitive Non-formula Federal Assistance Programs—General Award Administrative Provisions. NIFA's development and publication of this regulation for its non-formula Federal assistance programs serves to enhance its accountability and to standardize procedures across the Federal assistance programs it administers while providing transparency to the public. NIFA published 7 CFR part 3430 with subparts A through F as a final rule on September 4, 2009 [74 FR 45736–45752].

These regulations apply to all Federal assistance programs administered by NIFA except for the formula grant programs identified in 7 CFR 3430.1(f), the Small Business Innovation Research programs with implementing regulations at 7 CFR part 3403, and the Veterinary Medicine Loan Repayment Program (VMLRP), with implementing regulations at 7 CFR part 3431.

NIFA organized the regulation as follows: Subparts A through E provide administrative provisions for all competitive and noncompetitive non-formula Federal assistance programs. Subparts F and thereafter apply to specific NIFA programs.

NIFA is, to the extent practical, using the following subpart template for each program authority: (1) Applicability of regulations, (2) purpose, (3) definitions (those in addition to or different from § 3430.2), (4) eligibility, (5) project types and priorities, (6) funding restrictions, (7) matching requirements, and (8) duration of grant. Subparts F and thereafter contain the above seven components in this order. Additional sections may be added for a specific program if there are additional requirements or a need for additional rules for the program (*e.g.,* additional reporting requirements).

Through this rulemaking, NIFA is making additions to Subparts A—General Information, B—Pre-award: Solicitation and Application, C—Pre-award: Application Review and Evaluation and D—Award of the administrative provisions in order to add a new section for the centers of excellence identified in the 2014 Farm Bill.

II. Administrative Requirements for the Rulemaking

While the Administrative Procedure Act (APA), 5 U.S.C. 553(a)(2), specifically exempts rules that involve public property, loans, grants, benefits, or contracts from notice-and-comment requirements, NIFA is issuing this rule as final with request for comments. Accordingly, NIFA is allowing 30 days for the submission of comments.

If upon consideration of the comments received in response to this notice NIFA decides to amend the final rule, NIFA will issue a subsequent final rule that includes an explanation of any changes made in response to the comments.

Executive Order 12866 and Executive Order 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866.

Regulatory Flexibility Act of 1980

This final rule has been reviewed in accordance with the Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, (5 U.S.C. 601–612). The Director of the NIFA certifies that this final regulation will not have a significant economic impact on a substantial number of small entities. This final regulation will affect institutions of higher education receiving Federal funds under this program. The U.S. Small Business Administration Size Standards define institutions as ''small entities'' if they are for-profit or nonprofit institutions with total annual revenue below $5,000,000 or if they are institutions controlled by governmental entities with populations below 50,000. The rule does not involve regulatory and informational requirements regarding businesses, organizations, and governmental jurisdictions subject to regulation.

Paperwork Reduction Act (PRA)

The Department certifies that this final rule has been assessed in accordance with the requirements of the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.* The Department concludes that this final rule does not impose any new information requirements or increase the burden hours. In addition to the SF–424 form families (*i.e.,* Research and Related and Mandatory) and the SF–425 Federal Financial Report (FFR) No. 0348–0061, NIFA has three currently approved OMB information collections associated with this rulemaking: OMB Information Collection No. 0524–0042, NIFA REEport; No. 0524–0041, NIFA Application Review Process; and No. 0524–0026, Organizational Information.

Catalog of Federal Domestic Assistance

This final regulation applies to the following Federal financial assistance programs administered by NIFA including CFDA No. 10.309, Specialty Crop Research Initiative; CFDA No. 10.307, Organic Agriculture Research and Extension Initiative; CFDA No. 10.303, Integrated Research, Education, and Extension Competitive Grants Program; CFDA No. 10.310, Agriculture and Food Research Initiative (AFRI); CFDA No. 10.311, Beginning Farmer and Rancher Development Program; CFDA No. 10.326, Capacity Building for Non-Land Grant Colleges of Agriculture; and CFDA No. 10.320, Sun Grant Program.

Unfunded Mandates Reform Act of 1995 and Executive Order 13132

The Department has reviewed this final rule in accordance with the requirements of Executive Order No. 13132 and the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.,* and has found no potential or substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. As there is no Federal mandate contained herein that could result in increased expenditures by State, local, or tribal governments, or by the private sector, the Department has not prepared a budgetary impact statement.

Clarity of This Regulation

Executive Order 12866 and the President's Memorandum of June 1, 1998, require each agency to write all rules in plain language. The Department invites comments on how to make this final rule easier to understand.

List of Subjects in 7 CFR Part 3430

Administrative practice and procedure, Agricultural Research, Education, Extension; Federal assistance.

Accordingly, the Department of Agriculture, National Institute of Food and Agriculture, adopts the interim rule amending 7 CFR part 3430 which was published at 75 FR 54759 on September 9, 2010, as final with the following changes:

PART 3430—COMPETITIVE AND NONCOMPETITIVE NON–FORMULA FEDERAL ASSISTANCE PROGRAMS—GENERAL AWARD ADMINISTRATIVE PROVISIONS

■ 1. The authority citation for part 3430 continues to read as follows:

Authority: 7 U.S.C. 3316; Pub. L. 106–107 (31 U.S.C. 6101 note).

Subpart A—General

■ 2. Amend § 3430.2 by adding a definition for ''Center of Excellence'' in alphabetical order to read as follows:

§ 3430.2 Definitions.

* * * * *

Center of Excellence in food and agricultural research, extension, and education is a grantee whose application was not only found to be highly meritorious by a peer panel, but met additional criteria (*see* § 3430.17(c)) to receive the designation. This designation is specific to a grant application.

* * * * *

Subpart B—Pre-award: Solicitation and Application

■ 3. Amend § 3430.12 by adding paragraph (d) to read as follows:

§ 3430.12 Requests for application.

* * * * *

(d)If applicants choose to address center of excellence criteria, they must do so in their project narrative, subject to any page limitations on that section of the application.

■ 4. Amend § 3430.16 by adding paragraph (e) to read as follows:

§ 3430.16 Eligibility requirements.

* * * * *

(e) *Center of Excellence.* (1) To be considered as a center of excellence, a center of excellence must be one of the following entities that provides financial or in-kind support to the center being proposed:

(i) State agricultural experiment stations;

(ii) Colleges and universities;

(iii) University research foundations;

(iv) Other research institutions and organizations;

(v) Federal agencies;

(vi) National laboratories;

(vii) Private organizations, foundations, or corporations;

(viii) Individuals; or

(ix) A group consisting of two or more of the entities described in paragraphs (e)(1)(i) through (viii) of this section.

(2) Only standard grant and coordinated agricultural project (CAP) grant applicants may be considered for center of excellence designation.

■ 5. Amend § 3430.17 by designating the existing text as paragraph (a) and adding paragraph (b) to read as follows:

§ 3430.17 Content of an application.

* * * * *

(b) *Center of Excellence:* In addition to meeting the other requirements detailed in the request for application (RFA), eligible applicants who wish to be considered as a center of excellence must provide a brief justification statement at the end of their project narrative and within the page limits provided for the project narrative, describing how they meet the standards of a center of excellence, based on the following criteria:

(1) The ability of the center of excellence to ensure coordination and cost effectiveness by reducing unnecessarily duplicative efforts regarding research, teaching, and extension in the implementation of the proposed research and/or extension activity outlined in this application;

(2) In addition to any applicable matching requirements, the ability of the center of excellence to leverage available resources by using public-private partnerships among agricultural industry groups, institutions of higher education, and the Federal Government in the implementation of the proposed research and/or extension activity outlined in this application. Resources leveraged should be commensurate with the size of the award;

(3) The planned scope and capability of the center of excellence to implement teaching initiatives to increase awareness and effectively disseminate solutions to target audiences through extension activities in the implementation of the proposed research and/or extension activity outlined in this application; and

(4) The ability or capacity of the center of excellence to increase the economic returns to rural communities by identifying, attracting, and directing funds to high-priority agricultural issues in support of and as a result of the implementation of the proposed research and/or extension activity outlined in this application.

(5) Additionally, where practicable (not required), center of excellence applicants should describe proposed efforts to improve teaching capacity and infrastructure at colleges and universities (including land-grant colleges and universities, cooperating forestry schools, certified Non-Land Grant Colleges of Agriculture (NLGCA) (list of certified NLGCA is available at *http://www.nifa.usda.gov/funding/pdfs/nlgca_colleges.pdf*), and schools of veterinary medicine).

* * * * *

Subpart C—Pre-award: Application Review and Evaluation

■ 6. Amend § 3430.34 by adding paragraph (c) to read as follows:

§ 3430.34 Evaluation criteria.

* * * * *

(c) *Center of Excellence status.* All eligible applicants will be competitively peer reviewed (as described in Part V, A. and B. of the RFA), and ranked in accordance with the evaluation criteria. Those that rank highly meritorious and requested to be considered as a center of excellence will be further evaluated by the peer panel to determine whether they have met the criteria to be a center of excellence. In instances where they are found to be equally meritorious with the application of a non-center of

excellence, based on peer review, selection for funding will be weighed in favor of applicants meeting the center of excellence criteria. NIFA will effectively use the center of excellence prioritization as a ''tie breaker''. Applicants that rank highly meritorious but who did not request consideration as a center of excellence or who are not deemed to have met the center of excellence standards may still receive funding.

Subpart D—Pre-award: Award

■ 8. Amend § 3430.41 by adding paragraph (c) to read as follows:

§ 3430.41 Administration.

* * * * **

(c) *Center of Excellence.* Applicant's Notice of Award will reflect that, for that particular grant program, the applicant meets all of the requirements of a center of excellence. Entities recognized as a center of excellence will maintain that distinction for the duration of their award or as identified in the terms and conditions of that award.

Dated: April 27, 2017.

Sonny Ramaswamy,

NIFA Director, National Institute of Food and Agriculture.

[FR Doc. 2017–09045 Filed 5–4–17; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–0341; Special Conditions No. 25–663–SC]

Special Conditions: AMAC Aerospace Switzerland AG, Boeing Model 737–700 Airplane; Installation of a Therapeutic Oxygen System for Medical Use

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Boeing Model 737–700 airplane, as modified by AMAC Aerospace Switzerland AG (AMAC). This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is the installation of a therapeutic oxygen system for medical use. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on AMAC Aerospace Switzerland AG on May 5, 2017. We must receive your comments by June 19, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0341 using any of the following methods:

- *Federal eRegulations 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: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

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 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: Bob Hettman, FAA, Propulsion and Mechanical Systems, ANM–112, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2683; facsimile 425–227–1320.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions is impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected airplane.

In addition, the substance of these special conditions has been previously subject to the public comment process with no substantive comments received. The FAA therefore finds it unnecessary to delay the effective date and finds that good cause exists for making these special conditions effective upon publication in the **Federal Register**.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On September 7, 2016, AMAC applied for a supplemental type certificate (STC) for the installation of a supplemental therapeutic oxygen system, for medical use, in a Boeing Model 737–700 airplane configured by a separate STC with a business-cabin interior. This Boeing Model 737–700 airplane, as modified by AMAC, is a narrow-body, business-cabin interior, twin jet-engine powered airplane with seating for 15 passengers, 1 cabin crewmember, and four flightcrew members. The maximum takeoff weight is 171,000 pounds.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.101, AMAC must show that the Boeing Model 737–700 airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A16WE or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 737–700 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 737–700 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34 and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Boeing Model 737–700 airplane, as changed, will incorporate the following novel or unusual design features:

The installation of a supplemental therapeutic oxygen system, for medical use, in a private, not-for-hire, not-for-common-carriage airplane.

Discussion

AMAC has applied to modify a private business jet, a Boeing 737–700 airplane, to include an oxygen supply for a dedicated medical-oxygen system. The gaseous passenger-oxygen system will be modified to include additional supply cylinders and several therapeutic oxygen outlets located throughout the airplane cabin. Each therapeutic outlet will provide a constant flow of oxygen at either 2 or 4 liters per minute.

The flightcrew controls the flow of therapeutic oxygen at all times during flight. Therapeutic oxygen systems have been previously certified and were generally considered an extension of the passenger-oxygen system for the purpose of defining the applicable regulations. As a result, the applicable regulations included those that applied to oxygen systems in general, or supplemental oxygen systems.

Section 25.1445 includes standards for oxygen-distribution systems when oxygen is supplied to crew and passengers. If a common source of supply is used, § 25.1445(a)(2) requires a means to separately reserve the minimum supply required for the flightcrew. This requirement was originally added to Civil Air Regulation (CAR) 4b.831 at amendment 4b–13, effective September 21, 1949, and was included in § 25.1445 when the regulations were codified.

The regulation is intended to protect the flightcrew by ensuring that an adequate supply of oxygen is available to complete a descent and land following a loss of cabin pressure. When the regulation was written, the only passenger-oxygen system designs were supplemental-oxygen systems intended to protect passengers from hypoxia in the event of cabin decompression. Present designs of passenger-oxygen systems do not include design features that allow the crew to offer oxygen to passengers during flight.

Furthermore, the potential hazard that can exist when the oxygen content of an enclosed area becomes too high because of system leaks, malfunction, or damage from external sources, make it necessary to ensure that adequate safety standards are applied to the design and installation of the oxygen system. These potential hazards also necessitate development and application of appropriate additional design and installation standards.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Boeing Model 737–700 airplane. Should AMAC apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate no. A16WE to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of this feature on the airplane.

The substance of these special conditions has been subject to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**.

The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Boeing Model 737–700 airplanes as modified by AMAC Aerospace Switzerland AG.

The distribution system for the therapeutic-oxygen system must be designed and installed to meet requirements similar to § 25.1445(a) as follows:

When oxygen is supplied to passengers for both supplemental and therapeutic purposes, the distribution system must be designed for either—

1. A source of supplemental supply for protection from hypoxia following a loss of cabin pressure, and a separate source for therapeutic purposes, or

2. A common source of supply, with means to separately reserve the minimum supply required by the passengers for supplemental use following a loss of cabin pressure.

Issued in Renton, Washington, on April 27, 2017.

Paul Bernado,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–09173 Filed 5–4–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0165; Directorate Identifier 2015–NE–02–AD; Amendment 39–18868; AD 2017–09–06]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2015–15–03 for all General Electric Company (GE) GEnx turbofan engine models. AD 2015–15–03 precluded the use of certain electronic engine control (EEC) full authority digital engine control (FADEC) software on GEnx turbofan engines. This AD requires removing a specific part and replacing it with a part eligible for installation and specifying the EEC FADEC software version for the affected GEnx turbofan engines. This AD was prompted by GE implementing final design changes that remove the unsafe condition. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective June 9, 2017.

ADDRESSES: For service information identified in this final rule, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *geae.aoc@ge.com*. You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0165; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Christopher McGuire, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7120; fax: 781–238–7199; email: *chris.mcguire@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2015–15–03, Amendment 39–18212 (80 FR 42707, July 20, 2015), (''AD 2015–15–03''). AD 2015–15–03 applied to all GE GEnx turbofan engine models. The NPRM published in the **Federal Register** on November 3, 2016 (81 FR 76540). The NPRM was prompted by GE implementing final design changes that remove the unsafe condition. The NPRM proposed to remove a specific part and replace it with a part eligible for installation and specify the EEC FADEC software version for the affected GEnx turbofan engines. We are issuing this AD to prevent engine failure, loss of thrust control, and damage to the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Change Compliance

The Boeing Company and GE requested that we amend paragraph (f) to clarify which software versions are prohibited from being installed. They stated that the listed software versions do not contain the highest level of ice crystal icing (ICI) accommodation.

We agree. We revised this AD because the listed software versions do not contain the highest level of ICI accommodation features. Also, the change requested makes the prohibition statement consistent with the AD removal requirements.

Request To Add Terminating Action

The Boeing Company requested that we add compliance to this AD as a terminating action to AD 2013–24–01, Amendment 39–17675 (78 FR 70851, November 27, 2013), (''AD 2013–24–01'') since it removes the unsafe condition.

We partially agree. We agree that complying with this AD is terminating action for certain requirements of AD 2013–24–01. Therefore, we added a new terminating action paragraph (h) of this AD. Since complying with this AD is terminating action to certain requirements of AD 2013–24–01, we disagree that complying with this AD is terminating action for all requirements of AD 2013–24–01.

Request To Add Terminating Action

The Boeing Company requests that 747–8 and 747–8F aircraft with GEnx–2B engines that are operating with software, version C075, be granted a relaxation of the requirements in paragraphs (g) and (h) of AD 2013–24–01. They stated that an alternative method of compliance (AMOC) exists that grants a relaxation of the requirements of paragraphs (g) and (h) of AD 2013–24–01 as long as the aircraft engines have the required software versions.

We disagree. Although Transport Airplane Directorate issued aircraft level AD 2013–24–01 and granted an AMOC, those are interim actions. Complying with this AD is required to remove the unsafe condition and is terminating action to certain requirements of AD 2013–24–01. We did not change this AD.

Request To Revise a Definition

GE requested that we revise the definition of an engine shop visit. They suggested that we add ''Workscopes involving only externals, including transfer gearbox (TGB) and accessory gearbox (AGB) do not constitute an engine shop visit for the purpose of this AD.''

We disagree. The definition of a shop visit as ''the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine case flanges'' is a standard industry definition. Workscopes involving the TGB/AGB, or externals, do not separate major mating engine case flanges and do not constitute an engine shop visit for the purpose of this AD. We did not change this AD.

Request To Change Compliance Time

Cathay Pacific Airways Limited requested that we clarify which parts may be installed into the engine.

We disagree. The FAA does not intend to specify which parts may be installed into the engine, only those parts that may not be installed into the engine. Specifying which parts are eligible for installation may inadvertently prohibit new parts that are introduced from being installed into the engine. We did not change this AD.

Agreement With the Proposed AD

The Air Line Pilots Association expressed agreement with this AD.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously. We determined that the changes we made as the result of the comments we received:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

We also determined that these changes will not increase the economic

burden on any operator or increase the scope of this AD.

Related Service Information

We reviewed GE GEnx–2B Service Bulletin (SB) 72–0241 R00, dated March 16, 2016 that describes removal and installation procedures of fan hub stator assembly booster outlet guide vane; GE GEnx–2B SB 73–0041 R00, dated July 2, 2015 that describes reprogramming procedures for EEC FADEC software, version C075; and GE GEnx–1B SB 73–0044 R00, dated July 1, 2015 that describes reprograming procedures for EEC FADEC software, version B185.

Costs of Compliance

We estimate that this AD affects 130 engines installed on airplanes of U.S. registry. We estimate that it would take about 1 hour per engine to comply with the software installation required by this AD. We also estimate that 32 engines would require hardware replacement, which would take about 60 hours per engine. Required parts cost about $390,000 per engine. The average labor rate is $85 per hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $12,654,250.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2015–15–03, Amendment 39–18212 (80 FR 42707, July 20, 2015), and adding the following new AD:

2017–09–06: General Electric Company: Amendment 39–18868; Docket No. FAA–2015–0165; Directorate Identifier 2015–NE–02–AD.

(a) Effective Date

This AD is effective June 9, 2017.

(b) Affected ADs

This AD replaces AD 2015–15–03, Amendment 39–18212 (80 FR 42707, July 20, 2015). This AD also affects AD 2013–24–01, Amendment 39–17675 (78 FR 70851, November 27, 2013).

(c) Applicability

This AD applies to all General Electric Company (GE) GEnx–1B and GEnx–2B turbofan engines.

(d) Unsafe Condition

This AD was prompted by GE implementing final design changes that remove the unsafe condition. We are issuing this AD to prevent engine failure, loss of thrust control, and damage to the airplane.

(e) Compliance

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

(1) Thirty days after the effective date of this AD, do not operate any GE GEnx–1B engine with electronic engine control (EEC) full authority digital engine control (FADEC) software, version B180 or earlier, installed.

(2) Thirty days after the effective date of this AD, do not operate any GE GEnx–2B engine with EEC FADEC software, version C068 or earlier, installed.

(3) At the next shop visit after the effective date of this AD, remove from service all GE GEnx–2B67, –2B67B, and –2B67/P fan hub stator assembly booster outlet guide vanes, part number B1316–00720, and replace with a part eligible for installation.

(f) Installation Prohibition

After removing any software, version B180 or earlier, for the GE GEnx–1B engines; or software, version C068 or earlier, for the GE GEnx–2B engines, do not operate those engines with any software, version B180 or C068, or earlier.

(g) Definition

For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine case flanges, except for the following situations which do not constitute an engine shop visit:

(1) Separation of engine flanges solely for the purposes of transportation without subsequent maintenance does not constitute an engine shop visit.

(2) Separation of engine flanges solely for the purpose of replacing the fan or propulsor without subsequent maintenance does not constitute an engine shop visit.

(h) Terminating Action

Compliance with this AD, for all engines installed on a specific airplane, is a terminating action to AD 2013–24–01 for that specific airplane, since it removes the unsafe condition on that specific airplane.

(1) For GEnx–1B engines:

(i) Compliance with paragraphs (e)(1) and (f) of this AD, for all engines on an airplane, is an approved terminating action for that airplane for paragraphs (g) and (i) of AD 2013–24–01.

(ii) Note that paragraph (j) of AD 2013–24–01, which contains post-event inspection requirements, remains in force.

(2) For GEnx–2B engines:

(i) Compliance with paragraphs (e)(2), (e)(3), and (f) of this AD, for all engines on an airplane, is an approved terminating action for that airplane for paragraphs (g) and (h) of AD 2013–24–01.

(ii) Note that paragraph (j) of AD 2013–24–01, which contains post-event inspection requirements, remains in force.

(i) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: *ANE-AD-AMOC@faa.gov*.

(j) Related Information

(1) For more information about this AD, contact Christopher McGuire, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7120; fax: 781–238–7199; email: *chris.mcguire@faa.gov*.

(2) GE GEnx–2B Service Bulletin (SB) 72–0241 R00, dated March 16, 2016; GE GEnx–2B SB 73–0041 R00, dated July 2, 2015; and GE GEnx–1B SB 73–0044 R00, dated July 1, 2015 can be obtained from GE, using the contact information in paragraph (j)(3) of this AD.

(3) For service information identified in this AD, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *geae.aoc@ge.com*.

Issued in Burlington, Massachusetts, on April 27, 2017.

Robert J. Ganley,

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

[FR Doc. 2017–09039 Filed 5–4–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31130; Amdt. No. 3743]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective May 5, 2017. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Registe as of May 5, 2017.

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

For Examination

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

Availability

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

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

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

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

Availability and Summary of Material Incorporated by Reference

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

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

The Rule

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

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

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

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally

current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26,1979); and (3)does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on April 7, 2017.

John S. Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

* * * * *

Effective 25 May 2017

Los Angeles, CA, Los Angeles Intl, ILS OR LOC RWY 7L, Amdt 9
Los Angeles, CA, Los Angeles Intl, ILS OR LOC RWY 25R, Amdt 19
Los Angeles, CA, Los Angeles Intl, RNAV (GPS) Y RWY 25R, Amdt 3
Los Angeles, CA, Los Angeles Intl, RNAV (RNP) Z RWY 25R, Orig
Santa Maria, CA, Santa Maria Pub/Capt G Allan Hancock Fld, RNAV (GPS) RWY 30, Orig-D
Stockton, CA, Stockton Metropolitan, ILS OR LOC RWY 29R, Amdt 21A
West Palm Beach, FL, Palm Beach Intl, RNAV (GPS) X RWY 28R, Orig
West Palm Beach, FL, Palm Beach Intl, RNAV (RNP) W RWY 28R, Orig
Madisonville, KY, Madisonville Rgnl, RNAV (GPS) RWY 5, Amdt 1
Madisonville, KY, Madisonville Rgnl, RNAV (GPS) RWY 23, Amdt 1
Madisonville, KY, Madisonville Rgnl, VOR RWY 23, Amdt 15
Faribault, MN, Faribault Muni, RNAV (GPS) RWY 30, Amdt 1C
Mansfield, OH, Mansfield Lahm Rgnl, ILS OR LOC RWY 32, Amdt 17
Mansfield, OH, Mansfield Lahm Rgnl, RNAV (GPS) RWY 5, Amdt 1
Mansfield, OH, Mansfield Lahm Rgnl, RNAV (GPS) RWY 23, Amdt 1
Mansfield, OH, Mansfield Lahm Rgnl, VOR RWY 14, Amdt 16
Lufkin, TX, Angelina County, VOR RWY 15, Amdt 4
Tappahannock, VA, Tappahannock-Essex County, RNAV (GPS) RWY 10, Amdt 2
Tappahannock, VA, Tappahannock-Essex County, RNAV (GPS) RWY 28, Amdt 2
Petersburg, WV, Grant County, COPTER RNAV (GPS) RWY 31, Orig

* * * * *

Effective 22 June 2017

Birmingham, AL, Birmingham-Shuttlesworth Intl, RNAV (GPS) Y RWY 24, Amdt 3B
Clayton, AL, Clayton Muni, RNAV (GPS) RWY 9, Orig-B
Clayton, AL, Clayton Muni, RNAV (GPS) RWY 27, Amdt 1B
Mountain View, AR, Mountain View Wilcox Memorial Field, RNAV (GPS) RWY 27, Orig-A
Colorado City, AZ, Colorado City Muni, NDB–A, Amdt 1
Colorado City, AZ, Colorado City Muni, RNAV (GPS) RWY 11, Orig
Colorado City, AZ, Colorado City Muni, RNAV (GPS) RWY 29, Orig
Bishop, CA, Bishop, LDA RWY 17, Orig-C
Lodi, CA, Lodi, VOR–A, Amdt 4
Los Banos, CA, Los Banos Muni, RNAV (GPS) RWY 14, Orig-A
Los Banos, CA, Los Banos Muni, RNAV (GPS) RWY 32, Orig-A
Oakland, CA, Metropolitan Oakland Intl, ILS OR LOC RWY 30, ILS RWY 30 (SA CAT I), ILS RWY 30 (CAT II), ILS RWY 30 (CAT III), Amdt 30
Tracy, CA, Tracy Muni, RNAV (GPS) RWY 12, Amdt 2
Tracy, CA, Tracy Muni, RNAV (GPS) RWY 26, Amdt 1
Tracy, CA, Tracy Muni, RNAV (GPS) RWY 30, Amdt 1
Tracy, CA, Tracy Muni, VOR RWY 26, Amdt 1
Pueblo, CO, Pueblo Memorial, RNAV (GPS) RWY 35, Orig-A
Orlando, FL, Orlando Sanford Intl, NDB–B, Orig-B, CANCELED
Orlando, FL, Orlando Sanford Intl, NDB–C, Orig-B, CANCELED
West Palm Beach, FL, Palm Beach County Park, RNAV (GPS) RWY 33, Orig-A
Moultrie, GA, Moultrie Muni, NDB–A, Amdt 1
Clarinda, IA, Schenck Field, RNAV (GPS) RWY 2, Orig-C
Clarinda, IA, Schenck Field, RNAV (GPS) RWY 20, Orig-C
Chicago/Waukegan, IL, Waukegan Rgnl, ILS OR LOC RWY 23, Amdt 5
Indianapolis, IN, Indianapolis Intl, ILS OR LOC RWY 32, Amdt 21A
Indianapolis, IN, Indianapolis Intl, RNAV (RNP) Z RWY 5R, Amdt 2A
Coffeyville, KS, Coffeyville Muni, NDB RWY 35, Amdt 1A
Coffeyville, KS, Coffeyville Muni, RNAV (GPS) RWY 35, Orig-A
Coffeyville, KS, Coffeyville Muni, VOR/DME–A, Amdt 7A
Neodesha, KS, Neodesha Muni, VOR OR GPS RWY 2, Amdt 2A
Pittsburg, KS, Atkinson Muni, RNAV (GPS) RWY 4, Amdt 1D
Pittsburg, KS, Atkinson Muni, VOR/DME RWY 4, Amdt 3E
Taunton, MA, Taunton Muni—King Field, RNAV (GPS) RWY 12, Orig
Taunton, MA, Taunton Muni—King Field, RNAV (GPS) RWY 30, Amdt 1
Bowie, MD, Freeway, RNAV (GPS) RWY 18, Amdt 2
Bowie, MD, Freeway, RNAV (GPS) RWY 36, Amdt 2
Easton, MD, Easton/Newnam Field, RNAV (GPS) RWY 4, Amdt 1A
Buffalo, MN, Buffalo Muni, RNAV (GPS) RWY 36, Amdt 1
Grand Marais, MN, Grand Marais/Cook County, RNAV (GPS) RWY 10, Amdt 1
Grand Marais, MN, Grand Marais/Cook County, RNAV (GPS) RWY 28, Amdt 2
Mountain Grove, MO, Mountain Grove Memorial, VOR/DME RWY 8, Amdt 1, CANCELED
Bay St Louis, MS, Stennis Intl, VOR–A, Amdt 7A, CANCELED
Clarksdale, MS, Fletcher Field, RNAV (GPS) RWY 18, Amdt 2
Clarksdale, MS, Fletcher Field, RNAV (GPS) RWY 36, Amdt 2
Albemarle, NC, Stanly County, RADAR–1, Orig
Plattsburgh, NY, Plattsburgh Intl, ILS OR LOC RWY 35, Amdt 2
Seneca Falls, NY, Finger Lakes Rgnl, RNAV (GPS) RWY 1, Amdt 3B
Seneca Falls, NY, Finger Lakes Rgnl, RNAV (GPS) RWY 19, Orig-A
White Plains, NY, Westchester County, Takeoff Minimums and Obstacle DP, Amdt 8
Fremont, OH, Fremont, VOR RWY 9, Amdt 6A
Miami, OK, Miami Rgnl, VOR/DME–A, Amdt 2B

Carlisle, PA, Carlisle, NDB–B, Orig-B, CANCELED

Philadelphia, PA, Philadelphia Intl, ILS OR LOC RWY 27L, Amdt 14

Philadelphia, PA, Philadelphia Intl, RNAV (GPS) RWY 27L, Amdt 3

Angleton/Lake Jackson, TX, Texas Gulf Coast Rgnl, Takeoff Minimums and Obstacle DP, Amdt 2

Houston, TX, Conroe—North Houston Rgnl, ILS OR LOC RWY 14, Amdt 3B

Houston, TX, Conroe—North Houston Rgnl, NDB RWY 14, Amdt 3B

Houston, TX, Conroe—North Houston Rgnl, RNAV (GPS) RWY 1, Orig-A

Houston, TX, Conroe—North Houston Rgnl, RNAV (GPS) RWY 14, Amdt 1B

Houston, TX, Conroe—North Houston Rgnl, RNAV (GPS) RWY 19, Orig-A

Houston, TX, Conroe—North Houston Rgnl, RNAV (GPS) RWY 32, Amdt 2A

Houston, TX, Conroe—North Houston Rgnl, Takeoff Minimums and Obstacle DP, Amdt 4

Richmond, VA, Richmond Intl, RNAV (GPS) RWY 25, Amdt 2

Clintonville, WI, Clintonville Muni, RNAV (GPS) RWY 4, Amdt 2

Clintonville, WI, Clintonville Muni, RNAV (GPS) RWY 14, Amdt 2

Clintonville, WI, Clintonville Muni, RNAV (GPS) RWY 32, Amdt 2

Clintonville, WI, Clintonville Muni, Takeoff Minimums and Obstacle DP, Amdt 2

Milwaukee, WI, General Mitchell Intl, ILS OR LOC RWY 1L, ILS RWY 1L (CAT II), ILS RWY 1L (CAT III), Amdt 9D

Milwaukee, WI, General Mitchell Intl, ILS OR LOC RWY 7R, Amdt 16B

Mosinee, WI, Central Wisconsin, RNAV (GPS) RWY 8, Amdt 1C

Mosinee, WI, Central Wisconsin, RNAV (GPS) RWY 26, Amdt 1C

Mosinee, WI, Central Wisconsin, RNAV (GPS) RWY 35, Amdt 2

Neillsville, WI, Neillsville Muni, NDB RWY 28, Amdt 7B

Racine, WI, Batten Intl, ILS OR LOC RWY 4, Amdt 5

Racine, WI, Batten Intl, RNAV (GPS) RWY 4, Orig-B

Racine, WI, Batten Intl, RNAV (GPS) RWY 22, Orig-B

Racine, WI, Batten Intl, RNAV (GPS) RWY 32, Orig-B

Racine, WI, Batten Intl, VOR RWY 4, Amdt 1C, CANCELED

[FR Doc. 2017–09012 Filed 5–4–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31131; Amdt. No. 3744]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective May 5, 2017. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 5, 2017.

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

For Examination

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

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

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

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

Availability

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

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

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

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

Availability and Summary of Material Incorporated by Reference

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

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

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each

separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

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

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

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

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on April 7, 2017.

John S. Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

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

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

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

* * * *Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC Date	Subject
25–May–17	VA	Roanoke ..	Roanoke-Blacksburg Rgnl/Woodrum Field	7/7773	3/15/17	RNAV (GPS) RWY 24, Amdt 1B.

[FR Doc. 2017–09011 Filed 5–4–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2017–0342]

Special Local Regulations and Safety Zones; Recurring Marine Events and Fireworks Displays Within the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a special local regulation for the Cambridge Classic Powerboat Race scheduled to take place on Hambrooks Bay and Choptank River, Cambridge, MD, during May 13–14, 2017. This date is a change to those listed for the annually scheduled event, as indicated in U.S. Coast Guard regulations, because the event sponsor changed the scheduled date of this annual power boat race. During the enforcement period, the Coast Guard patrol commander or designated marine event patrol may forbid and control the movement of all vessels in the regulated area. This action is necessary to ensure safety of life on navigable waters during the event.

DATES: The regulation at 33 CFR 100.501, Table to 100.501 (b.) 21, Cambridge Classic Power Boat Race will be enforced from 9:30 a.m. to 6:30 p.m. on May 13 and May 14, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Mr. Ron Houck, U.S. Coast Guard Sector Maryland-National Capital Region (WWM Division); telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard was notified by the Cambridge Power Boat Racing Association, Inc. on January 21, 2017 through submission of a marine event application and during a March 28, 2017 pre-event meeting with the sponsor that, due to a scheduling change, a change of dates is necessary to the dates previously published in the Code of Federal Regulations (CFR) for this annually scheduled marine event, as listed in the Table to 33 CFR 100.501. The date of the annual power boat race is changed to May 13, 2017 and May 14, 2017. The Coast Guard will enforce the regulated area in 33 CFR 100.501 from 9:30 a.m. to 6:30 p.m. on May 13, 2017, and 9:30 a.m. to 6:30 p.m. on May 14, 2017, for the Cambridge Classic Powerboat Race. This action is being taken to provide for the safety of life on navigable waterways during this event. As specified in § 100.501(c), during the enforcement period, the Coast Guard patrol commander or designated marine event patrol may forbid and control the movement of all vessels in the regulated area.

This notice of enforcement is issued under authority of 33 CFR 100.501(f) and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via Local Notice to Mariners and marine information broadcasts.

Dated: May 1, 2017.

Lonnie P. Harrison, Jr.,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2017–09162 Filed 5–4–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–1038]

Drawbridge Operation Regulation; Harlem River, New York, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation; modification.

SUMMARY: The Coast Guard has modified a temporary deviation from the operating schedule that governs the 125th Street (Triborough) Bridge across the Harlem River, mile 1.3, at New York, NY. This modified deviation extends the period the bridge may remain in the closed-to-navigation position and is necessary to facilitate rehabilitation of the mechanical and electrical components of the bridge.

DATES: This modified deviation is effective from 12:01 a.m. May 16, 2017 to 11:59 p.m. June 19, 2017.

ADDRESSES: The docket for this deviation, USCG–2016–1038 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 Judy Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 514–4330, email *judy.k.leung-yee@uscg.mil.*

SUPPLEMENTARY INFORMATION: On December 22, 2016, the Coast Guard published a temporary deviation entitled ''Drawbridge Operation Regulation; Harlem River, New York, New York'' in the **Federal Register** (81 FR 93820). That temporary deviation allows the bridge to be in the closed position from January 17, 2016 through May 15, 2017. The bridge owner, Triborough Bridge and Tunnel Authority (TBTA), has requested a modification of the currently published deviation to extend the bridge closure from May 15, 2017 to June 19, 2017 in order to facilitate rehabilitation of the mechanical and electrical components of the bridge.

The 125th Street Bridge, mile 1.3, across the Harlem River, has a vertical clearance in the closed position of 54 feet at mean high water and 59 feet at mean low water. The existing bridge operating regulations are found at 33 CFR 117.789(b)(1).

Although the waterway is transited by commercial tugs, barges and recreational vessels, there have been no requests for bridge openings in the past two years. The Coast Guard notified known companies of the commercial vessels that transit the area, the NYPD, and the FDNY; there were no objections to this temporary deviation modification.

Under this temporary deviation modification, the 125th Street Bridge may remain in the closed position from May 16, 2017 to June 19, 2017. Vessels able to pass under the bridge in the closed position may do so at any time. The bridge will not be able to open for emergencies and there is an alternate route for vessels to pass.

The Coast Guard will inform the users of the waterways through our Local Notice and Broadcast to Mariners of the change in operating schedule for the bridge so that vessel operations 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: April 20, 2017.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2017–09159 Filed 5–4–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AP87

Extension of Pharmacy Copayments for Medications

AGENCY: Department of Veterans Affairs.

ACTION: Resolution of interim final rule.

SUMMARY: The Department of Veterans Affairs (VA) notifies the public that an interim final rule freezing medication copayments for veterans in priority groups 2 through 8, published on December 7, 2016, was superseded by a final rule amending its regulations concerning copayments that published on December 12, 2016. The interim final rule received no public comments.

DATES: *Effective Date:* This rule is effective on May 5, 2017.

FOR FURTHER INFORMATION CONTACT: Bridget Souza, Office of Community Care (10D), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 382–2537. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 7, 2016, VA published an interim final rule, RIN 2900–AP87—Copayments for Medications in 2017 (AP87), at 81 FR 88120, extending the medication copayment freeze through February 26, 2017. We did so in anticipation of publishing a separate final rule, RIN 2900–AP35—Copayments for Medications Beginning January 1, 2017 (AP35), which published December 12, 2016, at 81 FR 89390, implementing a tiered medication copayment regime with an effective date of February 27, 2017. Failure to extend the medication copayment freeze with the interim final rule would have subjected affected veterans to a short term, but significant, increase in the amount of medication copayments based on the prescription drug component of the Medical Consumer Price Index (CPI–P) per 38 CFR 17.110(b)(1)(iii). In addition, affected veterans in priority groups 2 through 6 would have been subject to an increase in the annual cap on the total amount of copayments.

The interim final rule, AP87, provided a 60-day period during which the public could submit comments. The comment period closed on February 6, 2017, and we received no comments.

As previously mentioned, on December 12, 2016, VA published a final rule, AP35, at 81 FR 89390. This final rule established a tiered

medication copayment system, effective February 27, 2017. Under AP35, the new regulatory formula, focuses on the type of medication being prescribed and removes the automatic escalator provision, meaning that changes in copayments would only occur through subsequent rulemakings. Veterans exempt by law from copayments under 38 U.S.C. 1722A(a)(3) continue to be exempt. Three classes of medications were established for copayment purposes: Tier 1 medications, Tier 2 medications, and Tier 3 medications. Tiers 1 and 2 includes multi-source medications, a term that is defined in § 17.110(b)(1)(iv). Tier 3 includes medications that retain patent protection and exclusivity and are not multi-source medications. Copayment amounts vary depending upon the Tier in which the medication is classified. A 30-day or less supply of Tier 1 medications has a copayment of $5. For Tier 2 medications, the copayment is $8, and for Tier 3 medications, the copayment is $11. The rule also changed the annual cap for medication copayments, lowering the cap to $700 for all veterans who are required to pay medication copayments.

Paperwork Reduction Act

This resolution contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on April 28, 2017, for publication.

Dated: May 2, 2017.

Janet Coleman,

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

[FR Doc. 2017–09081 Filed 5–4–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AO79

Payment or Reimbursement for Certain Medical Expenses for Camp Lejeune Family Members

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) adopts as final an interim final rule addressing payment or reimbursement of certain medical expenses for family members of Camp Lejeune veterans. Under this rule, VA reimburses family members, or pays providers, for medical expenses incurred as a result of certain illnesses and conditions that may be associated with contaminants present in the base water supply at U.S. Marine Corps Base Camp Lejeune (Camp Lejeune), North Carolina, from August 1, 1953, to December 31, 1987. Payment or reimbursement is made within the limitations set forth in statute and Camp Lejeune family members receive hospital care and medical services that are consistent with the manner in which we provide hospital care and medical services to Camp Lejeune veterans. The statutory authority has since been amended to also include certain veterans' family members who resided at Camp Lejeune, North Carolina, for no less than 30 days (consecutive or nonconsecutive) between August 1, 1953, and December 31, 1987. This final rule will reflect that statutory change and will address public comments received in response to the interim final rule.

DATES: *Effective Date:* This final rule is effective May 5, 2017.

FOR FURTHER INFORMATION CONTACT: Karyn Barrett, Director, Program Administration Directorate, Chief Business Office Purchased Care (10NB3), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420, (303) 331–7500. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 24, 2014, VA published an interim final rule to implement 38 U.S.C. 1787, which was created by section 102 of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012, Public Law 112–154 (the Act). 79 FR 57415–57421, Sept. 24, 2014. The Act requires VA to reimburse family members of Camp Lejeune veterans, or pay providers, when they have exhausted all claims and remedies against a third party for payment of medical care for any of the 15 specified illnesses and conditions. We received a total of 14 comments. One commenter fully supported the interim final rule and did not suggest any changes to it. Several comments related to provisions of 38 CFR 17.400, the regulation governing hospital care and medical services for Camp Lejeune veterans and coverage for certain illnesses or conditions. That regulation was the subject of a separate rulemaking. See 81 FR 46603–46606 (July 18, 2016). Three comments expressed general dissatisfaction with the interim final rule but neither opposed a specific provision of the regulation nor suggested how the regulation should be changed. As a result, these comments do not address any matter to which VA can respond and so will not be addressed here.

All of the issues raised by other commenters that criticized at least one portion of the rule can be grouped together by similar topic, and we have organized our discussion of the comments accordingly.

Concerns Over Covered Illnesses or Conditions

Several commenters referenced medical conditions that are not listed in the definition of covered illness or condition in 38 CFR 17.400(b). One commenter suggested that the reimbursement provisions of § 17.410 should apply to all illnesses or defects that science has shown were caused by exposure to the chemicals in the Camp Lejeune water supply. However, 38 U.S.C. 1787 limits payment or reimbursement for hospital care and medical services for Camp Lejeune family members to the 15 covered illnesses and conditions specified in 38 U.S.C. 1710(e)(1)(F). VA does not have the authority to expand the payment or reimbursement provisions of 38 U.S.C. 1787 beyond those specified in the statute. We therefore make no changes in the final rule.

One commenter expressed concern that the regulation identified the 15 statutory covered illnesses and conditions but also noted the reference, found in the preamble to the interim final rule, 79 FR at 57417, to VA's intent to consider any newly available science. The comment suggests that newly available science might identify other illnesses or conditions caused by exposure to the contaminated water at Camp Lejeune and thus expand the list of covered illnesses and conditions. However, as stated in the interim final rule, 79 FR at 57417, any such science

is intended only to refine VA's clinical guidelines with respect to determining the cause or causes of a Camp Lejeune family member's illness. The enumerated list of covered illnesses and conditions referenced in 38 U.S.C. 1787 cannot be expanded by regulation.

Timeliness of Claims

One commenter suggested that the two-year filing requirement of § 17.410(d)(1)(i) was too short. This commenter noted the possibility that family members may not have had access to medical care to determine whether an illness was related to Camp Lejeune residency. This comment suggests the existence of a requirement to demonstrate a causal relationship between an illness or condition and residence at Camp Lejeune. However, under § 17.410(d)(3), a family member will be eligible for payment or reimbursement for certain hospital care and medical services for a covered illness or condition unless VA makes a clinical finding, in accordance with VA clinical guidelines, that the illness or condition resulted from a cause other than the family member's residence at Camp Lejeune. The commenter also stated that a ''large segment'' of family members might not know of the contamination today. The United States Marine Corps has taken steps over the past few years to publicize the issue of contaminants in the water at Camp Lejeune, and is making a continuing effort to contact individuals who were stationed there during the relevant time period and provide pertinent information. VA believes the two-year time frame provides an adequate period for affected family members to obtain and submit supporting evidence. Moreover, the two-year limit in paragraph (d)(1)(i) is consistent with VA's review of applications for retroactive copayment exemptions made by Camp Lejeune veterans under § 17.400(d).

Another commenter criticized the limitation of claims to expenses incurred after March 26, 2013. However, 38 U.S.C. 1787(b)(1) covers family members' claims only to the extent and in the amount provided in advance in appropriations for such purpose. Because March 26, 2013, is the date on which VA received appropriations to pay family members' claims, VA does not have the authority to pay claims for hospital care and medical services received before that date.

Medical Evaluations by Non-VA Physicians

One commenter found ''unacceptable'' the information required of family members' treating physicians under § 17.410(d)(2). This commenter suggested that VA needs to locate qualified occupational physicians and pay for expert opinions as part of the family members' treatment ''rather than strictly as part of a VA claim denial process.'' The commenter also criticized the application of VA clinical guidelines by VA physicians as applied to the opinions of family members' personal physicians regarding their patients' illnesses or conditions on the basis that VA clinicians were ''people who have never examined the patient.'' This comment misinterprets the intent of § 17.410(d)(2) and (d)(3), which do not establish a means for VA to rebut the diagnosis of a family member's physician. This is not an adversarial process in which VA requires the family member to undergo an independent medical examination, followed by an administrative weighing of the evidence to establish causation. The process is more analogous to submitting a claim for reimbursement to a health insurer. Because VA is not going to be conducting clinical examinations, paragraphs (d)(2) and (d)(3) establish a process whereby we rely on the clinical determinations made by family members' treating physicians who have conducted such examinations. VA will use this information to reach the clinical determinations described in § 17.410(d)(3). The rule provides that a family member will be eligible for payment or reimbursement for certain hospital care and medical services for a covered illness or condition unless VA makes a clinical finding, in accordance with VA clinical guidelines, that the illness or condition resulted from a cause other than the family member's residence at Camp Lejeune. This is consistent with the statute at 38 U.S.C. 1787(a). The statute requires VA to apply clinical guidelines to determine, per 38 U.S.C. 1787(b)(2), whether the illness or condition resulted from a cause other than the residence of the family member at Camp Lejeune during a covered period.

The commenter also stated that VA would always be liable for full payment or reimbursement because most health care insurance policies contain exclusions and exceptions for poisonings, chemical or occupational exposure. The statute at 38 U.S.C. 1787(b)(3) authorizes VA to provide payment or reimbursement for hospital care or medical services provided to a family member only after the family member or the health care provider has exhausted without success all claims and remedies reasonably available to the family member or provider against a third party for payment of such care or services, including with respect to health-plan contracts. The regulation at § 17.410(d)(5) is consistent with the statute, providing that VA is the payer of last resort after all other claims and remedies have been exhausted. The purpose of 38 U.S.C. 1787 is to ensure that the family member receives reimbursement for monies spent on, or the provider receives payment for, treatment of illnesses or conditions that are now covered, and that the family member has no residual financial liability for that treatment. We make no change based on this comment.

Amendment of 38 U.S.C. 1787

After passage of the Act (Pub.L. 112–154), Congress subsequently passed Public Law 113–235, the Consolidated and Further Continuing Appropriations Act, 2015 (''the Consolidated Act''), which President Obama signed into law on December 16, 2014. Division I, Title II, sec. 243 of the law amended 38 U.S.C. 1710(e)(1)(F) by striking ''January 1, 1957,'' and inserting ''August 1, 1953.'' This added a new cohort of veterans to the group who are eligible for care pursuant to 38 U.S.C. 1710(e)(1)(F), namely, veterans who served on active duty in the Armed Forces at Camp Lejeune, North Carolina, for not fewer than 30 days during the period from August 1, 1953, to December 31, 1956 (the ''1953 cohort''). Consequently, this amendment expanded eligibility for payment and reimbursement for certain health care to qualifying family members of Camp Lejeune veterans in the 1953 cohort.

Pursuant to the Consolidated Act, VA amends § 17.410 in this final rule to account for the change in the date that begins the period of eligibility for Camp Lejeune veterans to receive VA hospital care and medical services. First, we amend the definition of ''Camp Lejeune family member'' in § 17.410(b) by deleting ''January 1, 1957'' and adding in its place ''August 1, 1953.'' In addition, because the amendment is not retroactive, we amend § 17.410(d)(1) to clarify that the family members of the 1953 cohort are not eligible for payment or reimbursement for hospital care and medical services received before December 16, 2014, the effective date of the Consolidated Act. More specifically, we amend § 17.410(d)(1) by making a clarifying change to paragraph (d)(1)(i), adding a new paragraph (d)(1)(ii), and re-designating existing paragraph (d)(1)(ii) as paragraph (d)(1)(iii). Section 17.410(d)(1)(i) addresses retroactive payment or reimbursement for hospital and medical services to the Camp

Lejeune family member of a Camp Lejeune veteran who served on active duty at Camp Lejeune between January 1, 1957, and December 31, 1987 (''the 1957 cohort''). We amend § 17.410(d)(1)(i) to specifically address retroactive reimbursement for hospital care and medical services provided before the date of application of a family member of a Camp Lejeune veteran in the 1957 cohort, and add a new paragraph (d)(1)(ii) to address separately retroactive reimbursement for hospital care and medical services provided before the date of application of a Camp Lejeune family member of a Camp Lejeune veteran in the 1953 cohort. Paragraph (d)(1)(ii), addressing payment or reimbursement for hospital care and medical services provided on or after the date an application is filed, is re-designated as paragraph (d)(1)(iii) and remains otherwise unchanged. We make no other changes to § 17.410 based on the Consolidated Act.

We also make a technical amendment to § 17.410(d)(2), which required a Camp Lejeune family member's physician to certify that the claimed hospital care or medical services were provided for an illness or condition ''listed in § 17.400(d)(1).'' Section 17.400 has since been amended to remove the list of covered illnesses and conditions from paragraph (d)(1) of that section and add the list as the definition of ''covered illness or condition'' in paragraph (b) of that section. 81 FR at 46603. Accordingly, we revise § 17.410(d)(2) to reference the definition of ''covered illness or condition'' in § 17.400(b).

Miscellaneous

One commenter stated that the comment period provided was too short and should be extended. The Administrative Procedures Act requires federal agencies to provide the public with adequate notice of a proposed rule followed by a meaningful opportunity to comment on the rule's content. 5 U.S.C. 553. The requirement to provide the public with adequate notice of a proposed rule is generally achieved through the publication of a notice of proposed rulemaking in the **Federal Register**. Once adequate notice is provided, the agency must provide interested persons with a meaningful opportunity to comment on the proposed rule through the submission of written data, views, or arguments. Executive Order 12866 directs that in most cases the public comment period on a proposed rule should be not less than 60 days. The same principles apply to comment periods for interim final rules. Comment periods may be extended where there is a showing of inadequate notice, the proposed rulemaking presents novel or complex issues, or a responsive public comment prompts the agency to consider a different approach to the issues addressed in the proposed rulemaking. Here, the rulemaking is consistent with a statutory mandate for VA to reimburse family members, or pay providers, for medical expenses incurred as a result of certain illnesses and conditions that may be attributed to exposure to contaminants in the drinking water at Camp Lejeune during a specified time period. The rulemaking does not deviate from the statutory parameters, and does not present any novel or complex issues. VA believes that it provided sufficient notice and opportunity for the public to comment.

Based on the rationale set forth in the interim final rule and in this document, VA is adopting the provisions of the interim final rule as a final rule with changes as noted above.

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this final rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Administrative Procedure Act

The Secretary of Veterans Affairs finds under 38 U.S.C. 553(b)(B) that there is good cause to publish a portion of this final rule without prior opportunity for public comment, and under 5 U.S.C. 553(d)(3) that there is good cause to publish this portion of the rule with an immediate effective date. This rulemaking amends § 17.410 to incorporate a provision mandated by Congress. See Public Law 113–235. Notice and public comment is unnecessary because it could not result in any change to this provision. Further, since the public law became effective on its date of enactment, VA believes it is impracticable and contrary to law and the public interest to delay this rule for the purpose of soliciting advance public comment or to have a delayed effective date. In addition, through this rulemaking VA adopts as final an interim final rule for which we provided notice and opportunity for the public to comment. Substantive comments received in the interim final rule have been addressed in this rulemaking.

Unfunded Mandates

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

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3507) requires that VA consider the impact of paperwork and other information collection burdens imposed on the public. Under 44 U.S.C. 3507(a), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid Office of Management and Budget (OMB) control number. See also 5 CFR 1320.8(b)(3)(vi).

This final rule will impose the following amended information collection requirements. Section 17.410(c) of title 38, CFR, requires an individual applying for benefits associated with hospital care and medical services for Camp Lejeune family members to submit an application to VA. VA Form 10068, ''Camp Lejeune Family Member Program Application'' is used for that purpose. Section 17.410(d)(1) requires a Camp Lejeune family member or provider of care or services to submit a timely claim for payment or reimbursement. Section 17.410(d)(2) requires the provider of a Camp Lejeune family member to certify that a Camp Lejeune family member has been diagnosed with one of the 15 required illnesses or conditions. Section 17.410 requires VA to maintain timely information about the Camp Lejeune family member in order to correctly identify the individual in VA's system, and to submit any information or reimbursements. OMB approved these new information collection requirements associated with the interim final rule on an emergency basis and assigned OMB control number 2900–0822. Pursuant to the Consolidated Act, VA amends these forms to require applicants to certify that they resided at Camp Lejeune between 1953 and 1987. The information collection is pending OMB approval. Notice of OMB approval for this information collection will be

published in a future **Federal Register** document.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–12. This final rule will directly affect only individuals and will not affect any small entities. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final flexibility analysis requirements of 5 U.S.C. 603 and 604.

Executive Order 12866 and Executive Order 13563

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

The economic, interagency, budgetary, legal, and policy implications of this final rule have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at *http://www.va.gov/orpm/,* by following the link for ''VA Regulations Published From FY 2004 Through Fiscal Year to Date.''

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the program affected by this rule are 64.007, Blind Rehabilitation Centers; 64.008, Veterans Domiciliary Care; 64.009, 64.009, Veterans Medical Care Benefits, Veterans Medical Care Benefits; 64.010, Veterans Nursing Home Care; 64.012, Veterans Prescription Service; 64.013, Veterans Prosthetic Appliances; 64.014, Veterans State Domiciliary Care; 64.015, Veterans State Nursing Home Care; 64.022, Veterans Home Based Primary Care.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on April 24, 2017, for publication.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and Dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Reporting and recordkeeping requirements, Travel and transportation expenses, Veterans.

Dated: May 2, 2017.

Janet Coleman,

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

Accordingly, the interim rule amending 38 CFR part 17 which was published at 79 FR 57415 on September 24, 2014, is adopted as final with the following change:

PART 17—MEDICAL

■ 1. The authority citation for part 17 is revised to read as follows:

Authority: 38 U.S.C. 501, and as noted in specific sections.

Section 17.38 also issued under 38 U.S.C. 101, 501, 1701, 1705, 1710, 1710A, 1721, 1722, 1782, and 1786.

Section 17.169 also issued under 38 U.S.C. 1712C.

Sections 17.380 and 17.412 are also issued under sec. 260, Public Law 114–223, 130 Stat. 857.

Section 17.410 is also issued under 38 U.S.C. 1787.

Section 17.415 is also issued under 38 U.S.C. 7301, 7304, 7402, and 7403.

Sections 17.640 and 17.647 are also issued under sec. 4, Public Law 114–2, 129 Stat. 30.

Sections 17.641 through 17.646 are also issued under 38 U.S.C. 501(a) and sec. 4, Public Law 114–2, 129 Stat. 30.

■ 2. Revise § 17.410 to read as follows:

§ 17.410 Hospital care and medical services for Camp Lejeune family members.

(a) *General.* In accordance with this section and subject to the availability of funds appropriated for such purpose, VA will provide payment or reimbursement for certain hospital care and medical services furnished to Camp Lejeune family members by non-VA health care providers.

(b) *Definitions.* For the purposes of this section:

Camp Lejeune has the meaning set forth in § 17.400(b).

Camp Lejeune family member means an individual who:

(i) Resided at Camp Lejeune (or was in utero while his or her mother either resided at Camp Lejeune or served at Camp Lejeune under § 17.400(b)) for at least 30 (consecutive or nonconsecutive) days during the period beginning on August 1, 1953, and ending on December 31, 1987; and

(ii) Meets one of the following criteria:

(A) Is related to a Camp Lejeune veteran by birth;

(B) Was married to a Camp Lejeune veteran; or

(C) Was a legal dependent of a Camp Lejeune veteran.

Camp Lejeune veteran has the meaning set forth in § 17.400(b).

Health-plan contract has the meaning set forth in § 17.1001(a).

Third party has the meaning set forth in § 17.1001(b).

(c) *Application.* An individual may apply for benefits under this section by completing and submitting an application form.

(d) *Payment or reimbursement of certain medical care and hospital services.* VA will provide payment or reimbursement for hospital care and medical services provided to a Camp Lejeune family member by a non-VA provider if all of the following are true:

(1) The Camp Lejeune family member or provider of care or services has submitted a timely claim for payment or reimbursement, which means:

(i) In the case of a Camp Lejeune family member who resided at Camp Lejeune between January 1, 1957, and December 31, 1987, for hospital care and medical services received prior to the date an application for benefits is filed per paragraph (c) of this section, the hospital care and medical services must have been provided on or after March 26, 2013, but no more than 2 years prior to the date that VA receives the application. The claim for payment or reimbursement must be received by VA no more than 60 days after VA approves the application;

(ii) In the case of a Camp Lejeune family member who resided at Camp Lejeune between August 1, 1953, and December 31, 1956, for hospital care and medical services received prior to the date an application for benefits is filed per paragraph (c) of this section, the hospital care and medical services must have been provided on or after December 16, 2014, but no more than 2 years prior to the date that VA receives the application. The claim for payment or reimbursement must be received by VA no more than 60 days after VA approves the application;

(iii) For hospital care and medical services provided on or after the date an application for benefits is filed per paragraph (c) of this section, the claim for payment or reimbursement must be received by VA no more than 2 years after the later of either the date of discharge from a hospital or the date that medical services were rendered;

(2) The Camp Lejeune family member's treating physician certifies that the claimed hospital care or medical services were provided for a covered illness or condition as defined in § 17.400(b), and provides information about any co-morbidities, risk factors, or other exposures that may have contributed to the illness or condition;

(3) VA makes the clinical finding, under VA clinical practice guidelines, that the illness or condition did not result from a cause other than the residence of the family member at Camp Lejeune;

(4) VA would be authorized to provide the claimed hospital care or medical services to a veteran under VA's medical benefits package in § 17.38;

(5) The Camp Lejeune family member or hospital care or medical service provider has exhausted without success all claims and remedies reasonably available to the family member or provider against a third party, including health-plan contracts; and

(6) Funds were appropriated to implement 38 U.S.C. 1787 in a sufficient amount to permit payment or reimbursement.

(e) *Payment or reimbursement amounts.* Payments or reimbursements under this section will be in amounts determined in accordance with this paragraph (e).

(1) If a third party is partially liable for the claimed hospital care or medical services, then VA will pay or reimburse the lesser of the amount for which the Camp Lejeune family member remains personally liable or the amount for which VA would pay for such care under §§ 17.55 and 17.56.

(2) If VA is the sole payer for hospital care and medical services, then VA will pay or reimburse in accordance with §§ 17.55 and 17.56, as applicable.

(The information collection requirements have been submitted to OMB and are pending OMB approval.)

[FR Doc. 2017–09163 Filed 5–4–17; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2012–0950; FRL–9959–68–Region 1]

Air Plan Approval; New Hampshire; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standards; Correction

AGENCY: Environmental Protection Agency, (EPA).

ACTION: Final rule; correcting amendment.

SUMMARY: The Environmental Protection Agency (EPA) published a final rule approving a New Hampshire's State Implementation Plan (SIP) submissions that addressed infrastructure requirements of the Clean Air Act (CAA or Act) for the 2010 sulfur dioxide (SO_2) National Ambient Air Quality Standards (NAAQS) in the **Federal Register** on July 8, 2016. An error in the nonregulatory table in New Hampshire's SIP is identified and corrected in this action.

DATES: This rule is effective May 5, 2017.

FOR FURTHER INFORMATION CONTACT: Ida E. McDonnell, Manager, Air Permits, Toxics, and Indoor Programs Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100, (OEP05–2), Boston, MA 02109–3912, phone number (617) 918–1653, fax number (617) 918–0653, email *McDonnell.Ida@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA issued a final rule in the **Federal Register** on July 8, 2016 (81 FR 44542). An error occurred in the amendatory instructions to the table in 40 CFR 52.1520(e). The table entry for ''Infrastructure SIP for the 2010 NO_2 NAAQS'' was unintentionally removed and later restored. This corrective action adds an entry for ''Infrastructure SIP for the 2010 SO_2 NAAQS'' to the table in 40 CFR 52.1520(e), as was originally intended.

List of Subjects in 40 CFR Part 52

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

Dated: March 16, 2017.

Deborah A. Szaro,

Acting Regional Administrator, EPA New England.

Correction

In final rule FR Doc. 2016–15623, published in the issue of Friday, July 8, 2016 (81 FR 44542), make the following correction:

On page 44553, in the third column, remove amendatory instruction 3.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is corrected by making the following correcting amendment:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart EE—New Hampshire

■ 2. In § 52.1520, the table in paragraph (e) is amended by adding the entry ''Infrastructure SIP for the 2010 SO_2 NAAQS'' after the entry ''Infrastructure SIP for the 2010 SO_2 NAAQS'' to read as follows:

§ 52.1520 Identification of plan.

* * * * *

(e) * * *

NEW HAMPSHIRE NON REGULATORY

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
* *	*	*	*	* *
Infrastructure SIP for the 2010 SO_2 NAAQS.	Statewide	9/13/2013	7/8/2016, 81 FR 44553	Approved submittal, except for certain aspects relating to PSD which were conditionally approved. See 52.1519.
* *	*	*	*	* *

[3] In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

[FR Doc. 2017–09028 Filed 5–4–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 13–236; FCC 17–40]

National Television Multiple Ownership Rule

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: An *Order on Reconsideration* reinstates the UHF discount, which allows commercial broadcast television station owners to discount the audience reach of their UHF stations when calculating compliance with the national television ownership rule. With the reinstatement of the discount, the Commission will commence a proceeding later this year to consider whether the national television audience reach cap, including the UHF discount, remains in the public interest. The *Order on Reconsideration* finds that the UHF discount is inextricably linked to the national cap, and when the Commission voted previously to eliminate the discount, it failed to consider whether this *de facto* tightening of the national cap was in the public interest and justified by current marketplace conditions. The *Order on Reconsideration* grants in part the Petition for Reconsideration (Petition) filed by ION Media Networks and Trinity Christian Center of Santa Ana, Inc. (Petitioners), and dismisses as moot requests to reconsider the grandfathering provisions applicable to broadcast station combinations affected by elimination of the discount and the decision to forego a VHF discount.

DATES: Effective June 5, 2017.

FOR FURTHER INFORMATION CONTACT: Brendan Holland, Industry Analysis Division, Media Bureau, *Brendan.Holland@fcc.gov* (202) 418–2757.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order on Reconsideration* in MB Docket No. 13–236, FCC 17–40, adopted April 20, 2017, and released April 21, 2017. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554, or online at *https://www.fcc.gov/ecfs/filing/0426267477284.* To request this document in accessible formats for people with disabilities (*e.g.* braille, large print, electronic files, audio format, etc.) or to request reasonable accommodations (*e.g.* accessible format documents, sign language interpreters, CART, etc.), send an email to *fcc504@fcc.gov* or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

1. *Background.* In 1985, when the Commission revised the national television multiple ownership rule to prohibit a single entity from owning television stations that collectively exceeded 25 percent of the total nationwide audience, it also adopted a 50 percent UHF discount to reflect the coverage limitations faced by analog UHF stations. The discount was intended to mitigate the competitive disadvantage that UHF stations suffered in comparison to VHF stations, as UHF stations were technically inferior, producing weaker over-the-air signals, reaching smaller audiences, and costing more to build and operate. This technical inferiority, inherent in analog television broadcasting, was significant in 1985 because the vast majority of viewers received programming from broadcast television stations via over-the-air signals.

2. Eleven years later, in the Telecommunications Act of 1996, Congress directed the Commission to increase the national audience reach cap from 25 percent to 35 percent. Subsequently, the Commission reaffirmed the 35 percent national cap in its *1998 Biennial Review Order.* The United States Court of Appeals for the District of Columbia later remanded the *1998 Biennial Review Order* after finding that the decision to retain the national cap was arbitrary and capricious. In addition, the court found that the Commission failed to demonstrate that the national cap advanced competition, diversity, or localism. In the *2002 Biennial Review Order,* the Commission determined the cap should be raised to 45 percent. In both of these *Orders,* the Commission also considered and retained the UHF discount.

3. Following adoption of the *2002 Biennial Review Order* and while an appeal of that order was pending, Congress revised the cap by including a provision in the 2004 Consolidated Appropriations Act (CAA) directing the Commission to modify its rules to set the cap at 39 percent of national television households. The CAA further amended Section 202(h) of the 1996 Act to require a quadrennial review of the Commission's broadcast ownership rules, rather than the previously mandated biennial review. In doing so, Congress excluded consideration of any rules relating to the 39 percent national audience reach limitation from the quadrennial review requirement.

4. Prior to the enactment of the CAA, several parties had appealed the Commission's *2002 Biennial Review Order* to the U.S. Court of Appeals for the Third Circuit (Third Circuit). In June 2004, the Third Circuit found that the challenges to the Commission's actions with respect to the national audience reach cap and the UHF discount were moot as a result of Congress's action. Specifically, the court held that the CAA rendered moot the challenges to

the Commission's decision to retain the UHF discount. The court found that the CAA insulated the national cap, including the UHF discount, from the Commission's quadrennial review of its media ownership rules. In February 2008, the Commission similarly concluded in the *2006 Quadrennial Review Order* that, the UHF discount is insulated from review under Section 202(h) as a result of the CAA, and thus beyond the scope of the quadrennial review.

5. On June 13, 2009, the Commission completed the transition from analog to digital television broadcasting for full-power stations. While UHF channels were inferior for purposes of broadcasting in analog, the DTV transition affirmed the Commission's longstanding belief that digital broadcasting would eliminate the technical disparity between UHF and VHF signals. In fact, experience has confirmed that UHF channels are equal, if not superior, to VHF channels for the transmission of digital television signals. Therefore, in 2013, the Commission adopted a *Notice of Proposed Rulemaking* (*Notice*) to consider eliminating the UHF discount. Then-Commissioner Pai dissented from the *Notice,* contending that any such rulemaking should also evaluate whether the national cap itself should be modified. The *Notice,* however, did not seek comment on the national cap broadly.

6. In a *Report and Order* adopted in August 2016, the Commission eliminated the UHF discount, finding that UHF stations are no longer technically inferior to VHF stations following the DTV transition and that the competitive disparity between UHF and VHF stations had disappeared. Then-Commissioner Pai and Commissioner O'Rielly dissented from the decision, with then-Commissioner Pai noting, It is undeniable that eliminating the UHF discount has the effect of expanding the scope of the national cap rule. Companies . . . that are currently in compliance with the national cap ownership rule will be above the cap once the UHF discount is terminated. Yet, the Commission has refused to review whether the current national cap ownership rule is sound or whether there is a need to make it more stringent, which is precisely what [the *Report and Order*] does. On November 23, 2016, ION and Trinity filed their Petition seeking reconsideration of the decision. Free Press, the National Hispanic Media Coalition, Common Cause, Media Alliance and the United Church of Christ Office of Communication, Inc. (Public Interest Opponents) and the American Cable Association (ACA) filed Oppositions to the Petition; the National Association of Broadcasters (NAB), Sinclair Broadcast Group, Inc. (Sinclair), Nexstar Broadcasting, Inc. (Nexstar), Univision Communications Inc. (Univision), and various TV licensees filed comments or replies supporting the Petition.

7. *The UHF Discount and National Cap Should Have Been Considered in Tandem.* The Order on Reconsideration finds that the Petitioners and their supporters provide valid reasons to reconsider the decision to eliminate the UHF discount. The UHF discount and the national audience reach cap are closely linked, and the Commission failed to provide a reasoned basis to eliminate the discount in isolation without also fully considering whether the cap should be modified. Accordingly, the *Order on Reconsideration* reinstates the UHF discount, and the Commission will open a proceeding later this year to consider whether the national audience reach cap, including the UHF discount, should be modified.

8. Petitioners and their supporters assert that the Commission should not have eliminated the UHF discount without adducing further evidence that the action would be in the public interest. The Petitioners argue that in eliminating the discount the Commission actually harmed the public interest by increasing the competitive disparity between broadcasters and other video programming distributors. CBS and Sinclair also point to a lack of evidence that the public interest would be harmed by retaining the UHF discount. NAB argues that, by eliminating the UHF discount in isolation, the Commission was not able to determine whether the change promotes the public interest purposes of the cap itself.

9. The history of the UHF discount and national audience reach cap demonstrates that, with the exception of the *Report and Order,* the Commission has always considered the UHF discount together with the national cap. Referring to this history, Nexstar argues that, because the cap establishes a limit and the discount defines how to calculate whether the limit is reached, the cap and discount are inextricably intertwined. Petitioners assert that the national cap and discount go hand-in-hand; the FCC has no authority to change one without at least reviewing the impact that the change will have on the other. Sinclair agrees, and urges the Commission, in any review of the cap, to eliminate it entirely.

10. While the Commission determined in the *Report and Order* that it should eliminate the discount without simultaneously reassessing the cap, on reconsideration, the Commission agrees with the arguments presented by Petitioners and their supporters that the Commission's prior decision was in error. The Commission finds that any adjustment to the UHF discount affects compliance with the national cap, and the elimination of the discount has the effect of substantially tightening the cap in some cases. In the *Report and Order,* however, the Commission never explained why tightening the cap was in the public interest or justified by current marketplace conditions. It presented no examples of how the current cap, including the UHF discount, was harming competition, diversity, or localism. Eliminating the UHF discount on a piecemeal basis, without considering the national cap as a whole, was arbitrary and capricious, and unwise from a public policy perspective.

11. Contrary to ACA's claims that consideration of the discount without consideration of the cap was appropriate, the Commission erred by eliminating the discount and thus substantially tightening the cap without considering whether the cap should be raised to mitigate the regulatory impact of eliminating the UHF discount. While it is true that the UHF discount no longer has a sound technical basis following the DTV transition, the Commission failed to provide a reasoned explanation for eliminating the discount without conducting a broader review of the cap, which it deferred indefinitely. Reliance on the self-imposed narrow scope of the *Notice* was not a sound basis for the Commission to conclude that it could not consider the broader public interest issues posed by retaining the national cap while eliminating the UHF discount. Nothing prevented the Commission from issuing a broader *Notice* at the outset or broadening the scope of the proceeding by issuing a further notice to consider whether the public interest would be served by retaining the cap while eliminating the UHF discount.

12. This error is problematic because the Commission has acknowledged, both in the record of this proceeding and in the most recent quadrennial media ownership review, the greatly increased options for consumers in the selection and viewing of video programming since Congress directed the Commission to modify the cap in 2004. The *Report and Order,* however, failed to adequately consider the impact of those changes on the appropriateness

of eliminating the UHF discount while not adjusting the national cap. The Commission should have considered these changes and assessed the current need for a 39 percent national cap before eliminating the UHF discount and tightening the cap for some station groups, particularly in view of the industry's reliance on the UHF discount to develop long-term business strategies. Although the Commission considered the effect of the DTV transition, it failed to consider current marketplace conditions or whether tightening the cap was in the public interest. Thus, it is necessary to rectify the Commission's error by reinstating the discount so that it can be considered as part of a broader reassessment of the national audience reach rule, which will begin later this year.

13. *Grounds for Reconsideration.* The record in response to the Petition demonstrates disagreement on the factors that can support granting a petition for reconsideration. The Opponents claim that the Petition must be denied because it fails to present new facts or arguments not already considered and answered by the Commission in the underlying *Report and Order.* On the other hand, Nexstar claims that Section 1.429 of our rules, which governs petitions for reconsideration, should not be interpreted to preclude a petitioner for reconsideration from raising any argument that was mentioned in the underlying Commission order or a dissenting statement. Neither the Communications Act nor Commission rules preclude the Commission from granting petitions for reconsideration that fail to rely on new arguments. Commission precedent establishes that reconsideration is generally appropriate where the petitioner shows either a material error or omission in the original order or raises additional facts not known or not existing until after the petitioner's last opportunity to respond.

14. The Petition, while reiterating some arguments made in response to the *Notice,* nonetheless provides valid grounds for the Commission to reconsider its previous action. The Commission failed to fully consider important arguments and lacked a reasoned basis for concluding that it could eliminate the discount without a broader review of the national cap. These are sufficient grounds under Section 1.429 for the Commission to reconsider its previous action even absent new facts or arguments.

15. *Procedural Matters.* As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared a Supplemental Final Regulatory Flexibility Analysis (SFRFA) relating to this *Order on Reconsideration.*

16. This *Order on Reconsideration* does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA). In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002.

17. *Supplementary Regulatory Flexibility Analysis.* In compliance with the Regulatory Flexibility Act (RFA), this Supplemental Final Regulatory Flexibility Analysis (SFRFA) supplements the Final Regulatory Flexibility Analysis (FRFA) included in the *Report and Order* to the extent that changes adopted on reconsideration require changes in the conclusions reached in the FRFA. As required by the RFA, the FRFA was preceded by an Initial Regulatory Flexibility Analysis (IRFA) incorporated in the *Notice* which sought public comment on the proposals in the *Notice.*

18. This *Order on Reconsideration* reinstates the UHF discount in the Commission's national television multiple ownership rule. That rule currently prohibits a single entity from owning television stations that, in the aggregate, reach more than 39 percent of the total television households in the nation. When the cap was established and stations broadcast using analog technology, UHF broadcasting was considered technically inferior to VHF broadcasting. Therefore, the UHF discount allowed television stations broadcasting in the UHF spectrum to attribute those stations with only 50 percent of the television households in their Designated Market Areas. The *Report and Order* eliminated the UHF discount, finding that UHF stations are no longer technically inferior or competitively disadvantaged relative to VHF stations following the DTV transition.

19. The *Order on Reconsideration* finds that, because the UHF discount affects calculation of compliance with the national audience reach cap, the discount and cap are linked and the public interest is better served by considering the discount and cap in tandem. Rather than potentially tightening the national cap in some cases by eliminating the UHF discount, the reinstatement of the discount returns broadcasters to the status quo prior to August 2016 for purposes of calculating their compliance with the cap. The Commission will begin a rulemaking proceeding later this year to consider whether it is in the public interest to modify the national cap, including the UHF discount.

20. The RFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the rules adopted in this *Order on Reconsideration.* The RFA generally defines the term small entity as having the same meaning as the terms small business, small organization, and small governmental jurisdiction. In addition, the term small business has the same meaning as the term small business concern under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. The FRFA accompanying the *Report and Order* described and estimated the number of small entities that would be affected by elimination of the UHF discount. Reinstatement of the UHF discount in this *Order on Reconsideration* applies to the same entities affected by elimination of the discount.

21. *Television Broadcasting.* This Economic Census category comprises establishments primarily engaged in broadcasting images together with sound. These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for such businesses: Those having $38.5 million or less in annual receipts. The 2012 Economic Census reports that 751 firms in this category operated in that year. Of that number, 656 had annual receipts of $25,000,000 or less, 25 had annual receipts between $25,000,000 and $49,999,999 and 70 had annual receipts of $50,000,000 or more. Based on this data we therefore estimate that the majority of commercial television broadcasters are small entities under the applicable SBA size.

22. The Commission has estimated the number of licensed commercial television stations to be 1,384. Of this total, 1,275 stations (or about 92 percent) had revenues of $38.5 million or less, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on February 24, 2017, and therefore these

licensees qualify as small entities under the SBA definition. In addition, the Commission has estimated the number of licensed noncommercial educational (NCE) television stations to be 394. Notwithstanding, the Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities.

23. The Commission notes, however, that in assessing whether a business concern qualifies as small under the above definition, business (control) affiliations must be included. The estimate, therefore, likely overstates the number of small entities that might be affected by our action because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, an element of the definition of ''small business'' is that the entity not be dominant in its field of operation. The Commission is unable at this time to define or quantify the criteria that would establish whether a specific television station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any television station from the definition of a small business on this basis and is therefore possibly over-inclusive.

24. The FRFA accompanying the *Report and Order* stated that elimination of the UHF discount modified calculation of compliance with the national audience reach cap and would affect reporting, recordkeeping, or other compliance requirements. Specifically, the Commission would have potentially needed to modify FCC forms or related instructions pursuant to the *Report and Order.* This *Order on Reconsideration* reinstates the UHF discount, thereby maintaining the current methodology for calculating compliance with the cap. Therefore, no changes to FCC forms or instructions will be necessary and the reporting, recordkeeping, and other compliance requirements will not be affected. Thus, reinstatement of the UHF discount will not impose additional obligations or expenditure of resources on small businesses.

25. The *Order on Reconsideration* determined that the discount and cap were linked and that considering them in tandem would better serve the public interest than simply eliminating the discount alone. Examining the discount and cap together in a rulemaking proceeding to be opened later this year will positively impact broadcasters, including small entities, and avoid the potential harms described by Petitioners and their supporters at paragraphs 8 and 10, above.

26. *Ordering Clauses.* Accordingly, *it is ordered* that, pursuant to the authority contained in Section 405(a) of the Communications Act of 1934, as amended, and Section 1.429 of the Commission's rules, the Petition for Reconsideration filed by ION Media Networks, Inc. and Trinity Christian Center of Santa Ana, Inc. on November 23, 2016, *is granted in part* and otherwise *is dismissed as moot,* to the extent provided herein.

27. *It is further ordered* that pursuant to the authority contained in Sections 1, 2(a), 4(i), 4(j), 303(r), 307, 309, and 310 of the Communications Act of 1934, as amended, this *Order on Reconsideration is adopted.* The rule modification discussed in this *Order on Reconsideration* shall be effective June 5, 2017.

28. *It is further ordered* that the Commission *shall send* a copy of this *Order on Reconsideration* to Congress and to the Government Accountability Office pursuant to the Congressional Review Act.

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

List of Subjects in 47 CFR Part 73

Television; Radio.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rule

For the reasons discussed in the preamble, the Federal Communication 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, 334, 336 and 339.

■ 2. Amend § 73.3555 by revising paragraph (e)(1) and (e)(2)(i) to read as follows:

§ 73.3555 Multiple ownership.

* * * * *

(e) *National television multiple ownership rule.* (1) No license for a commercial television broadcast station shall be granted, transferred or assigned to any party (including all parties under common control) if the grant, transfer or assignment of such license would result in such party or any of its stockholders, partners, members, officers or directors having a cognizable interest in television stations which have an aggregate national audience reach exceeding thirty-nine (39) percent.

(2) * * *

(i) *National audience reach means* the total number of television households in the Nielsen Designated Market Areas (DMAs) in which the relevant stations are located divided by the total national television households as measured by DMA data at the time of a grant, transfer, or assignment of a license. For purposes of making this calculation, UHF television stations shall be attributed with 50 percent of the television households in their DMA market.

* * * * *

[FR Doc. 2017–09001 Filed 5–4–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 12–106; FCC 17–41]

Noncommercial Educational Station Fundraising for Third-Party Non-Profit Organizations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission revises its rules to allow noncommercial educational (NCE) broadcast stations to conduct limited on-air fundraising activities that interrupt regular programming for the benefit of third-party non-profit organizations. Permitting NCE stations to conduct third-party fundraising on a limited basis will serve the public interest by enabling NCE stations to support charities and other non-profit organizations in their fundraising efforts for worthy causes without undermining the noncommercial nature of NCE stations or their primary function of serving their communities of license through educational programming.

DATES: Effective July 5, 2017, except for the amendments to §§ 73.503(e)(1), 73.621(f)(1), and 73.3527(e)(14), which contain new or modified information collection requirements that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) and will become effective after the Commission publishes

a document in the **Federal Register** announcing such approval and the relevant effective date.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Kathy Berthot, *Kathy.Berthot@fcc.gov,* Media Bureau, Policy Division, at (202) 418–7454. For additional information concerning the PRA information collection requirements contained in this document, contact Cathy Williams, Federal Communications Commission, at (202) 418–2918, or via email *Cathy.Williams@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order,* FCC 17–41, adopted and released on April 20, 2017. The full text is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., CY–A257, Washington, DC 20554. This document will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Paperwork Reduction Act of 1995 Analysis: This document contains new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, will invite the general public and the OMB to comment on the information collection requirements contained in this document in a separate **Federal Register** Notice, as required by the Paperwork Reduction Act of 1995, Public Law 104–13, *see* 44 U.S.C. 3507. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we previously sought specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

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

Synopsis

I. Introduction

1. In this *Report and Order,* we revise our rules to allow NCE broadcast stations to conduct limited on-air fundraising activities that interrupt regular programming for the benefit of third-party non-profit organizations (hereafter, ''third-party fundraising''). Relaxing our longstanding third-party fundraising restrictions will serve the public interest by enabling NCE stations to support charities and other non-profit organizations in their fundraising efforts for worthy causes. Third-party fundraising programs may also help to raise public awareness about important topics, such as poverty, health care, and humanitarian issues. We conclude that permitting NCE stations to conduct third-party fundraising on a limited basis will not undermine the noncommercial nature of NCE stations or their primary function of serving their communities of license through educational programming.

II. Background

2. Under Section 399B of the Communications Act, 47 U.S.C. 399B, NCE stations are prohibited from broadcasting ''advertisements,'' defined as any message or other programming material which is broadcast or otherwise transmitted in exchange for any remuneration, and which is intended—

(1) to promote any service, facility, or product offered by any person who is engaged in such offering for profit;

(2) to express the views of any person with respect to any matter of public importance or interest; or

(3) to support or oppose any candidate for political office.

Further, pursuant to §§ 73.503(d) and 73.621(e) of the Commission's rules, an NCE station may not conduct fundraising activities that substantially alter or suspend regular programming and are designed to benefit any entity other than the station itself. ''Regular programming'' includes programming that ''the public broadcaster ordinarily carries, but does not encompass those fundraising activities that suspend or alter their normal programming fare.'' The third-party fundraising restrictions reflect the concern that ''educational stations are licensed to provide a noncommercial broadcast service, not to serve as a fund-raising operation for other entities by broadcasting material that is 'akin to regular advertising.' ''

3. The Commission has granted waivers of §§ 73.503(d) and 73.621(e) in extraordinary circumstances. For example, in 1992, the former Mass Media Bureau granted a waiver of §§ 73.503(d) and 73.621(e) to the licensee of an NCE radio station and an NCE television station in West Palm Beach, Florida, following Hurricane Andrew. The stations proposed to broadcast a two-hour simulcast along with four area commercial television stations to raise funds and donations and provide information for the hurricane relief effort. The staff granted the waiver in recognition of the catastrophic events that had occurred, the stations' unique ability to serve the area affected by the disaster, and the limited length of the program. The Commission also has granted waivers to permit fundraising for other singular catastrophic events, such as Hurricanes Katrina and Sandy, the September 11, 2001 terrorist attacks, the January 2005 tsunami in Southeast Asia, and the January 2010 earthquake in Haiti. More recently, the Commission established informal procedures through which NCE licensees could request Commission approval to conduct fundraising to aid the Moore, Oklahoma area tornado relief efforts, noting that it has granted waivers of § 73.503(d) for ''fundraising appeals to support relief efforts following disasters of particular uniqueness or magnitude'' and that such waivers ''have been issued for a specific fundraising program or programs, or for sustained station appeals for periods which generally do not exceed several days.'' In contrast, Commission staff has denied waiver requests where the proposed fundraising occurred annually to address ongoing needs and was not limited to a specific one-time problem.

4. In June 2011, a working group including Commission staff, scholars, and consultants released the *INC Report,* a comprehensive report on the state of the media landscape. The *INC Report* discussed both the need to empower citizens to ensure that broadcasters serve their communities in exchange for the use of public spectrum and the need to remove unnecessary burdens on broadcasters who aim to serve their communities. Citing comments from the National Religious Broadcasters (NRB), the *INC Report* recommended that the Commission consider affording noncommercial broadcasters more flexibility by allowing NCE stations that are not grantees of the Corporation for Public Broadcasting (CPB) to spend up to one percent of their annual airtime doing fundraising for charities and other third-party non-profit organizations. In order to be eligible for CPB funding, an NCE station would have to devote the substantial majority of its daily total programming hours broadcast on all of its channels to CPB-qualified programming, which is defined as ''general audience programming that serves demonstrated community needs of an educational, informational and

cultural nature.'' The *INC Report* noted that ''[i]n some cases having local charities on the air can be a useful way of informing residents about problems in their communities'' and ''can help [NCE] stations achieve their public service or religious missions.''

5. On April 25, 2012, in response to the recommendations in the *INC Report,* the Commission adopted a *Notice of Proposed Rulemaking* seeking comment on whether to allow NCE stations to conduct third-party fundraising. The Commission received 23 comments and seven replies. NRB and all of the religious broadcasters that filed comments favor allowing NCE stations to conduct third-party fundraising. Commenters representing secular NCE broadcasters, including National Public Radio (NPR), Public Broadcasting Service and Association for Public Television Stations (PBS/APTS), and university and college NCE stations, oppose relaxation of the third-party fundraising restrictions.

III. Discussion

A. Relaxation of Third-Party Fundraising Restrictions

6. We relax the third-party fundraising restrictions to allow NCE stations to conduct limited on-air fundraising activities that interrupt regular programming for the benefit of third-party non-profit organizations. Such relief will provide NCE stations greater flexibility to undertake fundraising for third-party non-profit organizations. Under the current rules, program-length fundraising for third-party non-profit organizations is prohibited (even if regularly scheduled) because such programming is considered to suspend ''regular programming.'' Under the rules we adopt today, NCE stations will be able to conduct fundraising activities that alter or suspend regular programming—including program-length fundraising activities—at their discretion, as long as the fundraising programs do not exceed the one-percent cap discussed below. We conclude that providing NCE stations the flexibility to engage in limited fundraising for charities and other third-party non-profit organizations will benefit the public interest. Third-party fundraising programs may enhance the educational nature of NCE stations by educating the public about the social needs and charitable causes supported by non-profit organizations. For example, a fundraising program for a breast cancer charity could help to educate the station's audience about early detection and support services, and a fundraising program for a child poverty relief organization could serve to educate the stations' listeners about the needs of children around the world who suffer in extreme poverty. Non-profit organizations may be better able to address their charitable missions with the financial support received from the NCE stations' audiences. Some of this financial support may directly benefit NCE stations' local communities. Third-party fundraising may also help to lessen the financial burden on governmental entities that address social needs through appropriations from public funds.

7. We further conclude that allowing NCE stations to conduct limited third-party fundraising will not undermine the noncommercial broadcasting service, as suggested by some commenters. The longstanding third-party fundraising restrictions reflect concerns that any promotional or fundraising activities by NCE stations must not adversely affect the educational programming mission or noncommercial character of these stations. Nevertheless, we conclude that a blanket prohibition on third-party fundraising that interrupts regular programming is no longer necessary to preserve NCE stations' noncommercial nature and ensure that NCE stations remain focused on their primary function of providing educational programming to their communities of license. The Commission's experience in granting waivers to allow NCE stations to conduct fundraising for disaster relief efforts has demonstrated that NCE stations can conduct limited third-party fundraising without compromising their noncommercial nature and the valuable program service they provide to the public. The public has responded enthusiastically to these disaster relief fundraising activities, and there is no evidence in the record before us that these fundraising activities have altered the public's perception of noncommercial broadcasting. Accordingly, we find that it is appropriate to allow NCE stations to conduct third-party fundraising on a limited basis.

8. We disagree with assertions that the success of the existing waiver process demonstrates that changes to the rules are unnecessary. As discussed above, we have determined that the public interest will be served by relaxing our third-party fundraising restrictions to allow NCE stations to conduct limited third-party fundraising activities unrelated to relief efforts for singular catastrophic events. The waiver process is intended to provide relief in extraordinary circumstances, and is not suitable for the more routine third-party fundraising activities that we address in this proceeding. We likewise reject proposals that we expand the existing waiver process to allow NCE stations to seek waivers to conduct third-party fundraising activities that are not connected to specific disasters. We think that it would impose an unnecessary burden on both NCE licensees and Commission staff to require NCE licensees to seek waivers each time they want to conduct such routine third-party fundraising.

9. We are also not persuaded by arguments that relaxing the third-party fundraising restrictions will adversely affect the noncommercial broadcasting service by reducing the amount of airtime dedicated to educational, instructional, and cultural programming; lessening the appeal of NCE stations to their audiences; or jeopardizing fundraising for NCE stations' own operations. First and foremost, we emphasize that the choice to conduct third-party fundraising will be entirely voluntary on the part of NCE stations. NCE stations that do not wish to engage in third-party fundraising are not required to do so. Thus, NCE stations concerned that airing third-party fundraising programs will jeopardize fundraising for their own operations can simply choose not to engage in such third-party fundraising. Additionally, we have determined that third-party fundraising programs may enhance the educational nature of NCE stations in some situations by raising public awareness about social needs and charitable causes supported by non-profit organizations. Further, as we explain below, we are limiting the amount of time that NCE stations can spend on third-party fundraising that interrupts regular programming to one percent of their total annual airtime. We believe that the one-percent annual limit strikes the proper balance between providing NCE stations some flexibility to support their fundraising missions and ensuring that their third-party fundraising activities do not take away from their primary function of providing noncommercial, educational programming to their local communities.

10. We disagree with assertions that third-party fundraising will change the public's perception of noncommercial broadcasting by causing the public to view the ''business'' of NCE stations as charitable fundraising, which could harm all NCE stations, even those that do not change their on-air practices. NCE stations that choose to engage in third-party fundraising will continue to spend the vast majority of their time—

at least 99%, if not more—providing noncommercial, educational programming to their audiences. We do not believe that allowing NCE stations to allot up to one percent of their total annual airtime to third-party fundraising will significantly alter the public's perception of noncommercial broadcasting. Nor do we believe that third-party fundraising will weaken the public's confidence in the editorial independence of NCE stations or increase the potential for third-party organizations to influence programming decisions. As NRB points out, NCE stations are already permitted to air sponsorship and underwriting announcements from both non-profit groups and commercial businesses. Commenters have offered no evidence that such promotional announcements have eroded the public's confidence in the editorial independence of NCE stations.

11. Some commenters assert that relaxation of the third-party fundraising restrictions will subject NCE stations to undue pressure from affiliated or influential parties—such as universities, colleges, and other institutions that hold the stations' licenses, politically powerful persons, and foundations that provide underwriting contributions to stations—that may seek to use the station to raise funds for their own discrete interests, or cause NCE stations to be inundated with fundraising requests from local non-profits. To the extent that these commenters raise concerns that a university, college, or other institutional licensee may apply pressure to its licensed station to engage in third-party fundraising, we note that NCE stations can take steps to preempt unwanted fundraising requests from licensees and other non-profit organizations by, for example, announcing publicly their reasons for not airing routine third-party fundraising drives.

12. *Exemption From Third-Party Fundraising Rule for CPB-Funded NCE Stations.* Although we conclude that the public interest will be served by providing NCE stations the flexibility to conduct third-party fundraising, we recognize that some NCE stations claim that this new fundraising latitude may pose challenges for those stations that have no interest in participating in third-party fundraising. The record reflects that most NCE stations that oppose third-party fundraising are CPB-funded stations. Indeed, all but one CPB-funded station that filed comments opposed relaxation of the rule. Accordingly, because CPB-funded stations generally do not want this added flexibility, we are exempting all CPB-funded NCE stations from the new rule authorizing NCE stations to conduct on-air fundraising for third-party non-profit organizations that interrupts regular programming.

B. Limitations on Eligible Beneficiaries of Third-Party Fundraising

13. We limit the class of entities for which NCE stations may conduct third-party fundraising to entities that are recognized as tax exempt, non-profit organizations under Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). Section 501(c)(3) exempts from federal income taxes corporations, foundations, or other organizations that are organized and operated exclusively for religious, charitable, scientific, educational, or certain other purposes, where no part of the net earnings of the organization inures to the benefit of any private shareholder or individual. NRB and other commenters overwhelmingly support limiting eligibility for third-party fundraising to Section 501(c)(3) organizations. We agree with commenters that this limitation will provide NCE stations certainty that third-party organizations that benefit from on-air fundraising are *bona fide* non-profits.

14. Two commenters suggest that NCE stations should be allowed to undertake fundraising for any organization that has qualified as a *bona fide* non-profit organization in any State or pursuant to any section of the Internal Revenue Code relating to non-profit organizations. These commenters assert that not all *bona fide* non-profit organizations choose to apply to be certified as tax exempt under the Internal Revenue Code and that there are many *bona fide* non-profit, tax exempt organizations, such as veterans organizations and civic leagues, that are not qualified under Section 501(c)(3), but are covered under other sections of the Internal Revenue Code. We acknowledge that there are many *bona fide* non-profit organizations that are not qualified as tax exempt, non-profit organizations under Section 501(c)(3). Nevertheless, we conclude that it is appropriate to limit eligibility for third-party fundraising under our rules to Section 501(c)(3) organizations. We think it would be unworkable to have the laws of 50 different States governing the types of non-profit organizations that may be the beneficiaries of third-party fundraising.

15. Moreover, unlike non-profit organizations certified under other sections of the Internal Revenue Code, Section 501(c)(3) organizations are strictly prohibited from supporting or opposing candidates for political office and are subject to limits on lobbying. Thus, limiting eligible beneficiaries to Section 501(c)(3) organizations dovetails well with Section 399B's prohibition on paid political advertising on NCE stations. This prohibition reflects Congress's concern that paid political advertising could alter the unique noncommercial, educational nature of public broadcasting. We are similarly concerned that allowing NCE stations to raise funds for non-profit organizations that support or oppose political candidates or spend a substantial part of their time engaged in lobbying activities could alter the noncommercial, educational nature of NCE stations. We are also concerned that an NCE station's audience may perceive the station's efforts to raise funds for such an organization as a tacit endorsement of that organization's views, which could alter the public's perception of noncommercial broadcasting. Therefore, we conclude that it is appropriate to limit the eligible beneficiaries of third-party fundraising to Section 501(c)(3) organizations.

16. We will not limit eligible beneficiaries of third-party fundraising to local non-profit organizations. The Commission sought comment in the *NPRM* on whether it would further localism to limit NCE stations to soliciting donations for local non-profit organizations. After reviewing the comments, however, we are not convinced that localism would benefit significantly from such a limitation. Several commenters point out that there are many national non-profit organizations (some of which have local chapters and some of which do not) that provide critical support to local communities. Educational Media Foundation (EMF) notes, in this regard, that a disaster that directly impacts the audience of an NCE station may be best addressed by a national organization that does not have a local chapter in the community of license. Further, we agree with commenters that it may be difficult to distinguish between ''local'' and ''non-local'' organizations where, for example, a non-profit organization has local, national, and international components. Additionally, commenters observe that limiting eligible beneficiaries to local non-profit organizations may ignore the preferences of NCE station audiences. Northwestern College states that it conducted a survey of its listener advisory panels in five of its markets to solicit feedback on how the panel members feel about providing financial aid to less fortunate individuals facing difficult circumstances both at home

and abroad. Over 65% of the 1,200 respondents indicated that they want to be informed about the needs of poor people regardless of where they live, over 44% indicated that they are willing to respond financially to help worthy causes both in the United States and internationally, and 26% indicated that awareness of problems in other countries makes them more likely to help those in their own communities. Accordingly, we will afford NCE stations the discretion to raise funds for both local and non-local non-profit organizations. While we are not limiting the beneficiaries of third-party fundraising to local non-profit groups, we note that many NCE stations already have relationships with non-profit groups in their local communities and we expect that NCE stations may be highly motivated to support local non-profits.

17. We also decline to limit eligible beneficiaries of an NCE station's third-party fundraising to non-profit organizations that are unaffiliated with the station. The *NPRM* asked for comment on whether to limit fundraising on behalf of third parties to unaffiliated third parties, given that third-party fundraising on behalf of affiliated entities may restrict an NCE station's ability to conduct fundraising for local non-profit organizations. As discussed above, we have determined that it will not significantly further localism to limit NCE stations to fundraising for local non-profit organizations. Thus, we think it is unnecessary to limit third-party fundraising to unaffiliated entities to ensure that NCE stations are able to fundraise for local non-profit groups.

C. Annual Limit on Third-Party Fundraising

18. We will allow NCE broadcasters to spend up to one percent of their total annual airtime conducting third-party fundraising. NRB asserts that a one-percent annual limit provides adequate flexibility to NCE stations, explaining that NCE licensees ''will be reluctant to frustrate their audiences with excessive or demanding appeals for third-party non-profits, particularly when their own stations rely on donations from their [audiences] in order to operate.'' We agree with NRB and other commenters that a one-percent annual limit will strike an appropriate balance between allowing NCE stations the flexibility to support the fundraising efforts of third-party non-profit organizations and ensuring that third-party fundraising does not undermine the noncommercial nature of the participating stations and divert them from their primary function of providing educational programming to their communities of license. A one-percent annual limit—which equates to approximately 88 hours annually or 1.7 hours weekly for stations on the air 24 hours a day—will afford NCE stations flexibility to conduct third-party fundraising, while also ensuring that NCE stations do not frustrate their audiences with excessive fundraising appeals or divert stations from primary mission of providing educational programming to their communities. We reject proposals that we adopt a ten-percent annual limit on third-party fundraising, or leave it entirely up to NCE stations to decide how much of their airtime to devote to third-party fundraising. We share NPR's concern that a ten-percent annual limit would represent a significant portion of a station's annual program schedule and could further erode the distinction between NCE stations and their commercial counterparts.

19. We recognize that an NCE station's total annual airtime may vary slightly from year to year and that it may be difficult for some stations to determine in advance precisely how many hours they will operate in a given year. Therefore, as suggested by NRB, we will allow NCE stations that engage in third-party fundraising to use the prior year's total airtime for purposes of determining how many hours constitute one percent of their total annual airtime. For example, an NCE station that wishes to devote one percent of its airtime in 2017 to third-party fundraising may use its total annual airtime for 2016 in calculating the one percent cap. Furthermore, with respect to NCE stations that multicast programming on two or more separate channels, we will apply the one-percent annual limit separately to each individual programming stream. Thus, an NCE station with three programming streams may spend up to one percent of the total annual airtime of each stream airing third-party fundraising programming on that stream. We will not, however, allow NCE stations with multiple programming streams to aggregate their total hours of programming from all of their streams and allocate their fundraising activity between and among streams or on a single program stream at their discretion, as proposed by one commenter. As discussed above, we believe that the one-percent annual limit is important to ensuring that third-party fundraising activities do not undermine the noncommercial character of NCE stations, and including more fundraising on a particular stream would undermine that goal.

20. We will retain our long-standing waiver process to permit NCE stations to conduct time-limited on-air fundraising for specific disasters and other singular catastrophic events, such as hurricanes and tornadoes, as suggested by commenters. Since such events occur only rarely, it will not burden Commission staff to retain the existing waiver process for such events for all NCE stations, both exempt and non-exempt. This will enable CPB-funded stations that are exempt from the new rule to conduct third-party fundraising for disaster relief efforts by seeking a waiver as they have done in the past. Non-exempt stations may use the same long-standing process if they wish to conduct third-party fundraising beyond their one-percent annual limit, but the standard will remain the same. This approach will ensure that if a disaster occurs after a non-exempt station reaches its one-percent annual limit, the station would still be able to seek a waiver to raise funds on-air to support these efforts.

21. We decline to adopt any general limits on the duration of a specific fundraising program or on a discrete fundraising effort. We think it is unlikely that NCE licensees will risk alienating their audiences by interrupting their regular programming for an extended duration to conduct third-party fundraising. Thus, we find it is unnecessary to adopt durational limits on such fundraising programs.

D. Audience Disclosures

22. We require NCE stations that interrupt regular programming to conduct third-party fundraising to air audience disclosures that clearly state that the fundraiser is not for the benefit of the station itself and identify the non-profit organization intended to benefit from the fundraising. Most commenters that address this issue support an audience disclosure requirement, acknowledging that it will decrease the likelihood of confusion on the part of station audiences as to whether the fundraising is intended to benefit the station or another entity and as to the identity of the entity for which the fundraising is being conducted. Commenters offer a range of suggestions as to the details and frequency of the audience disclosures. We adopt NRB's proposed approach and require that NCE stations make disclosures at the beginning and the end of the fundraising program and at least once during each hour of the program. We will not require NCE stations to use any particular language in the disclosure, but the disclosure must clearly state that the fundraiser is not for the benefit of

the station itself and specifically identify the non-profit organization for which the fundraising is being conducted. As NRB suggests, an NCE station may include more detailed information—such as a description of the non-profit entity and any special project or purpose for which the funds are being raised—on the station's Web site and invite the audience to access that information.

23. One commenter opposes the audience disclosure requirement, arguing that it ''would seem obvious that any appeal for funds . . . will reveal the identity of the party soliciting the donation.'' We disagree. Given that NCE stations frequently conduct fundraising to support their own operations and programming, we believe that audience confusion could arise, particularly where there is an affiliation between an NCE station and the non-profit organization for which the fundraising is being conducted. Accordingly, we conclude that an audience disclosure requirement is warranted to ensure that the beneficiary of the fundraising is clearly identified and avoid the potential for audience confusion. We further find that this audience disclosure requirement will not impose a significant burden on NCE stations as it simply requires a statement that the fundraising is not for the stations and identification of the organization that will receive the funds.

E. Reimbursement of Expenses

24. We allow NCE stations to accept reimbursement of expenses incurred in conducting third-party fundraising activities or airing third-party fundraising programs. Expenses for which reimbursement may be accepted include expenses incurred by an NCE station in producing third-party programming and the station's operating costs in connection with the broadcast of third-party fundraising programming. This is consistent with Section 399B(b)(1) of the Act, 47 U.S.C. 399B(b)(1), which allows ''public broadcast station[s] . . . to engage in the offering of services, facilities, or products in exchange for remuneration,'' except that such stations may not make their facilities available for the broadcast of any advertisements. We decline, however, to allow NCE stations to receive ''additional consideration'' in exchange for conducting or airing third-party fundraising programs. Allowing NCE stations to receive additional consideration for third-party fundraising activities could create the perception that NCE stations are engaging in commercial activity and airing programming akin to advertising, thus undermining their noncommercial, educational mission. It also could mislead fundraising contributors, who might assume that their donations are being used exclusively to advance the mission of the fundraiser. Finally, as acknowledged by NRB, our rules permit an NCE station to broadcast programming furnished by third parties only ''if no other consideration than the furnishing of the program and the costs incidental to its production and broadcast are received by the licensee.'' We decline NRB's request to create a distinction between ''*regular* 'programming' '' and ''*special* fundraising activities by NCE stations for a third-party non-profit group,'' with the latter not subject to the prohibition on receiving additional consideration. We find that the policy rationale for prohibiting additional consideration in the case of regular programming, *i.e.,* that such consideration could undermine the noncommercial, educational character of public broadcast stations, applies equally to third party fundraising activities and programs.

F. Public File Requirement and Other Matters

25. We do not require NCE stations that participate in third-party fundraising that interrupts regular programming to submit reports to the Commission detailing their fundraising activities, but will instead require such stations to include appropriate information on their fundraising activities in their public inspection files. Specifically, we require NCE stations that conduct third-party fundraising to place in their public files, on a quarterly basis, the following information for each third-party fundraising program or activity: The date, time, and duration of the fundraiser; the type of fundraising activity; the name of the non-profit organization benefitted by the fundraiser; a brief description of the specific cause or project, if any, supported by the fundraiser; and, to the extent that the NCE station participated in tallying or receiving any funds for the non-profit group, an approximation of the total funds raised. NCE stations that do not conduct any third-party fundraising in a given quarter will not be required to include any fundraising information in their public file for that quarter. A number of commenters raised concerns that a reporting requirement would impose unnecessary burdens on NCE licensees. NRB and other commenters support a public file requirement. We conclude that the more modest approach we adopt here will provide transparency regarding NCE stations' third-party fundraising activities to the stations' audiences, while minimizing any burdens on NCE stations. We also conclude that it is unnecessary to require NCE licensees to certify compliance with the annual limit and other restrictions on third-party fundraising in their license renewal applications.

26. Additionally, we do not require NCE stations to locally produce all third-party fundraising programs and conduct all third-party fundraising activities themselves, including collecting and distributing the funds to the non-profit entity. We agree with commenters who argue that requiring NCE stations to locally produce third-party fundraising programs may be unnecessarily burdensome and inefficient. Further, we are not convinced that requiring local production of third-party fundraising activities is necessary to promote localism. As EMF points out, fundraising is not inherently local, but instead can have a regional, national, or worldwide message and still serve the needs of local communities. We also note that NCE stations are permitted under the Commission's rules to air programming that is not locally produced. Indeed, the Commission has consistently found that non-locally produced programming can serve the needs of a community. Moreover, we are unpersuaded by NPR's argument that allowing outside entities to independently produce fundraising appeals and handle the collection of funds could ''fuel the perception that the station lacks editorial independence and that its airtime is being leased to the highest bidder.'' As noted above, NCE stations are already permitted to air non-locally produced programming, and NPR does not suggest that the broadcast of such programming has created a perception that NCE stations lack editorial independence. We do not believe that allowing NCE stations to use up to one percent of their total annual airtime for non-locally produced third-party fundraising will cause the public to lose confidence in the stations' editorial independence.

27. Finally, we will not require NCE stations that want to participate in third-party fundraising to affirmatively ''opt in'' by filing a letter or notification with the Commission. We conclude that there would be little benefit to non-profit organizations from opt-in notifications, as such organizations are more likely to seek out fundraising partners based on existing relationships with NCE stations than by perusing notifications filed with the Commission.

IV. Procedural Matters

A. Final Regulatory Flexibility Act Analysis

28. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the Notice of Proposed Rulemaking (*NPRM*) released in April 2012 in this proceeding. The Federal Communications Commission (Commission) sought written public comment on the proposals in the *NPRM,* including comment on the IRFA. The Commission received no comments on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

B. Need for, and Objectives of, the Report and Order

29. Pursuant to §§ 73.503(d) and 73.621(e) of the Commission's rules, a noncommercial educational (NCE) broadcast station may not conduct fundraising activities that substantially alter or suspend regular programming and are designed to benefit any entity other than the station itself. ''Regular programming'' includes programming that ''the public broadcaster ordinarily carries, but does not encompass those fundraising activities that suspend or alter their normal programming fare.'' The third-party fundraising restrictions reflect the concern that ''educational stations are licensed to provide a noncommercial broadcast service, not to serve as a fund-raising operation for other entities by broadcasting material that is 'akin to regular advertising.' '' The *NPRM* sought comment on whether and under what circumstances to NCE stations should be allowed to conduct on-air fundraising activities that interrupt regular programming for the benefit of charities and other third-party non-profit organizations.

30. The *Report and Order* revises the rules to allow NCE stations to conduct limited on-air fundraising activities that interrupt regular programming for the benefit of third-party non-profit organizations. The *Report and Order* finds that relaxing the longstanding third-party fundraising restrictions will serve the public interest by enabling NCE stations to partner with charities and other non-profit organizations to raise funds for worthy causes. Third-party fundraising programs will also help to raise public awareness about important topics, such as poverty, health care, and humanitarian issues. The *Report and Order* concludes that permitting NCE stations to conduct limited third-party fundraising will not undermine the noncommercial nature of NCE stations or their primary function of serving their communities of license through educational programming.

31. The rules adopted in the *Report and Order* are intended to provide NCE stations the flexibility to conduct limited third-party fundraising, while minimizing any impact on the noncommercial broadcasting service. Specifically, these rules:

- Authorize NCE stations to conduct third-party fundraising that interrupts regular programming;
- Include an exemption from the rule authorizing NCE stations to conduct third-party fundraising which provides that no NCE station that receives funding from the Corporation for Public Broadcasting (CPB) shall have the authority to conduct third-party fundraising;
- Limit the non-profit organizations that are eligible beneficiaries of third-party fundraising to entities that are recognized as tax exempt, non-profit organizations under Section 501(c)(3) of the Internal Revenue Code;
- Authorize NCE stations to spend up to one percent of their total annual airtime conducting third-party fundraising;
- Require NCE stations that conduct third-party fundraising to air audience disclosures, at the beginning and ending of the fundraising programming and at least once during each hour of the program, that clearly state that the fundraiser is not for the benefit of the station itself and specifically identify the non-profit organization that is the intended beneficiary of the fundraising;
- Authorize NCE stations to accept reimbursement of expenses incurred in conducting third-party fundraising activities or airing third-party fundraising programs, but prohibit NCE stations from receiving ''additional consideration'' in exchange for conducting or airing third-party fundraising programs; and
- Require NCE stations that conduct third-party fundraising to include certain information relating to their fundraising activities in their public files.

Summary of Significant Issues Raised in Response to the IRFA

32. No comments were filed in response to the IRFA. One commenter raised concerns that the reporting requirements proposed in the NPRM could impose unnecessary burdens on small NCE licensees.

Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

33. Pursuant to the Small Business Jobs Act of 2010, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

Description and Estimate of the Number of Small Entities To Which the Rules Will Apply

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

35. *Television Broadcasting.* This Economic Census category ''comprises establishments primarily engaged in broadcasting images together with sound.'' These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for such businesses: Those having $38.5 million or less in annual receipts. The 2012 Economic Census reports that 751 firms in this category operated in that year. Of that number, 656 had annual receipts of $25,000,000 or less, 25 had annual receipts between $25,000,000 and $49,999,999 and 70 had annual receipts of $50,000,000 or more. Based on this data, we therefore estimate that the majority of television

broadcasters are small entities under the applicable SBA size standard.

36. The Commission has estimated the number of licensed commercial television stations to be 1,384. Of this total, 1,264 stations (or about 91 percent) had revenues of $38.5 million or less, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on February 24, 2017, and therefore these licensees qualify as small entities under the SBA definition. In addition, the Commission has estimated the number of licensed NCE television stations to be 394. Notwithstanding, the Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities.

37. We note, however, that in assessing whether a business concern qualifies as ''small'' under the above definition, business (control) affiliations must be included. Our estimate, therefore likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, another element of the definition of ''small business'' requires that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television broadcast station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any television station from the definition of a small business on this basis and is therefore possibly over-inclusive.

38. *Radio Stations.* This Economic Census category ''comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources.'' The SBA has established a small business size standard for this category as firms having $38.5 million or less in annual receipts. Economic Census data for 2012 shows that 2,849 radio station firms operated during that year. Of that number, 2,806 operated with annual receipts of less than $25 million per year, 17 with annual receipts between $25 million and $49,999,999 million and 26 with annual receipts of $50 million or more. Therefore, based on the SBA's size standard the majority of such entities are small entities.

39. According to Commission staff review of the BIA Publications, Inc. Master Access Radio Analyzer Database as of June 2, 2016, about 11,386 (or about 99.9 percent) of 11,395 commercial radio stations had revenues of $38.5 million or less and thus qualify as small entities under the SBA definition. The Commission has estimated the number of licensed commercial radio stations to be 11,415. We note that the Commission has also estimated the number of licensed NCE radio stations to be 4,101. Nevertheless, the Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities. We also note that in assessing whether a business entity qualifies as small under the above definition, business control affiliations must be included. The Commission's estimate therefore likely overstates the number of small entities that might be affected by its action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies.

40. In addition, to be determined a ''small business,'' an entity may not be dominant in its field of operation. We further note, that it is difficult at times to assess these criteria in the context of media entities, and the estimate of small businesses to which these rules may apply does not exclude any radio station from the definition of a small business on these bases, thus our estimate of small businesses may therefore be over-inclusive.

41. *Small Entities, Small Organizations, Small Governmental Jurisdictions.* Our proposed actions, over time, may affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three comprehensive small entity size standards that could be directly affected herein. As of 2014, according to the SBA, there were 28.2 million small businesses in the U.S., which represented 99.7% of all businesses in the United States. Additionally, a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 2007, there were approximately 1,621,215 small organizations. Finally, the term ''small governmental jurisdiction'' is defined generally as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' Census Bureau data for 2012 indicate that there were 89,476 local governmental jurisdictions in the United States. We estimate that, of this total, as many as 88,761 entities may qualify as ''small governmental jurisdictions.'' Thus, we estimate that most governmental jurisdictions are small.

C. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

42. The *Report and Order* requires NCE stations that choose to conduct third-party fundraising to include certain information concerning their fundraising activities in the public files. Specifically, NCE stations that conduct third-party fundraising must place in their public files, on a quarterly basis, the following information for each third-party fundraising program or activity: the date, time, and duration of the fundraiser; the type of fundraising activity; the name of the non-profit organization benefitted by the fundraiser; a brief description of the specific cause or project, if any, supported by the fundraiser; and, to the extent that the NCE station participated in tallying or receiving any funds for the non-profit group, an approximation of the total funds raised.

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

43. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance, rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.''

44. The *NPRM* in this proceeding sought comment on whether to require NCE stations that conduct third-party fundraising to file annual reports on their fundraising activities and to require NCE stations to place these reports in their public files. In order to address the concerns that reporting would place unnecessary burdens on small NCE licensees and to minimize burdens on NCE stations, the *Report and Order* declines to adopt the reporting requirement and instead simply requires NCE stations that conduct third-party fundraising to place certain information concerning their fundraising activities in their public files on a quarterly basis and only if there was fund-raising activity for that

quarter. Additionally, the *Report and Order* adopts an exemption from the rule authorizing NCE stations to conduct third-party fundraising which provides that no NCE station that receives CPB funding shall have the authority to conduct third-party fundraising. This exemption is intended to ease the potential burdens that the revised rules may place on CPB-funded NCE stations, the majority of which are opposed to revision of the rules to allow third-party fundraising.

E. Report to Congress

45. The Commission will send a copy of the *Report and Order,* including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Report and Order,* including this FRFA, to the Chief Counsel for Advocacy of the SBA. The *Report and Order* and FRFA (or summaries thereof) will also be published in the **Federal Register**.

F. Paperwork Reduction Act of 1995 Analysis

46. This *Report and Order* contains either new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA). It will be submitted to the OMB for review under Section 3507(d) of the PRA. The OMB, the general public, and other federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding.

G. Additional Information

47. For additional information on this proceeding, contact Kathy Berthot, *Kathy.Berthot@fcc.gov,* of the Media Bureau, Policy Division, (202) 418–2120.

V. Ordering Clauses

48. Accordingly, *it is ordered*, pursuant to the authority contained in Sections 1, 4(i), 303(r), and 399B of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 303(r), and 399B, that this *Report and Order is adopted.* The requirements of this *Report and Order* shall become effective July 5, 2017, except for §§ 73.503(e)(1), 73.621(f)(1), and 73.2527(e)(14), which contain new or modified information collection requirements that require approval by the OMB under the Paperwork Reduction Act and will become effective after the Commission publishes a document in the **Federal Register** announcing such approval and the relevant effective date.

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

List of Subjects in 47 CFR Part 73

Radio, Reporting and recordkeeping requirements, Television.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

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, 334, 336, and 339.

■ 2. Section 73.503 is amended by revising the last sentence of paragraph (d), redesignating paragraph (e) as (f), adding new paragraph (e), and revising the Note to § 73.503 to read as follows:

§ 73.503 Licensing requirements and service.

* * * * *

(d) * * * *The scheduling of any announcements and acknowledgements may not interrupt regular programming,* except as permitted under paragraph (e) of this section.

(e) A noncommercial educational FM broadcast station may interrupt regular programming to conduct fundraising activities on behalf of a third-party non-profit organization, provided that all such fundraising activities conducted during any given year do not exceed one percent of the station's total annual airtime. A station may use the prior year's total airtime for purposes of determining how many hours constitute one percent of its total annual airtime. With respect to stations that multicast programming on two or more separate channels, the one-percent annual limit will apply separately to each individual programming stream. For purposes of this paragraph, a non-profit organization is an entity that qualifies as a non-profit organization under 26 U.S.C. 501(c)(3).

(1) *Audience disclosure.* A noncommercial educational FM broadcast station that interrupts regular programming to conduct fundraising activities on behalf of a third-party non-profit organization must air a disclosure during such activities clearly stating that the fundraiser is not for the benefit of the station itself and identifying the entity for which it is fundraising. The station must air the audience disclosure at the beginning and the end of each fundraising program and at least once during each hour in which the program is on the air.

(2) *Reimbursement.* A noncommercial educational FM broadcast station that interrupts regular programming to conduct fundraising activities on behalf of a third-party non-profit organization may accept reimbursement of expenses incurred in conducting third-party fundraising activities or airing third-party fundraising programs.

(3) *Exemption.* No noncommercial educational FM broadcast station that receives funding from the Corporation for Public Broadcasting shall have the authority to interrupt regular programming to conduct fundraising activities on behalf of a third-party non-profit organization.

* * * * *

Note to § 73.503: Commission interpretation on this rule, including the acceptable form of acknowledgements, may be found in the *Second Report and Order* in Docket No. 21136 (Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations), 86 FCC 2d 141 (1981); the *Memorandum Opinion and Order* in Docket No. 21136, 90 FCC 2d 895 (1982); the *Memorandum Opinion and Order* in Docket 21136, 97 FCC 2d 255 (1984); and the *Report and Order* in Docket No. 12–106 (Noncommercial Educational Station Fundraising for Third-Party Non-Profit Organizations), FCC 17–41, April 20, 2017. *See also Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations,* Public Notice, 7 FCC Rcd 827 (1992), which can be retrieved through the Internet at *http://www.fcc.gov/mmb/asd/nature.html.*

■ 3. Section 73.621 is amended by revising the last sentence of paragraph (e) introductory text and the Note to paragraph (e), redesignating paragraphs (f) through (i) as paragraphs (g) through (j), and adding new paragraph (f) to read as follows:

§ 73.621 Noncommercial educational TV stations.

* * * * *

(e) * * * *The scheduling of any announcements and acknowledgements may not interrupt regular programming,* except as permitted under paragraph (f) of this section.

Note to paragraph (e): Commission interpretation of this rule, including the acceptable form of acknowledgements, may be found in the *Second Report and Order* in Docket No. 21136 (Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations), 86 F.C.C. 2d

141 (1981); the *Memorandum Opinion and Order* in Docket No. 21136, 90 FCC 2d 895 (1982); the *Memorandum Opinion and Order* in Docket 21136, 49 FR 13534, April 5, 1984; and the *Report and Order* in Docket No. 12–106 (Noncommercial Educational Station Fundraising for Third-Party Non-Profit Organizations), FCC 17–41, April 20, 2017.

(f) A noncommercial educational television station may interrupt regular programming to conduct fundraising activities on behalf of a third-party non-profit organization, provided that all such fundraising activities conducted during any given year do not exceed one percent of the station's total annual airtime. A station may use the prior year's total airtime for purposes of determining how many hours constitute one percent of its total annual airtime. With respect to stations that multicast programming on two or more separate channels, the one-percent annual limit will apply separately to each individual programming stream. For purposes of this paragraph, a non-profit organization is an entity that qualifies as a non-profit organization under 26 U.S.C. 501(c)(3).

(1) *Audience disclosure.* A noncommercial educational television station that interrupts regular programming to conduct fundraising activities on behalf of a third-party non-profit organization must air a disclosure during such activities clearly stating that the fundraiser is not for the benefit of the station itself and identifying the entity for which it is fundraising. The station must air the audience disclosure at the beginning and the end of each fundraising program and at least once during each hour in which the program is on the air.

(2) *Reimbursement.* A noncommercial educational television station that interrupts regular programming to conduct fundraising activities on behalf of a third-party non-profit organization may accept reimbursement of expenses incurred in conducting third-party fundraising activities or airing third-party fundraising programs.

(3) *Exemption.* No noncommercial educational television station that receives funding from the Corporation for Public Broadcasting shall have the authority to interrupt regular programming to conduct fundraising activities on behalf of a third-party non-profit organization.

* * * * *

■ 4. Section 73.3527 is amended by adding paragraph (e)(14) to read as follows:

§ 73.3527 Local public inspection file of noncommercial educational stations.

* * * * *

(e) * * *

(14) *Information on Third-Party Fundraising.* For noncommercial educational broadcast stations that interrupt regular programming to conduct fundraising activities on behalf of a third-party non-profit organization pursuant to § 73.503(e) (FM stations) or § 73.621(f) (television stations), every three months, the following information for each third-party fundraising program or activity: The date, time, and duration of the fundraiser; the type of fundraising activity; the name of the non-profit organization benefitted by the fundraiser; a brief description of the specific cause or project, if any, supported by the fundraiser; and, to the extent that the station participated in tallying or receiving any funds for the non-profit group, an approximation of the total funds raised. The information for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (*e.g.,* January 10 for the quarter October–December, April 10 for the quarter January–March, etc.).

* * * * *

[FR Doc. 2017–09002 Filed 5–4–17; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 7

RIN 2105–AE62

Updates To Comply With the FOIA Improvement Act of 2016 and Other Technical Amendments

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule updates the Department of Transportation's regulations prescribing procedures for the public availability of information to conform these procedures with amendments to the Freedom of Information Act enacted by the FOIA Improvement Act of 2016. This rule also removes a reference to the Surface Transportation Board, as it has been made a separate agency, outside of the Department, under the Surface Transportation Board Reauthorization Act of 2015. Finally, this rule makes a technical amendment to the Department's submitter notice process to include a reference to the Federal Motor Carrier Safety Administration's updated procedures related to the submission of confidential business information.

DATES: This final rule is effective June 5, 2017.

FOR FURTHER INFORMATION CONTACT: Claire McKenna, Senior Attorney, Office of the General Counsel, U.S. Department of Transportation, Washington, DC, at *claire.mckenna@dot.gov* or (202) 366–0365.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document may be viewed online through the Federal eRulemaking portal at *https://www.regulations.gov.* Retrieval help and guidelines are available on the Web site. It is available 24 hours each day, 365 days a year. An electronic copy of this document may also be downloaded from the Office of the Federal Register home page at: *https://www.ofr.gov* and the Government Printing Office Web page at: *https://www.gpo.gov.*

I. Purpose of the Regulatory Action

The United States Department of Transportation (Department or DOT) is issuing this final rule to update the Department's regulations prescribing procedures for the public availability of information to conform these procedures with recent amendments to the Freedom of Information Act (FOIA) enacted in the FOIA Improvement Act of 2016, Public Law 114–185. This rule also makes technical amendments to 49 CFR part 7.

The rule revises the definition of ''reading room records'' in section 7.2 to remove the discussion of the locations of reading room records. The location of reading room records is already provided in section 7.12(b), therefore, this is not a substantive change. As required by the section 2 of the FOIA Improvement Act of 2016, this rule also revises the description of ''Frequently Requested Records'' in section 7.12(a)(4) to include records requested three or more times under FOIA. The FOIA Improvement Act of 2016 no longer requires that agencies maintain physical locations for the reading rooms. The rule revises the description of reading room locations in section 7.12(b) to indicate that DOT may continue to maintain physical reading rooms (although not required) and, if it does, those locations will be listed on the Department's FOIA Web site (*www.transportation.gov/foia*).

In section 7.23, the rule amends subparagraph (c)(5) to state that Exemption 5's deliberative process privilege applies only to records created 25 years or more before the date on which the records are requested, and the rule adds a new paragraph (d) to

prohibit DOT from withholding information under this section unless DOT reasonably foresees that disclosure will harm an interest protected by a FOIA exemption, or the disclosure is prohibited by law. Both of these changes are required by the FOIA Improvement Act of 2016.

Several additions have been made to section 7.31 in Subpart D, ''Time Limits,'' to align with changes required by the FOIA Improvement Act of 2016, including requirements that DOT notify FOIA requesters of the availability of assistance or dispute resolution services from DOT's FOIA Public Liaisons or the Office of Government Information Services. This rule also extends the amount of time requesters have to file an administrative appeal from 45 days to 90 days from the date of DOT's initial determination. Finally, the rule amends section 7.34 in subpart D, ''Fees'', to prohibit the Department from charging requesters for the time spent searching for responsive records if the agency misses a deadline. The Department may continue to charge for search time if there are unusual circumstances and the Department responds within thirty days of the date of the request (and has notified the requester of the unusual circumstances). The Department may also continue to charge for search time if: (1) There are unusual circumstances, (2) the requester has been so notified, (3) more than 5000 pages are necessary in the response, and (4) the agency communicates or makes at least three good faith attempts to address the scope with the requester in an attempt to narrow the request. If a court determines that exceptional circumstances exist, the agency's failure to comply with time limits shall be excused for the length of time provided by court order.

In addition to the changes to the Department's regulations required by the FOIA Improvement Act of 2016, this final rule makes several other technical amendments needed as the result of legislative or regulatory action since the Department's last update to its regulations at 49 CFR part 7, in 2014. First, the Department is updating any reference to the Department's web address to replace ''dot'' with ''transportation'' to reflect a change in the Department's web address. Next, this rule removes the reference to the Surface Transportation Board in Section 7.2, ''Definitions.'' The Surface Transportation Board was previously part of DOT, but was made a separate, independent agency, in December 2015, under the Surface Transportation Board Reauthorization Act of 2015 (Pub. L. 114–110). Finally, this rule amends Section 7.29 to include a reference to information submitted to the Federal Motor Carrier Safety Administration under 49 CFR 389.9. Section 7.29 sets forth the procedures the Department follows when it receives a request for information submitted to the Department that may contain confidential business information; however, these procedures do not apply when confidential business information is submitted to the Department through other regulatory procedures, such as 49 CFR 389.9, that include the opportunity for the submitter to identify the information as confidential and the Department to make a determination about the confidential nature of the information.

Final Rule

Under the Administrative Procedure Act (5 U.S.C. 553(b)), the normal notice and comment procedure does not apply if the agency finds that it would be impracticable, unnecessary, or contrary to the public interest. This rule amends 49 CFR part 7 to make minor technical amendments, and revisions directly and expressly mandated by the FOIA Improvement Act of 2016. Additional changes are merely technical amendments that conform the Department's regulations with recent changes made by regulation or legislation. These changes to part 7 do not involve the exercise of agency discretion. Therefore, the Department finds that notice and comment for this rule is unnecessary due to the technical nature of the revisions and the lack of agency discretion. 5 U.S.C. 553(b)(3)(B).

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

The Department has determined this action is not a significant regulatory action within the meaning of Executive Order 12866, and within the meaning of the Department of Transportation's regulatory policies and procedures. The Department anticipates that the economic impact of this rulemaking would be minimal.

Regulatory Flexibility Act

The Department has found under 5 U.S.C. 553(b)(3)(B) that notice and opportunity for comment are unnecessary for this rule; therefore, the provisions of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612) do not apply.

Assistance to Small Entities

Section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 is applicable to assist small entities in understanding this final rule so that they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the final rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult Joe Solomey, Senior Counsel for Enforcement Programs, (202) 366–2934.

Unfunded Mandates Reform Act of 1995

This final rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48, March 22, 1995) as it will not result in the expenditure by State, local, tribal governments, in the aggregate, or by the private sector, of $155 million or more in any one year (2 U.S.C. 1532).

Executive Order 13132 (Federalism Assessment)

Executive Order 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have a substantial, direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 dated August 4, 1999, and the Department determined this action will not have a substantial direct effect or sufficient federalism implications on the States. The Department also determined this action will not preempt any State law or regulation or affect the States' ability to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs do not apply to this program.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget for each collection of information they conduct, sponsor, or require through regulations. The

Department analyzed this final rule under the PRA and determined this rule does not contain collection of information requirements for the purposes of the PRA.

National Environmental Policy Act

Agencies are required to adopt implementing procedures for NEPA that establish specific criteria for, and identification of, three classes of actions: Those that normally require preparation of an Environmental Impact Statement; those that normally require preparation of an Environmental Assessment; and those that are categorically excluded from further NEPA review (40 CFR 1507.3(b)). The changes in this rule are part of agency procedures, and therefore establishing the changes does not require preparation of a NEPA analysis or document. Agency NEPA procedures are generally procedural guidance to assist agencies in the fulfillment of agency responsibilities under NEPA, but are not the agency's final determination of what level of NEPA analysis is required for a particular proposed action. The requirements for establishing agency NEPA procedures are set forth at 40 CFR 1505.1 and 1507.3.

This action was also analyzed under the Clean Air Act, as amended (CAA), section 176(c) (42 U.S.C. 7401 *et seq.*), and implementing regulations promulgated by the Environmental Protection Agency. Approval of this action is exempt from the CAA's general conformity requirement because it does not affect direct or indirect emissions of criteria pollutants.

Executive Order 12898 (Environmental Justice)

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and DOT Order 5610.2(a), 91 FR 27534 (May 10, 2012) (available online at *www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/order_56102a/index.cfm*), require the Department to achieve environmental justice (EJ) as part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects, of its programs, policies, and activities on minority populations and low-income populations in the United States. The DOT Order requires the Department to address compliance with the Executive Order and the DOT Order in all rulemaking activities. In addition, the Department has issued additional documents relating to administration of the Executive Order and the DOT Order.

At the time the Department applies the NEPA implementing procedures in 23 CFR part 771, the Department would have an independent obligation to conduct an evaluation of the proposed action under the applicable EJ orders and guidance to determine whether the proposed action has the potential for EJ effects. The Department has evaluated the environmental justice effects of this rule in accordance with the E.O. and has determined that no environmental justice issue is associated with this rule, nor is there any collective environmental impact that would result from its promulgation.

Executive Order 12630 (Taking of Private Property)

The Department has analyzed this final rule under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and found this final rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630.

Privacy

The E-Government Act of 2002, Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002), requires Federal agencies to conduct a privacy impact assessment for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology would collect, maintain, or disseminate information as a result of this rule.

Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 13045 (Protection of Children)

The Department analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, which requires agencies issuing ''economically significant'' rules, if the regulation also concerns an environmental health or safety risk that an agency has reason to believe may disproportionately affect children, to include an evaluation of the regulation's environmental health and safety effects on children. It was determined this final rule is not economically significant, thus no analysis of the impacts on children is required. There is also no anticipation that this action could present an environmental or safety risk that could disproportionately affect children.

Executive Order 13175 (Tribal Consultation)

The Department has analyzed this action under Executive Order 13175, dated November 6, 2000, and determined the action will not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibility between the Federal Government and Indian tribes.

National Technology Transfer and Advancement Act (Technical Standards)

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) are standards that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Executive Order 13211 (Energy Effects)

The Department has analyzed this action under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The Department determined this rule is not a significant energy action under that order because it is not a significant regulatory action under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this

document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 7

Freedom of information, Reporting and recordkeeping requirements.

In consideration of the foregoing, the DOT amends 49 CFR part 7 as follows:

PART 7—PUBLIC AVAILABILITY OF INFORMATION

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

Authority: 5 U.S.C. 552; 31 U.S.C. 9701; 49 U.S.C. 322; E.O. 12600; E.O. 13392

■ 2. Amend § 7.2 by revising the definitions of ''*Department or DOT*'' and ''*Reading room records*'' to read as follows:

§ 7.2 Definitions.

* * * * *

Department or DOT means the Department of Transportation, including the Office of the Secretary, the Office of Inspector General, and all DOT Operating Administrations, any of which may be referred to as a DOT component.

* * * * *

Reading room records are those records required to be made available to the public without a specific request under 5 U.S.C. 552(a)(2), as described in § 7.12.

* * * * *

■ 3. Amend § 7.12 by revising paragraphs (a)(4) and (b) to read as follows:

§ 7.12 What records are available in reading rooms, and how are they accessed?

(a) * * *

(4) Copies of all records, regardless of form or format, that have been released to any person under subpart C of this part and that:

(i) Because of the nature of their subject matter, DOT determines have become or are likely to become the subject of subsequent requests for substantially the same records; or

(ii) Have been requested three or more times.

* * * * *

(b) *Reading room locations.* DOT makes its reading room records and indices (in the form of lists or links) available at *https://www.transportation.gov/foia.* To the extent that DOT continues to make reading rooms available at a physical location, those locations are listed on the DOT FOIA Web site at *https://www.transportation.gov/foia.*

■ 4. Amend § 7.23 as follows:

■ a. Revise paragraph (c)(5);

■ b. Redesignate paragraph (d) as (e);

■ c. Add new paragraph (d); and

■ d. Add paragraph (f).

The revision and additions read as follows:

§ 7.23 What limitations apply to disclosure?

* * * * *

(c) * * *

(5) Inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency, provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested;

* * * * *

(d) *Application of exemptions.* DOT shall withhold information pursuant to a statutory exemption only if:

(1) DOT reasonably foresees that disclosure would harm an interest protected by an exemption under paragraph (c) of this section; or

(2) Disclosure is prohibited by law or otherwise exempted from disclosure under paragraph (c)(3) of this section.

* * * * *

(f) *Non-confidentiality of requests.* DOT releases the names of FOIA requesters and descriptions of the records they have sought, as shown on DOT FOIA logs, except to the extent that an exemption authorizes or requires withholding of the log information.

■ 5. Amend § 7.27 to revise paragraphs (a) introductory text and (c) to read as follows:

§ 7.27 What are the designated DOT FOIA Requester Service Centers?

(a) A request for a record under this subpart may be submitted via paper, facsimile, or electronic mail to the FOIA Requester Service Center designated for the DOT component where the records are located, at the electronic mail addresses or facsimile numbers identified at *https://www.transportation.gov/foia* or the mailing addresses indicated below (unless a more up-to-date mailing address has been designated at *https://www.transportation.gov/foia*):

* * * * *

(c) Requests for records under this part, and FOIA inquiries generally, may be made by accessing the DOT Home Page on the Internet (*https://www.transportation.gov*) and clicking on the Freedom of Information Act link (*https://www.transportation.gov/foia*).

■ 6. Add paragraph (d)(3) to § 7.29 to read as follows:

§ 7.29 When and how does DOT consult with submitters of commercial information?

* * * * *

(d) * * *

(3) Information submitted to the Federal Motor Carrier Safety Administration and addressed in 49 CFR 389.9.

* * * * *

■ 7. Revise paragraph § 7.31(a)(3) to read as follows:

§ 7.31 What time limits apply to DOT with respect to initial determinations?

(a) * * *

(3) DOT notifies the requester of DOT's initial determination. If DOT decides to grant the request in full or in part, DOT makes the record (or the granted part) available as promptly as possible and provides the requester with written notification of DOT's determination, the reasons for the determination, and the right of the requester to seek assistance from the FOIA Public Liaison. If DOT denies the request in full or in part, because the record (or the denied part) is subject to an exemption, is not within DOT's custody and control, or was not located following a reasonable search, DOT notifies the requester of the denial in writing and includes in the notice the reason for the determination, the right of the requester to appeal the determination, the name and title of each individual responsible for the initial determination to deny the request, and the requester's right to seek dispute resolution services from the FOIA Public Liaison or the Office of Government Information Services. The denial letter includes an estimate of the volume of records or information withheld, in number of pages or other reasonable form of estimation. This estimate does not need to be provided if the volume is otherwise indicated through deletions on records disclosed in part, or if providing an estimate would harm an interest protected by an applicable exemption. DOT marks or annotates records disclosed in part to show both the amount and location of the information deleted whenever practicable (see § 7.23(d)).

* * * * *

■ 8. Amend § 7.32 by revising paragraphs (a), (b), and (c) and (d)(1) to read as follows:

§ 7.32 What time limits apply to a requester when appealing DOT's initial or final determination?

(a) *Denial of records request.* When the responsible DOT official determines that a record request will be denied, in whole or in part, because the record is subject to an exemption, is not in DOT's

custody and control, or was not located following a reasonable search, DOT provides the requester with the written statement described in § 7.31(a)(3).

(b) *Denial of fee waiver.* When the responsible DOT official denies, in whole or in part, a request for a waiver of fees made pursuant to § 7.24(b) or § 7.43(c), DOT provides the requester with written notification of that determination, the reasons for the determination, the right of the requester to appeal the determination within DOT, and the requester's right to seek assistance in resolution of disputes from the FOIA Public Liaison or Office of Government Information Services.

(c) *Denial of expedited processing.* When the responsible DOT official denies a request for expedited processing made pursuant to § 7.31(c), DOT provides the requester with written notice of that determination, the reasons for the determination, the right to appeal the determination within DOT, and the requester's right to seek dispute resolution services from the FOIA Public Liaison or Office of Government Information Services.

(d) * * *

(1) Each appeal must be made in writing to the appropriate DOT appeal official and postmarked or, in the case of electronic or facsimile transmissions transmitted, within ninety calendar days from the date the initial determination is signed and should include the DOT file or reference number assigned to the request and all information and arguments relied upon by the person making the request. The contact information for all DOT component appeal officials is identified in the DOT FOIA Reference Guide available at *https://www.transportation.gov/foia.* The envelope in which a mailed appeal is sent or the subject line of an appeal sent electronically or by facsimile should be prominently marked: ''FOIA Appeal.'' The twenty Federal working day limit described in § 7.33(a) will not begin to run until the appeal has been received by the appropriate office and identified as an appeal under FOIA, or would have been so identified with the exercise of due diligence, by a DOT employee.

* * * * *

■ 9. Amend § 7.34 by revising paragraph (b) to read as follows:

§ 7.34 When and how are time limits applicable to DOT extended?

* * * * *

(b) When the extension is for more than ten Federal working days, the written notice provides the requester with an opportunity to either modify the request (*e.g.,* by narrowing the record types or date ranges) so that it may be processed within the extended time limit, or arrange an alternative time period with the DOT component for processing the request (*e.g.,* by prioritizing portions of the request). The written notice also will notify the requester of the right to seek dispute resolution services from the Office of Government Information Services.

* * * * *

■ 10. Amend § 7.43 by revising paragraph (f) to read as follows:

§ 7.43 When are fees waived or reduced for records requested under subpart C of this part?

* * * * *

(f) Except as provided in paragraphs (f)(1) through (3) of this section, DOT does not assess search fees otherwise chargeable under § 7.42(h) and (j) or duplication fees otherwise chargeable under § 7.42(i) when DOT fails to comply with the time limits under § 7.31 or § 7.33.

(1) If DOT has determined that unusual circumstances apply (as defined in § 7.34(a)), 5,000 pages or less are necessary to respond to the request, and DOT has provided a timely written notice to the requester in accordance with § 7.34(a), a failure to comply with the time limits under § 7.31 or § 7.33 is excused for an additional 10 days. If DOT does not comply with the extended time limit, DOT does not assess search fees otherwise chargeable under § 7.42(h) and (j) or duplication fees otherwise chargeable under § 7.24(i);

(2) If DOT has determined that unusual circumstances apply (as defined under § 7.34(a)) and more than 5,000 pages are necessary to respond to the request, DOT may charge search fees under § 7.42(h) and (j) or duplication fees under § 7.42(j) if DOT has provided timely written notice to the requester in accordance with § 7.34(a) and (b), and DOT has discussed with the requester via written mail, electronic mail, or telephone (or made not less than three good faith attempts to do so) how the requester could effectively limit the scope of the request.

(3) If a court determines that exceptional circumstances exist (as that term is defined in 5 U.S.C. 552(a)(6)(C)), failure to comply with time limits under § 7.31 or § 7.33 shall be excused for the length of time provided by the court order.

Issued on: April 25, 2017.

Judith S. Kaleta,

Deputy General Counsel.

[FR Doc. 2017–08925 Filed 5–4–17; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140818679–5356–02]

RIN 0648–XF369

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; 2017 Recreational Fishing Seasons for Red Snapper in the Gulf of Mexico

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

ACTION: Temporary rule; closures.

SUMMARY: NMFS announces the 2017 recreational fishing seasons for the private angling and Federal charter vessel/headboat (for-hire) components for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) through this temporary rule. The Federal recreational season for red snapper in the Gulf EEZ begins at 12:01 a.m., local time, on June 1, 2017. For recreational harvest by the private angling component, the season closes at 12:01 a.m., local time, on June 4, 2017. For recreational harvest by the Federal for-hire component, the season closes at 12:01 a.m., local time, on July 20, 2017. These closures are necessary to prevent the private angling and Federal for-hire components from exceeding their respective quotas (annual catch limits (ACLs)) for the 2017 fishing year and to prevent overfishing of the Gulf red snapper resource.

DATES: The closure is effective at 12:01 a.m., local time, June 4, 2017, until 12:01 a.m., local time, January 1, 2018, for the private angling component. The closure is effective at 12:01 a.m., local time, July 20, 2017, until 12:01 a.m., local time, January 1, 2018, for the Federal for-hire component. The 2018 Federal recreational fishing seasons for the respective components will begin on June 1, 2018.

FOR FURTHER INFORMATION CONTACT: Kelli O'Donnell, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *kelli.odonnell@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Gulf reef fish fishery, which includes red snapper, is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens

Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The final rule implementing Amendment 40 to the FMP established two components within the recreational sector fishing for Gulf red snapper: The private angling component and the Federal for-hire component (80 FR 22422, April 22, 2015). Amendment 40 also allocated the red snapper recreational ACL (recreational quota) between the components and established separate seasonal closures for the two components. The recreational seasonal closures are projected from the component ACTs (set 20 percent less than the component quotas) to reduce the likelihood of harvests' exceeding the component quotas and the total recreational ACL.

The final rule for Amendment 28 to the FMP revised the allocation between the commercial and recreational sectors for red snapper to be 48.5 percent and 51.5 percent, respectively, and consequently revised quotas and ACTs for the private angling and for-hire components of the recreational sector (81 FR 25576, April 28, 2016). However, a decision in *Guindon* v. *Pritzker,* 2017 WL 875775 (D.D.C. March 3, 2017), vacated Amendment 28 and its implementing final rule. As a result, NMFS has projected the length of the recreational seasons based on the allocations, quotas, and ACTs in effect before promulgation of the Amendment 28 final rule. Those allocations are 51 percent for the commercial sector and 49 percent for the recreational sector, which results in a 2017 total recreational quota of 6,733,000 lb (3,054,037 kg), round weight; a 2017 private angling quota and ACT of 3,885,000 lb (1,762,000 kg), round weight, and 3,108,000 lb (1,410,000 kg), round weight, respectively; and a 2017 Federal for-hire component quota and ACT of 2,848,000 lb (1,292,000 kg), round weight, and 2,278,000 lb (1,033,000 kg), round weight, respectively.

In addition, for the 2017 fishing year, the total recreational quota and the private angling quota and ACT must be reduced due to an overage in the 2016 fishing year. The 2016 private angling component quota was exceeded, which also resulted in an overage of the 2016 total recreational quota by 129,906 lb (58,924 kg), round weight; the for-hire component quota was not exceeded. Therefore, as specified at 50 CFR 622.41(q)(2)(ii), NMFS must reduce the total recreational quota and the private angling component quota for the 2017 fishing year by the amount of the quota overage. For that reason, the 2017 total recreational quota is set at 6,603,094 lb (2,995,113 kg), round weight, the private angling component quota is set at 3,755,094 lb (1,703,282 kg), round weight, and the private angling component ACT is set at 3,004,075 lb (1,362,625 kg), round weight. The for-hire component quota in 2017 will remain at 2,848,000 lb (1,292,000 kg), round weight, and the component ACT will remain at 2,278,000 lb (1,033,000 kg), round weight.

The 2017 red snapper recreational fishing seasons have been determined based on projection of when landings would reach the component ACTs (as adjusted), using catch rates and mean weights, and taking into account the red snapper harvest expected to occur during the recreational seasons set by the five Gulf states. The 2017 Federal season for the private angling component will be 3 days and the 2017 Federal season for the for-hire component will be 49 days.

Therefore, the 2017 Federal recreational season for the private angling component will begin at 12:01 a.m., local time, June 1, 2017, and close at 12:01 a.m., local time, June 4, 2017. The Federal season for the Federal for-hire component will begin at 12:01 a.m., local time, June 1, 2017, and close at 12:01 a.m., local time, July 20, 2017. The 2018 Federal recreational fishing seasons for the respective components will begin on June 1, 2018.

On and after the effective date of a recreational component closure, the bag and possession limits for red snapper in the respective component are zero. When the Federal charter vessel/headboat component or entire recreational sector is closed, these bag and possession limits apply in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

Classification

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

This action is taken under 50 CFR 622.41(q)(2)(i) and (ii) 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 NOAA Fisheries (AA), finds that the need to immediately implement this action to close the private angling and Federal for-hire components for the red snapper recreational sector constitute good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the recreational red snapper ACLs and ACTs, and the rule implementing the requirement to close the recreational components when the ACTs are projected to be reached have already been subject to notice and comment, and all that remains is to notify the public of the closures. Providing prior notice and opportunity for public comment are contrary to the public interest because of the need to immediately implement this action to protect Gulf red snapper by timely closing the federal recreational seasons. In addition, prior notice and opportunity for public comment would require time and many of those affected by the length of the recreational fishing seasons, particularly charter vessel and headboat operations that book trips for clients in advance, need as much advance notice as NMFS is able to provide to adjust their business plans to account for the recreational fishing seasons.

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

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

Dated: May 2, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–09096 Filed 5–2–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 86
Friday, May 5, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0418; Directorate Identifier 2016–CE–041–AD]

RIN 2120–AA64

Airworthiness Directives; Aviat Aircraft Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Aviat Aircraft Inc. Models A–1C–180 and A–1C–200 airplanes equipped with Rapco part number RA1798–00–1 fuel vent check valves. This proposed AD was prompted by a report that the fuel tank vent check valves are sticking in the closed position causing fuel starvation to the engine. This proposed AD would require checking the fuel vent check valves for proper operation and replacing any inoperative fuel vent check valve with an airworthy part. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by June 19, 2017.

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

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

For service information identified in this NPRM, contact Aviat Aircraft Inc., P.O. Box 1240, Afton, WY 83110; phone (307) 885–3151; fax: (307) 885–9674; email: *aviat@aviataircraft.com;* Internet: *http://aviataircraft.com.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0418; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Richard R. Thomas, Aerospace Engineer, FAA, Denver Aircraft Certification Office, 26805 East 68th Avenue, Room 214, Denver, Colorado 80249; phone: (303) 342–1085; fax: (303) 342–1088; email: *richard.r.thomas@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0418; Directorate Identifier 2016–CE–041–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We received a report that an owner of an Aviat Aircraft Inc. Model A–1C–180 airplane was forced to make a dead stick landing after the engine shutdown on takeoff. Following the incident, the fuel tank caps were removed and the mechanic heard air rushing into the fuel tanks. Further investigation revealed that the forced landing was a result of fuel exhaustion caused by the fuel tank vent valves sticking in the closed position in both wings. Manual force was required to push the check balls off of their seats. When both vent valves stick, a vacuum of sufficient strength forms on the backside of the fuel and fuel no longer is gravity fed to the engine. Failure of a single vent valve is latent as there is a cross-feed vent between the left and right tanks that allows the properly operating valve to vent both tanks.

The incident airplane was equipped with Rapco part number (P/N) RA1798–00–1 fuel vent check valves. The design of the Rapco P/N RA1798–00–1 is such that the check valve ball seat is nearly the same diameter as the ball and the ball can readily wedge itself in the seat and block the fuel tank vent.

This condition, if not corrected, could cause fuel starvation to the engine and result in the engine shutting down.

Related Service Information Under 1 CFR Part 51

We reviewed Aviat Aircraft Inc. Mandatory Service Bulletin No. 33, dated November 11, 2016. The service bulletin describes procedures for checking the fuel vent check valve on each wing of the airplane for proper operation and replacing any inoperative fuel vent check valve. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in

the service information described previously.

The design approval holder is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, we might consider additional rulemaking.

Costs of Compliance

We estimate that this proposed AD affects 98 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Pre-flight check of the fuel vent check valve for proper operation.	.5 work-hour × $85 per hour = $42.50 per pre-flight check.	N/A	$42.50	$4,165

We conservatively estimated the cost to do a single pre-flight check. We recognize the pilot is allowed to perform this check without the assistance of a mechanic, which would significantly reduce the estimated cost. We further recognize that an individual airplane would require this check every pre-flight from the issuance of this proposed AD until the end of its useful life unless both valves are replaced with Duke valves per paragraph (i). We have no way of determining the total cost of repeating this check every pre-flight either for a single product or for all U.S. operators.

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed pre-flight check. We have no way of determining the number of airplanes that may need these replacements.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Remove and replace inoperative fuel vent check valve.	2 work-hours (1 work-hour to remove and 1 work-hour to replace) × $85 per hour = $170 per fuel vent check valve. (There are 2 fuel vent check valves per airplane = $340 to remove and replace both).	$200 per fuel vent check valve. ($400 for both).	$370 per fuel vent check valve. ($740 to remove and replace both).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Aviat Aircraft Inc.: Docket No. FAA–2017–0418; Directorate Identifier 2016–CE–041–AD.

(a) Comments Due Date

We must receive comments by June 19, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Aviat Aircraft Inc. Models A–1C–180 and A–1C–200 airplanes, serial numbers 3181 through 3282, that are:

(1) Equipped with Rapco part number (P/N) RA1798–00–1 fuel vent check valves; and

(2) certificated in any category.

Note to paragraph (c) of this AD: Airplanes equipped with Duke P/N 1798–001 fuel vent check valves are not affected by this AD.

(d) Subject

Joint Aircraft System Component (JASC) Code 2820, Fuel Distribution.

(e) Unsafe Condition

This AD was prompted by a report that Rapco P/N RA1798–00–1 fuel vent check valves are sticking in the closed position. We are issuing this AD to detect and correct failure of the fuel tank vent check valve, which could result in fuel starvation to the engine and cause the engine to shut down.

(f) Compliance

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

(g) Verify Proper Operation of the Fuel Vent Check Valve on Each Wing

Before further flight after the effective date of this AD, insert Steps 1 through 3 of Aviat Aircraft Inc. (Aviat) Mandatory Service Bulletin (MSB) No. 33, dated November 11, 2016, into the Limitations Section of the airplane flight manual (AFM). This insertion and the steps therein may be performed by the owner/operator (pilot) holding at least a private pilot certificate. The insertion of Steps 1 through 3 in the AFM must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9 (a)(1)–(4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439. This AFM requirement mandates preflight checks of the fuel vent check valve on each wing for proper operation on the applicable airplanes identified in paragraph (c) of this AD.

(h) Remove Inoperative Fuel Vent Check Valve

During any check required in paragraph (g) of this AD, if one or both of the fuel vent check valves are not operating properly, before further flight, remove the inoperative valve following Steps 4 through 6 of Aviat MSB No. 33, dated November 11, 2016.

(i) Replace Inoperative Fuel Vent Check Valve

Before further flight after removing the inoperative fuel vent check valve required in paragraph (h) of this AD, replace it with an airworthy fuel vent check valve following Steps 8 and 9 of Aviat MSB No. 33, dated November 11, 2016. If both fuel vent check valves, Rapco P/N RA1798–00–1, are replaced with airworthy Duke P/N 1798–001 fuel vent check valves, the repetitive pre-flight checks required in paragraph (g) of this AD are terminated.

(j) Special Flight Permit

Special flight permits are not necessary for the preflight checks. A special flight permit is allowed for this AD per 14 CFR 39.23 with limitations. Special flight permits are permitted for the airplane to be flown VFR only to a location where the inoperative fuel vent check valve can be removed and replaced. No special flight permits are allowed if both valves are found to be inoperative.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Denver Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (l)(1) of this AD.

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

(l) Related Information

(1) For more information about this AD, contact Richard R. Thomas, Aerospace Engineer, FAA, Denver ACO, 26805 East 68th Avenue, Room 214, Denver, Colorado 80249; phone: (303) 342–1085; fax: (303) 342–1088; email: *richard.r.thomas@faa.gov.*

(2) For service information identified in this AD, contact Aviat Aircraft Inc., P.O. Box 1240, Afton, WY 83110; phone (307) 885–3151; fax: (307) 885–9674; email: *aviat@aviataircraft.com;* Internet: *http://aviataircraft.com.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on April 27, 2017.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–09041 Filed 5–4–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0241; Directorate Identifier 2017–NE–09–AD]

RIN 2120–AA64

Airworthiness Directives; Technify Motors GmbH Reciprocating Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Technify Motors GmbH TAE 125–02 reciprocating engines. This proposed AD was prompted by a loss of engine power in flight caused by oil leaking from the gearbox radial shaft sealing ring that contaminated the clutch. This proposed AD would require replacement of the clutch with a dual mass flywheel. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this NPRM by June 19, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

For service information identified in this proposed AD, contact Technify Motors GmbH, Platanenstrasse 14, D–09356 Sankt Egidien, Germany; phone: +49 37204 696 0; fax: +49 37204 696 29125; email: *info@centurion-engines.com.* You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0241.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0241; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *robert.green@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0241; Directorate Identifier 2017–NE–09–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this

proposed AD because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2017–0034, dated February 20, 2017 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products.

The MCAI states:

A temporary power loss occurred during flight on a TAE 125–02-powered aeroplane. Following investigation, it was determined that an improper lapping of the gearbox driveshaft led to insufficient sealing of the gearbox radial shaft sealing ring, eventually resulting in oil leakage and oil contamination of the clutch.

This condition, if not detected and corrected, could lead to permanent engine power loss, possibly resulting in reduced control of the aeroplane.

You may obtain further information by examining the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0241.

Related Service Information Under 1 CFR Part 51

Technify Motors GmbH has issued Service Bulletin (SB) No. SB TMG 125–1020 P1, Initial Issue, dated January 27, 2016. The SB describes procedures for replacing the clutch with a dual mass flywheel. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of Germany, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This proposed AD would require replacing the clutch with a dual mass flywheel.

Costs of Compliance

We estimate that this proposed AD affects 4 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace clutch and gearbox	0 work-hours × $85 per hour = $0	$5,805	$5,805	$24,580

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Technify Motors GmbH: Docket No. FAA–2017–0241; Directorate Identifier 2017–NE–09–AD.

(a) Comments Due Date

We must receive comments by June 19, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Technify Motors GmbH TAE 125–02–99 (commercial designation CD–135, formerly Centurion 2.0) and TAE 125–02–114 (commercial designation CD–155, formerly Centurion 2.0S) reciprocating engines with a gearbox serial number (S/N) listed in Figure 1 to paragraph (c) of this AD.

FIGURE 1 TO PARAGRAPH (c) OF THIS AD—GEARBOX S/NS

00095	00107	00139	00160	00171	00172	00179	00189	00224
00327	00396	00432	00459	00481	00564	00688	00697	00884
00923	00957	01019	01048	01081	01082	01106	01125	01236
01237	01241	01245	01288	01311	01314	01351	01357	01361
01388	01418	01427	01487	01529	01534	01561	01598	01634
01655	01704	01711	01755	01762	01786	01844	01881	01883
01884	01887	01891	01893	01904	01928	01933	01935	01951
01977	01978	01986	02026	02040	02041	02127	02141	02167
02189	02228	02289	02298	02304	02314	02316	02354	02432

(d) Subject

Joint Aircraft System Component (JASC) Code 8510, Reciprocating Engine Front Section.

(e) Reason

This AD was prompted by a loss of engine power in flight caused by oil leaking from the gearbox radial shaft sealing ring that contaminated the clutch. We are proposing this AD to prevent failure of the clutch, loss of engine power in flight, and reduced control of the airplane.

(f) Compliance

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

(2) Within 55 flight hours after the effective date of this AD:

(i) Replace the clutch with a dual mass flywheel. Use Technify Motors Service Bulletin (SB) No. SB TMG 125–1020 P1, Initial Issue, dated January 27, 2016, to do the replacement.

(ii) Install a start phase monitoring system and software mapping in accordance with the requirements of FAA AD 2015–21–01 (80 FR 64314, October 23, 2015); and

(iii) Inspect the rear radial shaft sealing ring on the gearbox for oil leakage in accordance with Figures 2 and 3 of Technify Motors SB No. SB TMG 125–1020 P1, Initial Issue, dated January 27, 2016. If an oil leak is detected, replace the gearbox with a part eligible for installation before the next flight.

(g) Installation Prohibition

After the effective date of this AD:

(1) Do not install an engine that is equipped with a clutch and has an affected gearbox listed in Figure 1 to paragraph (c) of this AD;

(2) Do not install an affected gearbox on an engine unless it has passed the inspection required by paragraph (f)(2)(iii) of this AD; and

(3) Do not install a clutch on an engine previously modified in accordance with the requirements of paragraph (f)(2) of this AD or already incorporating a dual mass flywheel.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: *ANE-AD-AMOC@faa.gov*.

(i) Related Information

(1) For more information about this AD, contact Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *robert.green@faa.gov*.

(2) Refer to MCAI European Aviation Safety Agency AD 2017–0034, dated February 20, 2017, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2017–0241.

(3) Technify Motors GmbH Service Bulletin SB No. SB TMG 125–1020 P1, Initial Issue, dated January 27, 2016, can be obtained from Technify Motors GmbH using the contact information in paragraph (i)(4) of this AD.

(4) For service information identified in this proposed AD, contact Technify Motors GmbH, Platanenstrasse 14, D–09356 Sankt Egidien, Germany; phone: +49 37204 696 0; fax: +49 37204 696 29125; email: *info@centurion-engines.com*.

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

Issued in Burlington, Massachusetts, on April 28, 2017.

Robert J. Ganley,

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

[FR Doc. 2017–09040 Filed 5–4–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–3697; Directorate Identifier 2015–NM–143–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposed airworthiness directive (AD) that proposed to supersede AD 2011–01–15, which applies to certain The Boeing Company Model 757–200, –200CB, and –300 series airplanes. AD 2011–01–15 requires repetitive inspections for cracking of the fuselage skin of the crown skin panel along the chem-milled step at certain stringers, and repair, if necessary. This action revises the notice of proposed rulemaking (NPRM) by reducing the compliance time for certain inspections. We are proposing this AD to address the unsafe condition on these products. Since these actions impose an additional burden over that proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

DATES: We must receive comments on this SNPRM by June 19, 2017.

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

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this SNPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–3697.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–3697; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Eric Schrieber, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5348; fax: 562–627–5210; email: *eric.schrieber@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2016–3697; Directorate Identifier 2015–NM–143–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We issued an NPRM to amend 14 CFR part 39 to supersede AD 2011–01–15, Amendment 39–16572 (76 FR 1351, January 10, 2011) (''AD 2011–01–15''). AD 2011–01–15 applies to certain The Boeing Company Model 757–200, –200CB, and –300 series airplanes. AD 2011–01–15 requires repetitive inspections for cracking of the fuselage skin of the crown skin panel along the chem-milled step at stringers S–4L and S–4R, from station (STA) 297 through STA 439, and repair if necessary. AD 2011–01–15 also includes terminating action for the repetitive inspections of the repaired areas only. AD 2011–01–15 resulted from reports of cracking in the fuselage skin of the crown skin panel. The NPRM published in the **Federal Register** on February 18, 2016 (81 FR 8157) (''The NPRM''). The NPRM was prompted by reports of the initiation of new fatigue cracking in the fuselage skin of the crown skin panel along locally thinned channels adjacent to the chem-milled steps. The NPRM proposed to add repetitive inspections for cracking in additional areas and repair if necessary. The NPRM also proposed to remove airplanes from the applicability in AD 2011–01–15. The NPRM also proposed to add an optional skin panel replacement which would terminate all inspections and an optional preventative modification that would terminate certain inspections.

Actions Since the NPRM Was Issued

Since we issued the NPRM, we have received a report that cracking was found earlier than the compliance time specified for the Zone 1 inspections identified in Boeing Special Attention Service Bulletin 757–53–0097, Revision 2, dated July 28, 2015 (referenced in the NPRM as the appropriate source of service information for accomplishing the specified actions). Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016, has been issued to reduce the compliance time for the Zone 1 inspections.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016. The service information describes procedures for repetitive external sliding probe eddy current (EC) and external spot-probe-medium-frequency EC inspections for cracking of the crown skin panel, repair, a preventive modification, and replacement of the crown skin panel. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Comments

We gave the public the opportunity to comment on the NPRM. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM

FedEx provided comments that support the intent of the NPRM. FedEx also stated that the inspection area is within the affected area of its passenger-to-freighter modification per supplemental type certificate (STC) ST03562AT. FedEx noted that ST Aerospace will apply for an alternative method of compliance (AMOC).

Request To Reduce the Compliance Threshold for Zone 1 Inspections

Boeing asked that we change paragraph (g)(1) of the proposed AD to reduce the compliance threshold for the Zone 1 inspections from 18,000 to 15,000 total flight cycles. Boeing stated that a grace period could be provided for airplanes that have exceeded 15,000 total flight cycles. Boeing noted that an operator reported a crack finding in Zone 1 that occurred on an airplane with 15,722 total flight cycles. Boeing added that previous data supported the threshold of 18,000 flight cycles, but this new finding supports the 15,000 total flight cycle threshold. Boeing stated that since FAA letter 120S14–181, dated March 26, 2014 (which extends the compliance times specified in AD 2011–01–15), and Boeing Special Attention Service Bulletin 757–53–0097, Revision 2, dated July 28, 2015 (which specifies the 18,000 flight-cycle compliance time), were released, some operators may have suspended or delayed inspections beyond 15,000 total flight cycles and up to 18,000 total flight cycles. Boeing added that a short grace period of 200 flight cycles or 90 days (which is similar to the grace period in AD 2011–01–15) should be applied for

the initial inspection for airplanes on which the 15,000 total flight cycle threshold has been exceeded.

We agree with the commenter's request to reduce the compliance threshold for the Zone 1 inspections from 18,000 to 15,000 total flight cycles, for the reasons provided. Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016, has been issued to reduce the compliance time for the Zone 1 inspections. We have changed the compliance time specified in paragraph (g)(1) of this proposed AD and added a new paragraph (h) to this proposed AD to specify the reduced compliance times.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing the STC ST01518SE does not affect compliance with the actions specified in the NPRM.

We agree with the commenter. We have redesignated paragraph (c) of the proposed AD (in the NPRM) as (c)(1) and added a new paragraph (c)(2) to this proposed AD to state that installation of STC ST01518SE does not affect the ability to accomplish the proposed actions. Therefore, for airplanes on which STC ST01518SE is installed, a ''change in product'' AMOC approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request To Remove Certain Duplicate Language

European Air Transport Leipzig GmbH and DHL Air Ltd. asked that we remove all duplicated data from the NPRM, and only refer to the compliance tables specified in Boeing Special Attention Service Bulletin 757–53–0097, Revision 2, dated July 28, 2015. The commenters stated that the compliance information is contained in detail in the referenced service information, and is repeated in the NPRM without benefit of clarification. The commenters added that the stringers identified for inspection in paragraphs (g)(3)(i) and (g)(3)(ii) of the proposed AD are incorrect, and should refer to inspection Zone 3 containing stringers S–3L, S–2L, S–1, S–2R, and S–3R.

We partially agree with the commenters' request. We agree to revise this proposed AD for clarity but we do not agree to remove all of the details for the required actions in this proposed AD. The stringers identified for inspection in paragraphs (g)(3)(i) and (g)(3)(ii) of the proposed AD are correct, as specified in the referenced service information. However, paragraphs (g)(3)(i) and (g)(3)(ii) of the proposed AD (in the NPRM) should have specified between stringers S–3L to S–3R instead of ''at stringers S–3L and S–3R.'' Since the stringer location is clear in the service information, we have removed the reference to the stringers in paragraphs (g)(3)(i) and (g)(3)(ii) of this proposed AD. Instead, we have added a reference to the Zone 3 areas of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016.

Request To Clarify Zone 1 Inspection Language

Boeing and United Airlines (UA) asked that we clarify the inspection language specified in paragraphs (g)(1)(i) and (g)(1)(ii) of the proposed AD. Boeing asked that we include ''Zone 1 areas'' and ''as applicable'' in the description. UA stated that it appears that the inspections are for ''Zone 1 areas.'' Boeing stated that the Zone 1 areas are clearly delineated in Boeing Special Attention Service Bulletin 757–53–0097, Revision 2, dated July 28, 2015.

We agree with the commenters' request for the reason provided. As stated previously, this proposed AD cites Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016. We have clarified the inspection language in paragraph (g)(1) of this proposed AD. We have also clarified similar inspection language in paragraph (g)(2) of this proposed AD.

Request To Clarify Optional Terminating Action

UA asked that we clarify the optional terminating action in paragraph (j)(2) of the proposed AD, to eliminate the need for a new AMOC as terminating action for the inspections after replacing the crown skin panel using a method approved in accordance with paragraph (m) of the proposed AD. UA noted that Note (c) of Table 1, Note (b) of Table 2, and Note (b) of Table 3 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 757–53–0097, Revision 2, dated July 28, 2015, stipulate that the skin replacement itself is considered terminating action to all inspections done in accordance with the referenced service information. UA added that this is based on the fact that the skin chem-mill process defect should not be present in the new skin. UA noted that this method of skin replacement is not part of the safety consideration, and should not require a new AMOC.

We agree with the commenter's request. We have clarified paragraph (k)(2) of this proposed AD (which was referred to as paragraph (j)(2) of the proposed AD (in the NPRM)) to add replacing the crown skin panel in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016, or using a method approved in accordance with the procedures specified in paragraph (n) of this proposed AD (which was referred to as paragraph (m) of the proposed AD (in the NPRM)), terminates the inspections.

Request To Address the Possibility That Cracking May Have Been Found During Inspections Required by AD 2011–01–15

Boeing asked that we include the possibility that cracking may have been found during the inspections required by paragraph (g) of AD 2011–01–15 in the provisional requirements of paragraphs (g)(2) and (g)(3) of the proposed AD (in the NPRM). Boeing recommended including a reference to paragraph (g) of AD 2011–01–15 as follows: ''For airplanes on which any crack is found during any inspections required by Paragraph (g)(1) of this AD or previously per AD 2011–01–15, Paragraph (g); or any repair . . . .'' Boeing added that to exclude this language could lead operators to infer that it precludes previous findings from inclusion in the provisional statement.

We acknowledge the commenter's concerns. As of the effective date of the final rule following this SNPRM, AD 2011–01–15 will no longer exist since it will be superseded by the new AD. For this reason, we do not typically refer to a superseded AD in a new AD requirement. However, paragraphs (g)(2) and (g)(3) of this proposed AD do include findings from paragraph (g) of AD 2011–01–15. Paragraph (h) of AD 2011–01–15 states that a repair must be done before further flight if any crack is found. Therefore, for any crack found before the effective date of the final rule, the crack should already have been repaired. Paragraph (g)(2) of this proposed AD states ''. . . or any repair is installed that covers any portion of the Zone 1 inspection area . . .'' and that statement covers the crack findings in AD 2011–01–15.

In addition, paragraph (m) of this proposed AD provides credit for Zone 1 inspections required by paragraph (g)(1) of this proposed AD, if those actions were performed before the effective date of the final rule using Boeing Special Attention Service Bulletin 757–53–0097, dated November 22, 2010; Revision 1, dated January 6, 2011; or Revision 2, dated July 28, 2015. We

have not changed this proposed AD in this regard.

Request To Include Credit for Previous Inspections

Boeing and UA asked that a new paragraph (l)(3) be added to the proposed AD to provide credit for previous inspections done using previous revisions of the referenced service information to accomplish the inspections in paragraph (g)(1) of this AD. Those inspections were approved as an AMOC to AD 2011–01–15.

We do not agree with the commenter's request. It is not necessary to include credit for inspections that were done using previous revisions of the referenced service information, because credit for those inspections is already provided in paragraph (m) of this proposed AD. Therefore, we have not changed this proposed AD in this regard.

Request To Include Credit for Previously Approved Repairs

UA asked that we include credit language in this proposed AD for inspecting previously approved repairs, as specified in Note (a) of Table 1, Note (c) of Table 2, and Note (c) of Table 3 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 757–53–0097, Revision 2, dated July 28, 2015. UA stated that including this credit would avoid unnecessary work stoppage and minimize future AMOC requests for repairs which meet these criteria.

We agree that operators are allowed credit for inspecting previously approved repairs, as specified in the notes in Tables 1, 2, and 3 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 757–53–0097, Revision 2, dated July 28, 2015. However, we do not agree that the language in those notes should be added to this proposed AD because Parts 1, 2, and 3 of the Work Instructions of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016, also include those credit notes. This proposed AD requires accomplishing the specified actions in accordance with the Accomplishment Instructions, which includes those notes in the Work Instructions; therefore, operators are given credit. We have not changed this proposed AD in this regard.

Request To Clarify Certain Inspection Areas

Boeing and UA asked that we clarify the inspection area in paragraphs (g)(2)(i) and (g)(2)(ii) of the proposed AD to include the Zone 2 areas, and also that we clarify the inspection area in paragraphs (g)(3)(i) and (g)(3)(ii) of the proposed AD to include the Zone 3 areas. Boeing and UA stated that the zones are identified in Boeing Special Attention Service Bulletin 757–53–0097, Revision 2, dated July 28, 2015.

We agree with the commenters' requests for the reason provided. As stated previously, this proposed AD cites Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016. We have clarified the inspection language in paragraphs (g)(2)(i) and (g)(2)(ii), and (g)(3)(i) and (g)(3)(ii), of this proposed AD to include the Zone 2 and Zone 3 areas, respectively.

Request To Clarify Sections in Service Information With Inspection Instructions

Boeing asked that we change paragraph (g)(1) of the proposed AD to clarify that the inspections should be done using the instructions specified in Part 1 or Part 2 of Boeing Special Attention Service Bulletin 757–53–0097, Revision 2, dated July 28, 2015. Boeing stated that this clarification would avoid confusion.

We agree with the commenter's request for the reason provided. We have clarified paragraphs (g)(1), (g)(1)(i), and (g)(1)(ii) of this proposed AD to include doing the inspection as specified in Part 1 or Part 2 of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016.

Boeing and UA asked that we change paragraph (g)(2) of the proposed AD to clarify that the Zone 2 inspections should be done using the instructions specified in Part 4 or Part 5 of Boeing Special Attention Service Bulletin 757–53–0097, Revision 2, dated July 28, 2015. Boeing stated that those areas are clearly identified in Boeing Special Attention Service Bulletin 757–53–0097, Revision 2, dated July 28, 2015, and should be included for clarity.

We agree with the commenter's request for the reason provided. We have clarified paragraphs (g)(2), (g)(2)(i), and (g)(2)(ii) of this proposed AD to include doing the Zone 2 inspections as specified in Part 4 or Part 5 of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016.

Boeing and UA asked that we change paragraph (g)(3) of the proposed AD to clarify that the Zone 3 inspections should be done using the instructions specified in Part 6 or Part 7 of Boeing Special Attention Service Bulletin 757–53–0097, Revision 2, dated July 28, 2015. Boeing and UA stated that those areas are clearly identified in Boeing Special Attention Service Bulletin 757–53–0097, Revision 2, dated July 28, 2015, and should be included for clarity.

We agree with the commenters' request for the reason provided. We have clarified paragraphs (g)(3), (g)(3)(i), and (g)(3)(ii) of this proposed AD to include doing the Zone 3 inspections as specified in Part 6 or Part 7 of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016. The reference to Part 6 and Part 7 also applies to the repetitive inspections.

Request To Clarify Inspection Language

Boeing asked that we clarify the inspection language in paragraph (j)(1) of the proposed AD to better describe the inspections required when doing the preventative modification. Boeing stated that it should specify doing high frequency eddy current open-hole inspections for cracking in existing fastener holes. Boeing noted that Boeing Special Attention Service Bulletin 757–53–0097, Revision 2, dated July 28, 2015, clearly specifies using an open-hole inspection, and added that if this inspection is not defined it would permit operators to do a surface inspection around the fasteners, which is not sufficient to ensure there is no cracking in the fastener holes.

Boeing also asked that we change the paragraph identifier at the end of paragraph (j)(1) of the proposed AD from (g) to (g)(1) since the referenced inspection is actually required by paragraph (g)(1) of the proposed AD. Boeing also asked that we change that paragraph identifier in paragraphs (l)(1) and (l)(2) of the proposed AD. Boeing stated that paragraph (g) of the proposed AD merely refers to the inspection paragraphs.

We agree with the commenter's requests for the reasons provided. We have clarified the inspection language in paragraph (k)(1) of this proposed AD (which was referred to as paragraph (j)(1) of the proposed AD (in the NPRM)) to include ''. . . open-hole inspections for cracking in existing fastener holes.''

We have also changed the paragraph identifiers in paragraphs (k)(1) and (m) of this proposed AD (which were referred to as paragraphs (j)(1), (l)(1), and (l)(2) of the proposed AD (in the NPRM)) to specify paragraph (g)(1) of this proposed AD accordingly.

Request To Clarify the Repair Area

Boeing asked that we change paragraphs (g)(2) and (g)(3) of the proposed AD to clarify that the repair can cover ''any portion'' of the Zone 1

area, and asked that the description be changed to include those words. Boeing stated that currently the inspection area specified in those paragraphs could be interpreted as a repair that would need to cover the entire Zone 1 inspection area; however, operators typically install local repairs in areas where cracks are found.

We agree with the commenter's request for the reason provided. We have clarified paragraphs (g)(2) and (g)(3) of this proposed AD to include the words ''any portion'' of the Zone 1 repair area to be inspected.

Request To Clarify the Description of the Preventative Modification

Boeing asked that we change paragraphs (g)(2) and (g)(3) of the proposed AD to clarify that ''any preventative modification'' is actually ''the optional Zone 1 preventative modification specified in paragraph (j)(1) of the NPRM.'' Boeing stated that there is only one specific preventative modification specified in the referenced service information that necessitates the inspections in paragraphs (g)(2) and (g)(3) of the proposed AD.

We agree with the commenter's request for the reason provided. We have clarified paragraphs (g)(2) and (g)(3) of this proposed AD to include the language provided by the commenter.

Request To Clarify Exceptions

Boeing asked that we change paragraph (k)(3) of the proposed AD to clarify that the exception covers cracking found during any inspection required by paragraph (h) or (j)(1) of the proposed AD (in the NPRM). Boeing stated repairing any crack found during the inspection before installation of the preventative modification in paragraph (h) of the proposed AD (in the NPRM) should also be an exception.

We do not agree with the commenter's request. Paragraph (j) of this proposed AD (which was referred to as paragraph (i) of the proposed AD (in the NPRM)) already specifies repairing any cracking found during any inspection required by paragraph (i) of this proposed AD (which was referred to as paragraph (h) of the proposed AD (in the NPRM)), as well as inspections required by paragraphs (g)(1), (g)(2), and (g)(3) of this proposed AD. Paragraph (k)(3) of the proposed AD (in the NPRM) was intended to address cracking found during the preventative modification specified in paragraph (j)(1) of the proposed AD (in the NPRM). For clarity in this proposed AD, we have added the corrective action for cracking found during the inspection specified in paragraph (k)(1) of this proposed AD (which was referred to as paragraph (j)(1) of the proposed AD (in the NPRM)) into paragraph (k)(1) of this proposed AD. We have also removed paragraph (k)(3) of the proposed AD (in the NPRM) from this proposed AD.

Request To Clarify Certain AMOC Language

Two commenters requested that we clarify whether existing AMOCs are approved. UA asked that paragraph (m)(4) of the proposed AD (in the NPRM) be changed to clarify that repairs approved previously as AMOCs to AD 2011–01–15 require no further evaluation or approval. UA stated that operators were required to repair any finding with a repair that included an AMOC to AD 2011–01–15. UA stated that the current language in paragraph (m)(4) of the proposed AD (in the NPRM) would invalidate all such AMOCs, forcing operators to submit new requests for approval for each previously approved repair. In addition, UA asked that we include a new paragraph (l)(3) to provide credit for inspections required by paragraph (g)(1) of the proposed AD (in the NPRM) that were approved as an AMOC to AD 2011–01–15.

Boeing asked if paragraph (m)(4) of the proposed AD (in the NPRM) meant that new AMOCs are needed for all AMOCs to AD 2011–01–15. Boeing asked that credit be given for inspections required by paragraph (g)(1) of the proposed AD (in the NPRM) that were approved as an AMOC to AD 2011–01–15 in Boeing Alternative Method of Compliance Notice 757–53–0097–AMOC–01, dated March 28, 2011, and stated in FAA letter 120S–11–13, dated January 19, 2011. Boeing stated that the AMOC allowed a longer interval for the inspections that are now incorporated in Boeing Special Attention Service Bulletin 757–53–0097, Revision 2, dated July 28, 2015. Boeing also noted that Boeing Alternative Method of Compliance Notice 757–53–0097 AMOC 03, dated March 28, 2014, should be rescinded since new data shows that a 15,000 total flight cycle threshold is appropriate instead of 18,000 total flight cycles.

We agree that clarification is necessary. Although paragraph (m)(4) of the proposed AD (in the NPRM) specified that AMOCs approved for AD 2011–01–15, are not approved as AMOCs for the corresponding provisions of paragraph (g) of the proposed AD (in the NPRM); after further review we have determined those AMOCs should continue to be approved, except as of the effective date of this proposed AD, AMOCs that extend the initial compliance times specified in AD 2011–01–15 are no longer approved for the compliance time extension and instead, the compliance times required by this proposed AD must be complied with. Boeing Alternative Method of Compliance Notice 757–53–0097 AMOC 03, dated March 28, 2014, extended the initial compliance times specified in AD 2011–01–15, and as stated previously, we have received new data that does not justify the extended compliance times. We have changed paragraph (n)(4) of this proposed AD (which was referred to as paragraph (m)(4) of the proposed AD (in the NPRM)) accordingly.

Boeing asked that paragraph (m)(3) of the proposed AD (in the NPRM) be changed from ''For a repair method to be approved the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane and the approval must specifically refer to this AD'' to ''For a repair method, modification deviation, or alteration deviation to be approved the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane and the approval must specifically refer to this AD.'' Boeing stated that this approval needs to specify not only for a repair method to be approved, but also for modification and alteration deviations to be approved, they must meet type certification.

We agree that some clarification is necessary. We have clarified paragraph (n)(3) of this proposed AD (which was referred to as paragraph (m)(3) of the proposed AD (in the NPRM)) as follows: ''An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.''

Request To Correct Typographical Error

Boeing asked that we change the punctuation following the word ''repair'' in the first sentence of paragraph (m)(3) of the proposed AD (in the NPRM) from a period to a comma. Boeing noted that this is a punctuation error.

We agree with the commenter's request and have corrected the

punctuation in paragraph (n)(3) of this proposed AD (which was referred to as paragraph (m)(3) of the proposed AD (in the NPRM)) accordingly.

Concerns About Correcting Unsafe Condition

A commenter, Jonathan Fortune, stated that it is imperative that any potentially catastrophic structural issues identified in any airplanes be promptly corrected. Mr. Fortune added that repair costs are greatly outweighed by the potential marketing and industry disaster that would occur if these airplanes crashed. Mr. Fortune noted that Boeing should not be able to operate these airplanes without addressing these issues. Mr. Fortune stated that he is willing to pay for increased air travel costs in order to get the sense of safety established through compliance with this regulation.

We acknowledge and appreciate the commenter's concerns. The FAA works to ensure that all unsafe conditions are addressed in a timely manner in accordance with FAA risk management policies that are designed to promote aviation safety.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design. Certain changes described above expand the scope of the NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed Requirements of This SNPRM

This SNPRM would require accomplishing the actions specified in the service information described previously. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–3697.

Costs of Compliance

We estimate that this proposed AD affects 652 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections (Zone 1) [Retained actions from AD 2011–01–15].	2 work-hour × $85 per hour = $170 per inspection cycle.	$0	$170 per inspection cycle.	$110,840 per inspection cycle.
Inspections (Zones 2 and 3) [new proposed action].	Up to 4 work-hours × $85 per hour = Up to $340 per inspection cycle.	$0	Up to $340 per inspection cycle.	Up to $221,680 per inspection cycle.
Optional modification	Up to 615 work-hours × $85 per hour = Up to $52,275.	Up to $26,496	Up to $78,771	Up to $51,358,692.

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

We have received no definitive data that would enable us to provide a cost estimate for the optional replacement specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2011–01–15, Amendment 39–16572 (76 FR 1351, January 10, 2011), and adding the following new AD.

The Boeing Company: Docket No. FAA–2016–3697; Directorate Identifier 2015–NM–143–AD.

(a) Comments Due Date

We must receive comments by June 19, 2017.

(b) Affected ADs

This AD replaces AD 2011–01–15, Amendment 39–16572 (76 FR 1351, January 10, 2011) (''AD 2011–01–15'').

(c) Applicability

(1) This AD applies to The Boeing Company Model 757–200 and –300 series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016.

(2) Installation of Supplemental Type Certificate (STC) ST01518SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgSTC.nsf/0/38B606833BBD98B386257FAA00602538?OpenDocument&Highlight=st01518se*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01518SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of the initiation of fatigue cracking in the fuselage skin of the crown skin panel along locally thinned channels adjacent to the chem-milled steps. We are issuing this AD to detect and correct fatigue cracking of the fuselage skin of the crown skin panel, which could result in pressure venting and consequent rapid decompression of the airplane.

(f) Compliance

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

(g) Repetitive Inspections

Do the applicable inspections required by paragraphs (g)(1), (g)(2), and (g)(3) of this AD.

(1) For all airplanes: Within the compliance time specified in paragraph (h) of this AD, do the Zone 1 inspection specified in paragraph (g)(1)(i) or (g)(1)(ii) of this AD. Repeat the applicable Part 1 or Part 2 inspection thereafter at the applicable times specified in table 1 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016. Accomplishing the preventative modification specified in paragraph (k)(1) of this AD or the replacement specified in paragraph (k)(2) of this AD terminates the inspections required by this paragraph.

(i) Do an external sliding probe eddy current (EC) inspection for cracking of the crown skin panel in the applicable Zone 1 areas specified in, and in accordance with, Part 1 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016.

(ii) Do an external spot-probe-medium-frequency EC inspection for cracking of the crown skin panel in the applicable Zone 1 areas specified in, and in accordance with Part 2 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016.

(2) For airplanes on which any crack is found during any inspection required by paragraph (g)(1) of this AD; or any repair is installed that covers any portion of the Zone 1 inspection area specified in Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016; or the optional Zone 1 preventative modification specified in paragraph (k)(1) of this AD is installed: At the applicable time specified in table 2 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016, except as required by paragraph (l)(1) of this AD: Do the Zone 2 inspection specified in paragraph (g)(2)(i) or (g)(2)(ii) of this AD. Repeat the applicable Part 4 or Part 5 inspection thereafter at the applicable times specified in table 2 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016. Accomplishing the replacement specified in paragraph (k)(2) of this AD terminates the inspections required by this paragraph.

(i) Do an external sliding probe EC inspection for cracking of the crown skin panel in the applicable Zone 2 areas specified in, and in accordance with, Part 4 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016.

(ii) Do an external spot-probe-medium-frequency EC inspection for cracking of the crown skin panel in the applicable Zone 2 areas specified in, and in accordance with, Part 5 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016.

(3) For airplanes on which any crack is found during any inspection required by paragraph (g)(1) of this AD; or any repair is installed that covers any portion of the Zone 1 inspection area specified in Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016; or the optional Zone 1 preventative modification specified in paragraph (k)(1) of this AD is installed: At the applicable time specified in table 3 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016, except as required by paragraph (l)(1) of this AD, do the Zone 3 inspection specified in paragraph (g)(3)(i) or (g)(3)(ii) of this AD. Repeat the applicable Part 6 or Part 7 inspection thereafter at the applicable times specified in table 3 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016. Accomplishing the replacement specified in paragraph (k)(2) of this AD terminates the inspections required by this paragraph.

(i) Do an external sliding probe EC inspection for cracking of the crown skin panel in the applicable Zone 3 areas specified in, and in accordance with, Part 6 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016.

(ii) Do an external spot-probe-medium-frequency EC inspection for cracking of the crown skin panel in the applicable Zone 3 areas, specified in, and in accordance with, Part 7 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016.

(h) Initial Compliance Time for Inspection Required by Paragraph (g)(1) of This AD

Within the applicable compliance times specified in paragraphs (h)(1), (h)(2), (h)(3), and (h)(4) of this AD, whichever occurs latest: Do the initial inspection required by paragraph (g)(1) of this AD.

(1) For all airplanes: Before the accumulation of 15,000 total flight cycles.

(2) For airplanes on which an external sliding probe EC inspection for Zone 1, as specified in Boeing Special Attention Service Bulletin 757–53–0097, has been done as of the effective date of this AD: Within 620 flight cycles after accomplishing the most recent external sliding probe EC inspection for Zone 1.

(3) For airplanes on which an external spot-probe-medium-frequency EC inspection for Zone 1, as specified in Boeing Special Attention Service Bulletin 757–53–0097, has been done as of the effective date of this AD: Within 200 flight cycles after accomplishing the most recent external spot-probe-medium-frequency EC inspection for Zone 1.

(4) For all airplanes: Within 200 flight cycles or 90 days after the effective date of this AD, whichever occurs first.

(i) Post-Preventive Modification Supplemental Inspections

For airplanes on which a preventive modification has been installed as specified in Part 3 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016: At the applicable time specified in table 4 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016; do eddy current and detailed inspections for cracking of the applicable areas of the fuselage skin of the doublers, triplers, and fillers of the preventive modification, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016. Repeat the inspection thereafter at the applicable times specified in table 4 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016.

(j) Repair

If any cracking is found during any inspection required by paragraph (g)(1), (g)(2), (g)(3), or (i) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (n) of this AD. Doing the repair ends the repetitive inspections for the repaired area only.

(k) Optional Terminating Actions

(1) Accomplishing the preventative modification, including doing high frequency EC open-hole inspections for cracking in the existing fastener holes, in accordance with Part 3 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016, except as required by paragraph (l)(2) of this AD, terminates the inspections required by paragraph (g)(1) of this AD, provided the preventative modification is done before further flight after accomplishing an inspection required by paragraph (g)(1) of this AD. If any cracking is found during any high frequency EC open-hole inspection, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (n) of this AD.

(2) Replacing the crown skin panel between station (STA) 297 and STA 439, and stringers S–4L and S–4R, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016, or using a method approved in accordance with the procedures specified in paragraph (n) of this AD, terminates the inspections required by paragraphs (g)(1), (g)(2), and (g)(3) of this AD.

(l) Exceptions to Service Information Specifications and Preventative Modification

(1) Where Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016, specifies a compliance time ''after the Revision 2 date of this service bulletin,'' or ''after the Revision 3 date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where Boeing Special Attention Service Bulletin 757–53–0097, Revision 3, dated December 2, 2016, specifies to contact Boeing for repair instructions: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (n) of this AD.

(m) Credit for Previous Actions

This paragraph provides credit for Zone 1 inspections required by paragraph (g)(1) of this AD, if those actions were performed before the effective date of this AD using Boeing Special Attention Service Bulletin 757–53–0097, dated November 22, 2010 (which was incorporated by reference in AD 2011–01–15); Boeing Special Attention Service Bulletin 757–53–0097, Revision 1, dated January 6, 2011; or Boeing Special Attention Service Bulletin 757–53–0097, Revision 2, dated July 28, 2015.

(n) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved for AD 2011–01–15 are approved as AMOCs for the corresponding provisions of paragraph (g) of this AD; except, as of the effective date of this AD, AMOCs that extend the initial compliance times specified in AD 2011–01–15 are no longer approved for the compliance time extension and the compliance times required by this AD must be complied with.

(5) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (n)(5)(i) and (n)(5)(ii) apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

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

(o) Related Information

(1) For more information about this AD, contact Eric Schrieber, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5348; fax: 562–627–5210; email: *Eric.Schrieber@faa.gov.*

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

Issued in Renton, Washington, on April 7, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–07938 Filed 5–4–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0357]

RIN 1625–AA00

Safety Zone; Potomac River, Newburg, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for certain waters of the Potomac River. This action is necessary to provide for the safety of life on navigable waters during a fireworks display in Charles County near Newburg, MD, on June 17, 2017. This proposed rulemaking would prohibit persons and vessels from entering the safety zone unless authorized by the Captain of the Port Maryland-National Capital Region or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 5, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0357 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 Mr. Ronald Houck, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
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

On April 11, 2017, Gilligan's Pier of Newburg, MD, notified the Coast Guard that it will be conducting a short-duration aerial fireworks display at 9

p.m. on June 17, 2017. Details of the proposed event were provided to the Coast Guard on April 26, 2017. The fireworks display will be conducted by Innovative Pyrotechnic Concepts, LLC and launched from a barge located in the Potomac River, in Charles County near Newburg, MD. In the event of inclement weather, the fireworks display will be scheduled for June 24, 2017. Hazards from fireworks displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port (COTP) has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within a 200-yard radius of the fireworks discharge site. The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within 200-yard radius of the barge before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 8:30 p.m. through 10 p.m. on June 17, 2017, and if necessary due to inclement weather, from 8:30 p.m. through 10 p.m. on June 24, 2017. The safety zone would include all navigable waters of the Potomac River, within 200 yards radius of the fireworks barge in approximate position latitude 38°23′45.2″ N., longitude 076°59′31.8″ W., located near Newburg, MD. The duration of the safety zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 9 p.m. fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone which would impact a small designated area of the Potomac River for 2½ hours during the evening when vessel traffic is normally low. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone.

B. Impact on Small Entities

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

While the precise number of small entities impacted is unknown, this section of the Potomac normally has a low number of vessels transiting the area planned for the safety zone, during the enforcement period. Although, some owners or operators of vessels intending to transit the safety zone 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 an 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 a safety zone lasting 2½ hours that would prohibit vessel movement within a 200 yard radius of the fireworks barge on the Potomac River. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.lD. A preliminary Record of Environmental Consideration (REC) supporting this determination is 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 in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0357 to read as follows:

§ 165.0357 Safety Zone; Potomac River, Charles County, MD.

(a) *Definitions.* As used in this section:

Captain of the Port means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Maryland-National Capital Region to assist in enforcing the safety zone described in paragraph (a) of this section.

(b) *Location.* The following area is a safety zone: All navigable waters of the Potomac River, within 200 yards radius of a fireworks barge in approximate position latitude 38°23′45.2″ N., longitude 076°59′31.8″ W., located near Newburg, MD. All coordinates refer to datum NAD 1983.

(c) *Regulations.* The general safety zone regulations found in 33 CFR 165 subpart C apply to the safety zone created by this section.

(1) All persons are required to comply with the general regulations governing safety zones found in 33 CFR 165.23.

(2) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Maryland—National Capital Region. All vessels underway within this safety zone at the time it is implemented are to depart the zone.

(3) Persons desiring to transit the area of the safety zone must first obtain authorization from the Captain of the Port Maryland—National Capital Region or designated representative. To request permission to transit the area, the Captain of the Port Maryland—National Capital Region and or designated representatives can be contacted at telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel, by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port Maryland—National Capital Region or designated representative and proceed as directed while within the zone.

(4) *Enforcement officials.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(d) *Enforcement period.* This section will be enforced from 8:30 p.m. through 10 p.m. on June 17, 2017, and if necessary due to inclement weather, from 8:30 p.m. through 10 p.m. on June 24, 2017.

Dated: May 1, 2017.

L.P. Harrison, Jr.,

Captain, U.S. Coast Guard, Captain of the Port Maryland—National Capital Region.

[FR Doc. 2017–09160 Filed 5–4–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 401, 403, and 404

[USCG–2016–0268]

RIN 1625–AC34

Great Lakes Pilotage Rates—2017 Annual Review

AGENCY: Coast Guard, DHS.

ACTION: Notice of extension of comment period on supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard is adding an additional 30 days to the comment period on the supplemental notice of proposed rulemaking for ''Great Lakes Pilotage Rates—2017 Annual Review'' published in the **Federal Register** on

April 5, 2017. We are extending the comment period to allow the public more time to comment on the proposed rulemaking. The comment period is now open through June 5, 2017.

DATES: The comment period for the proposed rule published April 5, 2017 (82 FR 16542) is extended. Comments and related material must be received by the Coast Guard on or before June 5, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2016–0268 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 Mr. Todd Haviland, Director, Great Lakes Pilotage, Commandant (CG–WWM–2), Coast Guard; telephone 202–372–2037, email *Todd.A.Haviland@uscg.mil,* or fax 202–372–1914.

SUPPLEMENTARY INFORMATION: The Coast Guard is adding an additional 30 days to the comment period on the supplemental notice of proposed rulemaking (SNPRM) for ''Great Lakes Pilotage Rates—2017 Annual Review'' published in the **Federal Register** on April 5, 2017 (82 FR 16542). We received a request to extend the comment period 60 days and to hold a public meeting. The requester cited the significance of the issues and the questions raised by the SNPRM. We do not see a need for a public meeting and believe that an additional 30 days should provide sufficient time to comment on the proposed rule. The comment period is now open through June 5, 2017.

As we stated in the summary of the SNPRM, the Coast Guard proposes to modify its calculations for hourly pilotage rates on the Great Lakes by accounting for the ''weighting factor,'' which is a multiplier that can increase the pilotage costs for larger vessels traversing areas in the Great Lakes by a factor of up to 1.45. While the weighting factor has existed for decades, it has never been included in any of the previous ratemaking calculations. We propose to add steps to our rate-setting methodology to adjust hourly rates downwards by an amount equal to the average weighting factor, so that when the weighting factor is applied, the cost to the shippers and the corresponding revenue generated for the pilot associations will adjust to what was originally intended. We note that until a final rule is produced, the 2016 rates will stay in effect, even if a final rule is not published by the start of the 2017 season.

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, visit *http://www.regulations.gov/privacyNotice.*

The SNPRM we are seeking comments on, and documents mentioned in the SNPRM as being available in the docket—including 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.

Dated: May 2, 2017.

Michael D. Emerson,

Director, Marine Transportation Systems, U.S. Coast Guard.

[FR Doc. 2017–09177 Filed 5–4–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 218

[Docket No. 201135–7135–01]

RIN 0648–BG65

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the U.S. Air Force 86 Fighter Weapons Squadron Conducting Long Range Strike Weapons System Evaluation Program at the Pacific Missile Range Facility at Kauai, Hawaii

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS has received an application, pursuant to the Marine Mammal Protection Act (MMPA), from the U.S. Air Force 86 Fighter Weapons Squadron (86 FWS) for authorization to take marine mammals incidental to Long Range Strike Weapons System Evaluation Program (LRS WSEP) activities in the Barking Sands Underwater Range Expansion (BSURE) area of the Pacific Missile Range Facility (PMRF) off Kauai, Hawaii, for the period of August 23, 2017, through August 22, 2022. NMFS is proposing regulations to govern that take, and requests comments on the proposed regulations.

DATES: Comments and information must be received no later than June 5, 2017.

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

- *Electronic submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov,* enter 0648–BG65 in the ''Search'' box, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the end of the comment period. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF

file formats only. To help NMFS process and review comments more efficiently, please use only one method to submit comments. All comments received are a part of the public record and will generally be posted on *www.regulations.gov* 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. NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous).

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

SUPPLEMENTARY INFORMATION:

Availability

A copy of 86 FWS's application and any 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/military.htm.* In case of problems accessing these documents, please call the contact listed above (see **FOR FURTHER INFORMATION CONTACT**). The following associated documents are also available at the same internet address: list of the references used in this document, the seasonal parameters memo, and 86 FWS's Environmental Assessment (EA) titled, ''Environmental Assessment/Overseas Environmental Assessment for the Long Range Strike Weapon Systems Evaluation Program at the Pacific Missile Range Facility at Kauai, Hawaii.'' Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

Purpose and Need for Regulatory Action

This proposed rule, to be issued under the authority of the MMPA, would establish a framework for authorizing the take of marine mammals incidental to LRS WSEP activities in the BSURE area of the PMRF off Kauai, Hawaii. We received an application from 86 FWS requesting 5-year regulations and authorization for the take, by Level B harassment, of 16 species of marine mammals, and, by Level A harassment of 4 of those species. The regulations would be valid from August 23, 2017, to August 22, 2022. Please see *Background* below for definitions of Level A and Level B harassment.

Legal Authority for the Proposed 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 proposed rule containing five-year regulations, and for any subsequent Letters of Authorization (LOA) issued pursuant to those regulations. As directed by this legal authority, this proposed rule contains mitigation, monitoring, and reporting requirements.

The National Defense Authorization Act for Fiscal Year 2004 (Section 319, Pub. L. 108–136, November 24, 2003) (NDAA of 2004) removed the ''small numbers'' and ''specified geographical region'' limitations indicated earlier and amended the definition of harassment as it applies to a ''military readiness activity'' to read as follows (Section 3(18)(B) of the MMPA, 16 U.S.C. 1362(18)(B)): ''(i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild'' (Level A Harassment); ''or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered'' (Level B Harassment).

Summary of Major Provisions Within the Proposed Rule

Following is a summary of some of the major provisions in this proposed rule for 86 FWS's LRS WSEP activities. We have preliminarily determined that 86 FWS's adherence to the proposed mitigation, monitoring, and reporting measures listed below would achieve the least practicable adverse impact on the affected marine mammals. They include:

- Restricting time of activities to missions that will occur only during day-light hours, only on weekdays, and only during the summer or fall months.
- Conducting visual aerial surveys before and after mission activities each day.
- Delaying mission activities if a protected species is observed in the impact zones, and resuming only after one of the following conditions is met: (1) The animal is observed exiting the impact area; or (2) the impact area has been clear of any additional sightings for a period of 30 minutes.
- If daytime weather and/or sea conditions preclude adequate monitoring for detecting marine mammals and other marine life, delaying LRS WSEP strike operations until adequate sea conditions exist for monitoring to be undertaken.
- Using mission reporting forms to track the use of the PMRF for missions and protected species observations.
- Submitting a summary report of marine mammal observations and LRS WSEP activities to the NMFS Pacific Islands Regional Office (PIRO) and the Office of Protected Resources 90 days after expiration of the current authorization.
- Using Passive Acoustic Monitoring (PAM) by using the Navy's hydrophones within the PMRF to collect data before, during, and after LRS WSEP missions. This data will be stored at Space and Naval Warfare Systems Command (SPAWAR) to be analyzed as funding allows.
- If unauthorized takes of marine mammals (*i.e.,* serious injury or mortality) occur, ceasing operations and reporting to NMFS and to the respective Pacific Islands Region stranding network representative immediately and submitting a report to NMFS within 24 hours.

Background

Sections 101(a)(5)(A) and (D) of the MMPA(16 U.S.C. 1371(a)(5)(A) and (D)) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals of a species or population stock, 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.

Summary of Request

On June 23, 2016, NMFS received a request for regulations from 86 FWS for the taking of small numbers of marine mammals incidental to LRS WSEP activities in the BSURE area of the PMRF off Kauai, Hawaii. We received revised drafts on November 29, 2016, and December 21, 2016, which we considered adequate and complete. On January 6, 2017, we published a notice of receipt of 86 FWS's application in the **Federal Register** (82 FR 1702), requesting comments and information for thirty days related to 86 FWS's request. We received comments from private citizens, one marine mammal research organization, and six non-governmental organization (NGOs), which we considered in the development of this proposed rule.

The 86 FWS proposes taking marine mammals incidental to LRS WSEP activities by Level B harassment of 16 species of marine mammals and by Level A harassment of 4 of those species. NMFS has previously issued an incidental harassment authorization (IHA) to 86 FWS authorizing the taking of marine mammals incidental to LRS WSEP activities in the BSURE area of the PMRF in 2016 (81 FR 67971; October 3, 2016). The regulations proposed in this action, if issued, would be effective from August 23, 2017, through August 22, 2022.

Description of the Specified Activity

Overview

The 86 FWS proposes to conduct air-to-surface missions in the BSURE area of the PMRF. The LRS WSEP test objective is to conduct operational evaluations of long range strike weapons and other munitions as part of LRS WSEP operations to properly train units to execute requirements within Designed Operational Capability Statements, which describe units' real-world operational expectations in a time of war. Due to threats to national security, an increasing number of missions involving air-to-surface activities have been directed by the Department of Defense (DoD). Accordingly, the U.S. Air Force seeks the ability to conduct operational evaluations of all phases of long range strike weapons within the U.S. Navy's Hawaii Range Complex (HRC). LRS WSEP objectives are to evaluate air-to-surface and maritime weapon employment data, evaluate tactics, techniques, and procedures in an operationally realistic environment and to determine the impact of tactics, techniques, and procedures on combat Air Force training. The munitions associated with the proposed activities are not part of a typical unit's training allocations and, prior to attending a WSEP evaluation, most pilots and weapon systems officers have only dropped weapons in simulators or used the aircraft's simulation mode. Without WSEP operations, pilots would be using these weapons for the first time in combat. On average, half of the participants in each unit drop an actual weapon for the first time during a WSEP evaluation. Consequently, WSEP is a military readiness activity and is the last opportunity for squadrons to receive operational training and evaluations before they deploy.

LRSWSEP missions involve the use of multiple types of live and inert munitions (bombs and missiles) scored above, at, or just below the water's surface in the BSURE (Table 1). The ordnance may be delivered by multiple types of aircraft, including bombers and fighter aircraft. Weapon performance will be evaluated by an underwater acoustic hydrophone array system as the weapons strike the water surface. Net explosive weight of the live munitions ranges from 23 to 300 pounds (lbs). Missions will occur annually over five years from 2017 and 2021 (see Table 1), primarily during the summer but may occur in the fall as well. All missions will be conducted during daylight hours. LRS WSEP missions could potentially take 16 species of marine mammals by Level B harassment, and additionally, 4 of those species by Level A harassment.

Dates and Duration

The specified activity may occur during the summer months, or less likely in fall months, during the five-year period of validity of the proposed regulations. Missions will occur only on weekdays during daytime hours. Missions will occur, on average, approximately five days per year on consecutive days. The LOA would be valid from August 20, 2017, through August 19, 2022.

Specified Geographical Region

The specific planned impact area is approximately 44 nautical miles (nmi) (81 kilometers (km)) offshore of Kauai, Hawaii, in a water depth of about 15,240 feet (ft) (4,645 meters (m)). (see Figure 2–2 of 86 FWS's application). All activities will take place within the PMRF, which is located in Hawaii off the western shores of the island of Kauai and includes broad ocean areas to the north, south, and west (see Figure 2–1 of 86 FWS's application).

Within the PMRF, activities would occur in the BSURE area, which lies in Warning Area 188A (W–188A). The BSURE consists of about 900 nmi ^{2} of instrumented underwater ranges, encompassing the deep-water portion of the PMRF and providing over 80 percent of the PMRF's underwater scoring capability. The BSURE facilitates training, tactics, development, and test and evaluation for air, surface, and subsurface weapons systems in deep water. It provides a full spectrum of range support, including radar, underwater instrumentation, telemetry, electronic warfare, remote target command and control, communications, data display and processing, and target/weapon launching and recovery facilities. The underwater tracking system begins 9 nmi (17 km) from the north shore of Kauai and extends out to 40 nmi (74 km) from shore. The LRS WSEP missions would employ live weapons with long flight paths requiring large amounts of airspace, and would conclude with weapon impact and surface detonations within the BSURE instrumented range.

Detailed Description of Activities

The LRS WSEP training missions, classified as military readiness activities, refer to the deployment of live (containing explosive charges) missiles and bombs from aircraft toward the water surface. Depending on the requirements of a given mission, munitions may be inert (containing no explosives or only a ''spotting'' charge) or live (containing explosive charges). Live munitions may detonate above, at, or slightly below the water surface. The actions include air-to-surface test missions of the Joint Air-to-Surface Stand-off Missile/Joint Air-to-Surface Stand-off Missile-Extended Range (JASSM/JASSM–ER), Small Diameter Bomb-I/II (SDB–I/II), High-speed Anti-Radiation Missile (HARM), Joint Direct Attack Munition/Laser Joint Direct Attack Munition (JDAM/LJDAM), and Miniature Air-Launched Decoy (MALD), including detonations above the water, at the water surface, and slightly below the water surface (Table 1).

Aircraft used for munition releases would include bombers and fighter aircraft. Additional airborne assets, such as the P–3 Orion or the P–8 Poseidon, would be used to relay telemetry and

flight termination system streams between the weapon and ground stations. Other support aircraft would be associated with range clearance activities before and during the mission and with air-to-air refueling operations. All weapon delivery aircraft would originate from an out base and fly into military-controlled airspace prior to employment. Due to long transit times between the out base and mission location, air-to-air refueling may be conducted in either W–188 or W–189. Bombers, such as the B–1, would deliver the weapons, conduct air-to-air refueling, and return to their originating base as part of one sortie. However, when fighter aircraft are used, the distance and corresponding transit time to the various potential originating bases would make return flights after each mission day impractical. In these cases, the aircraft would temporarily (less than one week) park overnight at Hickam Air Force Base (HAFB) and would return to their home base at the conclusion of each mission set. Multiple weapon release aircraft would be used during some missions, each potentially releasing multiple munitions. Each LRS WSEP mission set will occur over a maximum of five consecutive days per year. Approximately 10 Air Force personnel would be on temporary duty to support each mission set.

Aircraft flight maneuver operations and weapon release would be conducted in W–188A. Chase aircraft may be used to evaluate weapon release and to track weapons. Flight operations and weapons delivery would be in accordance with published Air Force directives and weapon operational release parameters, as well as all applicable Navy safety regulations and criteria established specifically for the PMRF. Aircraft supporting LSR WSEP missions would primarily operate at high altitudes—only flying below 3,000 ft for a limited time as needed for escorting non-military vessels outside the hazard area or for monitoring the area for protected marine species (*e.g.,* marine mammals and sea turtles). Protected marine species aerial surveys would be temporary (approximately 30 minutes) and would focus on an area surrounding the weapon impact point on the water. Post-mission surveys would focus on the area down current of the weapon impact location. Range clearance procedures for each mission would cover a much larger area for human safety. Weapon release parameters would be conducted as approved by the PMRF Range Safety. Daily mission briefs would specify planned release conditions for each mission. Aircraft and weapons would be tracked for time, space, and position information. The 86 FWS test director would coordinate with the PMRF Range Safety Officer, Operations Conductor, Range Facility Control Officer, and other applicable mission control personnel for aircraft control, range clearance, and mission safety.

Joint Air-to-Surface Stand-Off Missile/Joint Air-to-Surface Stand-Off Missile—Extended Range (JASSM/JASSM–ER)

The JASSM is a stealthy precision cruise missile designed for launch outside area defenses against hardened, medium-hardened, soft, and area type targets. The JASSM has a range of more than 200 nmi (370 km) and carries a 1,000-lb warhead with approximately 300 lbs of 2,4,6-trinitrotoluene (TNT) equivalent net explosive weight (NEW). The specific explosive used is AFX–757, a type of plastic bonded explosive (PBX). The weapon has the capability to fly a preprogrammed route from launch to a target, using Global Positioning System (GPS) technology and an internal navigation system (INS) combined with a Terminal Area Model when available. Additionally, the weapon has a Common Low Observable Auto-Routing function that gives the weapon the ability to find the route that best utilizes the low observable qualities of the JASSM. In either case, these routes can be modeled prior to weapon release. The JASSM–ER has additional fuel and a different engine for a greater range than the JASSM (500 nmi (926 km)) but maintains the same functionality of the JASSM.

Small Diameter Bomb-I/Small Diameter Bomb–II (SDB–I/SDB–II)

The SDB–I is a 250-lb air-launched GPS–INS guided weapon for fixed soft to hardened targets. SDB–II expands the SDB–I capability with network enabling and uses a tri-mode sensor infrared, millimeter, and semi-active laser to attack both fixed and movable targets. Both munitions have a range of up to 60 nmi (111 km). The SDB–I contains 37 lbs of TNT-equivalent NEW, and the SDB–II contains 23 lbs NEW. The explosive used in both SDB–I and SDB–II is AFX–757.

High-Speed Anti-Radiation Missile (HARM)

The HARM is a supersonic air-to-surface missile designed to seek and destroy enemy radar-equipped air defense systems. The HARM has a proportional guidance system that homes in on enemy radar emissions through fixed antenna and seeker head in the missile nose. It has a range of up to 80 nmi (148 km) and contains 45 lbs of TNT-equivalent NEW. The explosive used is PBXN–107.

Joint Direct Attack Munition/Laser Joint Direct Attack Munition (JDAM/LJDAM)

The JDAM is a smart GPS–INS weapon that uses an unguided gravity bomb and adds a guidance and control kit, converting it to a precision-guided munition. The LJDAM variant adds a laser sensor to the JDAM, permitting guidance to a laser designated target. Both JDAM and LJDAM contain 192 lbs of TNT-equivalent NEW with multiple fusing options, with detonations occurring upon impact or with up to a 10-millisecond delay.

Miniature Air Launched Decoy/Miniature Air Launched Decoy—Jamming (MALD/MALD–J)

The MALD is an air-launched, expendable decoy that will provide the Air Force the capability to simulate, deceive, decoy, and saturate an enemy's threat integrated air defense system (IADS). The MALD production has recently transitioned to include the MALD–J variant, which has the same decoy capability of the MALD plus the addition of jamming IADS. The MALD and MALD–J have ranges up to 500 nmi (926 km) to include a 200 nmi (370 km) dash with a 30-minute loiter mode. It has no warhead, and no detonation would occur upon impact with the water surface.

Releases of live ordnance associated with 2017–2021 missions would result in either airbursts, surface detonations, or subsurface detonations (10-ft (3 m) water depth). Up to four SDB I/II munitions could be released simultaneously, such that each ordnance would hit the water surface within a few seconds of each other. Aside from the SDB–I/II releases, all other weapons would be released separately, impacting the water surface at different times. There will be a total of five mission days per year during the time frame of 2017 to 2021.

A typical mission day would consist of pre-mission checks, safety review, crew briefings, weather checks, clearing airspace, range clearance, mitigations/monitoring efforts, and other military protocols prior to launch of weapons. Potential delays could be the result of multiple factors, including adverse weather conditions leading to unsafe take-off, landing, and aircraft operations, inability to clear the range of non-mission vessels or aircraft, mechanical issues with mission aircraft or munitions, or presence of protected species in the impact area. These standard operating procedures are

usually done in the morning, and live range time may begin in late morning once all checks are complete and approval is granted from range control. The range would be closed to the public for a maximum of four hours per mission day.

Each long range strike weapon would be released in W–188A and would follow a given flight path with programmed GPS waypoints to mark its course in the air. Long range strike weapons would complete their maximum flight range (up to 500 nmi distance for JASSM–ER) at an altitude of approximately 18,000 ft (equivalent in kms) mean sea level (MSL) and terminate at a specified location for scoring of the impact. The cruise time would vary among the munitions but would be about 45 minutes for JASSM/JASSM–ER and 10 minutes for SDB–I/II. The time frame between employments of successive munitions would vary, but releases could be spaced by approximately one hour to account for the JASSM cruise time. The routes and associated safety profiles would be contained within W–188A boundaries. The objective of the route designs is to complete full-scale evasive maneuvers that avoid simulated threats, and would not consist of a standard ''paper clip'' or regularly shaped route. The final impact point on the water surface would be programmed into the munitions for weapons scoring and evaluations. The JDAM/LJDAM munitions would also be set to impact at the same point on the water surface.

All missions would be conducted in accordance with applicable flight safety, hazard area, and launch parameter requirements established for the PMRF. A weapon hazard region would be established, with the size and shape determined by the maximum distance a weapon could travel in any direction during its descent. The hazard area is typically adjusted for potential wind speed and direction, resulting in a maximum composite safety footprint for each mission (each footprint boundary is at least 10 nmi from the Kauai coastline). This information is used to establish a Launch Exclusion Area and Aircraft Hazard Area. These exclusion areas must be verified to be clear of all non-mission and non-essential vessels and aircraft before live weapons are released. In addition, a buffer area must also be clear on the water surface so that vessels do not enter the exclusion area during the launch window. Prior to weapon release, a range sweep of the hazard area would be conducted by participating mission aircraft or other appropriate aircraft, potentially including S–61N helicopter, C–26 aircraft, fighter aircraft (F–15E, F–16, F–22), or the Coast Guard's C–130 aircraft.

The PMRF has used small water craft docked at the Port Allen public pier to keep nearshore areas clear of tour boats for some mission launch areas. However, for missions with large hazard areas that occur far offshore from Kauai, it would be impractical for these smaller vessels to conduct range clearance activities. The composite safety footprint weapons associated with LRS WSEP missions is anticipated to be rather large; therefore, it is likely that range clearing activities would be conducted solely by aircraft.

The Range Facility Control Officer is responsible for establishing hazard clearance areas, directing clearance and surveillance assets, and reporting range status to the Operations Conductor. The Control Officer is also responsible for submitting all Notice to Airmen (NOTAMs) and Notice to Mariners (NOTMARs), and for requesting all Federal Aviation Administration airspace clearances.

The 86 FWS would also like to use a maximum of eight target boats and a maximum of 5,000 20-mm gunnery rounds each year. The gunnery rounds would be inert (do not contain explosives), which would minimize the potential for fragmentation and creation of marine debris, and would be fired against a target boat. Because the use of target boats with inert munitions does not have an acoustic component, it would not take any marine mammals, and is therefore not discussed further.

TABLE 1—SUMMARY OF PROPOSED TESTING AT THE PMRF FROM 2017 TO 2021

Type of munition	Live or inert	NEW (lb)	Type of aircraft	Detonation scenario	Number of Proposed Releases				
					2017	2018	2019	2020	2021
JASSM/JASSM–ER	Live	300	Bomber, Fighter	Surface	6	6	6	6	6
SDB–I	Live	37	Bomber, Fighter	Surface	30	30	30	30	30
SDB–II	Live	23	Bomber, Fighter	Surface	30	30	30	30	30
HARM	Live	45	Fighter	Surface	10	10	10	10	10
JDAM/LJDAM	Live	192	Bomber, Fighter	Subsurface [1]	30	30	30	30	30
MALD/MALD–J	Inert	N/A	Fighter	N/A	4	4	4	4	4

HARM = High Anti-Radiation Missile; JASSM = Joint Air-to-Surface Standoff Missile; JASSM–ER = Joint Air-to-Surface Standoff Missile—Extended Range; JDAM = Joint Direct Attack Munition; lb = pounds; LJDAM = Laser Joint Direct Attack Munition; MALD = Miniature Air Launched Decoy; MALD–J = Miniature Air Launched Decoy—Jamming; N/A = not applicable (inert); SDB = Small Diameter Bomb

[1] Assumes a 10-millisecond time-delayed fuse resulting in detonation occurring at an approximate 10-foot water depth.

Description of Marine Mammals in the Area of the Specified Activity

There are 25 marine mammal species with potential or confirmed occurrence in the proposed activity area; however, not all of these species occur in this region during the project timeframe. Table 2 lists and summarizes key information regarding stock status and abundance of these species. Please see NMFS' draft 2016 Stock Assessment Reports (SAR), available at *www.nmfs.noaa.gov/pr/sars* for more detailed accounts of these stocks' status and abundance.

TABLE 2—MARINE MAMMALS THAT COULD OCCUR IN THE BSURE AREA

Species	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, Nmin, most recent abundance survey) [2]	PBR [3]	Occurrence in BSURE area
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)					
Family: Balaenopteridae					
Humpback whale (*Megaptera novaeangliae*) [4].	Central North Pacific	N; Y	10,103 (0.300; 7,890; 2006).	83	Seasonal; throughout known breeding grounds during winter and spring (most common November through April).
Blue Whale (*Balaenoptera musculus*)	Central North Pacific	Y; Y	81 (1.14; 38; 2010).	0.1	Seasonal; infrequent winter migrant; few sightings, mainly fall and winter; considered rare.
Fin whale (*Balaenoptera physalus*	Hawaii	Y; Y	58 (1.12; 27; 2010).	0.1	Seasonal, mainly fall and winter; considered rare.
Sei whale (*Balaenoptera borealis*)	Hawaii	Y; Y	178 (0.90; 93; 2010).	0.2	Rare; limited sightings of seasonal migrants that feed at higher latitudes.
Bryde's whale (*Balaenoptera brydei/edeni*)	Hawaii	–; N	798 (0.28; 633; 2010).	6.3	Uncommon; distributed throughout the Hawaiian Exclusive Economic Zone.
Minke whale (*Balaenoptera acutorostrata*)	Hawaii	–; N	n/a (n/a; n/a; 2010).	Undet.	Regular but seasonal (October–April).
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)					
Family: Physeteridae					
Sperm whale (*Physeter macrocephalus*)	Hawaii	Y; Y	3,354 (0.34; 2,539; 2010).	10.2	Widely distributed year round; more likely in waters > 1,000 m depth, most often > 2,000 m.
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)					
Family: Kogiidae					
Pygmy sperm whale (*Kogia breviceps*)	Hawaii	–; N	n/a (n/a; n/a; 2010).	Undet.	Widely distributed year round; more likely in waters > 1,000 m depth.
Dwarf sperm whale (*Kogia sima*)	Hawaii	–; N	n/a (n/a; n/a; 2010).	Undet.	Widely distributed year round; more likely in waters > 500 m depth.
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)					
Family: Delphinidae					
Killer whale (*Orcinus orca*)	Hawaii	–; N	101 (1.00; 50; 2010).	1	Uncommon; infrequent sightings.
False killer whale (*Pseudorca crassidens*)	Hawaii Pelagic	–; N	1,540 (0.66; 928; 2010).	9.3	Regular.
	NWHI Stock	–; N	617 (1.11; 290; 2010).	2.3	Regular.
Pygmy killer whale (*Feresa attenuata*)	Hawaii	–; N	3,433 (0.52; 2,274; 2010).	23	Year-round resident.
Short-finned pilot whale (*Globicephala macrorhynchus*).	Hawaii	–; N	12,422 (0.43; 8,872; 2010).	70	Commonly observed around Main Hawaiian Islands and Northwestern Hawaiian Islands.
Melon headed whale (*Peponocephala electra*).	Hawaii Islands stock	–; N	5,794 (0.20; 4,904; 2010).	4	Regular.

TABLE 2—MARINE MAMMALS THAT COULD OCCUR IN THE BSURE AREA—Continued

Species	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, Nmin, most recent abundance survey) [2]	PBR [3]	Occurrence in BSURE area
Bottlenose dolphin (*Tursiops truncatus*)	Hawaii pelagic	–; N	5,950 (0.59; 3,755; 2010).	38	Common in deep offshore waters.
Pantropical spotted dolphin (*Stenella attenuata*).	Hawaii pelagic	–; N	15,917 (0.40; 11,508; 2010).	115	Common; primary occurrence between 100 and 4,000 m depth.
Striped dolphin (*Stenella coeruleoala*)	Hawaii	–; N	20,650 (0.36; 15,391; 2010).	154	Occurs regularly year round but infrequent sighting during survey.
Spinner dolphin (*Stenella longirostris*)	Hawaii pelagic	–; N	n/a (n/a; n/a; 2010).	Undet.	Common year-round in offshore waters.
Rough-toothed dolphins (*Steno bredanensis*).	Hawaii stock	–; N	6,288 (0.39; 4,581; 2010).	46	Common throughout the Main Hawaiian Islands and Hawaiian Islands EEZ.
Fraser's dolphin (*Lagenodelphis hosei*)	Hawaii	–; N	16,992 (0.66; 10,241; 2010).	102	Tropical species only recently documented within Hawaiian Islands EEZ (2002 survey).
Risso's dolphin (*Grampus griseus*)	Hawaii	–; N	7,256 (0.41; 5,207; 2010).	42	Previously considered rare but multiple sightings in Hawaiian Islands EEZ during various surveys conducted from 2002–2012.
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)					
Family: Ziphiidae					
Cuvier's beaked whale (*Ziphius cavirostris*).	Hawaii	–; N	1,941 (n/a; 1,142; 2010).	11.4	Year-round occurrence but difficult to detect due to diving behavior.
Blainville's beaked whale (*Mesoplodon densirostris*).	Hawaii	–; N	2,338 (1.13; 1,088; 2010).	11	Year-round occurrence but difficult to detect due to diving behavior.
Longman's beaked whale (*Indopacetus pacificus*).	Hawaii	–; N	4,571 (0.65; 2,773; 2010).	28	Considered rare; however, multiple sightings during 2010 survey.
Order—Carnivora—Superfamily Pinnipedia (seals, sea lions)					
Family: Phocidae					
Hawaiian monk seal (*Neomonachus schauinslandi*).	Hawaii	Y; Y	1,112 (n/a; 1,088; 2013).	Undet.	Predominantly occur at Northwestern Hawaiian Islands; approximately 138 individuals in Main Hawaiian Islands.

[1] Endangered Species Act (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.

[2] CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable. For certain stocks, abundance estimates are actual counts of animals and there is no associated CV. The most recent abundance survey that is reflected in the abundance estimate is presented; there may be more recent surveys that have not yet been incorporated into the estimate. All values presented here are from the 2015 Pacific SARs, except humpback whales—see comment 4.

[3] Potential biological removal (PBR), 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).

[4] Values for humpback whales are from the 2015 Alaska SAR.

Of these 25 species, 5 are listed as endangered under the Endangered Species Act (ESA) and as depleted throughout their range under the MMPA. These are: Blue whale, fin whale, sei whale, sperm whale, and the Hawaiian monk seal. Only one of these species, the sei whale, may be impacted by 86 FWS's activities.

Of the 25 species that may occur in Hawaiian waters, only certain stocks occur in the impact area during the season in which LRS WSEP activities may occur. Sixteen species are

considered likely to be in the impact area during the five days of project activities. Although sperm whales are frequently detected in this area and have even been satellite-tagged with presence in this area of the PMRF (Baird 2016), because of the low density of this species and the short duration of mission activities, take was not requested for this species. Similarly, large baleen whales like the fin and blue whales occur in this area in all or most months of the year; however, their densities during the time of the 86 FWS's activities are very low (or 0) that the probability they will be impacted by the mission activities during the 4 hours per day on the 5 days over the course of the year is minimal, and no take was modeled or requested for these species.

We have reviewed 86 FWS's species descriptions, including life history information, distribution, regional distribution, diving behavior, and acoustics and hearing, for accuracy and completeness. We refer the reader to Sections 3 and 4 of 86 FWS's application and to Chapter 3 in 86 FWS's EA, rather than reprinting the information here.

Below, for those 16 species that are likely to be taken by the activities described, we offer a brief introduction to the species and relevant stock as well as available information regarding population trends and threats, and describe any information regarding local occurrence.

Humpback Whale

Humpback whales are found worldwide in all ocean basins. In winter, most humpback whales occur in the subtropical and tropical waters of the Northern and Southern Hemispheres (Muto *et al.,* 2015). These wintering grounds are used for mating, giving birth, and nursing new calves. Humpback whales migrate nearly 3,000 mi (4,830 km) from their winter breeding grounds to their summer foraging grounds in Alaska.

There are five stocks of humpback whales, one of which occurs in Hawaii: The Central North Pacific Stock, which consists of winter/spring populations in the Hawaiian Islands, which migrate primarily to northern British Columbia/Southeast Alaska, the Gulf of Alaska, and the Bering Sea/Aleutian Islands (Muto *et al.,* 2015). The current abundance estimate for the Central North Pacific stock is 10,103 animals, with potential biological removal (PBR) at 83 animals, and this stock is considered a strategic stock (Muto *et al.,* 2015). Humpback whales occur seasonally in Hawaii, with peak sightings between December and May each year; however, sightings have occurred in other months in very low numbers. Most humpback whales congregate off the island of Maui in the shallow protected waters, but can be seen off all of the islands, including the Northwestern Hawaiian Islands (Baird 2016).

Humpback whales were listed as endangered under the Endangered Species Conservation Act (ESCA) in June 1970. In 1973, the ESA replaced the ESCA, and humpbacks continued to be listed as endangered. NMFS recently evaluated the status of the species, and on September 8, 2016, NMFS divided the species into 14 distinct population segments (DPS), removed the current species-level listing, and in its place listed four DPSs as endangered and one DPS as threatened (81 FR 62259, September 8, 2016). The remaining nine DPSs were not listed. There is one DPS that occurs in the action area: The Hawaii DPS, which is not listed under the ESA (81 FR 62259). Because this rule resulted in the designation of DPSs in the North Pacific, a parallel revision of MMPA population structure in the North Pacific is currently being considered.

Sei Whale

Sei whales occur seasonally in Hawaii in the winter and spring months and feed in higher latitude feeding grounds in the summer and fall (Carretta *et al.,* 2014). Sightings of this species are rare in Hawaii. This species stays offshore of the islands in deeper waters (Baird 2016). Average group size for this species is 3.1 animals (Bradford *et al.,* 2017).

The abundance estimate for this stock from a 2010 survey is 178 animals (Carretta *et al.,* 2014). More recent estimates, based on the 2010 survey pooled with sightings collected during previous NMFS surveys of the eastern Pacific, estimate the Hawaii stock of sei whales to be 391 individuals (Bradford *et al.,* 2017). PBR is currently 0.2 sei whales per year (Carretta *et al.,* 2014). The main threats to this stock are fisheries interactions and increasing levels of anthropogenic sound in the ocean (Carretta *et al.,* 2014). This stock is listed as endangered under the ESA, and is considered a depleted and strategic stock under the MMPA.

Minke Whale

Minke whales occur seasonally in Hawaii (Carretta *et al.,* 2014). Sightings of this species are rare; however, acoustic detection of their ''boing'' sounds are common. An acoustic study from 2007–2008 at a location 100 km north of the island of Oahu detected boings throughout the winter and spring months from October until May, with a peak in March (Baird 2016).

The current abundance estimate for this stock is unknown and, therefore, PBR is also unknown (Carretta *et al.,* 2014). There is insufficient data to determine trends in the population. The main threat to this stock is the increasing level of anthropogenic sound in the ocean (Carretta *et al.,* 2014). This stock is not listed as endangered or threatened under the ESA and is not considered strategic or designated as depleted under the MMPA (Carretta *et al.,* 2014).

Pygmy Sperm Whale

Pygmy sperm whales are found in tropical and warm-temperate waters throughout the world (Ross and Leatherwood 1994). This species prefers deeper waters with observations of this species in greater than 4,000 m depth (Baird *et al.,* 2013); and, based on stomach contents from stranded individuals, pygmy sperm whales forage between 600 and 1,200 m depth (Baird 2016). Sightings are rare of this species, but observations include lone individuals or pairs, with an average group size of 1.5 individuals (Baird 2016).

There is a single stock of Pygmy sperm whales in Hawaii. Current abundance estimates for this stock are unknown. A 2002 survey in Hawaii estimated 7,138 animals; however, this data is outdated and is no longer used. PBR cannot be calculated due to insufficient data. (Carretta *et al.,* 2014). The main threats to this species are fisheries interactions and effects from underwater sounds such as active sonar (Carretta *et al.,* 2014). This stock is not listed as endangered or threatened under the ESA and is not considered strategic or designated as depleted under the MMPA (Carretta *et al.,* 2014).

Dwarf Sperm Whale

Dwarf sperm whales are found throughout the world in tropical to warm-temperate waters (Carretta *et al.,* 2014). They are usually found in waters deeper than 500 m, most often sighted in depths between 500 and 1,000 m, but they have been documented in depths as shallow as 106 m and as deep as 4,700 m (Baird 2016). This species is often alone or in small groups of up to two to four individuals (average group size of 2.7 individuals), with a maximum observed group size of eight individuals (Baird 2016). When there are more than two animals together, they are often loosely associated, with up to several hundred meters between pairs of individuals (Baird 2016).

There is one stock of dwarf sperm whales in Hawaii. Sighting data suggests a small resident population off Hawaii Island (Baird 2016). There are no current abundance estimates for this stock. In 2002, a survey off Hawaii estimated the abundance at 17,159; however, this data is outdated and is no longer used. PBR cannot be calculated due to insufficient data. It has been suggested that this species is probably one of the more abundant species of cetaceans in Hawaiian waters (Baird 2016). One of their main threats is interactions with fisheries; however, dwarf sperm whales are also sensitive to high-intensity underwater sounds and navy sonar testing. This stock is not listed as endangered under the ESA and is not considered strategic or designated as depleted under the MMPA (Carretta *et al.,* 2014).

Pygmy Killer Whale

Pygmy killer whales are found in tropical and subtropical waters. The Hawaii stock occurs year round in Hawaii and has a small resident population within the main Hawaiian islands (Carretta *et al.,* 2014). This resident group stays within 20 km of shore (Carretta *et al.,* 2014) in water depths between 500 and 3,500 m (Baird 2016), while other populations may move farther offshore. The resident population is less common off the islands of Kauai and Niihau (Baird 2016). This stock forms stable social groups, with group sizes ranging from 2 to 33 individuals, and with average group sizes of 9 individuals (Baird 2016). Other research suggests a larger average group size of 25.7 animals (Bradford *et al.,* 2017), but most of these sightings were farther offshore in pelagic waters.

The most recent abundance estimate for this group in the SAR is 3,433 animals with PBR at 23 animals (Carretta *et al.,* 2014). More recently, the abundance estimate for this stock, based on a 2010 survey pooled with sightings collected during previous NMFS surveys of the eastern Pacific, is 10,640 animals (Bradford *et al.,* 2017). The main threats for this stock include fisheries interactions and increases in underwater sound in the ocean (Carretta *et al.,* 2014). This stock is not listed as endangered or threatened under the ESA and is not considered a depleted or strategic stock under the MMPA (Carretta *et al.,* 2014).

Short-Finned Pilot Whale

Short-finned pilot whales are found primarily in tropical and warm-temperate waters (Carretta *et al.,* 2014). This species prefers deeper waters, ranging from 324 m to 4,400 m, with most sightings between 500 m and 3,000 m (Baird 2016). There are multiple resident populations in Hawaii, with small home ranges around one or two islands, as well as a pelagic population (Baird 2016). This stock forms stable social groups, with average group size of 18 individuals, but may form large aggregations of close to 200 individuals (Baird 2016). Other research suggests a larger average group size of 40.9 individuals (Bradford *et al.,* 2017), but most of these sightings were farther offshore in pelagic waters.

The most recent abundance estimate for this group in the SAR is 12,422 animals with PBR at 70 animals (Carretta *et al.,* 2014). More recently, the abundance estimate for this stock, based on a 2010 survey pooled with sightings collected during previous NMFS surveys of the eastern Pacific, is 19,503 animals (Bradford *et al.,* 2017). The main threat to this stock is interactions with fisheries (Carretta *et al.,* 2014). This stock is not listed as endangered or threatened under the ESA and is not considered a depleted or strategic stock under the MMPA (Carretta *et al.,* 2014).

Melon-Headed Whale

Melon-headed whales are found in tropical and warm-temperate waters (Carretta *et al.,* 2014). There are two demographically-independent populations in Hawaii, the Hawaiian Islands stock and the Kohala resident stock (Carretta *et al.,* 2014). The resident stock have a small range restricted to the shallow waters around Hawaii Island, whereas the Hawaiian Islands stock are found all throughout the islands and out into the pelagic areas (Carretta *et al.,* 2014). Only the latter stock may be affected by 86 FWS's activities. This stock prefers waters deeper than 1,000 m (Baird 2016). This species forms large groups, with average group size of almost 250 individuals, with the largest group documented at close to 800 individuals (Baird 2016). Other research suggests a smaller average group size of 153 individuals (Bradford *et al.,* 2017).

The most recent abundance estimate for this stock in the SAR is 2,860 animals with PBR at 49 animals (Carretta *et al.,* 2014). More recently, the abundance estimate for this stock, based on a 2010 survey pooled with sightings collected during previous NMFS surveys of the eastern Pacific, is 8,666 individuals (Bradford *et al.,* 2017). The main threat to this species is human induced, most likely through fisheries interactions (Carretta *et al.,* 2014) and mid-frequency sonar testing (Baird 2016). This stock is not listed as endangered or threatened under the ESA and is not considered a depleted or strategic stock under the MMPA (Carretta *et al.,* 2014).

Bottlenose Dolphin

Bottlenose dolphins are found in tropical to warm-temperate waters (Carretta *et al.,* 2014). They are common throughout the Hawaiian Islands, with coastal and offshore forms, and with limited range movements between islands and offshore waters (Carretta *et al.,* 2014). There are four resident populations: (1) Kauai/Niihau, (2) Oahu, (3) the 4-island region, and (4) Hawaii; as well as one pelagic stock, which is separated by the 1,000 m isobaths (Carretta *et al.,* 2014). Only the pelagic population is considered here. Average group size of bottlenose dolphins is 33.5 individuals (Bradford *et al.,* 2017).

The most recent abundance estimate for the pelagic stock in the SAR is 3,755 animals with PBR at 38 animals (Carretta *et al.,* 2014). More recently, the abundance estimate for all of the stocks in Hawaii, based on a 2010 survey pooled with sightings collected during previous NMFS surveys of the eastern Pacific, is 21,815 individuals (Bradford *et al.,* 2017); however, this may be an overestimate since most of the sightings were in the Northwestern Hawaiian Islands (Baird 2016). This stock is not listed as endangered or threatened under the ESA and is not considered a depleted or strategic stock under the MMPA (Carretta *et al.,* 2014).

Pantropical Spotted Dolphin

Pantropical spotted dolphins are found in tropical and subtropical waters (Carretta *et al.,* 2014). There are four stocks in Hawaii: (1) The Oahu stock, (2) the 4-Island stock, (3) the Hawaii Island stock, and (4) the Hawaii pelagic stock. Only the pelagic stock is considered here. This species prefers deeper waters between 1,500 m and 3,000 m (Baird 2016). This species forms large groups with average group size of 60 individuals, with the largest group estimated at 400 individuals (Baird 2016). Other research suggests a smaller average group size of 43.2 individuals (Bradford *et al.,* 2017).

The most recent abundance estimate for the pelagic stock in the SAR is 15,917 animals with PBR at 115 animals (Carretta *et al.,* 2014). More recently, the abundance estimate for all of the stocks in Hawaii, based on a 2010 survey pooled with sightings collected during previous NMFS surveys of the eastern Pacific, is 55,795 individuals (Bradford *et al.,* 2017). The main threat to this species is interactions with fisheries (Baird 2016). This stock is not listed as endangered or threatened under the

ESA and is not considered a depleted or strategic stock under the MMPA (Carretta *et al.,* 2014).

Striped Dolphin

Striped dolphins are found in tropical to warm-temperate waters (Carretta *et al.,* 2014). There is one stock of striped dolphins in Hawaii. This is a deep water species, preferring depths greater than 3,500 m (Baird 2016). This species forms large groups, with an average group size of 28 individuals, and a maximum group size of 100 individuals (Baird 2016). Other research suggests a larger average group size of 52.6 individuals (Bradford *et al.,* 2017).

The most recent abundance estimate for the pelagic stock in the SAR is 20,651 animals with PBR at 154 animals (Carretta *et al.,* 2014). More recently, the abundance estimate for all of the stocks in Hawaii, based on a 2010 survey pooled with sightings collected during previous NMFS surveys of the eastern Pacific, is 61,201 individuals (Bradford *et al.,* 2017). The main threat to this species is disease (Carretta *et al.,* 2014). This stock is not listed as endangered or threatened under the ESA and is not considered a depleted or strategic stock under the MMPA (Carretta *et al.,* 2014).

Spinner Dolphin

Spinner dolphins are found in tropical and warm-temperate waters (Carretta *et al.,* 2014). There are six stocks in the main Hawaiian islands: (1) Kauai/Niihau stock, (2) Oahu and the 4-Islands region, (3) Hawaii island stock, (4) Pearl & Hermes Reef, (5) Kure/Midway, and (6) pelagic stock. The boundary between the island-associated stocks and the pelagic stock is 10 nmi from shore (Carretta *et al.,* 2014). Only the pelagic stock is considered here. The offshore stock is rarely sighted (Baird 2016), and most of the deep water activity is at night when they feed. The average group size for this species is 30 individuals with larger groups of nearly 300 animals observed (Baird 2016).

The most recent abundance estimate for the pelagic stock in the SAR is 3,351 animals from a 2002 survey, which is outdated (Carretta *et al.,* 2014). The main threat to this species is the constant interactions with humans during the day-time when they are resting (Carretta *et al.,* 2014; Baird 2016). This stock is not listed as endangered or threatened under the ESA and is not considered a depleted or strategic stock under the MMPA (Carretta *et al.,* 2014).

Rough-Toothed Dolphin

Rough-toothed dolphins are found in tropical and warm-temperate waters (Carretta *et al.,* 2014). While there is evidence for two island-associated stocks and one pelagic stock in Hawaii, there is only one stock designated for Hawaii (Carretta *et al.,* 2014). Most sightings of this species off Kauai are in water depths of less than 1,000 m; however, it is the most often sighted species in depths greater than 3,000 m (Baird 2016). This species forms stable associations as part of larger groups, with average group sizes of 11 animals and maximum group sizes, observed off Kauai, of 140 individuals (Baird 2016). Other research suggests a larger average group size of 25.3 individuals (Bradford *et al.,* 2017).

The most recent abundance estimate for the pelagic stock in the SAR is 6,288 animals with PBR at 46 animals (Carretta *et al.,* 2014). More recently, the abundance estimate for all of the stocks in Hawaii, based on a 2010 survey pooled with sightings collected during previous NMFS surveys of the eastern Pacific, is 72,528 individuals (Bradford *et al.,* 2017). The main threat to this species is interactions with fisheries (Carretta *et al.,* 2014). This stock is not listed as endangered or threatened under the ESA and is not considered a depleted or strategic stock under the MMPA (Carretta *et al.,* 2014).

Fraser's Dolphin

Fraser's dolphin are found in tropical waters (Carretta *et al.,* 2011). This is a deep water species occurring offshore of the Hawaiian islands, with sightings occurring in water depths between 1,515 m and 4,600 m (Baird 2016). This species forms large groups with average group sizes between 75 and 110 individuals (Baird 2016). Other research suggests a larger average group size of 283.3 individuals (Bradford *et al.,* 2017).

The most recent abundance estimate for the pelagic stock in the SAR is 10,226 animals with PBR at 47 animals (Carretta *et al.,* 2011). More recently, the abundance estimate for all of the stocks in Hawaii, based on a 2010 survey pooled with sightings collected during previous NMFS surveys of the eastern Pacific, is 51,491 individuals (Bradford *et al.,* 2017). This stock is not listed as endangered or threatened under the ESA and is not considered a depleted or strategic stock under the MMPA (Carretta *et al.,* 2011).

Risso's Dolphin

Risso's dolphins are found in tropical to warm-temperate waters (Carretta *et al.,* 2014). This is a deep water species, often found in depths greater than 3,000 m, and with the highest sighting rate in depths greater than 4,500 m (Baird 2016). This species forms small groups, with an average group size of 4 individuals, and a maximum group size of 25 individuals off the coast of Hawaii (Baird 2016). Other research, which was conducted offshore, suggests a larger average group size of 26.6 individuals (Bradford *et al.,* 2017), which may be more representative of this species since they occur more often offshore in deeper waters.

The most recent abundance estimate for the pelagic stock in the SAR is 7,256 animals with PBR at 42 animals (Carretta *et al.,* 2014). More recently, the abundance estimate for all of the stocks in Hawaii, based on a 2010 survey pooled with sightings collected during previous NMFS surveys of the eastern Pacific, is 11,613 individuals (Bradford *et al.,* 2017). The main threat to this species is interactions with fisheries (Carretta *et al.,* 2014). This stock is not listed as endangered or threatened under the ESA and is not considered a depleted or strategic stock under the MMPA (Carretta *et al.,* 2014).

Longman's Beaked Whale

Longman's beaked whales are found in tropical waters from the eastern Pacific westward through the Indian Ocean to the eastern coast of Africa (Carretta *et al.,* 2014). There is one stock in Hawaii. Group sizes range from 18 to 110 individuals (Baird 2016), with an average group size of 59.8 individuals (Bradford *et al.,* 2017).

The most recent abundance estimate for the pelagic stock in the SAR is 4,571 animals with PBR at 28 animals (Carretta *et al.,* 2014). More recently, the abundance estimate for all of the stocks in Hawaii, based on a 2010 survey pooled with sightings collected during previous NMFS surveys of the eastern Pacific, is 7,619 individuals (Bradford *et al.,* 2017). The main threats to this species are interactions with fisheries and increasing sounds in the ocean, including military sonar (Carretta *et al.,* 2014). This stock is not listed as endangered or threatened under the ESA and is not considered a depleted or strategic stock under the MMPA (Carretta *et al.,* 2014).

Potential Effects of the Specified Activity on Marine Mammals and Their Habitat

This section includes a summary and discussion of the ways that components (*e.g.,* munition strikes and detonation effects) of the specified activity, including mitigation, may impact marine mammals and their habitat. The *Estimated Take by Incidental Harassment* section later in this document will include a quantitative analysis of the number of individuals

that we expect 86 FWS to take during this activity. The *Negligible Impact Analysis* section will include the analysis of how this specific activity would impact marine mammals, and will consider the content of this section, the *Estimated Take by Incidental Harassment* section, and the *Proposed Mitigation* section to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals, and from that on the affected marine mammal populations or stocks. In the following discussion, we provide general background information on sound and marine mammal hearing before considering potential effects on marine mammals from sound produced by surface detonations.

Description of Sound Sources and WSEP Sound Types

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. 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 we reference all underwater sound levels in this document to a pressure of 1 μPa, and all airborne sound levels in this document are referenced to a pressure of 20 μPa.

Root mean square (rms) is the quadratic mean sound pressure over the duration of an impulse. Rms 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 one can account for the values 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, and atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (*e.g.,* vessels, dredging, aircraft, and 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.

The sounds produced by the proposed WSEP activities are considered impulsive, which is one of two general sound types, the other being non-pulsed. 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.

Impulsive sound sources (*e.g.,* explosions, gunshots, sonic booms, and 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), and occur either as isolated events or repeated in

some succession. These sounds have 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.

Marine Mammal Hearing

When considering the influence of various kinds of sound on the marine environment, it is necessary to understand that different kinds of marine life are sensitive to different frequencies of sound. Current data indicate that not all marine mammal species have equal hearing capabilities (Richardson *et al.,* 1995; Southall *et al.,* 1997; Wartzok and Ketten, 1999; Au and Hastings, 2008).

Animals are less sensitive to sounds at the outer edges of their functional hearing range and are more sensitive to a range of frequencies within the middle of their functional hearing range. For mid-frequency cetaceans, functional hearing estimates occur between approximately 150 Hz and 160 kHz, with best hearing estimated to occur between approximately 10 to less than 100 kHz (Finneran *et al.,* 2005 and 2009, Natchtigall *et al.,* 2005 and 2008; Yuen *et al.,* 2005; Popov *et al.,* 2010 and 2011; and Schlundt *et al.,* 2011).

On August 4, 2016, NMFS released its Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (81 FR 51694). This new guidance established new thresholds for predicting onset of temporary (TTS) and permanent threshold shifts (PTS) for impulsive (*e.g.,* explosives and impact pile drivers) and non-impulsive (*e.g.,* vibratory pile drivers) sound sources. These acoustic thresholds are presented using dual metrics of cumulative sound exposure level (SELcum) and peak sound level (PK) for impulsive sounds and SELcum for non-impulsive sounds. 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).

There are sixteen marine mammal species with expected potential to co-occur with 86 FWS LRS WSEP military readiness activities. These species fall into the following hearing groups: (1) Low-frequency cetaceans (humpback whale (*Megaptera novanglieae*), sei whale (*Balaenoptera borealis*), and minke whale (*Balaenoptera acutorostrata*)); (2) mid-frequency cetaceans (Pygmy killer whale (*Feresa attenuata*), short-finned pilot whale (*Globicephala macrorhynchus*), melon-headed whale (*Peponocephala electra*), bottlenose dolphin (*Tursiops truncatus*), Pantropical spotted dolphin (*Stenella attenuata*), striped dolphin (*Stenella coeruleoala*), spinner dolphin (*Stenella longirostris*), rough-toothed dolphin (*Steno bredanensis*), Fraser's dolphin (*Lagenodelphis hosei*), Risso's dolphin (*Grampus griseus*), and Longman's beaked whale (*Indopacetus pacificus*)); and (3) high-frequency cetaceans (Pygmy sperm whale (*Kogia breviceps*), and dwarf sperm whale (*Kogia sima*)). There are no phocid or otariid species that will be impacted by 86 FWS's activities. A species' functional hearing group is a consideration when we analyze the effects of exposure to sound on marine mammals.

Acoustic Impacts

Please refer to the information given previously (*Description of Sound Sources*) regarding sound, characteristics of sound types, and metrics used in this document. Anthropogenic sounds cover a broad range of frequencies and sound levels and can have a range of highly variable impacts on marine life, from none or minor to potentially severe responses, depending on received levels, duration of exposure, behavioral context, and various other factors. The potential effects of underwater sound from active acoustic sources can potentially result in one or more of the following: Temporary or permanent hearing impairment; non-auditory physical or physiological effects; behavioral disturbance; stress; and masking (Richardson *et al.,* 1995; Gordon *et al.,* 2004; Nowacek *et al.,* 2007; Southall *et al.,* 2007; Götz *et al.,* 2009). The degree of effect is intrinsically related to the signal characteristics, received level, distance from the source, and duration of the sound exposure. In general, sudden, high level sounds can cause hearing loss, as can longer exposures to lower level sounds. Temporary or permanent loss of hearing will occur almost exclusively as a result of exposure to noise within an animal's hearing range. We first describe specific manifestations of acoustic effects before providing discussion specific to 86 FWS's activities.

Richardson *et al.* (1995) described zones of increasing intensity of effect that might be expected to occur, in relation to distance from a source and assuming that the signal is within an animal's hearing range. First is the area within which the acoustic signal would be audible (potentially perceived) to the animal, but not strong enough to elicit any overt behavioral or physiological response. The next zone corresponds with the area where the signal is audible to the animal and of sufficient intensity to elicit behavioral or physiological responsiveness. Third is a zone within which, for signals of high intensity, the received level is sufficient to potentially cause discomfort or tissue damage to auditory or other systems. Overlaying these zones to a certain extent is the area within which masking (*i.e.,* when a sound interferes with or masks the ability of an animal to detect a signal of interest that is above the absolute hearing threshold) may occur; the masking zone may be highly variable in size.

We describe the more severe effects (*i.e.,* certain non-auditory physical or physiological effects and mortality) only briefly as we do not expect that there is a reasonable likelihood that 86 FWS's activities may result in such effects (see below for further discussion). Marine mammals exposed to high-intensity sound, or to lower-intensity sound for prolonged periods, can experience hearing threshold shift (TS), which is the loss of hearing sensitivity at certain frequency ranges (Kastak *et al.,* 1999; Schlundt *et al.,* 2000; Finneran *et al.,* 2002, 2005b). TS can be permanent (PTS), in which case the loss of hearing sensitivity is not fully recoverable, or temporary (TTS), in which case the animal's hearing threshold would recover over time (Southall *et al.,* 2007). Repeated sound exposure that leads to TTS could cause PTS. In severe cases of PTS, there can be total or partial deafness, while in most cases the animal has an impaired ability to hear sounds in specific frequency ranges (Kryter 1985).

When PTS occurs, there is physical damage to the sound receptors in the ear (*i.e.,* tissue damage); whereas, TTS represents primarily tissue fatigue and is reversible (Southall *et al.,* 2007). In addition, other investigators have suggested that TTS is within the normal bounds of physiological variability and tolerance and does not represent physical injury (*e.g.,* Ward 1997). Therefore, NMFS does not consider TTS to constitute auditory injury.

Relationships between TTS and PTS thresholds have not been studied in marine mammals—PTS data exists only for a single harbor seal (Kastak *et al.,* 2008)—but are assumed to be similar to those in humans and other terrestrial mammals. PTS typically occurs at exposure levels at least several decibels above (a 40-dB threshold shift approximates PTS onset; *e.g.,* Kryter *et al.,* 1966; Miller, 1974) that inducing mild TTS (a 6-dB threshold shift approximates TTS onset; *e.g.,* Southall *et al.,* 2007). Based on data from terrestrial mammals, a precautionary assumption is that the PTS thresholds for impulse sounds (such as bombs) are at least 6 dB higher than the TTS threshold on a peak-pressure basis and PTS cumulative sound exposure level thresholds are 15 to 20 dB higher than TTS cumulative sound exposure level thresholds (Southall *et al.,* 2007). Given the higher level of sound or longer exposure duration necessary to cause PTS as compared with TTS, it is considerably less likely that PTS could occur.

Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to high level underwater sound or as a secondary effect of extreme behavioral reactions (*e.g.,* change in dive profile as a result of an avoidance reaction) caused by exposure to sound include neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage (Cox *et al.,* 2006; Southall *et al.,* 2007; Zimmer and Tyack, 2007). 86 FWS's activities involve the use of devices such as explosives that are associated with these types of effects; however, severe injury to marine mammals is not anticipated from these activities.

When a live or dead marine mammal swims or floats onto shore and is incapable of returning to sea, the event is termed a ''stranding'' (16 U.S.C. 1421h(3)). Marine mammals are known to strand for a variety of reasons, such as infectious agents, biotoxicosis, starvation, fishery interaction, ship strike, unusual oceanographic or weather events, sound exposure, or combinations of these stressors sustained concurrently or in series (*e.g.,* Geraci *et al.,* 1999). However, the cause or causes of most strandings are unknown (*e.g.,* Best 1982). Combinations of dissimilar stressors may combine to kill an animal or dramatically reduce its fitness, even though one exposure without the other would not be expected to produce the same outcome (*e.g.,* Sih *et al.,* 2004). For further description of stranding events see, *e.g.,* Southall *et al.,* 2006; Jepson *et al.,* 2013; Wright *et al.,* 2013.

1. *Temporary threshold shift*—TTS is the mildest form of hearing impairment that can occur during exposure to sound (Kryter 1985). While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard. In terrestrial and marine mammals, TTS can last from minutes or hours to days (in cases of strong TTS). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. Few data on sound levels and durations necessary to elicit mild TTS have been obtained for marine mammals, and none of the data published at the time of this writing concern TTS elicited by exposure to multiple pulses of sound.

Marine mammal hearing plays a critical role in communication with conspecifics, and in 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 exist only for four species of cetaceans ((bottlenose dolphin, beluga whale (*Delphinapterus leucas*), harbor porpoise (*Phocoena phocoena*), and Yangtze finless porpoise (*Neophocoena 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 *et al.,* 2002; Nachtigall *et al.,* 2004; Kastak *et al.,* 2005; Lucke *et al.,* 2009; Popov *et al.,* 2011). In general, harbor seals (Kastak *et al.,* 2005; Kastelein *et al.,* 2012a) and harbor porpoises (Lucke *et al.,* 2009; Kastelein *et al.,* 2012b) have a lower TTS onset than other measured pinniped or cetacean species. 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) and Finneran and Jenkins (2012).

2. *Behavioral effects*—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, and 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, and 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. As noted, behavioral state may affect the type of response. 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 have shown 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 airguns or acoustic harassment devices) have been varied, but often consist of avoidance behavior or other behavioral changes suggesting discomfort (Morton and Symonds, 2002; see also Richardson *et al.,* 1995; Nowacek *et al.,* 2007).

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone to the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.,* Lusseau and Bejder, 2007; Weilgart, 2007; NRC, 2005). There are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Changes in dive behavior can vary widely and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (*e.g.,* Frankel and Clark, 2000; Costa *et al.,* 2003; Ng and Leung, 2003; Nowacek *et al.;* 2004; Goldbogen *et al.,* 2013a,b). Variations in dive behavior may reflect interruptions in biologically significant activities (*e.g.,* foraging), or they may be of little biological significance. The impact of an alteration to dive behavior resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.,* Croll *et al.,* 2001; Nowacek *et al.;* 2004; Madsen *et al.,* 2006; Yazvenko *et al.,* 2007). A determination of whether foraging disruptions incur fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Variations in respiration naturally vary with different behaviors, and alterations to breathing rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Various studies have shown that respiration rates may either be unaffected or could increase, depending on the species and signal characteristics, again highlighting the importance in understanding species differences in the tolerance of underwater noise when determining the potential for impacts resulting from anthropogenic sound exposure (*e.g.,* Kastelein *et al.,* 2001, 2005b, 2006; Gailey *et al.,* 2007).

Marine mammals vocalize for different purposes and across multiple modes, such as whistling, echolocation click production, calling, and singing. Changes in vocalization behavior in response to anthropogenic noise can occur for any of these modes and may result from a need to compete with an increase in background noise or may reflect increased vigilance or a startle response. For example, in the presence of potentially masking signals, humpback whales and killer whales have been observed to increase the length of their songs (Miller *et al.,* 2000; Fristrup *et al.,* 2003; Foote *et al.,* 2004), while right whales have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.,* 2007b). In some cases, animals may cease sound production during production of aversive signals (Bowles *et al.,* 1994).

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of a sound or other stressors, and is one of the most obvious manifestations of disturbance in marine mammals (Richardson *et al.,* 1995). For example, gray whales are known to change direction—deflecting from customary migratory paths—in order to avoid noise from seismic surveys (Malme *et al.,* 1984). Avoidance may be short-term, with animals returning to the area once the noise has ceased (*e.g.,* Bowles *et al.,* 1994; Goold 1996; Stone *et al.,* 2000; Morton and Symonds 2002; Gailey *et al.,* 2007). Longer-term displacement is possible, however, which may lead to changes in abundance or distribution patterns of the affected species in the affected region if habituation to the presence of the sound does not occur (*e.g.,* Blackwell *et al.,* 2004; Bejder *et al.,* 2006; Teilmann *et al.,* 2006).

A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. The flight response differs from other avoidance responses in the intensity of the response (*e.g.,* directed movement, and rate of travel). Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and Heithaus 1996). The result of a flight response could range from brief, temporary exertion and displacement from the area where the signal provokes flight to, in extreme cases, marine

mammal strandings (Evans and England 2001). However, it should be noted that response to a perceived predator does not necessarily invoke flight (Ford and Reeves 2008), and whether individuals are solitary or in groups may influence the response.

Behavioral disturbance can also impact marine mammals in subtler ways. Increased vigilance may result in costs related to diversion of focus and attention (*i.e.,* when a response consists of increased vigilance, it may come at the cost of decreased attention to other critical behaviors such as foraging or resting). These effects have generally not been demonstrated for marine mammals, but studies involving fish and terrestrial animals have shown that increased vigilance may substantially reduce feeding rates (*e.g.,* Beauchamp and Livoreil 1997; Fritz *et al.,* 2002; Purser and Radford 2011). In addition, chronic disturbance can cause population declines through reduction of fitness (*e.g.,* decline in body condition) and subsequent reduction in reproductive success, survival, or both (*e.g.,* Harrington and Veitch, 1992; Daan *et al.,* 1996; Bradshaw *et al.,* 1998). However, Ridgway *et al.* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a five-day period did not cause any sleep deprivation or stress effects.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Disruptions of such functions resulting from reactions to stressors such as sound exposure are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). Consequently, a behavioral response lasting less than one day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.,* 2007). Note that there is a difference between multi-day substantive behavioral reactions and multi-day anthropogenic activities. For example, just because an activity lasts for multiple days does not necessarily mean that individual animals are either exposed to activity-related stressors for multiple days or, further, exposed in a manner resulting in sustained multi-day substantive behavioral responses.

3. *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).

4. *Auditory masking*—Sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, and navigation) (Richardson *et al.,* 1995). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (*e.g.,* snapping shrimp, wind, waves, and precipitation) or anthropogenic (*e.g.,* shipping, sonar, and seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.,* signal-to-noise ratio, temporal variability, and direction), in relation to each other and to an animal's hearing abilities (*e.g.,* sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions.

Under certain circumstances, marine mammals experiencing significant masking could also be impaired from maximizing their performance fitness in survival and reproduction. Therefore, when the coincident (masking) sound is man-made, it may be considered harassment when disrupting or altering critical behaviors. 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 it may result in a behavioral effect.

The frequency range of the potentially masking sound is important in determining any potential behavioral impacts. For example, low-frequency signals may have less effect on high-frequency echolocation sounds produced by odontocetes, but are more likely to affect detection of mysticete communication calls and other potentially important natural sounds such as those produced by surf and some prey species. The masking of communication signals caused by anthropogenic noise may be considered as a reduction in the communication space of animals (*e.g.,* Clark *et al.,* 2009),

and may result in energetic or other costs as animals change their vocalization behavior (*e.g.,* Miller *et al.,* 2000; Foote *et al.,* 2004; Parks *et al.,* 2007b; Di Iorio and Clark, 2009; Holt *et al.,* 2009). Masking can be reduced in situations where the signal and noise come from different directions (Richardson *et al.,* 1995), through amplitude modulation of the signal, or through other compensatory behaviors (Houser and Moore 2014). Masking can be tested directly in captive species (*e.g.,* Erbe 2008), but in wild populations it must be either modeled or inferred from evidence of masking compensation. There are few studies addressing real-world masking sounds likely to be experienced by marine mammals in the wild (*e.g.,* Branstetter *et al.,* 2013).

Masking affects both senders and receivers of acoustic signals and can potentially have long-term chronic effects on marine mammals at the population level as well as at the individual level. 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, with most of the increase from distant commercial shipping (Hildebrand 2009). All anthropogenic sound sources, but especially chronic and lower-frequency signals (*e.g.,* from vessel traffic), contribute to elevated ambient sound levels, thus intensifying masking.

The LRS WSEP training exercises proposed for the incidental take of marine mammals have the potential to take marine mammals by exposing them to impulsive noise and pressure waves generated by live ordnance detonation at the surface of the water. Exposure to energy, pressure, or direct strike by ordnance has the potential to result in non-lethal injury (Level A harassment), disturbance (Level B harassment), serious injury, and/or mortality. In addition, NMFS also considered the potential for harassment from vessel and aircraft operations.

Acoustic Effects, Underwater

Explosive detonations at the water surface send a shock wave and sound energy through the water and can release gaseous by-products, create an oscillating bubble, or cause a plume of water to shoot up from the water surface. The shock wave and accompanying noise are of most concern to marine animals. Depending on the intensity of the shock wave and size, location, and depth of the animal, an animal can be injured, killed, suffer non-lethal physical effects, experience hearing related effects with or without behavioral responses, or exhibit temporary behavioral responses (*e.g.* flight responses, temporary avoidance) from hearing the blast sound. Generally, exposures to higher levels of impulse and pressure levels would result in greater impacts to an individual animal.

The effects of underwater detonations on marine mammals are dependent on several factors, including the size, type, and depth of the animal; the depth, intensity, and duration of the sound; the depth of the water column; the substrate of the habitat; the standoff distance between activities and the animal; and the sound propagation properties of the environment. Thus, we expect impacts to marine mammals from LRS WSEP activities to result primarily from acoustic pathways. As such, the degree of the effect relates to the received level and duration of the sound exposure, as influenced by the distance between the animal and the source. The further away from the source, the less intense the exposure should be.

The potential effects of underwater detonations from the proposed LRS WSEP training activities may include 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). However, the effects of noise on marine mammals are highly variable, often depending on species and contextual factors (based on Richardson *et al.,* 1995).

In the absence of mitigation, impacts to marine species could 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.

Hearing Impairment and Other Physical Effects—Marine mammals exposed to high intensity sound repeatedly or for prolonged periods can experience hearing threshold shift. Given the available data, the received level of a single pulse (with no frequency weighting) might need to be approximately 186 dB re 1 μPa2–s (*i.e.,* 186 dB sound exposure level (SEL) or approximately 221–226 dB p-p (peak)) in order to produce brief, mild TTS. Exposure to several strong pulses that each have received levels near 190 dB rms (175–180 dB SEL) might result in cumulative exposure of approximately 186 dB SEL and thus slight TTS in a small odontocete, assuming the TTS threshold is (to a first approximation) a function of the total received pulse energy.

Non-auditory Physiological Effects—Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to strong underwater sound include stress and other types of organ or tissue damage (Cox *et al.,* 2006; Southall *et al.,* 2007).

Serious Injury/Mortality: 86 FWS proposes to use munitions in its training exercises that may detonate above, at, or slightly below the water surface. The explosions from these weapons would send a shock wave and blast noise through the water, release gaseous by-products, create an oscillating bubble, and cause a plume of water to shoot up from the water surface. The shock wave and blast noise are of most concern to marine animals. In general, potential impacts from explosive detonations can range from brief effects (such as short term behavioral disturbance), tactile perception, physical discomfort, slight injury of the internal organs, and death of the animal (Yelverton *et al.,* 1973; O'Keeffe and Young 1984; DoN 2001). Physical damage of tissues resulting from a shock wave (from an explosive detonation) constitutes an injury. Blast effects are greatest at the gas-liquid interface (Landsberg 2000) and gas-containing organs, particularly the lungs and gastrointestinal tract, are especially susceptible to damage (Goertner 1982; Yelverton *et al.,* 1973). Nasal sacs, larynx, pharynx, trachea, and lungs may be damaged by compression/expansion caused by the oscillations of the blast gas bubble (Reidenberg and Laitman 2003). Severe damage (from the shock wave) to the ears can include tympanic membrane rupture, fracture of the ossicles, cochlear damage, hemorrhage, and cerebrospinal fluid leakage into the middle ear.

Non-lethal injury includes slight injury to internal organs and the auditory system; however, delayed lethality can be a result of individual or cumulative sublethal injuries (DoN 2001). Immediate lethal injury would be a result of massive combined trauma to internal organs as a direct result of proximity to the point of detonation (DoN 2001).

Disturbance Reactions

Because the few available studies show wide variation in response to underwater sound, it is difficult to quantify exactly how sound from the LRS WSEP operational testing would affect marine mammals. It is likely that the onset of surface detonations 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, 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 (such as tail/fluke slapping or jaw clapping); or avoidance of areas where sound sources are located.

The biological significance of any of these behavioral disturbances is difficult to predict, especially if the detected disturbances appear minor. However generally, one could expect the consequences of behavioral modification 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).

Auditory Masking

While it may occur temporarily, we do not expect auditory masking to result in detrimental impacts to an individual's or population's survival, fitness, or reproductive success. Dolphin movement is not restricted within the BSURE area, allowing for movement out of the area to avoid masking impacts, and the sound resulting from the detonations is short in duration. Also, masking is typically of greater concern for those marine mammals that utilize low frequency communications, such as baleen whales and, as such, is not likely to occur for marine mammals in the BSURE area.

Vessel and Aircraft Presence

The marine mammals most vulnerable to vessel strikes are slow-moving and/or spend extended periods of time at the surface in order to restore oxygen levels within their tissues after deep dives (*e.g.,* North Atlantic right whales (*Eubalaena glacialis*), fin whales, and sperm whales). Smaller marine mammals are agile and move more quickly through the water, making them less susceptible to ship strikes. NMFS and 86 FWS are not aware of any vessel strikes of marine mammals within in BSURE area during training operations, and both parties do not anticipate that potential 86 FWS vessels engaged in the specified activity would strike any marine mammals.

Aircraft produce noise at frequencies that are well within the frequency range of cetacean hearing and also produce visual signals such as the aircraft itself and its shadow (Richardson *et al.,* 1995, Richardson and Wursig, 1997). A major difference between aircraft noise and noise caused by other anthropogenic sources is that the sound is generated in the air, transmitted through the water surface and then propagates underwater to the receiver, diminishing the received levels significantly below what is heard above the water's surface. Sound transmission from air to water is greatest in a sound cone 26 degrees directly under the aircraft.

There are fewer reports of reactions of odontocetes to aircraft than those of pinnipeds. Responses to aircraft by pinnipeds include diving, slapping the water with pectoral fins or tail fluke, or swimming away from the track of the aircraft (Richardson *et al.,* 1995). The nature and degree of the response, or the lack thereof, are dependent upon the nature of the flight (*e.g.,* type of aircraft, altitude, straight vs. circular flight pattern). Wursig *et al.* (1998) assessed the responses of cetaceans to aerial surveys in the north central and western Gulf of Mexico using a DeHavilland Twin Otter fixed-wing airplane. The plane flew at an altitude of 229 m (751.3 ft) at 204 km/hr (126.7 mph) and maintained a minimum of 305 m (1,000 ft) straight line distance from the cetaceans. Water depth was 100 to 1,000 m (328 to 3,281 ft). Bottlenose dolphins most commonly responded by diving (48 percent), while 14 percent responded by moving away. Other species (*e.g.,* beluga (*Delphinapterus leucas*) and sperm whales) show considerable variation in reactions to aircraft but diving or swimming away from the aircraft are the most common reactions to low flights (less than 500 m; 1,640 ft).

Direct Strike by Ordnance

Another potential risk to marine mammals is direct strike by ordnance, in which the ordnance physically hits an animal. Although strike from an item at the surface of the water while the animals are at the surface is possible, the potential risk of a direct hit to an animal within the target area would be low. Marine mammals spend the majority of their time below the surface of the water, and the potential for one bomb or missile to hit that animal at that specific time is highly unlikely.

Anticipated Effects on Habitat

Detonations of live ordnance would result in temporary changes to the water environment. An explosion on the surface of the water from these weapons could send a shock wave and blast noise through the water, release gaseous by-products, create an oscillating bubble, and cause a plume of water to shoot up from the water surface. However, these effects would be temporary and not expected to last more than a few seconds. Similarly, 86 FWS does not expect any long-term impacts with regard to hazardous constituents to occur. The 86 FWS considered the introduction of fuel, debris, ordnance, and chemical materials into the water column within its EA and determined the potential effects of each to be insignificant. We summarize 86 FWS's analyses in the following paragraphs. For a complete discussion of potential effects, please refer to section 3.0 in 86 FWS's EA.

Metals typically used to construct bombs and missiles include aluminum, steel, and lead, among others. Aluminum is also present in some explosive materials. These materials would settle to the seafloor after munitions detonate. Metal ions would slowly leach into the substrate and the water column, causing elevated concentrations in a small area around the munitions fragments. Some of the metals, such as aluminum, occur naturally in the ocean at varying concentrations and would not necessarily impact the substrate or water column. Other metals, such as lead, could cause toxicity in microbial communities in the substrate. However, such effects would be localized to a very small distance around munitions fragments and would not significantly affect the overall habitat quality of sediments in the BSURE area. In addition, metal fragments would corrode, degrade, and become encrusted over time.

Chemical materials include explosive byproducts and also fuel, oil, and other fluids associated with remotely controlled target boats. Explosive byproducts would be introduced into the water column through detonation of live munitions. Explosive materials would include TNT and research department explosive (RDX), among others. Various byproducts are produced during and immediately after detonation of TNT and RDX. During the

very brief time that a detonation is in progress, intermediate products may include carbon ions, nitrogen ions, oxygen ions, water, hydrogen cyanide, carbon monoxide, nitrogen gas, nitrous oxide, cyanic acid, and carbon dioxide (Becker 1995). However, reactions quickly occur between the intermediates, and the final products consist mainly of water, carbon monoxide, carbon dioxide, and nitrogen gas, although small amounts of other compounds are typically produced as well.

Chemicals introduced into the water column would be quickly dispersed by waves, currents, and tidal action, and eventually become uniformly distributed. A portion of the carbon compounds such as carbon monoxide and carbon dioxide would likely become integrated into the carbonate system (alkalinity and pH buffering capacity of seawater). Some of the nitrogen and carbon compounds, including petroleum products, would be metabolized or assimilated by phytoplankton and bacteria. Most of the gas products that do not react with the water or become assimilated by organisms would be released into the atmosphere. Due to dilution, mixing, and transformation, none of these chemicals are expected to have significant impacts on the marine environment.

Explosive material that is not consumed in a detonation could sink to the substrate and bind to sediments. However, the quantity of such materials is expected to be inconsequential. Research has shown that if munitions function properly, nearly full combustion of the explosive materials will occur, and only extremely small amounts of raw material will remain. In addition, any remaining materials would be naturally degraded. TNT decomposes when exposed to sunlight (ultraviolet radiation) and is also degraded by microbial activity (Becker 1995). Several types of microorganisms have been shown to metabolize TNT. Similarly, RDX decomposes by hydrolysis, ultraviolet radiation exposure, and biodegradation.

While we anticipate that the specified activity may result in marine mammals avoiding certain areas due to temporary ensonification, this impact to habitat and prey resources would be temporary and reversible. The main impact associated with the proposed activity would be temporarily elevated noise levels and the associated direct effects on marine mammals, previously discussed in this notice. Marine mammals are anticipated to temporarily vacate the area of live detonations. However, these events are usually of short duration, and animals are anticipated to return to the activity area during periods of non-activity. Thus, based on the preceding discussion, we do not anticipate that the proposed activity would have any habitat-related effects that could cause significant or long-term consequences for individual marine mammals or their populations.

Proposed 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 affecting the least adverse impact practicable 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 taking for certain subsistence uses.

The NDAA of 2004 amended the MMPA as it relates to military-readiness activities and the incidental take authorization process such that ''least practicable adverse impact'' shall include consideration of personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

NMFS and 86 FWS have worked to identify potential practicable and effective mitigation measures, which include a careful balancing of the likely benefit of any particular measure to the marine mammals with the likely effect of that measure on personnel safety, practicality of implementation, and impact on the military-readiness activity. We refer the reader to Section 11 of 86 FWS's application for more detailed information on the proposed mitigation measures, which include the following:

Timing Restriction: The 86 FWS will be restricted to certain times of the day and certain months of the year. All missions will occur on weekdays during daylight hours only. Missions will not occur during the months of January to May when transmission loss is greater due to winter/spring seasonal conditions and when marine mammal densities are higher.

Visual Aerial Surveys: For the LRS WSEP activities, mitigation procedures consist of visual aerial surveys of the impact area for the presence of protected marine species (including marine mammals). During aerial observation, Navy test range personnel may survey the area from an S–61N helicopter or C–62 aircraft that is based at the PMRF land facility (typically, when missions are located relatively close to shore). Alternatively, when missions are located farther offshore, surveys may be conducted from mission aircraft (typically jet aircraft such as F–15E, F–16, or F–22) or a U.S. Coast Guard C–130 aircraft.

Protected species surveys typically begin within one hour of weapon release and as close to the impact time as feasible, given human safety requirements. Survey personnel must depart the human hazard zone before weapon release, in accordance with Navy safety standards. Personnel conduct aerial surveys within an area defined by a maximum 8-mi (13 km) radius around the impact point with surveys typically flown in a star pattern. This survey distance is much larger than requirements for similar actions at the PMRF and what was accomplished for October 2016 missions. This expanded area would encompass the entire behavioral threshold ranges (SEL) for all mid-frequency cetaceans, the entire PTS threshold ranges (SEL) for low-frequency cetaceans and phocids, approximately 23 percent of the TTS threshold ranges (SEL) for low-frequency cetaceans and phocids, and about 64 percent of the PTS threshold range (SEL) for high-frequency cetaceans (pygmy and dwarf sperm whales) (Table 5). The survey distance would not cover the entire behavioral harassment ranges for low- and high-frequency cetaceans and phocids. Given operational constraints, surveying these larger areas would not be feasible.

Observers would consist of aircrew operating the C–26, S–61N, and C–130 aircraft from the PMRF and the Coast Guard. These aircrew are trained and experienced at conducting aerial marine mammal surveys and have provided similar support for other missions at the PMRF. Aerial surveys are typically conducted at an altitude of about 200 ft, but altitude may vary somewhat depending on sea state and atmospheric conditions. If adverse weather conditions preclude the ability for aircraft to safely operate, missions would either be delayed until the weather clears or cancelled for the day. The C–26 and other aircraft would generally be operated at a slightly higher altitude than the helicopter. The observers will be provided with the GPS location of the impact area. Once the aircraft reaches the impact area, pre-mission surveys typically last for 30 minutes, depending on the survey pattern. The fixed-wing aircraft are faster than the helicopter, and, therefore, protected species may be more difficult to spot. However, to compensate for the difference in speed,

the aircraft may fly the survey pattern multiple times.

Mission Delays: If a protected species is observed in the impact area, weapon release would be delayed until one of the following conditions is met: (1) The animal is observed exiting the impact area; or (2) the impact area has been clear of any additional sightings for a period of 30 minutes. All weapons will be tracked and their water entry points will be documented.

Post-mission surveys would begin immediately after the mission is complete and the Range Safety Officer declares the human safety area is reopened. Approximate transit time from the perimeter of the human safety area to the weapon impact area would depend on the size of the human safety area and vary between aircraft but is expected to be less than 30 minutes. Post-mission surveys would be conducted by the same aircraft and aircrew that conducted the pre-mission surveys and would follow the same patterns as pre-mission surveys but would focus on the area down current of the weapon impact area to determine if protected species were affected by the mission (observation of dead or injured animals). If a serious injury or mortality occurs to a protected species due to LRS WSEP missions, NMFS would be notified immediately.

A typical mission day would consist of pre-mission checks, safety review, crew briefings, weather checks, clearing airspace, range clearance, mitigations/monitoring efforts, and other military protocols prior to launch of weapons. Potential delays could be the result of multiple factors including, adverse weather conditions leading to unsafe take-off, landing, and aircraft operations, inability to clear the range of non-mission vessels or aircraft, mechanical issues with mission aircraft or munitions, or presence of protected species in the impact area. These standard operating procedures are usually done in the morning, and live range time may begin in late morning once all checks are complete and approval is granted from range control. The range would be closed to the public for a maximum of four hours per mission day.

Determination of the Zone of Influence: The zone of influence (ZOI) is defined as the area or volume of ocean in which marine mammals could be exposed to various pressure or acoustic energy levels caused by exploding ordnance. Refer to Appendix A of 86 FWS's application for a description of the method used to calculate impact areas for explosives. The pressure and energy levels considered to be of concern are defined in terms of metrics, criteria, and thresholds. A metric is a technical standard of measurement that describes the acoustic environment (*e.g.,* frequency duration, temporal pattern, and amplitude) and pressure at a given location. Criteria are the resulting types of possible impact and include mortality, injury, and harassment. A threshold is the level of pressure or noise above which the impact criteria are reached.

Standard impulsive and acoustic metrics were used for the analysis of underwater energy and pressure waves in this document. Several different metrics are important for understanding risk assessment analysis of impacts to marine mammals: SPL is the ratio of the absolute sound pressure to a reference level, SEL is the measure of sound intensity and duration, and positive impulse is the time integral of the pressure over the initial positive phase of an arrival.

The criteria and thresholds used to estimate potential pressure and acoustic impacts to marine mammals resulting from detonations were obtained from Finneran and Jenkins (2012) and include mortality, Level A harassment, and Level B harassment. In some cases, separate thresholds have been developed for different species groups or functional hearing groups. Functional hearing groups included in the analysis are low-frequency cetaceans, mid-frequency cetaceans, and high-frequency cetaceans.

Based on the ranges presented in Table 5 and factoring operational limitations associated with the mission, 86 FWS estimates that during pre-mission surveys, the proposed monitoring area would be approximately 8 mi (13 km) from the target area radius around the impact point, with surveys typically flown in a star pattern, which is much larger than requirements already in place for similar actions at the PMRF and what was accomplished for October 2016 missions.

NMFS discussed with the 86 FWS and the U.S. Navy—whose hydrophones and PAM equipment in the PMRF would be used—the idea of using PAM for mitigation purposes to supplement visual surveys. Through these discussions, NMFS and 86 FWS attempted to determine if using PAM as a mitigation tool was feasible. The Navy described the constraints of using PAM as a real-time mitigation tool due to the limitations of the current technology. These include limitations on the ability to detect, classify, and estimate locations of marine mammals around the equipment; the fact that marine mammals present in the area may not be vocalizing; and the fact that vocalizations made by some species may be outside of the frequency capabilities of the hydrophones. These limitations are explained further, below.

In regards to the limitations to detect classify, and estimate locations of marine mammals around the equipment, and the fact that some of those animals may vocalize outside of the frequency capabilities of the hydrophones, the Navy states:

> Based on current capabilities, and given adequate time, vocalizing animals within an indeterminate radius around a particular phone are detected, but obtaining an estimated position for all individual animals passing through a predetermined area is not assured. Detecting vocalizations on a phone does not determine whether vocalizing individuals would be within the established mitigation zone in the timeframes required for mitigation. Since detection ranges are generally larger than current mitigation zones for many activities, this would unnecessarily delay events due to uncertainty in the animals location.
>
> To develop an estimated position for an individual, it must be vocalizing and its vocalizations must be detected on at least three hydrophones. The hydrophones must have the required bandwidth, and dynamic range to capture the signal. In addition, calls must be sufficiently loud so as to provide the required signal to noise ratio on the surrounding hydrophones. Typically, small odontocetes echolocate with a directed beam that makes detection of the call on multiple hydrophones difficult. Developing an estimated position of selected species requires the presence of whistles which may or may not be produced depending on the behavioral state.
>
> Large baleen species vocalize at frequencies well below 1 kHz. There are few broadband phones with low frequency capabilities at PMRF and they are widely spaced, especially on the southern portion of the range. This makes estimating the positions of low frequency baleen whales difficult in that area. For minke whale boings, it takes 30 to 45 minutes of calling (*e.g.* observing 8 calls or more) to have good confidence in a whale's estimated position. Additionally, even minke whales that have been vocalizing for extended periods can, and have, gone silent for hours at a time. Extended gaps in calling have also been noted for fin, sei, and Bryde's whales. We are currently unable to estimate positions of humpbacks in real-time.
>
> Beaked whales vocalize only during deep foraging dives which occur at a rate of approximately 10 per day. They produce highly directed echolocation clicks that are difficult to simultaneously detect on multiple hydrophones. Current real-time systems cannot follow individuals and at best produce sparse positions with multiple false locations.
>
> The position estimation process must occur in an area with hydrophones spaced to allow the detection of the same echolocation

click on at least three hydrophones. Typically, a spacing of less than 4 km in water depths of approximately 2 km is preferred. In the absence of localizations, the analyst can only determine with confidence if a group of beaked whales is somewhere within 6 km of a hydrophone. Beaked whales produce stereotypic click trains during deep (<700 m) foraging dives. The presence of a vocalizing group can be readily detected by an analyst by examining the click structure and repetition rate. However, estimating position is possible only if the same train of clicks is detected on multiple hydrophones which is often precluded by the animal's narrow beam pattern.

In regards to marine mammals not vocalizing in the area, the Navy states:

Animals must vocalize to be detected; the lack of detections on a hydrophone may give the false impression that the area is all clear. The lack of vocalization detections is not a direct measure of the absence of marine mammals. If an event were to be moved based upon low-confidence localizations, it may inadvertently be moved to an area where non-vocalizing animals of undetermined species/ESA status are present.

NMFS decided that these analytical and technical limitations preclude the use of PAM as a real-time mitigation tool. However, we will require the use of PAM for monitoring purposes (as described below).

We have carefully evaluated 86 FWS's proposed mitigation measures in the context of ensuring that we prescribe the means of effecting 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:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals;
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and
- The practicability of the measure for applicant implementation.

NMFS prescribes mitigation measures that accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed here:

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

2. A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to stimuli expected to result in incidental take (this goal may contribute to 1, above, or to reducing takes by behavioral harassment only).

3. A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to stimuli that we expect to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

4. A reduction in the intensity of exposures (either total number or number at biologically important time or location) to training exercises that we expect to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing the severity of harassment takes only).

5. Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

6. For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on our evaluation of 86 FWS's proposed measures, as well as other measures that may be relevant to the specified activity, we have preliminarily determined that the proposed mitigation measures, including visual aerial surveys and mission delays if protected species are observed in the impact area, provide the means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance (while also considering personnel safety, practicality of implementation, and the impact of effectiveness of the military readiness activity).

Proposed 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 proposed action area.

The 86 FWS submitted marine mammal monitoring and reporting measures in their LOA application. We may modify or supplement these measures based on comments or new information received during the public comment period. Any monitoring requirement we prescribe will 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.

NMFS proposes to include the following monitoring and reporting measures in the LRS WSEP Authorization (if issued):

(1) Using mission reporting forms, the 86 FWS will track the use of the PMRF for missions and protected species observations.

(2) The 86 FWS will submit a summary report of marine mammal observations and LRS WSEP activities to the NMFS PIRO and the Office of Protected Resources 90 days after completion of mission activities each year. This report must include the following information: (i) Date and time of each LRS WSEP exercise; (ii) a complete description of the pre-exercise and post-exercise activities related to mitigating and monitoring the effects of LRS WSEP exercises on marine mammal populations; and (iii) results of the LRS WSEP exercise monitoring, including number of marine mammals (by species) that may have been harassed due to presence within the activity zone.

(3) The 86 FWS will monitor for marine mammals in the proposed action area through pre-mission aerial visual surveys. If 86 FWS personnel observe or detect any dead or injured marine

mammals prior to testing, or detect any injured or dead marine mammal during live fire exercises, 86 FWS must cease operations and submit a report to NMFS OPR and PIRO within 24 hours.

(4) The 86 FWS will monitor for marine mammals once the mission has ended or, if required, as soon as personnel declare the mission area safe. Post-mission aerial visual surveys will be identical to pre-mission surveys and will occur approximately 30 minutes after the munitions have been detonated, concentrating on the area down-current of the test site. Observers will document and report any marine mammal species, number, location, and behavior of any animals observed. Post-mission monitoring determines the effectiveness of pre-mission mitigation by reporting sightings of any marine mammals within the ZOIs that may have been affected by mission activities.

(5) As noted previously, PAM will not be used as a real-time mitigation tool, but the 86 FWS will use PAM by using the Navy's hydrophones for monitoring within the PMRF, by collecting data before, during, and after LRS WSEP missions. This data will be stored at SPAWAR to be analyzed as funding allows.

(6) The 86 FWS must immediately report any unauthorized takes of marine mammals (*i.e.,* serious injury or mortality) to NMFS OPR and to the respective Pacific Islands Region stranding coordinator. The 86 FWS must cease operations and submit a report to NMFS within 24 hours.

Adaptive Management

NMFS may modify (including augment) the existing mitigation, monitoring, or reporting measures (after consulting with the 86 FWS regarding the practicability of the modifications) if doing so creates a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring measures for these regulations.

Possible sources of data that could contribute to the decision to modify the mitigation, monitoring, or reporting measures in an LOA include: (1) Results from 86 FWS's monitoring from the previous year(s); (2) results from other marine mammal and/or sound research or studies; and (3) any information that reveals marine mammals may have been taken in a manner, extent or number not authorized by these regulations or subsequent LOAs.

If, through adaptive management, the modifications to the mitigation, monitoring, or reporting measures are substantial, NMFS will publish a notice of proposed LOA in the **Federal Register** and solicit public comment. If, however, NMFS determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals in Hawaii, an LOA may be modified without prior notice or opportunity for public comment. Notice would be published in the **Federal Register** within 30 days of the action.

Estimated Take by Incidental Harassment

The NDAA of 2004 amended the definition of harassment as it applies to a military readiness activity (Section 3(18)(B) of the MMPA) to read as follows: (i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild (Level A Harassment); or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered (Level B Harassment).

NMFS' analysis identified the physiological responses and behavioral responses that could potentially result from exposure to explosive detonations. In this section, we will relate the potential effects on marine mammals from detonation of explosives to the MMPA regulatory definitions of Level A and Level B harassment. This section will also quantify the effects that might occur from the proposed military readiness activities in the PMRF BSURE area. As described below, quantifying take includes a consideration of acoustic thresholds identified by NMFS above which received levels marine mammals are expected to be taken by either Level A or Level B harassment; predicted distances from the sound sources within which animals are expected to be exposed to sound levels above these thresholds; and the density of marine mammals within the areas ensonified above the thresholds.

Level B Harassment

Of the potential effects described earlier in this document, the following are the types of effects that would result from Level B harassment:

Behavioral Harassment—Exposure to non-impulsive or impulsive sound, which causes a behavioral disturbance that rises to the level described in the above definition, is Level B harassment. Some of the lower level physiological stress responses discussed earlier would also likely co-occur with the predicted harassments, although these responses are more difficult to detect, and fewer data exist relating these responses to specific received levels of sound. When predicting Level B harassment on estimated behavioral responses, those takes may have a stress-related physiological component.

Temporary Threshold Shift—As discussed previously, TTS can affect how an animal behaves in response to the environment, including conspecifics, predators, and prey. NMFS classifies exposure to explosives and other impulsive sources resulting in TTS as Level B harassment, not Level A harassment.

Level A Harassment

Of the potential effects that were described earlier, the following are the types of effects that result from Level A harassment and that may be expected from 86 FWS activities:

Permanent Threshold Shift—PTS (resulting from exposure to explosive detonations) is irreversible, and NMFS considers this to be an injury.

Table 4 outlines the explosive thresholds used by NMFS for this action when addressing noise impacts from explosives.

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Table 4. Explosive thresholds for Marine Mammals used by 86 FWS in its current acoustics impacts modeling.

Functional Hearing Group	Mortality*	Level A Harassment			Level B Harassment	
		Slight Lung Injury*	GI Tract Injury	PTS	TTS	Behavioral
LF Cetaceans	$91.4M^{1/3}\left(1+\frac{D}{10.1}\right)^{1/2}$	$39.1M^{1/3}\left(1+\frac{D}{10.1}\right)^{1/2}$	Unweighted SPL: 237 dB re 1 μPa	Weighted SEL: 187 dB re 1 μPa^2·s	Weighted SEL: 172 dB re 1 μPa^2·s	Weighted SEL: 167 dB re 1 μPa^2·s
				Unweighted SPL: 230 dB re 1 μPa	Unweighted SPL: 224 dB re 1 μPa (23 psi PP)	
MF Cetaceans			Unweighted SPL: 237 dB re 1 μPa	Weighted SEL: 187 dB re 1 μPa^2·s	Weighted SEL: 172 dB re 1 μPa^2·s	Weighted SEL: 167 dB re 1 μPa^2·s
				Unweighted SPL: 230 dB re 1 μPa	Unweighted SPL: 224 dB re 1 μPa (23 psi PP)	
HF Cetaceans			Unweighted SPL: 237 dB re 1 μPa	Weighted SEL: 161 dB re 1 μPa^2·s	Weighted SEL: 146 dB re 1 μPa^2·s	Weighted SEL: 141 dB re 1 μPa^2·s
				Unweighted SPL: 201 dB re 1 μPa	Unweighted SPL: 195 dB re 1 μPa (1 psi PP)	
Phocids (in water)			Unweighted SPL: 237 dB re 1 μPa	Weighted SEL: 192 dB re 1 μPa^2·s	Weighted SEL: 177 dB re 1 μPa^2·s	Weighted SEL: 172 dB re 1 μPa^2·s
				Unweighted SPL: 218 dB re 1 μPa	Unweighted SPL: 212 dB re 1 μPa (6 psi PP)	

M = Animal mass based on species (kilograms); D = Water depth (meters); dB re 1 μPa = decibels referenced to 1 microPascal; dB re 1 μPa^2·s = decibels reference to 1 microPascal-squared–seconds; GI = gastrointestinal; PTS = permanent threshold shift; SEL = sound exposure level; TTS = temporary threshold shift; SPL = sound pressure level; PP = peak pressure
*Expressed in terms of acoustic impulse (Pascal – seconds [Pa·s])

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The 86 FWS completed acoustic modeling to determine the distances from their explosive ordnance corresponding to NMFS' explosive thresholds; these distances were then used with each species' density to determine exposure estimates. Below is a summary of the methodology for those modeling efforts.

The maximum estimated range, or radius, from the detonation point to the point at which the various thresholds extend for all munitions proposed to be released in a 24-hour time period was calculated based on explosive acoustic characteristics, sound propagation, and sound transmission loss in the Study Area. These calculations incorporated water depth, sediment type, wind speed, bathymetry, and temperature/salinity profiles (Table 5). Transmission loss was calculated from the explosive source depth down to an array of water depth bins extending to the maximum depths where marine mammals may occur (see depth distributions in Appendix B of the 86 FWS's application). Then impact volumes were computed for each explosive source (based on the total number of munitions released on a representative mission day). Impact areas were calculated from scaling the impact volumes by each depth bin, dividing by their depth intervals, summing each value over the entire water column and converting to square kilometers. The total energy for all weapons released as part of a representative mission day was calculated to assess impacts from the accumulated energy resulting from multiple weapon releases within a 24-hour period. Given that there is a large degree of uncertainty in knowing this far in advance what types of explosives could be released on any particular mission day, in order to calculate the number of munitions to be released per mission day, the total number of each munition proposed to be released per year was divided by the annual number of mission days.

Explosives generally will be separated by some number of minutes, with the exception of up to four SDB–I/II munitions, which includes a burst during which each ordnance hits the water surface within a few seconds of each other. For the purposes of predicting the number of exposures above threshold, calculating the area for each independent explosive and then adding those areas together and multiplying by species density would result in an overestimate. This is because all explosions will occur within 4 hours and are generally targeting the same spot, and several explosions have very large zones, so it is likely that many of the exposures will be experienced by the same individual animals. Therefore, to calculate take, we instead summed the energy of the expected number of separate explosives per day to create one area of impact to overlay with species density for that area. Since there would be a total of five mission days per year during the time frame of 2017—2021, the analysis assumed that in a representative mission day the following munitions and quantities would be released daily: One JASSM, six JDAMs, six SDB-Is, six SDB–IIs, and two HARMs.

The 86 FWS used the calculations for transmission loss from the summer season in their model, because the parameters for the summer were more conservative (*i.e.,* resulted in larger

distances from the sound source) than for the fall, taking into account wind speed, sound speed, and transmission loss (see 86 FWS's seasonal parameters memo). Missions will most likely occur in the summer, but may also occur in the fall. Transmission loss was calculated from the explosive source depth down to an array of water depth bins extending to the maximum depths where marine mammals may occur (see depth distributions in Appendix B of the 86 FWS's application). Next, impact volumes were computed for each explosive source (*i.e.,* total number of munitions released on a representative mission day). Impact areas were calculated by scaling the impact volumes for each depth bin, dividing by their depth intervals, summing each value over the entire water column and converting to square kilometers. The radii shown in Table 5 are based on these impact areas, and were used for mitigation considerations.

TABLE 5—DISTANCES (m) TO EXPLOSIVE THRESHOLDS USED TO CALCULATE PREDICTED TAKE FROM 86 FWS'S DAILY EXPLOSIVE ORDNANCE USE

Species	Mortality [1]	Level A harassment [2]				Level B harassment		
		Slight lung injury	GI tract injury	PTS		TTS	Behavioral	
			237 dB SPL	Applicable SEL *	Applicable SPL *	Applicable SEL *	Applicable SPL *	Applicable SEL *
Humpback Whale	99	200	204	5,415	1,241	55,464	2,266	59,039
Blue Whale	74	149	204	5,415	1,241	55,464	2,266	59,039
Fin Whale	76	157	204	5,415	1,241	55,464	2,266	59,039
Sei Whale	101	204	204	5,415	1,241	55,464	2,266	59,039
Bryde's Whale	99	200	204	5,415	1,241	55,464	2,266	59,039
Minke Whale	138	268	204	5,415	1,241	55,464	2,266	59,039
Sperm Whale	91	177	204	1,575	413	8,019	763	11,948
Pygmy Sperm Whale	248	457	204	20,058	4,879	71,452	7,204	74,804
Dwarf Sperm Whale	273	509	204	20,058	4,879	71,452	7,204	74,804
Killer Whale	149	287	204	1,575	413	8,019	763	11,948
False Killer Whale (MHI Insular stock)	177	340	204	1,575	413	8,019	763	11,948
False Killer Whale (all other stocks)	177	340	204	1,575	413	8,019	763	11,948
Pygmy Killer Whale	324	604	204	1,575	413	8,019	763	11,948
Short-finned Pilot Whale	217	413	204	1,575	413	8,019	763	11,948
Melon-headed Whale	273	502	204	1,575	413	8,019	763	11,948
Bottlenose Dolphin	273	509	204	1,575	413	8,019	763	11,948
Pantropical Spotted Dolphin	324	604	204	1,575	413	8,019	763	11,948
Striped Dolphin	324	604	204	1,575	413	8,019	763	11,948
Spinner Dolphin	324	604	204	1,575	413	8,019	763	11,948
Rough-toothed Dolphin	273	509	204	1,575	413	8,019	763	11,948
Fraser's Dolphin	257	480	204	1,575	413	8,019	763	11,948
Risso's Dolphin	207	384	204	1,575	413	8,019	763	11,948
Cuvier's Beaked Whale	131	257	204	1,575	413	8,019	763	11,948
Blainville's Beaked Whale	195	368	204	1,575	413	8,019	763	11,948
Longman's Beaked Whale	133	261	204	1,575	413	8,019	763	11,948
Hawaiian Monk Seal	306	564	204	4,621	1,394	55,687	2,549	58,736

[1] Based on Goertner (1982).
[2] Based on Richmond *et al.* (1973).
* Based on the applicable Functional Hearing Group.

Density Estimation

Density estimates for marine mammals were derived from the Navy's 2016 Marine Species Density Database (NMSDD). The 86 FWS used fall densities to estimate take. Fall densities are more conservative than summer densities because they include more species. Density estimates provided in Table 6 were extrapolated over the depth distributions by multiplying the density values by the percentage of time spent at each depth interval. These scaled densities were multiplied by the corresponding depth bin in the impact volume for each threshold and summed to create a three-dimensional exposure estimate. These estimates were then multiplied by the number of events, or total annual number of proposed mission days. NMFS refers the reader to Section 3 of 86 FWS's application for detailed information on all equations used to calculate densities presented in Table 6.

TABLE 6—MARINE MAMMAL DENSITY ESTIMATES WITHIN THE IMPACT LOCATION IN THE PMRF

Species	Density estimate (animals per square kilometer)			
	Fall	Spring	Summer	Winter
Humpback whale	0.02110	0.02110	0	0.02110
Blue whale	0.00005	0.00005	0	0.00005
Fin whale	0.00006	0.00006	0	0.00006
Sei whale	0.00016	0.00016	0	0.00016
Bryde's whale	0.00010	0.00010	0.00010	0.00010
Minke whale	0.00423	0.00423	0	0.00423
Sperm whale	0.00156	0.00156	0.00156	0.00156
Pygmy sperm whale	0.00291	0.00291	0.00291	0.00291
Dwarf sperm whale	0.00714	0.00714	0.00714	0.00714
Killer whale	0.00006	0.00006	0.00006	0.00006

TABLE 6—MARINE MAMMAL DENSITY ESTIMATES WITHIN THE IMPACT LOCATION IN THE PMRF—Continued

Species	Density estimate (animals per square kilometer)			
	Fall	Spring	Summer	Winter
False killer whale (Main Hawaiian Islands insular stock)	0.00080	0.00080	0.00080	0.00080
False killer whale (all other stocks)	0.00071	0.00071	0.00071	0.00071
Pygmy killer whale	0.00440	0.00440	0.00440	0.00440
Short-finned pilot whale	0.00919	0.00919	0.00919	0.00919
Melon-headed whale	0.00200	0.00200	0.00200	0.00200
Bottlenose dolphin	0.00316	0.00316	0.00316	0.00316
Pantropical spotted dolphin	0.00623	0.00623	0.00623	0.00623
Striped dolphin	0.00335	0.00335	0.00335	0.00335
Spinner dolphin	0.00204	0.00204	0.00204	0.00204
Rough-toothed dolphin	0.00470	0.00470	0.00470	0.00470
Fraser's dolphin	0.021	0.021	0.021	0.021
Risso's dolphin	0.00470	0.00470	0.00470	0.00470
Cuvier's beaked whale	0.00030	0.00030	0.00030	0.00030
Blainville's beaked whale	0.00086	0.00086	0.00086	0.00086
Longman's beaked whale	0.00310	0.00310	0.00310	0.00310
Hawaiian monk seal	0.00003	0.00003	0.00003	0.00003

Take Estimation

The resulting total number of marine mammals potentially exposed to the various levels of thresholds (mortality, injury, and non-injurious harassment, including behavioral harassment), in the absence of mitigation measures, is listed in Table 7. To eliminate double-counting of animals, exposure results from higher impact categories (*e.g.,* mortality) were subtracted from lower impact categories (*e.g.,* Level A harassment). For impact categories with dual criteria (*e.g.,* SEL and SPL metrics for PTS associated with Level A harassment), numbers in the table are based on the criterion resulting in the greatest number of exposures. Exposure levels include the possibility of injury to marine mammals and harassment (resulting in behavioral disruption (Level B harassment) in the absence of mitigation measures. The numbers represent total impacts for all detonations combined and do not take into account the required mitigation and monitoring measures (see Section 11 of the 86 FWS's application), which are expected to decrease the number of exposures shown in the Table 7.

The 86 FWS and NMFS estimated that 16 species could be exposed to noise levels constituting Level B harassment (TTS and behavioral disruption), and 4 of those marine mammal species could be exposed to injurious noise levels (Level A harassment) (187 dB SEL) in the absence of mitigation measures.

TABLE 7—MODELED NUMBER OF MARINE MAMMALS POTENTIALLY AFFECTED ANNUALLY BY LRS WSEP OPERATIONS

Species	Mortality	Level A harassment (PTS only *)	Level B harassment (TTS)	Level B harassment (behavioral)
Mysticetes (baleen whales)				
Humpback whale	0	4	54	38
Blue whale	0	0	0	0
Fin whale	0	0	0	0
Sei whale	0	0	0	1
Bryde's whale	0	0	0	0
Minke whale	0	1	11	19
Odontocetes (toothed whales and dolphins)				
Sperm whale	0	0	0	0
Pygmy sperm whale	0	9	83	36
Dwarf sperm whale	0	22	203	87
Killer whale	0	0	0	0
False killer whale (MHI Insular stock)	0	0	0	0
False killer whale (all other stocks)	0	0	0	0
Pygmy killer whale	0	0	1	2
Short-finned pilot whale	0	0	5	6
Melon-headed whale	0	0	1	1
Bottlenose dolphin	0	0	2	2
Pantropical spotted dolphin	0	0	3	4
Striped dolphin	0	0	2	2
Spinner dolphin	0	0	1	1
Rough-toothed dolphin	0	0	3	3
Fraser's dolphin	0	0	10	14
Risso's dolphin	0	0	2	2
Cuvier's beaked whale	0	0	0	0
Blainville's beaked whale	0	0	0	0

TABLE 7—MODELED NUMBER OF MARINE MAMMALS POTENTIALLY AFFECTED ANNUALLY BY LRS WSEP OPERATIONS—Continued

Species	Mortality	Level A harassment (PTS only *)	Level B harassment (TTS)	Level B harassment (behavioral)
Longman's beaked whale	0	0	1	1
Pinnipeds				
Hawaiian monk seal	0	0	0	0
Total	0	36	382	219

These modeled take numbers show that the probability of some of these species being impacted by the 86 FWS's activities is low (*e.g.,* one modeled take for behavioral harassment of 4 of the 16 species). However, realistically, these species are seen in larger groups (rather than on an individual basis); therefore, we took into consideration average group sizes to determine our actual number of authorized takes. For example, melon-headed whales have a modeled take estimate of one individual, but their average group size is 153 individuals (Bradford *et al.,* 2017); therefore, we propose to authorize 153 takes by Level B harassment of melon headed whales, of which one may be from TTS. Similarly, for all species, if the modeled take was less than average group size, we used this same rationale and calculation to determine the proposed takes by Level B harassment (harassment resulting in TTS or behavioral disruption). We assumed that, of the total Level B harassment takes, the modeled take numbers would be used for TTS, and the difference between TTS and the average group size would be the behavioral take. We did not adjust takes for PTS, since, in all four instances of predicted PTS, the number of PTS takes was greater than average group size (*e.g.,* average group size for dwarf sperm whale is 2.7 (Baird 2016), and modeled PTS takes is 22). Proposed authorized take numbers are presented in Table 8.

TABLE 8—ESTIMATED NUMBER OF MARINE MAMMALS FOR PROPOSED AUTHORIZED TAKE BY LRS WSEP OPERATIONS

Species	Mortality	Level A harassment (PTS only*)	Level B harassment (TTS)	Level B harassment (behavioral)
Humpback whale	0	4	54	38
Sei whale	0	0	0	*3
Minke whale	0	1	11	19
Pygmy sperm whale	0	9	83	36
Dwarf sperm whale	0	22	203	87
Pygmy killer whale	0	0	1	*25
Short-finned pilot whale	0	0	5	*36
Melon-headed whale	0	0	1	*152
Bottlenose dolphin	0	0	2	*32
Pantropical spotted dolphin	0	0	3	*40
Striped dolphin	0	0	2	*51
Spinner dolphin	0	0	1	*[1]29
Rough-toothed dolphin	0	0	3	*22
Fraser's dolphin	0	0	10	*273
Risso's dolphin	0	0	2	*25
Longman's beaked whale	0	0	1	*59
Total	0	36	382	927

*Denotes an adjusted take value from what is represented in the modeled take numbers in Table 7. All mean group sizes were taken from Bradford *et al.* (2017) except spinner dolphins, because this value was not available in this publication.

[1] Mean group size was taken from Baird (2016).

Based on the mortality exposure estimates calculated by the acoustic model (and further supported by the anticipated effectiveness of the mitigation), zero marine mammals are expected to be affected by pressure levels associated with mortality or serious injury. Zero marine mammals are expected to be exposed to pressure levels associated with slight lung injury or gastrointestinal tract injury.

NMFS considers PTS to fall under the injury category (Level A harassment). In this case, it would be highly unlikely for this scenario to unfold, given the nature of any anticipated acoustic exposures that could potentially result from a mobile marine mammal that NMFS generally expects to exhibit avoidance behavior to loud sounds within the BSURE area.

NMFS has relied on the best available scientific information to support the issuance of 86 FWS's authorization. In the case of authorizing Level A harassment, NMFS has estimated that, although unlikely, four marine mammal species (humpback whale, minke whale, dwarf sperm whale, and pygmy sperm whale) could experience minor PTS of hearing sensitivity. The available data and analyses include extrapolation of the results of many studies on marine mammal noise-induced TTS. An extensive review of TTS studies and experiments prompted NMFS to conclude that the possibility of minor PTS in the form of slight upward shift of hearing threshold at certain frequency

bands by one individual marine mammal is extremely low.

Analyses and Preliminary 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 Level B 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 the following:

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

(2) The number, nature, intensity, and duration of Level B harassment takes;

(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 to reduce the number or severity of incidental take.

For reasons stated previously in this document, the specified activities are not likely to cause long-term behavioral disturbance, serious injury, or death.

The takes from Level B harassment would be due to potential behavioral disturbance and TTS. The takes from Level A harassment would be due to potential PTS. Activities would occur only over a timeframe of five days each year in the summer months, over a maximum of four hours per day.

Behavioral disruption due to Level B harassment would be limited to reactions such as startle responses, movements away from the area, and short-term changes to behavioral state. These impacts are expected to be temporary and of short duration. We do not anticipate that the effects would be detrimental to rates of recruitment and survival because we do not expect serious or extended behavioral responses that would result in energetic effects at the level to impact fitness.

Noise-induced threshold shifts (TS, which includes TTS and PTS) are defined as increases in the threshold of audibility of the ear (*i.e.,* the sound has to be louder to be detected) at a certain frequency or range of frequencies (ANSI 1995; Yost 2007). Several important factors relate to the magnitude of TS, such as level, duration, spectral content (frequency range), and temporal pattern (continuous, intermittent) of exposure (Yost 2007; Henderson *et al.,* 2008). TS occurs in terms of frequency range (Hz or kHz), hearing threshold level (dB), or both frequency and hearing threshold level.

TTS was modeled to occur in 15 species of marine mammals from mission activities. If TTS occurs, it is expected to be at low levels and of short duration. As explained above, TTS is temporary with no long term effects to species. The modeled take numbers are expected to be overestimates since NMFS expects that successful implementation of the required aerial-based mitigation measures could avoid TTS. Further, it is uncommon to sight marine mammals within the target area, especially for prolonged durations. Avoidance varies among individuals and depends on their activities or reasons for being in the area.

There are different degrees of PTS: Ranging from slight/mild to moderate and from severe to profound. Profound PTS or the complete loss of the ability to hear in one or both ears is commonly referred to as deafness. High-frequency PTS, presumably as a normal process of aging that occurs in humans and other terrestrial mammals, has also been demonstrated in captive cetaceans (Ridgway and Carder, 1997; Yuen *et al.,* 2005; Finneran *et al.,* 2005; Houser and Finneran, 2006; Finneran *et al.,* 2007; Schlundt *et al.,* 2011) and in stranded individuals (Mann *et al.,* 2010).

In terms of what is analyzed for the potential PTS (Level A harassment) in marine mammals as a result of 86 FWS's LRS WSEP operations, if it occurs, NMFS has determined that the levels would be slight/mild because research shows that most cetaceans exhibit relatively high levels of avoidance. Further, it is uncommon to sight marine mammals within the target area, especially for prolonged durations. Avoidance varies among individuals and depends on their activities or reasons for being in the area.

Accordingly, NMFS' predicted estimates for Level A harassment take (Table 8) are likely overestimates of the likely injury that will occur. NMFS expects that successful implementation of the required aerial-based mitigation measures could avoid Level A harassment take. Also, NMFS expects that some individuals would avoid the source at levels expected to result in injury. Nonetheless, although NMFS expects that Level A harassment is unlikely to occur at the numbers proposed to be authorized, because it is difficult to quantify the degree to which the mitigation and avoidance will reduce the number of animals that might incur PTS, NMFS is proposing to authorize (and analyze) the modeled number of Level A harassment takes, which does not take the mitigation or avoidance into consideration. However, we anticipate that, because of the proposed mitigation measures, and the likely short duration of exposures, any PTS incurred would be in the form of only a small degree of PTS, rather than total deafness.

While animals may be impacted in the immediate vicinity of the activity, because of the short duration of the actual individual explosions themselves (versus continual sound source operation) combined with the short duration of the LRS WSEP operations (*i.e.,* maximum of four hours per day over a maximum of five days per year), NMFS has preliminarily determined that there will not be a substantial impact on marine mammals or on the normal functioning of the nearshore or offshore waters off Kauai and its ecosystems. We do not expect that the proposed activity would impact rates of recruitment or survival of marine mammals, since we do not expect mortality (which would remove individuals from the population) or serious injury to occur. In addition, the proposed activity would not occur in areas (and/or at times) of significance for the marine mammal populations potentially affected by the exercises (*e.g.,* feeding or resting areas, reproductive areas), and the activity would occur only in a small part of their overall range of those marine mammal populations, so the impact of any potential temporary displacement would be negligible and animals would be expected to return to the area after the cessation of activities. Although the proposed activity could result in Level

A harassment (PTS only, as opposed to slight lung injury or gastrointestinal tract injury) and Level B harassment (behavioral disturbance and TTS), the level of harassment is not anticipated to impact rates of recruitment or survival of marine mammals, because the number of exposed animals is expected to be low due to the short-term and site-specific nature of the activity.

Moreover, the proposed mitigation and monitoring measures (described earlier in this preamble for the proposed rule) are expected to further minimize the potential for harassment. The protected species surveys would require 86 FWS to search the area for marine mammals, and if any are found in the impact zone, then the exercise would be suspended until the animals have left the area or relocated outside of the zone. Furthermore, LRS WSEP missions may be delayed or rescheduled for adverse weather conditions.

In past missions (October 2016), the 86 FWS completed pre- and post-aerial surveys. The 86 FWS did not observe any marine mammals in the ZOI before missions occurred, and did not observe any marine mammals after missions were completed. The 86 FWS was authorized for Level A and Level B harassment takes of five species, but monitoring showed that they had zero takes of any species from mission activities.

Based on NMFS' preliminary analysis 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 preliminarily finds that 86 FWS's LRS WSEP operations will result in the incidental take of marine mammals, by Level A and Level B harassment, and that the taking from the LRS WSEP activities will have a negligible impact on the affected species or stocks.

Impact on Availability of Affected Species for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. Therefore, NMFS has preliminarily 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

There is one marine mammal species under NMFS' jurisdiction that is listed as endangered under the Endangered Species Act (ESA) with confirmed or possible occurrence in the action area: The sei whale. In March 2017, NMFS initiated formal consultation under Section 7 of the ESA. The Biological Opinion will analyze the effects to the one ESA listed species by the 86 FWS' LRS WSEP activities.

National Environmental Policy Act

In 2016, 86 FWS provided NMFS with an Environmental Assessment (EA) titled, Environmental Assessment/Overseas Environmental Assessment for the Long Range Strike Weapon Systems Evaluation Program at the Pacific Missile Range Facility at Kauai, Hawaii. The EA analyzed the direct, indirect, and cumulative environmental impacts of the specified activities on marine mammals. NMFS will review and evaluate the 86 FWS EA for consistency with the regulations published by the Council of Environmental Quality (CEQ) and NOAA Administrative Order 216–6, Environmental Review Procedures for Implementing the National Environmental Policy Act, and determine whether or not to adopt the EA. Information in 86 FWS's application, the EA, and this notice collectively provide the environmental information related to proposed issuance of the regulations for public review and comment. We will review all comments submitted in response to this notice as we complete the NEPA process, including the decision of whether to sign a Finding of No Significant Impact (FONSI) prior to a final decision on the LOA request. The 2016 NEPA documents are available for review at *www.nmfs.noaa.gov/pr/permits/incidental/military.html.*

Classification

The Office of Management and Budget has determined that this proposed rule is not significant for purposes of Executive Order 12866.

Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The RFA requires a Federal agency to prepare an analysis of a rule's impact on small entities whenever the agency is required to publish a notice of proposed rulemaking. However, a Federal agency may certify, pursuant to 5 U.S.C. 605(b), that the action will not have a significant economic impact on a substantial number of small entities. A description of this proposed rule and its purpose are found earlier in the preamble for this action and is not repeated here. 86 FWS is the sole entity that will be affected by this rulemaking and is not a small governmental jurisdiction, small organization, or small business, as defined by the RFA. Any requirements imposed by LOAs issued pursuant to these regulations, and any monitoring or reporting requirements imposed by these regulations, will be applicable only to 86 FWS.

NMFS does not expect the issuance of these regulations or the associated LOAs to result in any impacts to small entities pursuant to the RFA. Because this action, if adopted, would directly affect 86 FWS and not a small entity, NMFS concludes the action would not result in a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis is necessary, and none has been prepared.

This action does not contain any collection of information requirements for purposes of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 50 CFR Part 218

Regulations governing the taking and importing of marine mammals.

Dated: May 2, 2017.

Alan D. Risenhoover,

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

For reasons set forth in the preamble, 50 CFR part 218 is proposed to be amended as follows:

PART 218—REGULATIONS GOVERNING THE TAKE OF MARINE MAMMALS INCIDENTAL TO SPECIFIED ACTIVITIES

■ 1. The authority citation for part 218 continues to read as follows:

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

■ 2. Add subpart F to part 218 to read as follows:

Subpart F—Taking of Marine Mammals Incidental to the U.S. Air Force 86 Fighter Weapons Squadron Conducting Long Range Strike Weapons System Evaluation Program at the Pacific Missile Range Facility at Kauai, Hawaii.

Sec.

218.50 Specified activity and specified geographical region.
218.51 Effective dates.
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218.59 [Reserved]

§ 218.50 Specified activity and specified geographical region.

(a) Regulations in this subpart apply only to the 86 Fighter Weapons Squadron (86 FWS) and those persons it authorizes to conduct activities on its behalf, for the taking of marine mammals as outlined in paragraph (b) of this section and incidental to Long Range Strike Weapons System Evaluation Program (LRS WSEP) missions.

(b) The taking of marine mammals by 86 FWS pursuant to a Letter of Authorization (LOA) is authorized only if it occurs at the Barking Sands Underwater Range Expansion (BSURE) area of the Pacific Missile Range Facility (PMRF) off Kauai, Hawaii.

§ 218.51 Effective dates.

Regulations in this subpart are effective August 23, 2017, through August 22, 2022.

§ 218.52 Permissible methods of taking.

Under a Letter of Authorization (LOA) issued pursuant to § 216.106 and § 218.56 of this chapter, the Holder of the LOA (herein after 86 FWS) may incidentally, but not intentionally, take marine mammals by Level A and Level B harassment associated with LRS WSEP activities within the area described in § 218.50 of this subpart, provided the activities are in compliance with all terms, conditions, and requirements of these regulations in this subpart and the appropriate LOA.

§ 218.53 Prohibitions.

Notwithstanding takings contemplated in § 218.50 and authorized by an LOA issued under § 216.106 and § 218.56 of this chapter, no person in connection with the activities described in § 218.50 of this chapter may:

(a) Violate, or fail to comply with, the terms, conditions, and requirements of this subpart or an LOA issued under § 216.106 and § 218.56 of this chapter.

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

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

(d) Take a marine mammal specified in such LOAs 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 LOAs 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.

§ 218.54 Mitigation requirements.

When conducting activities identified in § 218.50 of this chapter, the mitigation measures contained in the LOA issued under § 216.106 and § 218.56 of this chapter must be implemented. These mitigation measures shall include but are not limited to the following general conditions:

(a) If daytime weather and/or sea conditions preclude adequate monitoring for detecting marine mammals and other marine life, LRS WSEP strike operations must be delayed until adequate sea conditions exist for monitoring to be undertaken.

(b) Restrictions on time of activities; missions will only occur during daylight hours, on weekdays, and only during the summer or fall months.

(c) Visual aerial surveys before and after mission activities each day.

(d) Required delay of mission activities if a protected species is observed in the impact zones. Mission activities cannot resume until one of the following conditions is met:

(1) The animal is observed exiting the impact area; or

(2) The impact area has been clear of any additional sightings for a period of 30 minutes.

(e) If post-mission surveys determine that an injury or lethal take of a marine mammal has occurred, the next mission will be suspended until the test procedure and the monitoring methods have been reviewed with NMFS and appropriate changes made.

(f) Additional mitigation measures as contained in an LOA.

§ 218.55 Requirements for monitoring and reporting.

(a) Holders of LOAs issued pursuant to § 218.56 for activities described in § 218.50(a) are required to cooperate with NMFS, and any other Federal, state, or local agency with authority to monitor the impacts of the activity on marine mammals. Unless specified otherwise in the LOA, the Holder of the LOA must notify the Pacific Islands Region Stranding Coordinator, NMFS, by email, at least 72 hours prior to LRS WSEP missions. If the authorized activity identified in § 218.50(a) is thought to have resulted in the mortality or injury of any marine mammals or take of marine mammals not identified in § 218.50(b), then the Holder of the LOA must notify the Director, Office of Protected Resources, NMFS, or designee, by telephone (301–427–8401), within 48 hours of the injury or death. The Holder of the LOA must also contact the Pacific Islands Region stranding coordinator, NMFS, by email, at least one business day after completion of missions to declare that missions are complete.

(b) The Holder of the LOA will use mission reporting forms to track their use of the PMRF BSURE area for the LRS WSEP missions and to track marine mammal observations.

(c) Aerial surveys—Pre-mission aerial surveys and post-mission aerial surveys will be conducted. Pre-mission surveys would begin approximately one hour prior to detonation. Post-detonation monitoring surveys will commence once the mission has ended or, if required, as soon as personnel declare the mission area safe. The proposed monitoring area would be approximately 8 miles (13 kilometers) from the target area radius around the impact point, with surveys typically flown in a star pattern. Aerial surveys would be conducted at an altitude of about 200 feet, but altitude may vary somewhat depending on sea state and atmospheric conditions. If adverse weather conditions preclude the ability for aircraft to safely operate, missions would either be delayed until the weather clears or cancelled for the day. The observers will be provided with the GPS location of the impact area. Once the aircraft reaches the impact area, pre-mission surveys typically last for 30 minutes, depending on the survey pattern. The aircraft may fly the survey pattern multiple times.

(d) The Holder of the LOA is required to:

(1) Submit a draft report to NMFS OPR on all monitoring conducted under the LOA within 90 days of the completion of marine mammal monitoring, or 60 days prior to the issuance of any subsequent LOA for projects at the PMRF, whichever comes first. A final report shall be prepared and submitted within 30 days following resolution of comments on the draft report from NMFS. This report must contain the informational elements described in the Monitoring Plan, at a minimum (see *www.nmfs.noaa.gov/pr/permits/incidental/construction.htm*), and shall also include:

(i) Date and time of each LRS WSEP mission;

(ii) A complete description of the pre-exercise and post-exercise activities related to mitigating and monitoring the effects of LRS WSEP missions on marine mammal populations; and

(iii) Results of the monitoring program, including numbers by species/stock of any marine mammals noted injured or killed as a result of the LRS

WSEP mission and number of marine mammals (by species if possible) that may have been harassed due to presence within the zone of influence.

(2) The draft report will be subject to review and comment by NMFS. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS. The draft report will be considered the final report for this activity under the LOA if NMFS has not provided comments and recommendations within 90 days of receipt of the draft report.

(e) Reporting injured or dead marine mammals:

(1) In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the LOA, such as an injury for species not authorized (Level A harassment), serious injury, or mortality, 86 FWS shall immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS, and the Pacific Islands Regional Stranding Coordinator, NMFS. The report must include the following information:

(i) Time and date of the incident;

(ii) Description of the incident;

(iii) Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);

(iv) Description of all marine mammal observations in the 24 hours preceding the incident;

(v) Species identification or description of the animal(s) involved;

(vi) Fate of the animal(s); and

(vii) Photographs or video footage of the animal(s).

(2) Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with 86 FWS to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The 86 FWS may not resume their activities until notified by NMFS.

(3) In the event that 86 FWS discovers an injured or dead marine mammal, and the lead observer determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.,* in less than a moderate state of decomposition), 86 FWS shall immediately report the incident to the Office of Protected Resources, NMFS, and the Pacific Islands Regional Stranding Coordinator, NMFS.

(4) The report must include the same information identified in paragraph (e)(i) of this section. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with 86 FWS to determine whether additional mitigation measures or modifications to the activities are appropriate.

(5) In the event that 86 FWS discovers an injured or dead marine mammal, and the lead observer determines that the injury or death is not associated with or related to the activities authorized in the LOA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, scavenger damage), 86 FWS shall report the incident to the Office of Protected Resources, NMFS, and the Pacific Islands Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. The 86 FWS shall provide photographs or video footage or other documentation of the stranded animal sighting to NMFS.

(f) *Additional Conditions.* (1) The Holder of the LOA must inform the Director, Office of Protected Resources, NMFS, (301–427–8400) or designee (301–427–8401) prior to the initiation of any changes to the monitoring plan for a specified mission activity.

(2) A copy of the LOA must be in the possession of the safety officer on duty each day that long range strike missions are conducted.

(3) The LOA 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.

§ 218.56 Letters of Authorization.

(a) To incidentally take marine mammals pursuant to these regulations, 86 FWS 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, 86 FWS 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, 86 FWS must apply for and obtain a modification of the LOA as described in § 218.57.

(e) The LOA will set forth:

(1) Permissible methods of incidental taking;

(2) The number of marine mammals, by species and age class, authorized to be taken;

(3) Means of effecting the least practicable adverse impact (*i.e.,* mitigation) on the species of marine mammals authorized for taking, on 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 will be consistent with the findings made for the total taking allowable under these regulations.

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

§ 218.57 Renewals and Modifications of Letters of Authorization.

(a) An LOA issued under § 216.106 and § 218.56 of this chapter for the activity identified in § 218.50(a) will be renewed or modified upon request by the applicant, provided that:

(1) The proposed 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 include 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 illustrating the change, and solicit public comment before issuing the LOA.

(c) An LOA issued under § 216.106 and § 218.56 of this chapter for the activity identified in § 218.50(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 86 FWS 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 are:

(A) Results from 86 FWS's monitoring from previous years;

(B) Results from other marine mammal and 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 subsequent LOAs.

(ii) If, through adaptive management, the modifications to the mitigation, monitoring, or reporting measures are substantial, NMFS will 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 LOAs issued pursuant to § 216.106 and 218.50 of this chapter, an LOA may be modified without prior notice or opportunity for public comment. Notice would be published in the **Federal Register** within 30 days of the action.

218.58 [Reserved]

218.59 [Reserved]

[FR Doc. 2017–09137 Filed 5–4–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 82, No. 86

Friday, May 5, 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

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Oregon State University of Corvallis, Oregon, an exclusive license to the variety of strawberry described in U.S. Plant Patent Application Serial No. 15/330,507, ''STRAWBERRY PLANT NAMED 'MARY'S PEAK','' filed on September 29, 2016.

DATES: Comments must be received on or before June 5, 2017.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: Brian T. Nakanishi of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this plant variety are assigned to the United States of America, as represented by the Secretary of Agriculture. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Mojdeh Bahar,

Assistant Administrator.

[FR Doc. 2017–09124 Filed 5–4–17; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Oregon State University of Corvallis, Oregon, an exclusive license to the variety of blackberry described in U.S. Plant Patent Application Serial No. 15/330,508, ''BLACKBERRY PLANT NAMED 'COLUMBIA SUNRISE','' filed on September 29, 2016.

DATES: Comments must be received on or before June 5, 2017.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: Brian T. Nakanishi of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this plant variety are assigned to the United States of America, as represented by the Secretary of Agriculture. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Mojdeh Bahar,

Assistant Administrator.

[FR Doc. 2017–09123 Filed 5–4–17; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 2, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are required regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by June 5, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725–17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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

persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Farm Service Agency

Title: 7 CFR 765, Direct Loan Servicing—Regular.

OMB Control Number: 0560–0236.

Summary of Collection: Authority to establish the regulatory requirements contained in 7 CFR 765 is provided under 5 U.S.C. 301, which provides that ''The Head of an Executive department or military department may prescribe regulations for the government of his department, the distribution and performance of its business . . .'' The Secretary delegated authority to administer the provisions of the Act applicable to the Farm Loan Program (FLP) to the Under Secretary for Farm and Foreign Agricultural Service in section 2.16 of 7 CFR part 2. FLP provides loans to family farmers to purchase real estate equipment and finance agricultural production. The regulations covered by this information collection package describes, the policies and procedures the agency uses to service most FLP loans to ensure borrowers are meeting the requirements of their loan agreements.

Need and Use of the Information: Information requested under this collection is submitted by borrowers to the local agency office serving the county in which their business is headquartered. The information is used by the agency to manage application of proceeds from the sale of agency security, consider whether a borrower is in compliance with their loan covenants, assist the borrower in achieving their business goals, conduct day-to-day management of the agency's loan portfolio, and ensure that the agency's interests are protected. Failure to collect the information or collecting it less frequently could result in the failure of the farm operation or loss of agency security property or position.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 54,524.

Frequency of Responses: Reporting: On occasion; Annually.

Total Burden Hours: 82,565.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–09138 Filed 5–4–17; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2016–0103]

Notice of Determination; Changes to the National Poultry Improvement Plan Program Standards

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are updating the National Poultry Improvement Plan (NPIP) Program Standards document. In a previous notice, we made available to the public for review and comment proposed changes to the NPIP Program Standards document to establish new biosecurity principles, amend testing procedures for *Mycoplasma,* clarify laboratory procedures for *Salmonella,* add new diagnostic tests for *Mycoplasma* and *Salmonella,* and reduce confusion between references to the regulations and the Program Standards.

DATES: Effective July 5, 2017.

FOR FURTHER INFORMATION CONTACT: Dr. Denise Brinson, DVM, Senior Coordinator, National Poultry Improvement Plan, VS, APHIS, USDA, 1506 Klondike Road, Suite 101, Conyers, GA 30094–5104; (770) 922–3496.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR parts 145, 146, and 147 (referred to below as the regulations) contain the provisions of the National Poultry Improvement Plan (NPIP), a cooperative Federal-State-Industry mechanism for controlling certain poultry diseases. The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture amends these provisions from time to time to incorporate new scientific information and technologies within the Plan.

In § 147.53, paragraph (b) states that approved tests and sanitation procedures used to qualify flocks for NPIP classifications are set out in the NPIP Program Standards.[1] In that section, paragraphs (d) and (e) set out the process for adding or revising tests or sanitation procedures. Paragraph (e)(1) states that APHIS will publish a notice in the **Federal Register** making the test or sanitation procedure available for public comment. Paragraph (e)(2)(i) states that, at the end of the comment period, the test or sanitation procedure will be added to the NPIP Program Standards, or the NPIP Program Standards will be updated to reflect changes to an existing test or sanitation procedure, if:

- No comments were received on the notice;
- The comments on the notice supported the action described in the notice; or
- The comments on the notice were evaluated but did not change the Administrator's determination that approval of the test or sanitation procedure is appropriate based on the standards in paragraph (a) of § 147.53.

On February 13, 2017, we published a notice[2] in the **Federal Register** (82 FR 10452–10453, Docket No. APHIS–2016–0103) advising the public that we had prepared updates to the NPIP Program Standards document. The proposed updates would amend the Program Standards by establishing new standards for biosecurity principles. They also would amend the hemagglutination inhibition test procedures for *Mycoplasma,* clarify the laboratory procedure recommended for the bacteriological examination of *Salmonella* in birds, amend the laboratory procedure recommended for polymerase chain reaction (PCR) tests for *Mycoplasma gallisepticum* and *M. synoviae,* and add new diagnostic tests for *Mycoplasma* and *Salmonella.* Finally, we noted that the Program Standards are currently divided into subparts in the same way the regulations are. Therefore, we proposed to change the use of the word ''Subpart'' to ''Standard'' in the Program Standards for ease of distinguishing between references to the regulations and references to the Program Standards.

We solicited comments on the notice for 30 days ending on March 15, 2017. We did not receive any comments by that date.

Therefore, in accordance with our regulations in § 147.53(e)(2)(i)(A), we are revising the NPIP Program Standards as described in our previous notice. We are also making a minor change to the NPIP Program Standards document due to a change in company ownership of one of the approved diagnostic test kits. The diagnostic test kit is the Bax® PCR assays for Salmonella 1 and 2, which was previously owned by Dupont Qualicon. The test kit is now owned by

[1] The Program Standards may be viewed on the NPIP Web site at *http://www.poultryimprovement.org/documents/ProgramStandardsAugust2014.pdf,* or by writing to the Service at National Poultry Improvement Plan, APHIS, USDA, 1506 Klondike Road, Suite 101, Conyers, GA 30094.

[2] To view the notice, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2016-0103.*

Qualicon Diagnostics LLC, a Hygiena Company.

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 1st day of May 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–09141 Filed 5–4–17; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Indiana Advisory Committee To Discuss Civil Rights Concerns in the State and Determine the Next Topic of Committee Study

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Indiana Advisory Committee (Committee) will hold a meeting on Wednesday, May 17, 2017, at 3:00 p.m. EST for the purpose of discussing civil rights concerns in the State for future Committee study.

DATES: The meeting will be held on Wednesday, May 17, 2017, at 3:00 p.m. EST.

ADDRESSES: Public call information: Dial: 888–500–6975, Conference ID: 4014593.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–500–6975, conference ID: 4014593. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Indiana Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=247*). Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit Office at the above email or street address.

Agenda

Welcome and Roll Call
Discussion: Civil Rights in Indiana
Public Comment
Future Plans and Actions
Adjournment

Dated: May 2, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–09169 Filed 5–4–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of the Census

Federal Economic Statistics Advisory Committee Meeting

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of Public Meeting.

SUMMARY: The Bureau of the Census (U.S. Census Bureau) is giving notice of a meeting of the Federal Economic Statistics Advisory Committee (FESAC). The Committee will advise the Directors of the Economics and Statistics Administration's (ESA) two statistical agencies, the Bureau of Economic Analysis (BEA) and the Census Bureau, and the Commissioner of the U.S. Department of Labor's Bureau of Labor Statistics (BLS) on statistical methodology and other technical matters related to the collection, tabulation, and analysis of federal economic statistics. Last minute changes to the agenda are possible, which could prevent giving advance public notice of schedule adjustments.

DATES: June 9, 2017. The meeting will begin at approximately 9:00 a.m. and adjourn at approximately 4:30 p.m.

ADDRESSES: The meeting will be held at the U.S. Census Bureau Conference Center, 4600 Silver Hill Road, Suitland, MD 20746.

FOR FURTHER INFORMATION CONTACT: James R. Spletzer, Designated Federal Official, Department of Commerce, U.S. Census Bureau, Research and Methodology Directorate, Room 5K175, 4600 Silver Hill Road, Washington, DC 20233, telephone 301–763–4069, email: *james.r.spletzer@census.gov.* For TTY callers, please call the Federal Relay Service (FRS) at 1–800–877–8339 and give them the above listed number you would like to call. This service is free and confidential.

SUPPLEMENTARY INFORMATION: Members of the FESAC are appointed by the Secretary of Commerce. The Committee advises the Directors of the BEA, the Census Bureau, and the Commissioner of the Department of Labor's BLS, on statistical methodology and other technical matters related to the collection, tabulation, and analysis of federal economic statistics. The Committee is established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2).

The meeting is open to the public, and a brief period is set aside for public comments and questions. Persons with extensive questions or statements must submit them in writing at least three days before the meeting to the Designated Federal Official named above. If you plan to attend the meeting, please register by Thursday, June 1, 2017. You may access the online registration form with the following link: *https://www.regonline.com/fesac_june2017_meeting.* Seating is available to the public on a first-come, first-served basis. An agenda will be accessible before the meeting at the following link: *https://www.census.gov/fesac.*

This meeting is physically accessible to people with disabilities. Requests for

sign language interpretation or other auxiliary aids should also be directed to the Designated Federal Official as soon as known, and preferably two weeks prior to the meeting.

Due to increased security and for access to the meeting, please call 301–763–9906 upon arrival at the Census Bureau on the day of the meeting. A photo ID must be presented in order to receive your visitor's badge. Visitors are not allowed beyond the first floor.

Date: April 28, 2017.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2017–09132 Filed 5–4–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–932]

Certain Steel Threaded Rod From the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Rescission of Antidumping Duty Administrative Review, in Part; 2015–2016

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

SUMMARY: The Department of Commerce (Department) preliminarily determines that mandatory respondent Zhejiang New Oriental Fastener Co., Ltd. (New Oriental), does not qualify for a separate rate and is, therefore, considered a part of the People's Republic of China (PRC)-wide entity for its exports of subject merchandise exported to the United States during the period of review (POR), April 1, 2015, through March 31, 2016. We also preliminarily find that mandatory respondent IFI & Morgan Ltd. and RMB Fasteners Ltd. (RMB/IFI Group), did not have any reviewable transactions during the POR. If these preliminary results are adopted in the final results, the Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties (AD) on all appropriate entries of subject merchandise during the POR. Interested parties are invited to comment on these preliminary results.

DATES: Effective May 5, 2017.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey or Courtney Canales, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington DC 20230; telephone: (202) 482–2312 or (202) 482–4997, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 6, 2016, the Department published in the **Federal Register** the notice of initiation of an administrative review of the AD order on certain steel threaded rod (STR) from the PRC for the period of review April 1, 2015, through March 31, 2016. The Department initiated a review with respect to 117 companies.[1] Subsequently, on September 12, 2016, the Department published in the **Federal Register** a correction to the *Initiation Notice,* adding an additional three companies.[2] The Department selected two mandatory respondents, New Oriental and RMB/IFI Group, based on highest volume of exports.[3] Between September 6, 2016, and April 5, 2017, the Department requested and received information from the RMB/IFI Group pertaining to RMB/IFI Group's claim of no shipments, and also received comments from Petitioner[4] about this issue. The other mandatory respondent, New Oriental, did not respond to the Department's AD questionnaire. Tianjin Port Free Trade Zone Tianjin Star International Trade Co., Ltd. (Tianjin Star), submitted a separate rate application, and requested to be a mandatory or voluntary respondent, but it never responded to the Department's AD questionnaire. On September 21, 2016, the petitioner withdrew its request for review for 115 companies.[5] However, the petitioner did not withdraw its request for review on New Oriental, RMB/IFI Group, Tianjin Star, Zhejiang Heiter Industries Co., Ltd. (Zhejiang Heiter Industries), and Zhejiang Heiter Mfg & Trade Co. Ltd. (Zhejiang Heiter Mfg).

Scope of the Order

The merchandise covered by the order includes steel threaded rod. The subject merchandise is currently classifiable under subheading 7318.15.5051, 7318.15.5056, 7318.15.5090, and 7318.15.2095 of the United States Harmonized Tariff Schedule (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise is dispositive.[6]

Rescission of Review, In Part

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, ''in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.'' Petitioner timely withdrew its review requests with respect to 115 companies. Because we received no other requests for review of these 115 companies,[7] we are rescinding the administrative review with respect to all companies except New Oriental, RMB/IFI Group, Tianjin Star, Zhejiang Heiter Industries and Zhejiang Heiter Mfg, in accordance with 19 CFR 351.213(d)(1).

No Shipments

On July 5, 2016, RMB/IFI Group filed a no-shipment certification indicating that it did not export subject merchandise to the United States during the POR. During the course of this review, the Department examined this no shipments claim and provides its analysis in the Preliminary Decision Memorandum.

Based on the record evidence, we preliminarily determine that RMB/IFI Group did not have any reviewable transactions during the POR. In addition, we find that it is appropriate not to rescind the review, in part, in this circumstance, and to complete the review with respect to the above-named company, issuing appropriate instructions to CBP based on the final results of the review.[8] Should evidence contrary to RMB/IFI's no-shipments claims arise, we will address the issue in accordance with our governing statute and regulations.

Methodology

The Department is conducting this review in accordance with sections 751(a)(1)(B) and 751(a)(2)(A) of the Tariff Act of 1930, as amended (the Act).

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[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 36272 (June 6, 2016) (*Initiation Notice*). The *Initiation Notice* inaccurately stated the period of review, which was corrected in a notice published on July 7, 2016. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 44260, 44265 (July 7, 2016).

[2] *See Initiation Notice,* 81 FR at 62726 dated September 12, 2016.

[3] *See* Respondent Selection Memo dated August 29, 2016.

[4] Vulcan Threaded Products Inc. (Vulcan) (the petitioner).

[5] *See* the petitioner'submission dated September 21, 2016.

[6] For a full description of the scope of the *Order, see* Memorandum from Gary Taverman, Associate Deputy Assistant Secretary, AD/CVD Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, entitled, ''Certain Steel Threaded Rod from the People's Republic of China: Decision Memorandum for the Preliminary Results of the 2015–2016 Antidumping Duty Administrative Review'' (Preliminary Decision Memorandum), dated concurrently with, and hereby adopted by, this notice.

[7] *See* Appendix II for the list of companies.

[8] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–65695 (October 24, 2011).

Because New Oriental did not respond to our AD questionnaire, including Section A, which requests its separate rate information, we preliminarily find that New Oriental has not demonstrated its eligibility for a separate rate, and accordingly, we are preliminarily treating New Oriental as part of the PRC-wide entity. In addition, because neither Zhejiang Heiter Industries nor Zhejiang Heiter Mfg submitted a separate rate application, we are also preliminarily treating both companies as part of the PRC-wide entity. We also preliminarily determine that Tianjin Star is eligible for a separate rate.

The statute and the Department's regulations do not address the establishment of a rate to be applied to respondents not selected for individual examination when the Department limits its examination in an administrative review pursuant to section 777A(c)(2)(B) of the Act. Generally, the Department looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for respondents which we did not individually examine in an administrative review. Section 735(c)(5)(A) of the Act articulates a preference that we not calculate an all-others rate using rates which are zero, *de minimis* or based entirely on facts available. When the weighted-average dumping margins established for all individually investigated respondents are zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act permits the Department to ''use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated.'' Because New Oriental is part of the PRC-wide entity, for which no review was requested, and RMB/IFI Group did not have any reviewable transactions during the POR, there are no calculated margins that are not zero, *de minimis,* or based entirely on facts available to consider in establishing a margin for Tianjin Star. In the absence of any calculated rates in this segment, to determine a non-selected rate for Tianjin Star in this review, we have reached back to the calculated above-*de minimis* rate from the immediately preceding administrative review. For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum. A list of topics included in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist for the period April 1, 2015, through March 31, 2016:

Exporter/producer	Weighted-average margins
Tianjin Port Free Trade Zone Tianjin Star International Trade Co., Ltd	5.40
PRC-Wide Entity [9]	206.00

[9] The PRC-wide entity includes mandatory respondent New Oriental Fastener Co., Ltd., as well as Zhejiang Heiter Industries and Zhejiang Heiter Mfg. The rate for the PRC-Wide Entity was originally set in the original investigation, *see Certain Steel Threaded Rod from the People's Republic of China: Final Determination of Sales at Less than Fair Value,* 74 FR 8907 (February 27, 2009). This rate has been used in each subsequent administrative review in which there was party being considered as part of the PRC-Wide Entity.

Disclosure

Normally, the Department discloses to interested parties the calculations performed in connection with its preliminary results within five days of its public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). However, because the Department is not calculating a weighted-average dumping margin for either of the mandatory respondents selected for individual examination, there are no calculations to disclose.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of the preliminary determination, unless the Secretary alters the time limit. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[10] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC, 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

The Department intends to issue the final results of this administrative review, which will include the results of our analysis of all issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

[10] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[11] The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review.

For any individually examined respondent whose weighted average dumping margin is above *de minimis* (*i.e.,* 0.50 percent) in the final results of this review, the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of sales, in accordance with 19 CFR 351.212(b)(1). Where an importer- (or customer-) specific *ad valorem* rate is greater than *de minimis,* the Department will instruct CBP to collect the appropriate duties at the time of liquidation.[12] Where either a respondent's weighted average dumping margin is zero or *de minimis,* or an importer- (or customer-) specific *ad valorem* is zero or *de minimis,* the Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[13]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For the companies listed above that have a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-Wide entity (*i.e.,* 206 percent); and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This preliminary determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 1, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Methodology
   a. Partial Rescission
   b. No Shipments
   c. NME Country Status
   d. Separate Rates
   e. Companies Considered as Part of the PRC-Wide Entity
5. Recommendation

Appendix II

List of Companies for Which Petitioner Has Withdrawn Its Request for Administrative Review

1. Aerospace Precision Corp. (Shanghai) Industry Co., Ltd.
2. Aihua Holding Group Co. Ltd.
3. Autocraft Industry (Shanghai) Ltd.
4. Autocraft Industry Ltd.
5. Billion Land Ltd.
6. Billiongold Hardware Co. Ltd.
7. Bolt MFG. Trade Ltd.
8. Brighton Best International (Taiwan) Inc.
9. Brother Holding Group Co. Ltd.
10. C and H International Corporation
11. Certified Products International Inc.
12. Changshu City Standard Parts Factory
13. China Friendly Nation Hardware Technology Limited
14. D.M.D. International Co. Ltd.
15. Dongxiang Accuracy Hardware Co., Ltd.
16. EC International (Nantong) Co., Ltd.
17. Fastco (Shanghai) Trading Co., Ltd.
18. Fasten International Co., Ltd.
19. Fastwell Industry Co. Ltd.
20. Fook Shing Bolts & Nuts Co. Ltd.
21. Fuda Xiongzhen Macyinery Co., Ltd.
22. Fuller Shanghai Co Ltd.
23. Gem-Year Industrial Co. Ltd.
24. Guangdong Honjinn Metal & Plastic Co., Ltd.
25. Hainan Zhongyan United Development Co.
26. Hainan Zhongda Fastener Co., Ltd.
27. Haiyan Chaqqiang Standard Fasterner
28. Haiyan Dayu Fasterners Co., Ltd.
29. Haiyan Evergreen Standard Parts Co. Ltd.
30. Haiyan Fuxin High Strength Fasterner
31. Haiyan Hurras Import & Export Co. Ltd.
32. Haiyan Jianhe Hardward Co. Ltd.
33. Haiyan Julong Standard Part Co. Ltd.
34. Haiyan Yuxing Nuts Co. Ltd.
35. Hangzhou Everbright Imp. & Exp. Co. Ltd.
36. Hangzhou Grand Imp & Exp. Co., Ltd.
37. Hangzhou Great Imp & Exp. Co. Ltd.
38. Hangzhou Lizhan Hardware Co. Ltd.
39. Hangzhou Tongwang Machinery Co., Ltd.
40. Hong Kong Sunrise Fasteners Co. Ltd.
41. Hong Kong Yichen Co. Ltd.
42. Jiangsu Zhongweiyu Communication Equipment Co. Ltd.
43. Jiashan Steelfit Trading Co. Ltd.
44. Jiashan Zhongsheng Metal Products Co., Ltd.
45. Jiaxing Jinhow Import & Export Co., Ltd.
46. Jiaxing Xinyue Standard Part Co. Ltd.
47. Jiaxing Yaoliang Import & Export Co., Ltd.
48. Jinan Banghe Industry & Trade Co., Ltd.
49. King Socket Screw Company Ltd.
50. L&W Fasteners Company
51. Macropower Industrial Inc.
52. Mai Seng International Trading Co., Ltd.
53. MB Services Company
54. Midas Union Co., Ltd.
55. Nanjing Prosper Import & Export Corporation Ltd.
56. New Pole Power System Co. Ltd.
57. Ningbiao Bolts & Nuts Manufacturing Co.
58. Ningbo Beilun Milfast Metalworks Co. Ltd.
59. Ningbo Beilun Pingxin Hardware Co., Ltd.
60. Ningbo Dexin Fastener Co. Ltd.
61. Ningbo Dongxin High-Strength Nut Co., Ltd.
62. Ningbo Fastener Factory
63. Ningbo Fengya Imp. and Exp. Co. Ltd.
64. Ningbo Fourway Co., Ltd.
65. Ningbo Haishu Holy Hardware Import and Export Co. Ltd.
66. Ningbo Haishu Wit Import & Export Co. Ltd.
67. Ningbo Haishu Yixie Import & Export Co. Ltd.
68. Ningbo Jinding Fastening Pieces Co., Ltd.
69. Ningbo MPF Manufacturing Co. Ltd.
70. Ningbo Panxiang Imp. & Exp., Co. Ltd.
71. Ningbo Qianjiu Instrument Case Factory
72. Ningbo Yili Import & Export Co., Ltd.
73. Ningbo Yinzhou Dongxiang Accuarcy Hardware Co., Ltd.
74. Ningbo Yinzhou Foreign Trade Co., Ltd.
75. Ningbo Yinzhou Woafan Industry & Trade Co., Ltd.
76. Ningbo Zhendai Dingli Fasterner Screw Co., Ltd.
77. Ningbo Zhenghai Yongding Fastener Co., Ltd.
78. Ningbo Zhongjiang High Strength Bolts Co. Ltd.
79. Ningbo Zhongjiang Petroleum Pipes & Machinery Co., Ltd.
80. Orient International Holding Shanghai Rongheng Intl Trading Co. Ltd.
81. Pol Shin Fastener (Zhejiang) Co.
82. Prosper Business and Industry Co., Ltd.

[11] *See* 19 CFR 351.212(b).

[12] *See* 19 CFR 351.212(b)(1).

[13] *See* 19 CFR 351.106(c)(2).

83. Qingdao Free Trade Zone Health Intl.
84. Qingdao Top Steel Industrial Co. Ltd.
85. Shaanxi Succeed Trading Co., Ltd.
86. Shanghai Autocraft Co., Ltd.
87. Shanghai East Best Foreign Trade Co.
88. Shanghai East Best International Business Development Co., Ltd.
89. Shanghai Fortune International Co. Ltd.
90. Shanghai Furen International Trading
91. Shanghai Hunan Foreign Economic Co., Ltd.
92. Shanghai Jiabao Trade Development Co. Ltd.
93. Shanghai Nanshi Foreign Economic Co.
94. Shanghai Overseas International Trading Co. Ltd.
95. Shanghai Prime Machinery Co. Ltd.
96. Shanghai Printing & Dyeing and Knitting Mill
97. Shanghai Printing & Packaging Machinery Corp.
98. Shanghai Recky International Trading Co., Ltd.
99. Shanghai Sinotex United Corp. Ltd.
100. SRC Metal (Shanghai) Co., Ltd.
101. Suntec Industries Co., Ltd.
102. Suzhou Henry International Trading Co., Ltd.
103. T and C Fastener Co. Ltd.
104. T and L Industry Co. Ltd.
105. Wisechain Trading Limited
106. Wuxi Metec Metal Co. Ltd.
107. Zhejiang Heirrmu Mechanical and Electrical Equipment Manufacturing Co. Ltd.
108. Zhejiang Jin Zeen Fasteners Co. Ltd.
109. Zhejiang Junyue Standard Part Co., Ltd.
110. Zhejiang Laibao Precision Technology Co. Ltd.
111. Zhejiang Metals & Minerals Imp & Exp Co. Ltd.
112. Zhejiang Morgan Brother Technology Co. Ltd.
113. Zhejiang New Century Imp & Exp Co. Ltd.
114. Zhejiang Zhenglian Industry Development Co., Ltd.
115. Zhoushan Zhengyuan Standard Parts Co., Ltd.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–983]

Drawn Stainless Steel Sinks From the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2015–2016

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on drawn stainless steel sinks (drawn sinks) from the People's Republic of China (PRC). The period of review (POR) is April 1, 2015, through March 31, 2016. The review covers two mandatory respondents, Guangdong Dongyuan Kitchenware Industrial Co., Ltd. (Dongyuan) and Guangdong Yingao Kitchen Utensils Co. Ltd (Yingao). We preliminarily determine that sales of subject merchandise by both respondents have been made at prices below normal value (NV). We also preliminarily grant separate rates to ten companies, which demonstrated eligibility for separate rate status, but were not selected for individual examination. Finally, we preliminarily find that New Shichu Import and Export Company Limited (New Sichu) made no shipments of subject merchandise during the POR. We invite interested parties to comment on these preliminary results.

DATES: Effective May 5, 2017.

FOR FURTHER INFORMATION CONTACT: Terre Keaton Stefanova or Rebecca Janz, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1280 and (202) 482–2972, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products covered by the order include drawn stainless steel sinks. Imports of subject merchandise are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7324.10.0000 and 7324.10.0010. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.[1]

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). For the mandatory respondents Dongyuan and Yingao, export price and constructed export price were calculated in accordance with section 772 of the Act. Because the PRC is a non-market economy (NME) within the meaning of section 771(18) of the Act, NV was calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content. A list of topics included in the Preliminary Decision Memorandum is provided as an appendix to this notice.

Separate Rates

We preliminarily determine that information placed on the record by the mandatory respondents, as well as by the following ten companies which were not selected for individual examination, demonstrated eligibility for separate rate status: Feidong Import and Export Co., Ltd.; Ningbo Afa Kitchen and Bath Co., Ltd.; Xinhe Stainless Steel Products Co., Ltd.; KaiPing Dawn Plumbing Products, Inc.; Jiangmen Hongmao Trading Co., Ltd.; Jiangmen New Star Hi-Tech Enterprise Ltd.; Foshan Zhaoshun Trade Co., Ltd.; Zhuhai KOHLER Kitchen & Bathroom Products Co., Ltd.; B&R Industries Limited; and Zhongshan Superte Kitchenware Co., Ltd.

Preliminary Determination of No Shipments

On July 5, 2016, New Shichu submitted a timely-filed certification that they had no exports, sales, or entries of subject merchandise during the POR.[2] Additionally, our inquiry to CBP did not identify any POR entries of New Shichu's subject merchandise. Based on the foregoing, the Department preliminarily determines that New Shichu did not have any reviewable transactions during the POR. For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Consistent with our practice in NME cases, the Department is not rescinding this administrative review for New Shichu, but intends to complete the

[1] For a complete description of the Scope of the Order, *see* Memorandum, ''Decision Memorandum for Preliminary Results of the Antidumping Duty Administrative Review: Drawn Stainless Steel Sinks from the People's Republic of China,'' issued concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

[2] *See* letter from New Shichu, ''Drawn Stainless Steel Sinks from the People's Republic of China Separate Rate Certification and Provisional No Sales Certification,'' dated July 5, 2016.

review and issue appropriate instructions to CBP based on the final results of the review.[3]

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist for the period April 1, 2015, through March 31, 2016:

Exporters	Weighted-Average Dumping Margin (Percent)
Guangdong Dongyuan Kitchenware Industrial Co., Ltd	1.80
Guangdong Yingao Kitchen Utensils Co. Ltd	1.68
Feidong Import and Export Co., Ltd.*	1.78
Ningbo Afa Kitchen and Bath Co., Ltd.*	1.78
Xinhe Stainless Steel Products Co., Ltd.*	1.78
KaiPing Dawn Plumbing Products, Inc.*	1.78
Jiangmen Hongmao Trading Co., Ltd.*	1.78
Jiangmen New Star Hi-Tech Enterprise Ltd.*	1.78
Foshan Zhaoshun Trade Co., Ltd.*	1.78
Zhuhai KOHLER Kitchen & Bathroom Products Co., Ltd.*	1.78
B&R Industries Limited*	1.78
Zhongshan Superte Kitchenware Co., Ltd.*	1.78

*This company demonstrated that it qualified for a separate rate in this administrative review. We preliminarily assigned this company a rate which is the average of the weighted-average dumping margins assigned to Dongyuan and Yingao. *See* the Preliminary Decision Memorandum.

Disclosure and Public Comment

The Department intends to disclose to the parties the calculations performed for these preliminary results within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[4] Rebuttals to case briefs may be filed no later than five days after the written comments are filed, and all rebuttal comments must be limited to comments raised in the case briefs.[5]

Any interested party may request a hearing within 30 days of publication of this notice.[6] Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.[7]

Unless otherwise extended, the Department intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in the case briefs, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[8] The Department intends to issue appropriate assessment instructions to CBP 15 days after the publication of the final results of this review.

For each individually-examined respondent in this review, if we continue to calculate a weighted-average dumping margin that is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results, we will calculate importer- (or customer-) specific per-unit duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's (or customer's) examined sales to the total sales quantity associated with those sales, in accordance with 19 CFR 351.212(b)(1).[9] The Department will also calculate (estimated) *ad valorem* importer-specific assessment rates with which to assess whether the per-unit assessment rate is *de minimis.* We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate calculated in the final results of this review is not zero or *de minimis.* Where either the respondent's *ad valorem* weighted-average dumping margin is zero or *de minimis,* or an importer-(or customer-) specific *ad valorem* assessment rate is zero or *de minimis,*[10] we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the respondents that were not selected for individual examination in this administrative review and qualified for a separate rate, the assessment rate will be equal to the average of the weighted-average dumping margins assigned to Dongyuan and Yingao in the final results of this review.[11]

For entries that were not reported in the U.S. sales databases submitted by the companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. In addition, if we continue to find that New Shichu had no shipments of the subject merchandise, any suspended entries of subject merchandise from New Shichu will be liquidated at the PRC-wide rate.[12]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the companies listed above that have a separate rate, the cash deposit rate will be that rate established in the final results of this review (except, if the rate is zero or *de minimis,* then a cash deposit rate of zero will be established for that company); (2) for previously investigated or reviewed PRC and non-PRC exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the PRC-wide entity, which is 76.45 percent; and (4) for all non-PRC exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These

[3] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011) (*NME AD Assessment*) and the ''Assessment Rates'' section, below.

[4] *See* 19 CFR 351.309(c).

[5] *See* 19 CFR 351.309(d).

[6] *See* 19 CFR 351.310(c).

[7] *See* 19 CFR 351.310(d).

[8] *See* 19 CFR 351.212(b)(1).

[9] In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[10] *See* 19 CFR 351.106(c)(2).

[11] *See Drawn Stainless Steel Sinks from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review,* 80 FR 26227, 26228 (May 7, 2015); unchanged in *Drawn Stainless Steel Sinks From the People's Republic of China: Final Results of the Antidumping Duty Administrative Review; 2012–2014,* 80 FR 69644 (November 10, 2015).

[12] For a full discussion of this practice, *see NME AD Assessment.*

deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(l) and 777(i)(l) of the Act and 19 CFR 351.213.

Dated: May 1, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of Methodology
  A. Preliminary Determination of No Shipments
  B. Non-Market Economy Country Status
  C. Separate Rates Determination
  1. Absence of *De Jure* Control
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  3. Separate Rate for Non-Selected Companies
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[FR Doc. 2017–09142 Filed 5–4–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–812]

Steel Wire Garment Hangers From the Socialist Republic of Vietnam: Rescission of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (the Department) is rescinding the administrative review of the antidumping duty order on steel wire garment hangers from the Socialist Republic of Vietnam (Vietnam). The period of review is February 1, 2016, through January 31, 2017.

DATES: Effective May 5, 2017.

FOR FURTHER INFORMATION CONTACT: Jessica Weeks, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4877.

SUPPLEMENTARY INFORMATION:

Background

On April 10, 2017, based on a timely request for review by M&B Metal Products Company, Inc. (the petitioner),[1] the Department published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on steel wire garment hangers from Vietnam covering the period February 1, 2016, through January 31, 2017.[2] The review covers 66 companies.[3] On April 24, 2017, the petitioner withdrew its request for an administrative review on all 66 companies listed in the *Initiation Notice.*[4] No other party requested a review of these exporters or any other exporters of subject merchandise.

[1] *See* Letter to the Secretary of Commerce from the petitioner, ''Steel Wire Garment Hangers from Vietnam: Request for Fourth Administrative Review,'' dated February 17, 2017 (Request for Review).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 17188 dated April 10, 2017 (*Initiation Notice*). In the *Initiation Notice,* the Department inadvertently listed one company, Nghia Phuong Nam Production Company, as Nghia Phoung Nam Production Company. The correct company name for which a review was requested is Nghia Phuong Nam Production Company. *See also* Request for Review at Attachment 1.

[3] *Id.,* 82 FR at 17196–17197.

[4] *See* Letter to the Secretary of Commerce from the petitioner, ''Fourth Administrative Review of Steel Wire Garment Hangers from Vietnam—Petitioner's Withdrawal of Review Request,'' dated April 24, 2017.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. In this case, the petitioner timely withdrew its request by the 90-day deadline, and no other party requested an administrative review of the antidumping duty order. As a result, pursuant to 19 CFR 351.213(d)(1), we are rescinding the administrative review of the antidumping duty order on steel wire garment hangers from Vietnam for the period February 1, 2016, through January 31, 2017, in its entirety.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Because the Department is rescinding this administrative review in its entirety, the entries to which this administrative review pertained shall be assessed antidumping duties at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice in the **Federal Register**, if appropriate.

Notifications

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the

regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: May 2, 2017.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–09145 Filed 5–4–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–904]

Certain Activated Carbon From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016

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

SUMMARY: In response to requests from interested parties, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain activated carbon from the People's Republic of China (PRC) for the period of review (POR) April 1, 2015, through March 31, 2016. The Department selected two companies, Jacobi Carbons AB and Datong Juqiang Activated Carbon Co., as mandatory respondents for individual examination. The Department preliminarily finds that subject merchandise has been sold in the United States at prices below normal value (NV) during the POR. The Department invites interested parties to comment on these preliminary results.

DATES: Effective May 5, 2017.

FOR FURTHER INFORMATION CONTACT: Bob Palmer or John Anwesen, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–9068, or (202) 482–0131, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is certain activated carbon. The products are currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 3802.10.00.[1] Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the order remains dispositive.

Preliminary Determination of No Shipments

Based on an analysis of U.S. Customs and Border Protection (CBP) information, and no shipment certifications submitted by Calgon Carbon (Tianjin) Co., Ltd., Shanxi Dapu International Trade Co., Ltd., and Sinoacarbon International Trading Co., Ltd., the Department preliminarily determines that these companies had no shipments during the POR. For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Consistent with our practice in non-market economy (NME) cases, the Department is not rescinding this review, in part, but intends to complete the review with respect to these companies, for which it has preliminarily found no shipments, and issue appropriate instructions to CBP based on the final results of the review.[2]

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). We calculated constructed export prices and export prices in accordance with section 772 of the Act. Because the PRC is a NME within the meaning of section 771(18) of the Act, NV has been calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of the topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and it is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum is available at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Verification

As provided in sections 782(i)(3)(A)–(B) of the Act, we intend to verify the information upon which we will rely in determining our final results of review with respect to the two mandatory respondents, Jacobi Carbons AB and Datong Juqiang Activated Carbon Co., Ltd.

Preliminary Results of the Review

The Department preliminarily finds that 186 companies for which a review was requested did not establish eligibility for a separate rate because they either failed to provide a separate rate application or separate rate certification (SRC).[3] As such, we preliminarily determine that these 186 companies are part of the PRC-wide entity.[4]

[1] For a complete description of the Scope of the Order, *see* ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Certain Activated Carbon from the People's Republic of China; 2015–2016,'' (Preliminary Decision Memorandum) from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, issued dated concurrently with, and hereby adopted by, this notice.

[2] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011).

[3] While Ningxia Guanghua Activated Carbon Co, Ltd. (Guanghua) submitted a timely SRC, it did not have any sales to the United States. Additionally, we note that Guanghua is part of a single entity with Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd. *See* ''Separate Rates'' section of the Preliminary Decision Memorandum; *see also,* Preliminary Decision Memorandum at Attachment I for a complete list of the 186 companies which were not found eligible for a separate rate.

[4] Because no interested party requested a review of the PRC-wide entity and the Department no longer considers the PRC-wide entity as an exporter conditionally subject to administrative reviews, we did not conduct a review of the PRC-wide entity. Thus, the rate for the PRC-wide entity is not subject to change as a result of this review. *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963, 65969–70 (November 4, 2013). The PRC-wide entity rate of 2.42 U.S. dollars per kilogram was last reviewed in *Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 70163 (November 25, 2014).

For companies' subject to this review that have established their eligibility for a separate rate, the Department preliminarily determines that the following weighted-average dumping margins exist for the POR from April 1, 2015, through March 31, 2016:

Exporter	Weighted-average dumping margin (U.S. dollars per kilogram) [5]
Jacobi Carbons AB [6]	1.02
Datong Juqiang Activated Carbon Co., Ltd	0.62
Beijing Pacific Activated Carbon Products Co., Ltd	0.82
Carbon Activated Tianjin Co., Ltd	0.82
Datong Municipal Yunguang Activated Carbon Co., Ltd	0.82
Jilin Bright Future Chemicals Company, Ltd	0.82
Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd	0.82
Ningxia Huahui Activated Carbon Co., Ltd	0.82
Ningxia Mineral and Chemical Limited	0.82
Shanxi Industry Technology Trading Co., Ltd	0.82
Shanxi Sincere Industrial Co., Ltd	0.82
Shanxi Tianxi Purification Filter Co., Ltd	0.82
Tancarb Activated Carbon Co., Ltd	0.82
Tianjin Channel Filters Co., Ltd	0.82
Tianjin Maijin Industries Co., Ltd	0.82

Disclosure and Public Comment

The Department intends to disclose the calculations performed for these preliminary results to the parties no later than ten days after the date of the public announcement of this notice in accordance with 19 CFR 351.224(b).

Because, as noted above, the Department intends to verify the information upon which we will rely in making our final determination, interested parties may submit written comments in the form of case briefs within one week after the issuance of the last verification repot and rebuttal comments in the form of rebuttal briefs within five days after the time limit for filing case briefs.[7] Rebuttal briefs must be limited to issues raised in the case briefs.[8] Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument: 1) A statement of the issue; 2) a brief summary of the argument; and 3) a table of authorities.[9]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues parties intend to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.[10] If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Ave. NW., Washington, DC 20230, at a date and time to be determined.[11] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions, with limited exceptions, must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by 5 p.m. Eastern Time (ET) on the due date. Documents excepted from the electronic submission requirements must be filed manually (*e.g.,* in paper form) with the APO/Dockets Unit in Room 18022 and stamped with the date and time of receipt by 5 p.m. ET on the due date.

Unless otherwise extended, the Department intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, the Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[12] The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. For any individually examined respondent whose (estimated) *ad valorem* weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total quantity of those sales, in accordance with 19 CFR 351.212(b)(1).[13] The Department will

[5] In the second administrative review of the *Order,* the Department determined that it would calculate per-unit weighted-average dumping margins and assessment rates for all future reviews. *See Certain Activated Carbon From the People's Republic of China: Final Results and Partial Rescission of Second Antidumping Duty Administrative Review,* 75 FR 70208, 70211 (November 17, 2010). *See also Notice of Antidumping Duty Order: Certain Activated Carbon From the People's Republic of China,* 72 FR 20988 (April 27, 2007) (''*Order*'').

[6] In the third administrative review of the *Order,* the Department found that Jacobi Carbons AB, Tianjin Jacobi International Trading Co. Ltd., and Jacobi Carbons Industry (Tianjin) are a single entity and, because there were no facts presented on the record of this review which would call into question our prior finding, we continue to treat these companies as part of a single entity for this administrative review, pursuant to sections 771(33)(E), (F), and (G) of the Act and 19 CFR 351.401(f). *Certain Activated Carbon from the People's Republic of China: Final Results and Partial Rescission of Third Antidumping Duty Administrative Review,* 76 FR 67142, 67145 n.25 (October 31, 2011). *See also* Preliminary Decision Memorandum.

[7] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1); *see also* 19 CFR 351.303 (for general filing requirements).

[8] *See* 19 CFR 351.309(d)(2).

[9] *See* 19 CFR 351.309(c) and (d); *see also* 19 CFR 351.303 (for general filing requirements).

[10] *See* 19 CFR 351.310(c).

[11] *See* 19 CFR 351.310(d).

[12] *See* 19 CFR 351.212(b)(1).

[13] In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping*

also calculate (estimated) *ad valorem* importer-specific assessment rates with which to assess whether the per-unit assessment rate is *de minimis.* We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate calculated in the final results of this review is not zero or *de minimis.* Where either the respondent's *ad valorem* weighted-average dumping margin is zero or *de minimis,* or an importer-specific *ad valorem* assessment rate is zero or *de minimis,*[14] we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries that were not reported in the U.S. sales data submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the rate for the PRC-wide entity.[15] Additionally, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's cash deposit rate) will be liquidated at the rate for the PRC-wide entity.[16]

In accordance with section 751(a)(2)(C) of the Act, the final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated antidumping duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For each specific company listed in the final results of review, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except, if the *ad valorem* rate is *de minimis,* then the cash deposit rate will be zero); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have received a separate rate in the completed segment of this proceeding for the most recent period, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: May 1, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum:

1. Summary
2. Background
   a. Initiation
   b. Respondent Selection
   c. Scope of the Order
3. Discussion of the Methodology
   a. Preliminary Finding of No Shipments
   b. Non-Market Economy Country
   c. Separate Rates
   d. Weighted-Average Dumping Margin for Non-Examined Separate Rate Companies
   e. Surrogate Country and Surrogate Value Data
   f. Facts Available for Normal Value
   g. Date of Sale
   h. Comparisons to Normal Value
   i. U.S. Price
   j. Normal Value
   k. Currency Conversion
4. Recommendation

[FR Doc. 2017–09143 Filed 5–4–17; 8:45 am]

BILLING CODE 3510–DS–P

Proceedings: Final Modification, 77 FR 8101 (February 14, 2012).

[14] *See* 19 CFR 351.106(c)(2).

[15] *Id.*

[16] *Id.*

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Call for Industrial Wireless Testbed Participation

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

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST), an agency of the United States Department of Commerce, announces an opportunity for industrial wireless communications equipment suppliers and academic institutions to incorporate their use cases, techniques, and equipment into a NIST Industrial Wireless Testbed to help advance measurement science research in industrial wireless communication, with special emphasis on manufacturing applications.

DATES: The deadline for responding to this opportunity is June 30, 2017.

ADDRESSES: Applications to participate may be submitted in one of two ways.

- By sending an email to *iwslab@nist.gov.*
- By written request:

National Institute of Standards and Technology
ATTN: Richard Candell, 100 Bureau Drive, Stop 8230, Gaithersburg, MD 20899–8615.

Please direct media inquiries to NIST's Office of Public Affairs at 301–975–2762.

FOR FURTHER INFORMATION CONTACT: Rick Candell, National Institute of Standards and Technology, 100 Bureau Drive, MS 8230, Gaithersburg, MD 20899, 301–975–4287, email: *iwslab@nist.gov.*

SUPPLEMENTARY INFORMATION: As part of the NIST Wireless Systems for Industrial Environments project, NIST has constructed a hardware-in-the-loop Industrial Wireless Testbed that includes a radio frequency channel emulator used to recreate the factory radio environment, and simulated and real factory processes, controls, and equipment. The emulator which is an Intelligent Automation Inc. D–508 emulator supports up to eight (8) devices. Industrial wireless communication devices are connected to the emulator, and measurement methods to assess the impacts of various types of wireless systems on the performance of simulated factory operations will be developed and applied. Participants will include researchers from industry and academia interested in supporting the industrial

wireless measurement science activities at NIST.

Research results will be used as input into best practices reports on the performance measurement and use of industrial wireless systems in manufacturing applications. Integration of equipment into the testbed will be conducted at the expense of the responder. Participants will be expected to loan their equipment, through a Cooperative Research and Development Agreement (CRADA) with NIST, for a period of typically 6 months for use in the testbed. Participants will be expected to contribute in-kind engineering resources necessary to integrate and operate their equipment in the Testbed, including making any needed modifications to their equipment to achieve compatibility with Testbed interfaces, at no cost to NIST. Participants will have access to NIST test equipment associated with the Testbed, subject to availability. Industry participants are also encouraged to describe candidate use cases for possible inclusion in Testbed activities. More information on the NIST Wireless Systems for Industrial Environments may be found at *https://www.nist.gov/programs-projects/wireless-systems-industrial-environments.*

Interested participants should respond by sending an email to *iwslab@nist.gov* or writing to the address listed in the **ADDRESSES** section. Inquiry emails should include a brief explanation of the purpose statement no more than 500 words explaining the purpose of collaboration and the benefit to NIST industrial wireless research objectives. The email may include a brief research plan no more than two (2) pages in length in PDF format. Product marketing materials are not acceptable as a research plan.

The deadline for responding to this opportunity is June 30, 2017. NIST will accept up to five responders as collaborators in the proposed project, on a first come, first-served basis. Due to limited resources, the proposed research project will be limited to a maximum of five collaborators. Acceptance of participants will be aimed at achieving a diversity of industrial wireless equipment in the Testbed, and will depend on the level of commitment of the participant, the proposed equipment and engineering support resources, and the availability of NIST resources to support incorporation of equipment into the Testbed.

Dated: May 1, 2017.

Kevin A. Kimball,

Chief of Staff.

[FR Doc. 2017–09046 Filed 5–4–17; 8:45 am]

BILLING CODE 3510–13–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to the Procurement List.

SUMMARY: The Committee is proposing to add a service to the Procurement List that will be provided by a nonprofit agency employing persons who are blind or have other severe disabilities.

DATES: *Comments Must Be Received on or Before:* 6/4/2017.

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.

Addition

If the Committee approves the proposed addition, the entities of the Federal Government identified in this notice will be required to provide the service listed below from a nonprofit agency employing persons who are blind or have other severe disabilities.

The following service is proposed for addition to the Procurement List for production by the nonprofit agency listed:

Service

Service Type: Base Supply Center Service
Mandatory For: U.S. Army, Red River Army Depot, 100 James Carlow Drive, Building 431, Texarkana, TX
Mandatory Source(s) of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: Dept of the Army, W0MC USA Dep Red River

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–09150 Filed 5–4–17; 8:45 am]

BILLING CODE 6353–01–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.

EFFECTIVE DATE: 6/4/2017.

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 4/7/2017 (82 FR 17000–17002), 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): 6135–01–096–0330—Battery, Non-

Rechargeable, Button, 1.55V, Silver Oxide

Mandatory Source(s) of Supply: Eastern Carolina Vocational Center (ECVC), Greenville, NC

Contracting Activity: Defense Logistics Agency Land and Maritime

NSN(s)—Product Name(s):

8415–01–536–4140—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 6½
8415–01–536–4144—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 6⅜
8415–01–536–4148—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 6⅝
8415–01–536–4152—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 6¾
8415–01–536–4181—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 6⅞
8415–01–536–4183—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 7
8415–01–536–4185—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 7⅛
8415–01–536–4212—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 7¼
8415–01–536–4218—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 7⅜
8415–01–536–4221—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 7½
8415–01–536–4223—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 7⅝
8415–01–536–4226—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 7¾
8415–01–536–4229—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 7⅞
8415–01–536–4233—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 8
8415–01–536–4236—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 8⅛
8415–01–536–4240—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 8¼
8415–01–536–4245—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 8⅜
8415–01–536–4248—Cap, Utility, ABU, Air Force, Tiger Stripe Camouflage, 8½

Mandatory Source(s) of Supply: Southeastern Kentucky Rehabilitation Industries, Inc., Corbin, KY

Contracting Activity: Defense Logistics Agency Troop Support

NSN(s)—Product Name(s):

8415–01–542–5438—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, S
8415–01–542–5457—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, XS
8415–01–542–5442—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, M
8415–01–543–7062—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, M–L
8415–01–542–5444—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, L
8415–01–542–5446—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, L–L
8415–01–542–5448—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, XL
8415–01–542–5450—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, XL–L
8415–01–542–5451—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, XXL
8415–01–542–5459—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, XXLL
8415–01–542–5461—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, XXXL
8415–01–542–5464—Shirt, Level 1, ECWCS, PCU, Army, Long Sleeved, Brown, XXXLL
8415–01–542–5809—Trousers, ECWCS, Level 1, PCU, Army, Brown, XS
8415–01–542–5790—Trousers, ECWCS, Level 1, PCU, Army, Brown, S
8415–01–542–5792—Trousers, ECWCS, Level 1, PCU, Army, Brown, M
8415–01–543–7012—Trousers, ECWCS, Level 1, PCU, Army, Brown, M–L
8415–01–542–5794—Trousers, ECWCS, Level 1, PCU, Army, Brown, L
8415–01–542–5799—Trousers, ECWCS, Level 1, PCU, Army, Brown, L–L
8415–01–542–5801—Trousers, ECWCS, Level 1, PCU, Army, Brown, XL
8415–01–542–5806—Trousers, ECWCS, Level 1, PCU, Army, Brown, XL–L
8415–01–542–5810—Trousers, Cold Weather Level 1, ECWCS, PCU, Army, Brown, XXL
8415–01–542–5786—Trousers, ECWCS, Level 1, PCU, Army, Brown, XXLL
8415–01–543–0426—Trousers, Lightweight ECWCS Level 1, PCU, Army, Brown, XXXLL
8415–01–543–0423—Trousers, Lightweight Level 6, ECWCS, PCU, Army, Brown, XXXL

Mandatory Source(s) of Supply: Southeastern Kentucky Rehabilitation Industries, Inc., Corbin, KY

Contracting Activity: Army Contracting Command—Aberdeen Proving Ground, Natick Contracting Division

NSN(s)—Product Name(s):

8410–01–556–0054—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 4R
8410–01–556–0161—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 26L
8410–01–556–0059—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 8R
8410–01–556–0063—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 8L
8410–01–556–0070—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 10R
8410–01–556–0075—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 10L
8410–01–556–0080—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 12R
8410–01–556–0083—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 12L
8410–01–556–0087—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 14R
8410–01–556–0090—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 14L
8410–01–556–0095—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 16R
8410–01–556–0100—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 16L
8410–01–556–0110—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 18R
8410–01–556–0117—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 18L
8410–01–556–0122—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 20R
8410–01–556–0134—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 20L
8410–01–556–0141—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 22L
8410–01–556–0151—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 24L
8410–01–556–0056—Shirt, Tuck-in,

Army, Women's, Long Sleeved, White, 6R
8410–01–579–3671—Shirt, Army, Women's, Short Sleeve, White, 22 Regular, PGC 03430
8410–01–579–3675—Shirt, Army, Women's, Short Sleeve, White, 24 Regular, PGC 03430
8410–01–579–3680—Shirt, Army, Women's, Short Sleeve, White, 26 Regular, PGC 03430
8410–00–0SH–TA17—Shirt, Army, Women's, Short Sleeve, White, Special Measurement, PGC 3430
8410–01–555–9462—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 16S
8410–01–555–9463—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 16R
8410–01–555–9470—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 16L
8410–01–555–9499—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 16XL
8410–01–555–9506—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 16XX
8410–01–555–9510—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 18S
8410–01–555–9514—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 18R
8410–01–555–9520—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 18L
8410–01–555–9525—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 18XL
8410–01–555–9528—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 18XXL
8410–01–555–9533—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 20S
8410–01–555–9537—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 20R
8410–01–555–9543—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 20L
8410–01–555–9549—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 20XL
8410–01–555–9612—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 20XXL
8410–01–555–9924—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 22R
8410–01–555–9938—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 22L
8410–01–555–9947—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 22XL
8410–01–555–9954—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 22XXL
8410–01–555–9959—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 24R
8410–01–555–9974—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 24L
8410–01–555–9980—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 24XL
8410–01–555–9984—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 24XXL
8410–01–555–9987—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 26R
8410–01–555–9992—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 26L
8410–01–555–9994—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 26XL
8410–01–556–0000—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 26XXL
8410–01–556–0028—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 14L
8410–01–555–9082—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 4XS
8410–01–555–9088—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 4S
8410–01–555–9091—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 4R
8410–01–555–9094—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 4L
8410–01–555–9097—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 6XS
8410–01–555–9100—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 6S
8410–01–555–9107—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 6R
8410–01–555–9112—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 6L
8410–01–555–9117—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 8XS
8410–01–555–9125—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 8S
8410–01–555–9133—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 8R
8410–01–555–9136—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 8L
8410–01–555–9145—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 10XS
8410–01–555–9154—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 10S
8410–01–555–9178—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 10R
8410–01–555–9387—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 10L
8410–01–555–9389—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 10XL
8410–01–555–9391—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 12S
8410–01–555–9394—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 12R
8410–01–555–9398—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 12L
8410–01–555–9404—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 12XL
8410–01–555–9407—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 12XX
8410–01–555–9422—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 14S
8410–01–555–9426—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 14R
8410–01–555–9435—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 14XL
8410–01–555–9455—Shirt, Tuck-in, Army, Women's, Long Sleeved, White, 14XX
8410–01–498–0721—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 46/14
8410–01–498–0730—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 46/15
8410–01–498–0731—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 46/16
8410–01–498–0732—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 46/17
8410–01–498–0733—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 48/14
8410–01–498–0735—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 48/15
8410–01–498–0736—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 48/16
8410–01–498–0738—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 48/17
8410–01–498–0757—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 50/14
8410–01–498–0741—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 50/15
8410–01–498–0742—Shirt, Dress,

Navy, Women's, Quarter Length Sleeve, White, 50/16
8410–01–498–0743—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 50/17
8410–01–498–0744—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 50/18
8410–01–498–0750—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 52/14
8410–01–498–0751—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 52/15
8410–01–498–0758—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 52/16
8410–01–498–0759—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 52/17
8410–01–512–7489—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 44/14
8410–01–512–7497—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 44/15
8410–01–512–7502—Shirt, Dress, Navy, Women's, Quarter Length Sleeve, White, 44/16
8410–01–069–6612—Shirt, Dress, Navy, Women's, Short Sleeved, White, 32x13
8410–01–069–6613—Shirt, Dress, Navy, Women's, Short Sleeved, White, 34x12
8410–01–069–6614—Shirt, Dress, Navy, Women's, Short Sleeved, White, 34x13
8410–01–069–6615—Shirt, Dress, Navy, Women's, Short Sleeved, White, 34x14
8410–01–069–6616—Shirt, Dress, Navy, Women's, Short Sleeved, White, 34x15
8410–01–069–6617—Shirt, Dress, Navy, Women's, Short Sleeved, White, 36x13
8410–01–069–6618—Shirt, Dress, Navy, Women's, Short Sleeved, White, 36x14
8410–01–069–6619—Shirt, Dress, Navy, Women's, Short Sleeved, White, 36x15
8410–01–069–6620—Shirt, Dress, Navy, Women's, Short Sleeved, White, 38x13
8410–01–069–6621—Shirt, Dress, Navy, Women's, Short Sleeved, White, 38x14
8410–01–069–6622—Shirt, Dress, Navy, Women's, Short Sleeved, White, 38x15
8410–01–069–6623—Shirt, Dress, Navy, Women's, Short Sleeved, White, 38x16
8410–01–069–6624—Shirt, Dress, Navy, Women's, Short Sleeved, White, 40x14
8410–01–069–6625—Shirt, Dress, Navy, Women's, Short Sleeved, White, 40x15
8410–01–069–6626—Shirt, Dress, Navy, Women's, Short Sleeved, White, 40x16
8410–01–069–6627—Shirt, Dress, Navy, Women's, Short Sleeved, White, 42x16
8410–01–349–9356—Shirt, Dress, Navy, Women's, Short Sleeved, White, 42x15

Mandatory Source(s) of Supply: Middle Georgia Diversified Industries, Inc., Dublin, GA

Contracting Activity: Defense Logistics Agency Troop Support

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–09151 Filed 5–4–17; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Judicial Proceedings Since Fiscal Year 2012 Amendments Panel; Notice of Federal Advisory Committee Meeting

AGENCY: General Counsel of the Department of Defense, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Judicial Proceedings Since Fiscal Year 2012 Amendments Panel will take place.

DATES: Open to the public, Friday, May 19, 2017, from 9:00 a.m. to 4:15 p.m.

ADDRESSES: Holiday Inn Arlington at Ballston, 4610 N. Fairfax Drive, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Maria Fried, 703–571–2664 (Voice), 703–693–3903 (Facsimile), *whs.pentagon.em.mbx.judicial-panel@mail.mil* (Email). Mailing address is One Liberty Center, 875 N. Randolph Street, Suite 150, Arlington, Virginia 22203. Web site: *http://jpp.whs.mil/*. The most up-to-date changes to the meeting agenda can be found on the Web site.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150. Materials provided to Panel members for use at the public meeting, may be obtained at the meeting or from the Panel's Web site.

Purpose of the Meeting: In section 576(a)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239), as amended, Congress tasked the Judicial Proceedings Panel to conduct an independent review and assessment of judicial proceedings conducted under the Uniform Code of Military Justice (UCMJ) involving adult sexual assault and related offenses since the amendments made to the UCMJ by section 541 of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112–81; 125 Stat. 1404), for the purpose of developing recommendations for improvements to such proceedings. At this meeting, the Panel will receive a presentation from the JPP Subcommittee on the Subcommittee's Report on Barriers to the Fair Administration of Military Justice in Sexual Assault Cases. The Panel will deliberate on the JPP sexual assault adjudication data for fiscal year 2015. The Panel will also deliberate on the JPP Report on Military Sexual Assault Investigations and the JPP Report on Victims' Appellate Rights.

Agenda: 8:30 a.m.–9:00 a.m. Administrative Work (41 CFR 102–3.160, not subject to notice & open meeting requirements); 9:00 a.m.–9:15 a.m. Welcome and Introduction; 9:15 a.m.–12:15 p.m. Presentation by the JPP Subcommittee of its Report on Barriers to the Fair Administration of Military Justice in Sexual Assault Cases; 12:15 p.m.–1:00 p.m. Lunch; 1:00 p.m.–2:00 p.m. Panel Deliberations on JPP Sexual Assault Adjudication Data for Fiscal Year 2015; 2:00 p.m.–3:00 p.m. Panel Deliberations on the JPP Report on Military Sexual Assault Investigations; 3:00 p.m.–4:00 p.m. Panel Deliberations on the JPP Report on Victims' Appellate Rights; 4:00 p.m.–4:15 p.m. Public Comment; 4:15 p.m. Meeting Adjourned.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is limited and is on a first-come basis. In the event the Office of Personnel Management closes the government due to inclement weather or for any other reason, please consult the Web site for any changes to the public meeting date or time. Individuals requiring special accommodations to access the public meeting should contact the Judicial Proceedings Panel at *whs.pentagon.em.mbx.judicial-panel@mail.mil* at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Statements: Pursuant to 41 CFR 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written comments to the Panel about its mission and topics pertaining to this public session. Written comments must be received by the JPP at least five (5) business days prior to the meeting date so that they may be made available to the Judicial Proceedings Panel for their consideration prior to the meeting. Written comments should be submitted via email to the Judicial Proceedings Panel at *whs.pentagon.em.mbx.judicial-panel@mail.mil* in the following formats: Adobe Acrobat or Microsoft Word. Please note that since the Judicial Proceedings Panel operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection. If members of the public are interested in making an oral statement pertaining to the agenda for the public meeting, a written statement must be submitted as above along with a request to provide an oral statement. After reviewing the written comments and the oral statement, the Chair and the Designated Federal Official will determine who will be permitted to make an oral presentation of their issue during the public comment portion of this meeting. This determination is at the sole discretion of the Chair and Designated Federal Official, will depend on the time available and relevance to the Panel's activities for that meeting, and will be on a first-come basis. When approved in advance, oral presentations by members of the public will be permitted from 4:00 p.m. to 4:15 p.m. on May 19, 2017, in front of the Panel members.

Dated: May 1, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–09071 Filed 5–4–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

National Security Education Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the National Security Education Board will take place.

DATES: The meeting will last one day in duration, Thursday, June 8, 2017 beginning at 8:30 a.m. and adjourning at 4:15 p.m.

ADDRESSES: Institute of International Education, 1400 K Street NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Michael Nugent, (571) 256–0702 (Voice), (703) 692–2615 (Facsimile), *michael.a.nugent22.civ@mail.mil* (Email). Mailing address is National Security Education Program, 4800 Mark Center Drive, Suite 08F09–02, Alexandria, VA 22350–7000. Web site: *https://www.nsep.gov/content/national-security-education-board.* The most up-to-date changes to the meeting agenda can be found on the Web site.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Committee's Point of Contact: Alison Patz, Alternate Designated Federal Official, (571) 256–0771, *Alison.m.patz.civ@mail.mil.*

Purpose of the Meeting: The purpose of the meeting is to review and make recommendations to the Secretary of Defense concerning requirements established by the David L. Boren National Security Education Act, Title VII of Public Law 102–183, as amended.

Agenda:

8:30 a.m.—Welcome and Chair Opening Remarks.
9:00 a.m.—NSEP Programmatic Updates.
9:30 a.m.—Retrospective: A Decade of Executing the Defense Language Transformation Roadmap.
11:00 a.m.—Break.
11:15 a.m.—10 Years of Project GO: Opportunities, Achievements, and the Next 10 Years.
12:15 p.m.—Working Lunch
1:00 p.m.—Class of 2017 Boren Scholars and Fellows.
1:30 p.m.—Intelligence Community Engagement: Reflections from Interagency Chief Human Capital Officers.
3:00 p.m.—National Language Service Corps.
3:15 p.m.—Board Discussion.
4:15 p.m.—Adjourn.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis.

Written Statements: Pursuant to 41 CFR 102–3.140 and sections 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Department of Defense National Security Education Board about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of the planned meeting. All written statements shall be submitted to the Designated Federal Official for the National Security Education Board, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Designated Federal Official can be obtained from the GSA's FACA Database—*http://facadatabase.gov/.* Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Official at the address listed in **FOR FURTHER INFORMATION CONTACT** at least five calendar days prior to the meeting that is the subject of this notice. Written statements received after this date may not be provided to or considered by the National Security Education Board until its next meeting. The Designated Federal Official will review all timely submissions with the National Security Education Board and ensure they are provided to all members of the National Security Education Board before the meeting that is the subject of this notice.

Dated: May 1, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–09057 Filed 5–4–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, U.S. Army Corps of Engineers

Supplemental Final Environmental Impact Statement for the Dam Safety Modification Report, Bluestone Dam, Hinton, Summers County, WV

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Supplemental Final Environmental Impact Statement—Public and agency comment period.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (Corps), Huntington District has prepared a

Supplemental Final Environmental Impact Statement (SFEIS) to disclose potential impacts to the natural, physical, and human environment resulting from modifications to Bluestone Dam. The original EIS was published in 1998 and a Record of Decision (ROD) was signed in 1999 concluding the NEPA process allowing the Corps to initiate implementation of the Bluestone Dam Safety Assurance (DSA) Project. When completed, the current modifications under construction will strengthen the dam's stability and allow for increased discharge capacity through the use of hydropower penstocks substantially reducing risk. However, physical modeling and expert analysis conducted during project construction indicated the downstream bedrock is vulnerable to an unacceptable degree of erosion during high flow events. The Corps has also recognized potential for unacceptable erosion associated with overtopping of areas of the dam not designed to be overtopped. After a full consideration of alternatives to achieve acceptable risk levels, this SFEIS recommends implementing modifications to the existing stilling basin to prevent scour that could result in spillway instability and thus dam failure. Proposed modifications include alteration to the existing stilling basin to include installation of a protective concrete apron and larger baffles among other features described in the SFEIS. This SFEIS also addresses the impacts associated with prolonged construction duration of modification features described in the original EIS and ROD.

DATES: The review period will be open from May 1, 2017 to May 30, 2017.

ADDRESSES: Send written comments concerning this proposed project to Rebecca Rutherford, Chief, Environmental Analysis Section, Planning Branch, U.S. Army Corps of Engineers, Huntington District, 502 Eighth Street, Huntington, WV 25701–2070. Telephone: 304–399–5924. Electronic mail: *BluestoneDamDSA@usace.army.mil.* Requests to be placed on the mailing list should also be sent to this address.

SUPPLEMENTARY INFORMATION:

1. *Authority:* Bluestone Dam and Reservoir was authorized by Executive Order (EO) 7183 in 1935 and the Flood Control Acts of 1936 and 1938 for the purposes of flood control, low flow augmentation, and hydroelectric power development. The purposes were later expanded to include recreational activities under the Flood Control Act of 1944 and fish and wildlife enhancement under the Fish and Wildlife Coordination Act (FWCA) of 1958.

2. *Background:* a. Guidance for this study is provided in USACE Engineer Regulation (ER) 1110–2–1156 (October 2011). This guidance details agency policy and procedures for the study and implementation process addressing dam safety issues.

b. Bluestone Lake is a multipurpose component of the Kanawha River basin system which provides for flood control, recreation, hydropower development, low flow augmentation, and fish and wildlife enhancement. The project began operation in 1949 and helps control a 4,600 square mile drainage area.

c. The ROD, signed in 1999, completed the NEPA process for the DSA project permitting the Huntington District to begin detailed design and subsequent construction of the recommended alternative which included a 13 foot cantilever wall on top of the dam, an additional concrete monolith on the east abutment, a floodgate closure across WV Rt. 20, removable closures at each end of the spillway, high strength anchors placed into the dam itself, massive concrete blocks placed against the downstream face of the dam, and a pavement for scour protection downstream of the hydropower penstocks. The majority of the ongoing construction on these measures will continue through the year 2019. The ROD for this work anticipated construction would be completed 2005.

d. Physical modeling and expert analysis conducted during project construction has shown the downstream bedrock is vulnerable to erosion during high flow events as a result of deficiencies with the current stilling basin configuration. This potential erosion creates an unacceptable level of risk according to guidelines established in ER 1110–2–1156, under which this study is being conducted.

e. The SFEIS and Dam Safety Modification report (DSMR) have considered the structural integrity of the dam, its ability to accommodate flood waters as well as transportation, noise, terrestrial, aquatic, economic, environmental justice and cultural resource issues associated with the performance of the dam. The SFEIS and DSMR has recommended any modifications necessary to ensure the long-term safe performance of the structure as originally intended.

f. Modifications to meet current acceptable risk guidelines per ER 1110–2–1156 proposed include, alteration to the existing stilling basin to include installation of a protective concrete apron and larger baffles among other features described in the SFEIS. The No Action alternative will also be considered. As required by NEPA and Corps planning guidance, the No Action alternative will form a benchmark from which alternatives are evaluated and compared.

3. *Public Participation:* a. The SFEIS will be made available to the public for thirty (30) days for review and comment. A Notice of Availability will be advertised in affected area newspapers informing the general public about the SFEIS public review period. The SFEIS and draft final ROD can be viewed at: *http://www.lrh.usace.army.mil/Missions/PublicReview.aspx.* Copies of the SFEIS and draft final ROD may be obtained by contacting the Huntington District Office of the U.S. Army Corps of Engineers at (304) 399–5924 (See **ADDRESSES**). All persons and organizations that have an interest in the Bluestone Dam Project are urged to participate in this SFEIS review and comment period. Upon the close of the comment period, USACE will consider all comments.

4. *Schedule:* The Supplemental Final Environmental Impact Statement is scheduled to be released for public review and comment on or about May 1, 2017.

Rebecca A. Rutherford,

Chief, Environmental Analysis Section, Planning Branch.

[FR Doc. 2017–09146 Filed 5–4–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2017–ICCD–0061]

Agency Information Collection Activities; Comment Request; Independent Living Services for Older Individuals Who Are Blind

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before July 5, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0061. Comments submitted

in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 226–62, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact James Billy, 202–245–7273.

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

Title of Collection: Independent Living Services for Older Individuals Who are Blind.

OMB Control Number: 1820–0608.

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

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

Total Estimated Number of Annual Responses: 56.

Total Estimated Number of Annual Burden Hours: 336.

Abstract: Section 752(h)(2) of the Rehabilitation Act of 1973, as amended, and the corresponding regulations in 34 CFR 367.31(c) require each grantee under the Independent Living Services for Older Individuals Who Are Blind (IL–OIB) program to submit an annual report to the Commissioner of the Rehabilitation Services Administration (RSA) on essential demographic, service, and outcome information. There is no difference between this and the previously approved data collection instrument which will expire on August 31, 2017. RSA therefore requests an extension of the approval to use this data collection instrument.

Dated: May 1, 2017

Tomakie Washington,

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

[FR Doc. 2017–09048 Filed 5–4–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Free Application for Federal Student Aid (FAFSA®) Information To Be Verified for the 2018–2019 Award Year

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: For each award year, the Secretary publishes in the **Federal Register** a notice announcing the FAFSA information that an institution and an applicant may be required to verify, as well as the acceptable documentation for verifying FAFSA information. This is the notice for the 2018–2019 award year.

FOR FURTHER INFORMATION CONTACT: Jacquelyn C. Butler, U.S. Department of Education, 400 Maryland Avenue SW., Room 6W232, Washington, DC 20202. Telephone: (202) 453–6088.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: If the Secretary selects an applicant for verification, the applicant's Institutional Student Information Record (ISIR) includes flags that indicate (1) that the applicant has been selected by the Secretary for verification and (2) the Verification Tracking Group in which the applicant has been placed. The Verification Tracking Group indicates which FAFSA information needs to be verified for the applicant and, if appropriate, for the applicant's parent(s) or spouse. The Student Aid Report (SAR) provided to the applicant will indicate that the applicant's FAFSA information has been selected for verification and direct the applicant to contact the institution for further instructions for completing the verification process.

The following chart lists, for the 2018–2019 award year, the FAFSA information that an institution and an applicant and, if appropriate, the applicant's parent(s) or spouse may be required to verify under 34 CFR 668.56. The chart also lists the acceptable documentation that must, under § 668.57, be provided to an institution for that information to be verified.

FAFSA information	Acceptable documentation
Income information for tax filers ..... a. Adjusted Gross Income (AGI) ..... b. U.S. Income Tax Paid ..... c. Untaxed Portions of IRA Distributions ..... d. Untaxed Portions of Pensions ..... e. IRA Deductions and Payments ..... f. Tax Exempt Interest Income ..... g. Education Credits	(1) 2016 tax account information of the tax filer that the Secretary has identified as having been obtained from the Internal Revenue Service (IRS) through the IRS Data Retrieval Tool and that has not been changed after the information was obtained from the IRS; or (2) A transcript [1] obtained at no cost from the IRS or other relevant tax authority of a U.S. territory (Guam, American Samoa, the U.S. Virgin Islands) or commonwealth (Puerto Rico and the Northern Mariana Islands), or a foreign government that lists 2016 tax account information of the tax filer.

FAFSA information	Acceptable documentation
Income information for tax filers with special circumstances. a. Adjusted Gross Income (AGI) ..... b. U.S. Income Tax Paid ..... c. Untaxed Portions of IRA Distributions ..... d. Untaxed Portions of Pensions ..... e. IRA Deductions and Payments ..... f. Tax Exempt Interest Income ..... g. Education Credits	(1) For a student, or the parent(s) of a dependent student, who filed a 2016 joint income tax return and whose income is used in the calculation of the applicant's expected family contribution and who at the time the FAFSA was completed was separated, divorced, widowed, or married to someone other than the individual included on the 2016 joint income tax return— (a) A transcript obtained from the IRS or other relevant tax authority that lists 2016 tax account information of the tax filer(s); and (b) A copy of IRS Form W–2[2] for each source of 2016 employment income received or an equivalent document.[2] (2) For an individual who is required to file a 2016 IRS income tax return and has been granted a filing extension by the IRS beyond the automatic six-month extension for tax year 2016— (a) A copy of IRS Form 4868,[3] "Application for Automatic Extension of Time to File U.S. Individual Income Tax Return," the individual filed with the IRS for tax year 2016; (b) A copy of the IRS's approval of an extension beyond the automatic six-month extension for tax year 2016; (c) Confirmation of nonfiling from the IRS dated on or after October 1, 2017; (d) A copy of IRS Form W–2[2] for each source of 2016 employment income received or an equivalent document;[2] and (e) If self-employed, a signed statement certifying the amount of AGI and U.S. income tax paid for tax year 2016. **Note:** An institution may require that, after the income tax return is filed, an individual granted a filing extension beyond the automatic six-month extension submit tax information using the IRS Data Retrieval Tool or by obtaining a transcript from the IRS that lists 2016 tax account information. When an institution receives such information, it must be used to reverify the FAFSA information included on the transcript. (3) For an individual who was the victim of IRS tax-related identity theft— (a) A Tax Return DataBase View (TRDBV) transcript obtained from the IRS; and (b) A statement signed and dated by the tax filer indicating that he or she was a victim of IRS tax-related identity theft and that the IRS has been made aware of the tax-related identity theft. **Note:** Tax filers may inform the IRS of the tax-related identity theft and obtain a TRDBV transcript by calling the IRS's Identity Protection Specialized Unit (IPSU) at 1–800–908–4490. Tax filers who cannot obtain a TRDBV transcript may instead submit another official IRS transcript or equivalent document provided by the IRS if it includes all of the income and tax information required to be verified. Unless the institution has reason to suspect the authenticity of the TRDBV transcript or an equivalent document provided by the IRS, a signature or stamp or any other validation from the IRS is not needed. (4) For an individual who filed an amended tax return with the IRS— (a) A transcript obtained from the IRS that lists 2016 tax account information of the tax filer(s); and (b) A signed copy of the IRS Form 1040X that was filed with the IRS.
Income information for nontax filers ..... Income earned from work	For an individual who has not filed and, under IRS or other relevant tax authority rules (*e.g.*, the Republic of the Marshall Islands, the Republic of Palau, the Federated States of Micronesia, a U.S. territory or commonwealth or a foreign government), is not required to file a 2016 income tax return— (1) A signed statement certifying— (a) That the individual has not filed and is not required to file a 2016 income tax return; and (b) The sources of 2016 income earned from work and the amount of income from each source; (2) A copy of IRS Form W–2[2] for each source of 2016 employment income received or an equivalent document;[2] and (3) Except for dependent students, confirmation of nonfiling from the IRS or other relevant tax authority dated on or after October 1, 2017.
Number of Household Members	A statement signed by the applicant and, if the applicant is a dependent student, by one of the applicant's parents, that lists the name and age of each household member for the 2018–2019 award year and the relationship of that household member to the applicant. **Note:** Verification of number of household members is not required if— • For a dependent student, the household size indicated on the ISIR is two and the parent is single, separated, divorced, or widowed, or the household size indicated on the ISIR is three if the parents are married or unmarried and living together; or • For an independent student, the household size indicated on the ISIR is one and the applicant is single, separated, divorced, or widowed, or the household size indicated on the ISIR is two if the applicant is married.
Number in College	(1) A statement signed by the applicant and, if the applicant is a dependent student, by one of the applicant's parents listing the name and age of each household member who is or will be attending an eligible postsecondary educational institution as at least a half-time student in the 2018–2019 award year in a program that leads to a degree or certificate and the name of that educational institution.

FAFSA information	Acceptable documentation
	(2) If an institution has reason to believe that the signed statement provided by the applicant regarding the number of household members enrolled in eligible postsecondary institutions is inaccurate, the institution must obtain documentation from each institution named by the applicant that the household member in question is, or will be, attending on at least a half-time basis unless— (a) The applicant's institution determines that such documentation is not available because the household member in question has not yet registered at the institution the household member plans to attend; or (b) The institution has documentation indicating that the household member in question will be attending the same institution as the applicant. **Note:** Verification of the number of household members in college is not required if the number in college indicated on the ISIR is ''1.''
High School Completion Status	The applicant's high school completion status when the applicant attends the institution in 2018–2019. (1) *High School Diploma* (a) A copy of the applicant's high school diploma; (b) A copy of the applicant's final official high school transcript that shows the date when the diploma was awarded; or (c) A copy of the ''secondary school leaving certificate'' (or other similar document) for students who completed secondary education in a foreign country and are unable to obtain a copy of their high school diploma or transcript. **Note:** Institutions that have the expertise may evaluate foreign secondary school credentials to determine their equivalence to U.S. high school diplomas. Institutions may also use a foreign diploma evaluation service for this purpose. (2) *Recognized Equivalent of a High School Diploma* (a) General Educational Development (GED) Certificate or GED transcript; (b) A State certificate or transcript received by a student after the student has passed a State-authorized examination (HiSET, TASC, or other State-authorized examination) that the State recognizes as the equivalent of a high school diploma; (c) An academic transcript that indicates the student successfully completed at least a two-year program that is acceptable for full credit toward a bachelor's degree at any participating institution; or (d) For a person who is seeking enrollment in an educational program that leads to at least an associate degree or its equivalent and who excelled academically in high school but did not complete high school, documentation from the high school that the student excelled academically and documentation from the postsecondary institution that the student has met its written policies for admitting such students. (3) *Homeschool* (a) If the State where the student was homeschooled requires by law that such students obtain a secondary school completion credential for homeschool (other than a high school diploma or its recognized equivalent), a copy of that credential; or (b) If such State law does not require the credential noted in (3a), a transcript or the equivalent signed by the student's parent or guardian that lists the secondary school courses the student completed and documents the successful completion of a secondary school education in a homeschool setting. **Note:** In cases where documentation of an applicant's completion of a secondary school education is unavailable, *e.g.*, the secondary school is closed and information is not available from another source, such as the local school district or a State Department of Education, or in the case of homeschooling, the parent(s)/guardian(s) who provided the homeschooling is deceased, an institution may accept alternative documentation to verify the applicant's high school completion status (*e.g.*, DD Form 214 Certificate of Release or Discharge From Active Duty that indicates the individual is a high school graduate or equivalent). When documenting an applicant's high school completion status, an institution may rely on documentation it has already collected for purposes other than the Title IV verification requirements (*e.g.*, high school transcripts maintained in the admissions office) if the documentation meets the criteria outlined above. Verification of high school completion status is not required if the institution successfully verified and documented the applicant's high school completion status for a prior award year.
Identity/Statement of Educational Purpose	(1) An applicant must appear in person and present the following documentation to an institutionally authorized individual to verify the applicant's identity— (a) An unexpired valid government-issued photo identification[4] such as, but not limited to, a driver's license, non-driver's identification card, other State-issued identification, or U.S. passport. The institution must maintain an annotated copy of the unexpired valid government-issued photo identification that includes— i. The date the identification was presented; and ii. The name of the institutionally authorized individual who reviewed the identification; and (b) A signed statement using the exact language as follows, except that the student's identification number is optional if collected elsewhere on the same page as the statement:

FAFSA information	Acceptable documentation
	Statement of Educational Purpose I certify that I _____ (Print Student's Name) the individual signing this Statement of Educational Purpose and that the Federal student financial assistance I may receive will only be used for educational purposes and to pay the cost of attending _____ for 2018–2019. (Name of Postsecondary Educational Institution) _____ _____ (Student's Signature) (Date) _____ (Student's ID Number) (2) If an institution determines that an applicant is unable to appear in person to present an unexpired valid photo identification and execute the Statement of Educational Purpose, the applicant must provide the instituton with— (a) A copy of an unexpired valid government-issued photo identification[4] such as, but not limited to, a driver's license, non-driver's identification card, other State-issued identification, or U.S. passport, that is acknowledged in a notary statement or that is presented to a notary; and (b) An original notarized statement signed by the applicant using the exact language as follows, except that the student's identification number is optional if collected elsewhere on the same page as the statement: **Statement of Educational Purpose** I certify that I _____ (Print Student's Name) the individual signing this Statement of Educational Purpose and that the Federal student financial assistance I may receive will only be used for educational purposes and to pay the cost of attending _____ for 2018–2019. (Name of Postsecondary Educational Institution) _____ _____ (Student's Signature) (Date) _____ (Student's ID Number)

[1] In lieu of obtaining a transcript whenever mentioned in the above chart, an institution may accept from the tax filer a copy of the 2016 income tax return that was submitted to the IRS or other tax authority only—

(a) When the Secretary issues guidance permitting such submission; or

(b) When the tax authority of a U.S. territory (Guam, American Samoa, the U.S. Virgin Islands) or commonwealth (Puerto Rico and the Northern Mariana Islands), or a foreign government does not provide the required information at no charge to the tax filer.

The copy of the 2016 income tax return must include the signature of the tax filer, or one of the filers of a joint income tax return, or the signed, stamped, typed, or printed name and address of the preparer of the income tax return and the preparer's Social Security Number, Employer Identification Number, or Preparer Tax Identification Number.

For a tax filer who filed an income tax return other than an IRS form, such as a foreign or Puerto Rican tax form, the institution must use the income information (converted to U.S. dollars) from the lines of that form that correspond most closely to the income information reported on a U.S. income tax return.

An individual who did not retain a copy of his or her 2016 tax account information and for whom that information cannot be located by the IRS or other relevant tax authority, must submit to the institution—

(a) Copies of all IRS Form W–2s for each source of 2016 employment income or equivalent documents; or

(b) If self-employed or filed an income tax return with a government of a U. S. territory or commonwealth, or a foreign government, a signed statement certifying the amount of AGI and income taxes paid for tax year 2016; and

(c) Documentation from the IRS or other relevant tax authority that indicates the individual's 2016 tax account information cannot be located; and

(d) A signed statement that indicates that the individual did not retain a copy of his or her 2016 tax account information.

[2] An individual who is required to submit an IRS Form W–2 or an equivalent document but did not maintain a copy should request a duplicate from the employer who issued the original or from the government agency that issued the equivalent document. If the individual is unable to obtain a duplicate W–2 or an equivalent document in a timely manner, the institution may permit that individual to provide a signed statement, in accordance with 34 CFR 668.57(a)(6), that includes—

(a) The amount of income earned from work;

(b) The source of that income; and

(c) The reason why the IRS Form W–2, or an equivalent document, is not available in a timely manner.

[3] For an individual who was called up for active duty or for qualifying National Guard duty during a war or other military operation or national emergency, in lieu of IRS Form 4868, an institution must accept a statement from the individual certifying that he or she has not filed an income tax return or a request for a filing extension because of that service.

[4] An unexpired valid government-issued photo identification is one issued by the U.S. government, any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, a federally recognized American Indian and Alaska Native Tribe, American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

Verification Requirements for Individuals Who Are Eligible for an Auto Zero Expected Family Contribution (EFC)

Only the following FAFSA/ISIR information must be verified:

For dependent students—

- The parents' AGI if the parents were tax filers;
- The parents' income earned from work if the parents were nontax filers; and
- The student's high school completion status and identity/statement of educational purpose, if selected.

For independent students—

- The student's and spouse's AGI if they were tax filers;
- The student's and spouse's income earned from work if they were nontax filers;

- The student's high school completion status and identity/statement of educational purpose, if selected; and
- The number of household members to determine if the independent student has one or more dependents other than a spouse.

Other Sources for Detailed Information

We provide a more detailed discussion on the verification process in the following resources:

- *2018–2019 Application and Verification Guide.*
- *2018–2019 ISIR Guide.*
- *2018–2019 SAR Comment Codes and Text.*
- *2018–2019 COD Technical Reference.*
- Program Integrity Information—Questions and Answers on Verification at *http://www2.ed.gov/policy/highered/reg/hearulemaking/2009/verification.html.*

These publications are on the Information for Financial Aid Professionals Web site at *www.ifap.ed.gov.*

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1070a, 1070a–1, 1070b–1070b–4, 1070c–1070c–4, 1070g, 1071–1087–2, 1087a–1087j, and 1087aa–1087ii; 42 U.S.C. 2751–2756b.

CFDA Numbers: 84.007, 84.033, 84.038, 84.063, and 84.268.

Dated: May 2, 2017.

Lynn B. Mahaffie,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2017–09167 Filed 5–4–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2017–ICCD–0059]

Agency Information Collection Activities; Comment Request; William D. Ford Federal Direct Loan Program, Federal Direct PLUS Loan Request for Supplemental Information

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before July 5, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0059. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

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

Title of Collection: William D. Ford Federal Direct Loan Program, Federal Direct PLUS Loan Request for Supplemental Information.

OMB Control Number: 1845–0103.

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

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 1,230,000.

Total Estimated Number of Annual Burden Hours: 615,000.

Abstract: The Federal Direct PLUS Loan Request for Supplemental Information serves as the means by which a parent or graduate/professional student Direct PLUS Loan applicant may provide certain information to a school that will assist the school in originating the borrower's Direct PLUS Loan award, as an alternative to providing this information to the school by other means established by the school.

Dated: May 2, 2017.

Kate Mullan,

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

[FR Doc. 2017–09092 Filed 5–4–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

State Energy Advisory Board

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of cancellation of open teleconference.

SUMMARY: On April 19, 2017, the Department of Energy (DOE) published a notice of open teleconference scheduled for May 18, 2017, of the State Energy Advisory Board. This notice announces the cancellation of this meeting. The next regular meeting will be held at a date to be determined.

DATES: The meeting scheduled for May 18, 2017, announced in the April 19,

2017, issue of the **Federal Register** (FR Doc. 2017–07896, 82 FR 74), is cancelled.

FOR FURTHER INFORMATION CONTACT: Michael Li, Designated Federal Officer, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; email: *michael.li@ee.doe.gov* or phone: 202–287–5718

Issued at Washington, DC on May 1, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–09058 Filed 5–4–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Case No. RF–043]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver to Panasonic Appliances Refrigeration Systems Corporation of America Corporation (PAPRSA) From the Department of Energy Refrigerator and Refrigerator-Freezer Test Procedures

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Decision and Order.

SUMMARY: The U.S. Department of Energy (''DOE'') gives notice of a Decision and Order (Case No. RF–043) that grants to Panasonic Appliances Refrigeration Systems Corporation of America (''PAPRSA'') a waiver from the DOE test procedure for determining the energy consumption of electric refrigerators and refrigerator-freezers. Under this Decision and Order, PAPRSA is required to test and rate specified basic models of its combination cooler-refrigerators in accordance with the applicable DOE test procedure, with the exception that it must calculate energy consumption using a correction factor (''K-factor'') of 0.85.

DATES: This Decision and Order is effective May 5, 2017. This Decision and Order will terminate on October 28, 2019, in conjunction with the compliance of the recently published standards for miscellaneous refrigeration products. Testing to demonstrate compliance with those standards, and any other representations of energy use made on or after October 28, 2019, will require manufacturers to use the relevant test procedure for these products.

FOR FURTHER INFORMATION CONTACT: Mr. Bryan Berringer, U.S. Department of Energy, Building Technologies Program, Mail Stop EE–5B, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: *AS_Waiver_Requests@ee.doe.gov.*

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585–0103. Telephone: (202) 586–8145. Email: *Michael.Kido@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: In accordance with Title 10 of the Code of Federal Regulations (10 CFR 430.27(f)(2)), DOE gives notice of the issuance of its Decision and Order as set forth below. The Decision and Order grants PAPRSA a waiver from the applicable test procedure in 10 CFR part 430, subpart B, appendix A for certain basic models of combination cooler-refrigerators provided that PAPRSA tests and rates such products using the alternate test procedure described in this notice. PAPRSA's representations concerning the energy efficiency of these products must be based on testing consistent with the provisions and restrictions in the alternate test procedure set forth in the Decision and Order below, and the representations must fairly disclose the test results. Distributors, retailers, and private labelers are held to the same standard when making representations regarding the energy efficiency of these products. 42 U.S.C. 6293(c).

Consistent with 10 CFR 430.27(j), not later than July 5, 2017, any manufacturer currently distributing in commerce in the United States a product employing a technology or characteristic that results in the same need for a waiver from the applicable test procedure must submit a petition for waiver. Manufacturers not currently distributing such products in commerce in the United States must petition for and be granted a waiver prior to the distribution in commerce of those products in the United States. Manufacturers may also submit a request for interim waiver pursuant to the requirements of 10 CFR 430.27.

Issued in Washington, DC, on April 28, 2017.

Kathleen Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

Decision and Order

In the Matter of: Panasonic Appliances Refrigeration Systems Corporation of America (PAPRSA) (Case No. RF–043).

I. Background and Authority

Title III, Part B of the Energy Policy and Conservation Act of 1975 (EPCA) (42 U.S.C. 6291–6309) established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program that includes residential refrigerators and refrigerator-freezers.[1] Part B includes definitions, test procedures, labeling provisions, energy conservation standards, and the authority to require information and reports from manufacturers. Further, Part B authorizes the Secretary of Energy to prescribe test procedures that are reasonably designed to produce results measuring energy efficiency, energy use, or estimated operating costs, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The test procedure for residential refrigerators and refrigerator-freezers is contained in 10 CFR part 430, subpart B, appendix A.

The regulations set forth in 10 CFR 430.27 contain provisions that allow a person to seek a waiver from the test procedure requirements for a particular basic model of a type of covered product when the petitioner's basic model for which the petition for waiver was submitted contains one or more design characteristics that: (1) Prevent testing according to the prescribed test procedure, or (2) cause the prescribed test procedures to evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(a)(1). DOE may grant the waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 430.27(f)(2). DOE recently published standards for miscellaneous refrigeration products (''MREFs''). See 81 FR 75194 (Oct. 28, 2016). Testing to demonstrate compliance with those standards will require manufacturers to use the MREF test procedure established in a final rule published in July 2016. See 81 FR 46768 (July 18, 2016) (MREF coverage determination and test procedure final rule) and 81 FR 49868

[1] For editorial reasons, upon codification in the U.S. Code, Part B was re-designated Part A.

(July 29, 2016) (MREF test procedure final rule correction notice). Under these rules, DOE has determined that products such as those that are at issue here fall into the MREF category. Accordingly, consistent with these MREF-specific provisions, these products will be evaluated under prescribed procedures and against specified standards that are tailored to account for their particular characteristics.

II. PAPRSA's Petition for Waiver: Assertions and Determinations

On August 21, 2015, PAPRSA requested an extension of its previous waivers (Case Nos. RF–022, RF–031 and RF–041) under 10 CFR 430.27(g) for its combination cooler-refrigerator basic model, PR6180WBC, which is required to be tested using the test procedure detailed at appendix A to subpart B of 10 CFR part 430 (appendix A). At the time of the request for extension, Appendix A required measuring the energy consumption of refrigerators using a standardized compartment temperature of 39 degrees Fahrenheit (°F). PAPRSA, consistent with its prior waiver requests, seeks to use a modified version of the test procedure that would specify a higher standardized temperature for testing wine chiller compartments and a correction factor of 0.85 when calculating energy consumption.

In its petition, PAPRSA requested an extension of the waivers DOE granted in 2012 (under PAPRSA's previous corporate name, Sanyo E&E Corporation) (Case No. RF–022, 77 FR 49443 (August 16, 2012)), in 2013 (Case No. RF–031, 78 FR 57139 (September 17, 2013)), and 2014 (Case No. RF–041, 79 FR 55769 (September 17, 2014)). On October 4, 2012, DOE issued a notice of correction to this Decision and Order by incorporating a K-factor (correction factor) value of 0.85 when calculating the energy consumption of the affected models. (77 FR 60688) DOE also previously granted a similar waiver to Sub-Zero Group Inc. through an interim waiver (79 FR 55772 (September 17, 2014)) and a subsequent Decision and Order (80 FR 7854 (February 12, 2015)) under Case No. RF–040.

On January 26, 2016, DOE issued a proposed modification of its prior waivers and granted PAPRSA with an interim waiver (81 FR 4270) that consolidated all of the basic models under one, new, corrected interim waiver, subject to comment. DOE did not receive any comments on the PAPRSA request or the interim waiver.

DOE has reviewed the alternate procedure and believes that, as corrected, the formulas will allow for the accurate measurement of the energy use of these products, while alleviating the testing problems associated with PAPRSA's combination cooler-refrigerator basic models. However, DOE has identified additional formulas in appendix A that, for purposes of this waiver, should incorporate the 0.85 correction factor. DOE has also clarified the sections within appendix A for which the alternate calculations apply. DOE has included those updated formulas as part of this decision and order.

III. Consultations With Other Agencies

DOE consulted with the Federal Trade Commission (''FTC'') staff concerning the PAPRSA petition for waiver. The FTC staff did not have any objections to granting a waiver to PAPRSA.

IV. Order

After careful consideration of all the material that was submitted by PAPRSA and consultation with the FTC staff, in accordance with 10 CFR 430.27, it is *Ordered* that:

(1) The petition for waiver submitted by the PAPRSA. (Case No. RF–043) is hereby granted as set forth in the paragraphs below.

(2) PAPRSA must test and rate the PAPRSA basic models specified in paragraph (3) on the basis of the current test procedure contained in 10 CFR part 430, subpart B, appendix A, with the exception that it must calculate energy consumption using a correction factor (''K-factor'') of 0.85.

Therefore, the energy consumption is defined by:

If compartment temperatures are below their respective standardized temperatures for both test settings (according to 10 CFR part 430, subpart B, appendix A, sec. 6.2.4.1): $E = (ET1 \times 0.85) + IET$.

If compartment temperatures are not below their respective standardized temperatures for both test settings, the higher of the two values calculated by the following two formulas (according to 10 CFR part 430, subpart B, appendix A, sec. 6.2.4.2):

Energy consumption of the ''cooler compartment'': $ECooler\ Compartment = (ET1 + [(ET2–ET1) \times (55\ °F–TC1)/(TC2–TC1)]) \times 0.85 + IET$

Energy consumption of the ''fresh food compartment'': $EFreshFood\ Compartment = (ET1 + [(ET2–ET1) \times (39\ °F–TR1)/(TR2–TR1)]) \times 0.85 + IET$.

(3) This Order applies to basic models PR6180WBC, KBCS24RSBS, SR6180BC,[2] SR5180JBC, and PR5180JKBC.

(4) Representations. PAPRSA may make representations about the energy use of the specified basic models of its combination cooler-refrigerator products for compliance, marketing, or other purposes only to the extent that such products have been tested in accordance with the provisions outlined above and such representations fairly disclose the results of such testing.

(5) This Decision and Order will terminate on October 28, 2019, in conjunction with the compliance date of the recently published standards for miscellaneous refrigeration products (''MREFs''). See 81 FR 75194 (Oct. 28, 2016). Starting on October 28, 2019, testing to demonstrate compliance with those standards must be performed in accordance with the MREF test procedure final rule. See 81 FR 46768 (July 18, 2016) (MREF test procedure final rule) and 81 FR 49868 (July 29, 2016) (MREF test procedure final rule correction notice).

(6) This waiver is issued on the condition that the statements, representations, and documentary materials provided by the petitioner are valid. DOE may revoke or modify this waiver at any time if it determines the factual basis underlying the petition for waiver is incorrect, or the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics.

(7) Grant of this extension does not release a petitioner from the certification requirements set forth at 10 CFR part 429.

Issued in Washington, DC, on April 28, 2017.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2017–09129 Filed 5–4–17; 8:45 am]

BILLING CODE 6450–01–P

[2] DOE notes that PAPRSA's petition in Case No. RF–022 identified the relevant basic models as: JUB248LB,

JUB248RB, JUB248LW, JUB248RW, KBCO24LS, KBCS24LS, KBCO24RS, KBCS24RS, and MBCM24FW. Upon further review, however, DOE has determined that these are individual model, rather than basic model, number designations. The correct basic model designations, as determined through a review of PAPRSA's filings with DOE's Compliance Certification Management System, are KBCS24RSBS (which covers all of these individual model designations except for MBCM24FW) and SR6180BC (which covers MBCM24FW).

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Case No. RF–045]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver to AGA Marvel From the Department of Energy Refrigerator and Refrigerator-Freezer Test Procedures

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Decision and Order.

SUMMARY: The U.S. Department of Energy (''DOE'') gives notice of a Decision and Order (Case No. RF–045) that grants to AGA Marvel a waiver from the DOE test procedure for determining the energy consumption of electric refrigerators and refrigerator-freezers. Under this Decision and Order, AGA Marvel is required to test and rate specified basic models of its combination cooler-refrigerator in accordance with the applicable DOE test procedure, with the exception that it must calculate energy consumption using a correction factor (''K-factor'') of 0.85.

DATES: This Decision and Order is effective May 5, 2017. This Decision and Order will terminate on October 28, 2019, in conjunction with the compliance date of the recently published standards for miscellaneous refrigeration products. Testing to demonstrate compliance with those standards, and any other representations of energy use made on or after October 28, 2019, will require manufacturers to use the relevant test procedure for these products.

FOR FURTHER INFORMATION CONTACT: Mr. Bryan Berringer, U.S. Department of Energy, Building Technologies Program, Mail Stop EE–5B, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–0371. E-mail: *AS_Waiver_Requests@ee.doe.gov.*

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585–0103. Telephone: (202) 586–8145. E-mail: *Michael.Kido@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: In accordance with Title 10 of the Code of Federal Regulations (10 CFR 430.27(f)(2)), DOE gives notice of the issuance of its Decision and Order as set forth below. The Decision and Order grants AGA Marvel a waiver from the applicable test procedure in 10 CFR part 430, subpart B, appendix A for certain basic models of combination cooler-refrigerators provided that AGA Marvel tests and rates such products using the alternate test procedure described in this notice. AGA Marvel's representations concerning the energy efficiency of these products must be based on testing consistent with the provisions and restrictions in the alternate test procedure set forth in the Decision and Order below, and the representations must fairly disclose the test results. Distributors, retailers, and private labelers are held to the same standard when making representations regarding the energy efficiency of these products. 42 U.S.C. 6293(c).

Consistent with 10 CFR 430.27(j), not later than July 5, 2017, any manufacturer currently distributing in commerce in the United States a product employing a technology or characteristic that results in the same need for a waiver from the applicable test procedure must submit a petition for waiver. Manufacturers not currently distributing such products in commerce in the United States must petition for and be granted a waiver prior to the distribution in commerce of those products in the United States. Manufacturers may also submit a request for interim waiver pursuant to the requirements of 10 CFR 430.27.

Issued in Washington, DC, on April 28, 2017.

Kathleen Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

Decision and Order

In the Matter of: AGA Marvel (Case No. RF–045)

I. *Background and Authority*

Title III, Part B of the Energy Policy and Conservation Act of 1975 (''EPCA'') (42 U.S.C. 6291–6309) established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program that includes residential refrigerators and refrigerator-freezers.[1] Part B includes definitions, test procedures, labeling provisions, energy conservation standards, and the authority to require information and reports from manufacturers. Further, Part B authorizes the Secretary of Energy to prescribe test procedures that are reasonably designed to produce results measuring energy efficiency, energy use, or estimated operating costs, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The test procedure for residential refrigerators and refrigerator-freezers is contained in 10 CFR part 430, subpart B, appendix A.

The regulations set forth in 10 CFR 430.27 contain provisions that allow a person to seek a waiver from the test procedure requirements for a particular basic model of a type of covered product when the petitioner's basic model for which the petition for waiver was submitted contains one or more design characteristics that: (1) Prevent testing according to the prescribed test procedure, or (2) cause the prescribed test procedures to evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(a)(1).DOE may grant the waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 430.27(f)(2). DOE recently published standards for miscellaneous refrigeration products (''MREFs''). See 81 FR 75194 (Oct. 28, 2016). Testing to demonstrate compliance with those standards will require manufacturers to use the MREF test procedure established in a final rule published in July 2016. See 81 FR 46768 (July 18, 2016) (MREF coverage determination and test procedure final rule) and 81 FR 49868 (July 29, 2016) (MREF test procedure final rule correction notice). Under these rules, DOE has determined that products such as those that are at issue here fall into the MREF category. Accordingly, consistent with these MREF-specific provisions, these products will be evaluated under prescribed procedures and against specified standards that are tailored to account for their particular characteristics.

II. *AGA Marvel's Petition for Waiver: Assertions and Determinations*

By letter dated January 26, 2016, AGA Marvel submitted a petition for waiver and application for interim waiver under 10 CFR 430.27(a) for 12 basic models of combination cooler-refrigerators that are required to be tested using the test procedure detailed at appendix A to subpart B of 10 CFR part 430. AGA Marvel supplemented its filing with a March 9, 2016, email identifying the basic models. At the time of the petition, Appendix A required measuring the energy consumption of refrigerators using a standardized compartment temperature of 39 degrees Fahrenheit (°F), a temperature that, according to AGA Marvel, its products are not capable of achieving in all compartments. As a

[1] For editorial reasons, upon codification in the U.S. Code, Part B was re-designated Part A.

result, AGA Marvel petitioned for a waiver to appendix A's procedure to apply a standardized compartment temperature of 55 °F to the cooler compartments within its products. These compartments maintain a higher temperature that is typical for storing wine. AGA Marvel also requested that the products be tested with a 0.55 usage factor, rather than with no usage factor as required according to appendix A. Both the compartment temperature and usage factor are consistent with the requirements incorporated into appendix A from the July 2016 MREF test procedure final rule. 81 FR 46768.

DOE granted a similar waiver to Panasonic Appliances Refrigeration Systems Corporation of America (''PAPRSA'') in 2012 (under PAPRSA's previous corporate name, Sanyo E&E Corporation) (Case No. RF–022, 77 FR 49443 (August 16, 2012)), in 2013 (Case No. RF–031, 78 FR 57139 (Sept. 17, 2013)), and 2014 (Case No. RF–041, 79 FR 55769 (September 17, 2014)). On October 4, 2012, DOE issued a notice of correction to this Decision and Order by incorporating a K-factor (correction factor) value of 0.85 when calculating the energy consumption of the affected models. (77 FR 60688) On January 26, 2016, due to issues with regard to the equations detailed in the prior waiver decisions, DOE issued a proposed modification of its prior waivers and granted PAPRSA with an interim waiver (81 FR 4270) under Case No. RF–043 to correct these known issues. DOE also previously granted a similar waiver to Sub-Zero Group Inc. through an interim waiver (79 FR 55772 (September 17, 2014)) and a subsequent Decision and Order (80 FR 7854 (February 12, 2015)) under Case No. RF–040.

AGA Marvel's petition for waiver included an alternate test procedure to account for the energy consumption of its combination cooler-refrigerator products. Specifically, it proposed using the test procedure for combination cooler refrigeration products in appendix A. However, DOE's recent notice detailing a modified version of the calculation method used to measure and rate the energy use of products similar to AGA Marvel's combination cooler-refrigerators provides a simpler and equitable solution to the problems identified in AGA Marvel's petition. See 81 FR 4270 (notice granting interim waiver and seeking comment on DOE's proposal to modify PAPRSA's alternative test method for combination cooler refrigeration products). Accordingly, applying the test method outlined in the recent PAPRSA interim waiver to determine compliance with the existing refrigerator standards would follow an already-established approach and help ensure consistency when testing similar products (*i.e.,* a correction factor of 0.85 rather than 0.55 is appropriate for determining compliance with refrigerator standards).

AGA Marvel also requested an interim waiver from the existing DOE test procedure, which DOE granted. See 81 FR at 41531. DOE did not receive any comments on the AGA Marvel petition or the interim waiver.

DOE has reviewed the alternate procedure and believes that it will allow for the accurate measurement of the energy use of these products, while alleviating the testing problems associated with AGA Marvel's combination cooler-refrigerator basic models.

III. Consultations With Other Agencies

DOE consulted with the Federal Trade Commission (''FTC'') staff concerning the AGA Marvel petition for waiver. The FTC staff did not have any objections to granting a waiver to AGA Marvel.

IV. *Order*

After careful consideration of all the material that was submitted by AGA Marvel and consultation with the FTC staff, in accordance with 10 CFR 430.27, it is ORDERED that:

(1) The petition for waiver submitted by the AGA Marvel. (Case No. RF–045) is hereby granted as set forth in the paragraphs below.

(2) AGA Marvel must test and rate the AGA Marvel basic models specified in paragraph (3) on the basis of the current test procedure contained in 10 CFR part 430, subpart B, appendix A, with the exception that it must calculate energy consumption using a correction factor (''K-factor'') of 0.85.

Therefore, the energy consumption is defined by:

If compartment temperatures are below their respective standardized temperatures for both test settings (according to 10 CFR part 430, subpart B, appendix A, sec. 6.2.4.1):

$$E = (ET1 \times 0.85) + IET.$$

If compartment temperatures are not below their respective standardized temperatures for both test settings, the higher of the two values calculated by the following two formulas (according to 10 CFR part 430, subpart B, appendix A, sec. 6.2.4.2):

Energy consumption of the ''cooler compartment'':

$$ECooler\ Compartment = (ET1 + [(ET2 - ET1) \times (55\ °F - TC1)/(TC2 - TC1)]) \times 0.85 + IET$$

Energy consumption of the ''fresh food compartment'':

$$EFreshFood\ Compartment = (ET1 + [(ET2 - ET1) \times (39\ °F - TR1)/(TR2 - TR1)]) \times 0.85 + IET.$$

(3) This Order applies only to the following basic models:

Basic models under the MARVEL brand:

ML24WBG***1
ML24WBF***1
ML24WBS***1
ML24WBP***1

Basic models under the MARVEL Outdoor brand:

MO24WBG***1
MO24WBF***1
MO24WBS***1
MO24WBP***1

Basic models under the MARVEL Professional brand:

MP24WBG***1
MP24WBF***1
MP24WBS***1
MP24WBP***1

Where (*) represents a character in the model number that corresponds to door swing, door style, color, or marketing features and has no impact on the number of compartments, compartment function, product class, or test method.

(4) Representations. AGA Marvel may make representations about the energy use of the specified basic models of its combination cooler-refrigerator products for compliance, marketing, or other purposes only to the extent that such products have been tested in accordance with the provisions outlined above and such representations fairly disclose the results of such testing.

(5) This Decision and Order will terminate on October 28, 2019, in conjunction with the compliance date of the recently published standards for miscellaneous refrigeration products (''MREFs''). See 81 FR 75194 (Oct. 28, 2016). Starting on October 28, 2019, testing to demonstrate compliance with those standards must be performed in accordance with the MREF test procedure final rule. See 81 FR 46768 (July 18, 2016) (MREF test procedure final rule) and 81 FR 49868 (July 29, 2016) (MREF test procedure final rule correction notice).

(6) This waiver is issued on the condition that the statements, representations, and documentary materials provided by the petitioner are valid. DOE may revoke or modify this waiver at any time if it determines the factual basis underlying the petition for waiver is incorrect, or the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics.

(7) Grant of this waiver does not release a petitioner from the

certification requirements set forth at 10 CFR part 429.

Issued in Washington, DC, on 4/28/2017.
Kathleen B. Hogan,
Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2017–09131 Filed 5–4–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Energy Conservation Program for Consumer Products: Representative Average Unit Costs of Energy

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice.

SUMMARY: In this notice, the U.S. Department of Energy (DOE) is forecasting the representative average unit costs of five residential energy sources for the year 2017 pursuant to the Energy Policy and Conservation Act (Act). The five sources are electricity, natural gas, No. 2 heating oil, propane, and kerosene.

DATES: The representative average unit costs of energy contained in this notice will become effective June 5, 2017 and will remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT: John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy Forrestal Building, Mail Station EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121, (202) 287–1692, *ApplianceStandardsQuestions@ee.doe.gov.*

Francine Pinto, Esq., U.S. Department of Energy, Office of General Counsel Forrestal Building, Mail Station GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0103, (202) 586–7432, *Francine.Pinto@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: Section 323 of the Energy Policy and Conservation Act requires that DOE prescribe test procedures for the measurement of the estimated annual operating costs or other measures of energy consumption for certain consumer products specified in the Act. (42 U.S.C. 6293(b)(3)) These test procedures are found in Title 10 of the Code of Federal Regulations (CFR) part 430, subpart B.

Section 323(b)(3) of the Act requires that the estimated annual operating costs of a covered product be calculated from measurements of energy use in a representative average use cycle or period of use and from representative average unit costs of the energy needed to operate such product during such cycle. (42 U.S.C. 6293(b)(3)) The section further requires that DOE provide information to manufacturers regarding the representative average unit costs of energy. (42 U.S.C. 6293(b)(4)) This cost information should be used by manufacturers to meet their obligations under section 323(c) of the Act. Most notably, these costs are used to comply with Federal Trade Commission (FTC) requirements for labeling. Manufacturers are required to use the revised DOE representative average unit costs when the FTC publishes new ranges of comparability for specific covered products, 16 CFR part 305. Interested parties can also find information covering the FTC labeling requirements at *http://www.ftc.gov/appliances.*

DOE last published representative average unit costs of residential energy in a **Federal Register** notice entitled, ''Energy Conservation Program for Consumer Products: Representative Average Unit Costs of Energy'', dated March 23, 2016, 81 FR 15513.

On June 5, 2017, the cost figures published in this notice will become effective and supersede those cost figures published on March 23, 2016. The cost figures set forth in this notice will be effective until further notice.

DOE's Energy Information Administration (EIA) is the data source for the 2017 representative average unit after-tax residential costs found in this notice. These costs for electricity, natural gas, No. 2 heating oil, and propane are based on simulations used to produce the April 2017, EIA *Short-Term Energy Outlook* (EIA releases the *Outlook* monthly). The representative average unit after-tax cost for kerosene is derived from its price relative to that of heating oil, based on the 2010-to-2013 averages of the U.S. refiner price to end users, which include all the major energy-consuming sectors in the U.S. for these fuels. The source for these price data is the April 2017, *Monthly Energy Review* DOE/EIA–0035(2017/04). The *Short-Term Energy Outlook* and the *Monthly Energy Review* are available on the EIA Web site at *http://www.eia.doe.gov.* The representative average unit after-tax cost for propane is derived from its price relative to that of heating oil, based on the 2017 averages of the U.S. residential sector prices found in the *Annual Energy Outlook 2017,* AEO2017 (January 5, 2017). For more information on the data sources used in this Notice, contact the National Energy Information Center, Forrestal Building, EI–30, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–8800, email: *infoctr@eia.doe.gov.*

The 2017 representative average unit costs under section 323(b)(4) of the Act are set forth in Table 1, and will become effective June 5, 2017. They will remain in effect until further notice.

Issued in Washington, DC, on May 1, 2017.

Daniel Simmons,

Acting Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.

TABLE 1—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES

[2017]

Type of energy	Per million Btu [1]	In commonly used terms	As required by test procedure
Electricity	$37.72	12.9¢/kWh [2 3]	$0.129/kWh.
Natural Gas	10.52	$1.052/therm [4] or $10.86/MCF [5 6]	$0.00001052/Btu.
No. 2 Heating Oil	18.83	$2.59/gallon [7]	$0.00001883/Btu.
Propane	16.72	$1.53/gallon [8]	$0.00001672/Btu.
Kerosene	22.32	$3.01/gallon [9]	$0.00002232/Btu.

Sources: U.S. Energy Information Administration, *Short-Term Energy Outlook* (April 11, 2017), *Annual Energy Outlook* (January 5, 2017), and *Monthly Energy Review* (April 25, 2017).

Notes: Prices include taxes.

1. Btu stands for British thermal units.
2. kWh stands for kilowatt hour.
3. 1 kWh = 3,412 Btu.
4. 1 therm = 100,000 Btu.

5. MCF stands for 1,000 cubic feet.
6. For the purposes of this table, one cubic foot of natural gas has an energy equivalence of 1,032 Btu.
7. For the purposes of this table, one gallon of No. 2 heating oil has an energy equivalence of 137,561 Btu.
8. For the purposes of this table, one gallon of liquid propane has an energy equivalence of 91,333 Btu.
9. For the purposes of this table, one gallon of kerosene has an energy equivalence of 135,000 Btu.

[FR Doc. 2017–09128 Filed 5–4–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC17–127–000]

South Central MCN LLC; Notice of Petition for Waiver

Take notice that on April 27, 2017, South Central MCN LLC filed a petition for waiver of the requirement to file a FERC Form 3–Q for the periods of January 1, 2017 through March 31, 2017, and April 1, 2017 through June 30, 2017, as required by 18 CFR 141.400, all as more fully explained in the petition.

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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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 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.

Comments: 5:00 p.m. Eastern Time on May 18, 2017.

Dated: April 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09105 Filed 5–4–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–498–000]

Columbia Gas Transmission, LLC; Notice of Availability of the Environmental Assessment for the Proposed B-System Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the B-System Project, proposed by Columbia Gas Transmission, LLC (Columbia) in the above-referenced docket. Columbia requests authorization to modernize and upgrade Columbia's B-System pipelines by replacing and abandoning existing pipeline as well as constructing new pipeline and appurtenant facilities in Fairfield and Franklin Counties, Ohio.

The EA assesses the potential environmental effects of the construction and operation of the B-System Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Army Corps of Engineers and Ohio Department of Natural Resources participated as cooperating agencies in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis.

As part of its proposed B-System Project, Columbia would:

- Abandon in place approximately 17.5 miles of 20-inch-diameter pipeline, remove two associated mainline valves (mileposts 7.7 and 10.9), install two gas heaters, and remove various exposed pipe segments on Columbia's Line B–105;
- construct approximately 14.0 miles of 20-inch-diameter replacement pipeline on Columbia's Line B–111;
- construct approximately 0.1 mile of 4-inch-diameter replacement pipeline on Columbia's Line B–121;
- construct approximately 0.5 mile of 4-inch-diameter replacement pipeline on Columbia's Line B–130;
- construct approximately 7.6 miles of new 20-inch-diameter pipeline (''Line K–270'') connecting Columbia's K-System and B-System; and
- remove, replace, restore, and install various appurtenances including connections, valves, aboveground piping, one regulation facility, and pig[1] launchers and receivers.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before May 30, 2017.

For your convenience, there are three methods you can use to file your comments with the Commission. In all instances please reference the project docket number (CP16–498–000) with your submission. The Commission

[1] 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.

encourages electronic filing of comments and has expert staff available to assist you at 202–502–8258 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the eComment feature located on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[2] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP16–498). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: April 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09110 Filed 5–4–17; 8:45 am]

BILLING CODE 6717–01–P

[2] See the previous discussion on the methods for filing comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–211–000]

Caledonia Energy Partners, LLC; Notice of Request Under Blanket Authorization

Take notice that on April 20, 2017, Caledonia Energy Partners, LLC (Caledonia), 20329 State Highway 249, Suite 500, Houston, Texas 77070, filed in Docket No. CP17–211–000, a prior notice request pursuant to sections 157.205 and 157.216 of the Commission's regulations under the Natural Gas Act (NGA). Caledonia seeks authorization to abandon Gas Storage Wells No. 7 and No. 9, both located at its storage facility (Caledonia Facility) in Lowndes and Monroe Counties, Mississippi.

Caledonia proposes to perform these activities under its blanket certificate authority issued in Docket No. CP05–16–000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In its application, Caledonia also states that the abandonment of Wells No. 7 and No. 9 will not have an effect on Caledonia's ability to serve its storage customers, as there will be neither an effect on deliverability, nor an adverse impact to storage volumes. Caledonia also states that the proposed abandonment will not affect the existing boundary, total inventory, reservoir pressure, reservoir and buffer boundaries, or the certificated capacity of the Caledonia Facility.

The filing may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Nick Nicodemus, Director, Land and Regulatory Affairs, Enstor Gas, LLC, 20329 State Highway 249, Suite 500, Houston, Texas 77070, or by calling (281) 374–3089 (telephone), *nick.nicodemus@enstorinc.com.*

Any person or the Commission's Staff may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to Section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's

environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: May 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09119 Filed 5–4–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD17–11–000]

State Policies and Wholesale Markets Operated by ISO New England Inc., New York Independent System Operator, Inc., and PJM Interconnection, L.L.C.; Supplemental Notice of Technical Conference

As announced in a Notice of Technical Conference issued on March 3, 2017, and in a Supplemental Notice of Technical Conference issued on April 13, 2017, Federal Energy Regulatory Commission (Commission) staff will hold a technical conference on Monday, May 1, 2017, and Tuesday, May 2, 2017, to discuss certain matters affecting wholesale energy and capacity markets operated by the Eastern Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs). Each day, the conference will commence at approximately 9:00 a.m. and end at approximately 5:00 p.m. The conference will be held at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Commissioners may participate in the conference.

The updated agenda for this technical conference, including speakers, is attached. All changes to the agenda since the Commission's April 13, 2017, Supplemental Notice of Technical Conference appear in italics.

All interested persons may attend the conference, and registration is not required. However, in-person attendees are encouraged to register on-line at: *https://www.ferc.gov/whats-new/registration/05-01-17-form.asp.*

The technical conference will be transcribed. Transcripts will be available from Ace Reporting Company and may be purchased online at *www.acefederal.com,* or by phone at (202) 347–3700. In addition, there will be a free webcast of the conference. The webcast will allow persons to listen, but not participate and will be accessible at *www.ferc.gov's* Calendar of Events. The Capitol Connection provides technical support for the webcast and offers the option of listening to the technical conference via phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call (703) 993–3100.

While this conference is not for the purpose of discussing specific cases, it may address matters at issue in the following Commission proceedings that are pending:

- *ISO New England Inc.: See* ISO New England Inc., Docket No. ER13–2266–000, *et al.;* ISO New England Inc., Docket No. ER17–795–000 and ER17–795–001; and ISO New England Inc., Docket No. ER17–1031–000;
- *New York Independent System Operator, Inc.: See* N.Y. Indep. Sys. Operator, Inc., Docket No. ER16–1404–000; Indep. Power Producers of N.Y., Inc. v. N.Y. Indep. Sys. Operator, Inc., Docket Nos. EL13–62–001 and EL13–62–002; N.Y. Pub. Serv. Comm'n v. N.Y. Indep. Sys. Operator, Inc., Docket No. EL16–92–001; N.Y. Indep. Sys. Operator, Inc., Docket No. ER17–386–002; N.Y. Indep. Sys. Operator, Inc., Docket Nos. ER16–120–001, ER16–120–003, and EL15–37–002;
- *PJM Interconnection, L.L.C.: See* Calpine Corp., *et al.* v. PJM Interconnection, L.L.C., Docket No. EL16–49–000; PJM Interconnection, L.L.C., Docket Nos. ER15–623–009, ER15–623–010, EL15–29–006, and EL15–41–002; PJM Interconnection, L.L.C., Docket Nos. ER14–1461–000, ER14–1461–001, ER14–1461–002, EL14–48–000, ER17–367–000, and ER17–367–001.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a fax to (202) 208–2106 with the requested accommodations.

For further information please contact individuals identified for each topic:

Technical Information

Amr Ibrahim, Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6746, *amr.ibrahim@ferc.gov.*

Legal Information

Gretchen Kershaw, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8213, *gretchen.kershaw@ferc.gov.*

Logistical Information

Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8368, *sarah.mckinley@ferc.gov.*

Dated: April 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09107 Filed 5–4–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2955–010]

City of Watervliet; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 2955–010.

c. *Date Filed:* February 28, 2017.

d. *Submitted By:* City of Watervliet.

e. *Name of Project:* Normanskill Hydroelectric Project.

f. *Location:* The Normanskill Hydroelectric Project is located on the Normans Kill in Guilderland, Albany County, New York. The project does not affect federal lands.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Michele E. Stottler, Gomez and Sullivan Engineers, DPC, 399 Albany Shaker Road, Suite 203, Loudonville, New York 12211; (518) 407–0050 or email at *mstottler@gomezandsullivan.com* or Jeremy Smith, Acting City Manager, City of Watervliet, 2 Fifteenth Street, Watervliet, New York 12189, Phone:

(518) 270–3800, Email: *jsmith@watervliet.com.*

i. *FERC Contact:* Woohee Choi at (202) 502–6336 or email at *woohee.choi@ferc.gov.*

j. City of Watervliet (Watervliet) filed its request to use the Traditional Licensing Process on February 28, 2017. Watervliet provided public notice of its request on March 3, 2017. In a letter dated April 27, 2017, the Director of the Division of Hydropower Licensing approved Watervliet's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the New York State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Watervliet as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and consultation pursuant to section 106 of the National Historic Preservation Act.

m. Watervliet filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

o. The licensee states its unequivocal intent to submit an application for a subsequent license for Project No. 2955–010. Pursuant to CFR 16.8, 16.9, and 16.10 each application for a subsequent license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by February 29, 2020.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: April 27, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09109 Filed 5–4–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–218–000]

Southern Star Central Gas Pipeline, Inc.; Notice of Request Under Blanket Authorization

Take notice that on April 21, 2017 Southern Star Central Gas Pipeline, Inc. (Southern Star), 4700 Highway 56, Owensboro, Kentucky 42301, filed in the above Docket, a prior notice request pursuant to sections 157.205, 157.208, 157.210, 157.211 and 157.216 of the Commission's regulations under the Natural Gas Act (NGA) and Southern Star's blanket certificate issued in Docket No. CP82–479–000, for authorization to construct, relocate, own, and operate a total of 6.76 miles in four non-contiguous segments of 20-inch-diameter Line V, and subsequently to abandon the equivalent segment in Noble and Logan Counties, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Ronnie C. Hensley, Manager, Regulatory Compliance, Southern Star Central Gas Pipelines, Inc., 4700 Highway 56, Owensboro, Kentucky 42301, phone (270) 852–4658, or email *Ronnie.C.Hensley@sscgp.com.*

Specifically, Southern Star states that proposed replacement will increase overall integrity and operational reliability of the Line V pipeline and allow this portion of the pipeline to receive in-line assessment instruments in the future. Southern Star states that the alignment of the proposed Line V replacement will be constructed approximately 25 feet from and parallel to the existing Line V pipeline except where avoiding interference with the footprint of Lawnview Cemetery located in Noble County. Southern Star plans to acquire amended easements from adjacent landowners of the cemetery and route the replacement pipeline around the cemetery property on the east side on adjacent properties. The estimated cost of the project is $11.6 million.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii)

and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link.

Dated: April 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09111 Filed 5–4–17; 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: RP17–633–001.
Applicants: Millennium Pipeline Company, LLC.
Description: Millennium Pipeline Company, LLC submits tariff filing per 154.205(b): Spot Market Price Location Filing Amendment to be effective 6/1/2017.
Filed Date: 04/24/2017.
Accession Number: 20170424–5237.
Comment Date: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–668–000.
Applicants: Texas Gas Transmission, LLC.
Description: Texas Gas Transmission, LLC submits tariff filing per 154.204: Cap Rel Neg Rate Agmts—CIMA ss Agmts (36088, 36105) to be effective 4/3/2017.
Filed Date: 04/24/2017.
Accession Number: 20170424–5157.
Comment Date: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–669–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: Florida Gas Transmission Company, LLC submits tariff filing per 154.204: Flex Fuel Filing on 4–24–17 to be effective 5/1/2017.
Filed Date: 04/24/2017.
Accession Number: 20170424–5219.
Comment Date: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–670–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: Southern Natural Gas Company, L.L.C. submits tariff filing per 154.204: SNG Negotiated Rate Filing & Housekeeping Filing to be effective 6/1/2017.
Filed Date: 04/25/2017.
Accession Number: 20170425–5071.
Comment Date: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–671–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.204: Non-Conforming Negotiated Rate Service Agreement—Antero Name Change to be effective 6/10/2013.
Filed Date: 04/25/2017.
Accession Number: 20170425–5093.
Comment Date: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–672–000.
Applicants: East Cheyenne Gas Storage, LLC.
Description: East Cheyenne Gas Storage, LLC submits tariff filing per 154.203: ECGS 2017 Operational Purchase & Sales.
Filed Date: 04/25/2017.
Accession Number: 20170425–5212.
Comment Date: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–673–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Annual Report of Penalty Revenues pursuant to the FERC Gas Tariff of Cameron Interstate Pipeline, LLC.
Filed Date: 04/25/2017.
Accession Number: 20170425–5251.
Comment Date: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–674–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Annual Report of Interruptible Transportation Revenue Sharing pursuant to the FERC Gas Tariff of Cameron Interstate Pipeline, LLC.
Filed Date: 04/25/2017.
Accession Number: 20170425–5252.
Comment Date: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–675–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Annual Report of Transportation Imbalances and Cash-out Activity pursuant to the FERC Gas Tariff of Cameron Interstate Pipeline, LLC.
Filed Date: 04/25/2017.
Accession Number: 20170425–5253.
Comment Date: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–676–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Annual Report of Operational Imbalances and Cash-out Activity pursuant to the FERC Gas Tariff of Cameron Interstate Pipeline, LLC.
Filed Date: 04/25/2017.
Accession Number: 20170425–5254.
Comment Date: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–677–000.
Applicants: Florida Southeast Connection, LLC.
Description: Florida Southeast Connection, LLC submits tariff filing per 154.202: Baseline Tariff Filing to be effective 5/31/2017.
Filed Date: 04/25/2017.
Accession Number: 20170425–5279.
Comment Date: 5:00 p.m. Eastern Time on Monday, May 08, 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: April 26, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09117 Filed 5–4–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–2402–001.
Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.
Description: Compliance filing: Niagara Mohawk compliance—Appendices of SA 316 between NMPC & WPS Syracuse to be effective 2/15/2011.
Filed Date: 4/28/17.
Accession Number: 20170428–5113.
Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1488–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to SA Nos. 2554 and 3771, Queue Nos. Z1–087 & Y1–033—MAIT Integration to be effective 2/4/2014.

Filed Date: 4/27/17.
Accession Number: 20170427–5387.
Comments Due: 5 p.m. ET 5/18/17.

Docket Numbers: ER17–1489–000.
Applicants: NorthWestern Corporation.
Description: § 205(d) Rate Filing: SA 811—Montana DOT Fast Process Agreement (Russell St—Idaho to Dakota) to be effective 6/28/2017.
Filed Date: 4/28/17.
Accession Number: 20170428–5204.
Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1490–000.
Applicants: Pacific Gas and Electric Company.
Description: Tariff Cancellation: Notice of Termination of GMC Pass-Through Tariff to be effective 5/1/2017.
Filed Date: 4/28/17.
Accession Number: 20170428–5235.
Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1491–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original Service Agreement No. 4693, Queue No. AA2–130 to be effective 4/10/2017.
Filed Date: 4/28/17.
Accession Number: 20170428–5276.
Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1492–000.
Applicants: Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: DEC-Dallas RS No. 328 Revised PPA to be effective 7/1/2017.
Filed Date: 4/28/17.
Accession Number: 20170428–5291.
Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1493–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2017–04–28 Coordinated Transmission Agreement Bonneville Power Administration to be effective 7/1/2017.
Filed Date: 4/28/17.
Accession Number: 20170428–5300.
Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1494–000.
Applicants: Vista Energy Storage, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization & Request for Waivers to be effective 7/1/2017.
Filed Date: 4/28/17.
Accession Number: 20170428–5304.
Comments Due: 5 p.m. ET 5/19/17.

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: April 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09108 Filed 5–4–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1054–002.
Applicants: PSEG Energy Resources & Trade LLC.
Description: Tariff Amendment: Cancellation of certain tariff records in compliance with FERC Staff to be effective 1/7/2016.
Filed Date: 4/28/17.
Accession Number: 20170428–5469.
Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1507–000.
Applicants: Tucson Electric Power Company.
Description: § 205(d) Rate Filing: Amendment to Rate Schedule No. 321, SRSG Participation Agreement to be effective 6/28/2017.
Filed Date: 4/28/17.
Accession Number: 20170428–5470.
Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1508–000.
Applicants: Golden Spread Electric Cooperative, Inc.
Description: § 205(d) Rate Filing: OATT Attachment R Amendment to be effective 6/27/2017.
Filed Date: 5/1/17.
Accession Number: 20170501–5001.
Comments Due: 5 p.m. ET 5/22/17.

Docket Numbers: ER17–1509–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: Q1 2017 Quarterly Filing of City and County of San Francisco's WDT SA (SA 275) to be effective 3/31/2017.
Filed Date: 5/1/17.
Accession Number: 20170501–5002.
Comments Due: 5 p.m. ET 5/22/17.

Docket Numbers: ER17–1510–000.
Applicants: Louisville Gas and Electric Company.
Description: § 205(d) Rate Filing: KyMEA NITSA NOA to be effective 5/1/2017.
Filed Date: 5/1/17.
Accession Number: 20170501–5079.
Comments Due: 5 p.m. ET 5/22/17.

Docket Numbers: ER17–1511–000.
Applicants: Louisville Gas and Electric Company.
Description: Tariff Cancellation: Benham Notice of Cancellation to be effective 5/1/2017.
Filed Date: 5/1/17.
Accession Number: 20170501–5110.
Comments Due: 5 p.m. ET 5/22/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09114 Filed 5–4–17; 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: RP17–686–000.
Applicants: East Tennessee Natural Gas, LLC.
Description: East Tennessee Natural Gas, LLC submits tariff filing per 154.204: Tate & Lyle Release to JAT Oil to be effective 5/1/2017.

Filed Date: 04/27/2017.
Accession Number: 20170427–5093.
Comment Date: 5:00 p.m. Eastern Time on Tuesday, May 9, 2017.

Docket Numbers: RP17–687–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 04/27/17 Negotiated Rates—ENI Trading & Shipping (RTS) 7825–02 to be effective 5/1/2017.
Filed Date: 04/27/2017.
Accession Number: 20170427–5094.
Comment Date: 5:00 p.m. Eastern Time on Tuesday, May 9, 2017.

Docket Numbers: RP17–688–000.
Applicants: Rockies Express Pipeline LLC.
Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Neg Rate 2017–04–27 CP to be effective 5/1/2017.
Filed Date: 04/27/2017.
Accession Number: 20170427–5161.
Comment Date: 5:00 p.m. Eastern Time on Tuesday, May 9, 2017.

Docket Numbers: RP17–689–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.203: TETLP OFO April 2017 Penalty Disbursement Report.
Filed Date: 04/27/2017.
Accession Number: 20170427–5220.
Comment Date: 5:00 p.m. Eastern Time on Tuesday, May 9, 2017.

Docket Numbers: RP17–690–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: Negotiated Rates—Cherokee AGL—Replacement Shippers—May 2017 to be effective 5/1/2017.
Filed Date: 04/27/2017.
Accession Number: 20170427–5255.
Comment Date: 5:00 p.m. Eastern Time on Tuesday, May 9, 2017.

Docket Numbers: RP17–691–000.
Applicants: Kern River Gas Transmission Company.
Description: Kern River Gas Transmission Company submits tariff filing per 154.204: 2017 Update Section 30.2(a) to be effective 5/1/2017.
Filed Date: 04/27/2017.
Accession Number: 20170427–5323.
Comment Date: 5:00 p.m. Eastern Time on Tuesday, May 9, 2017.

Docket Numbers: RP17–692–000.
Applicants: Millennium Pipeline Company, LLC.
Description: Millennium Pipeline Company, LLC submits tariff filing per 154.204: Section 4 Revisions to be effective 6/1/2017.
Filed Date: 04/27/2017.
Accession Number: 20170427–5369.
Comment Date: 5:00 p.m. Eastern Time on Tuesday, May 9, 2017.

Docket Numbers: RP17–693–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: El Paso Natural Gas Company, L.L.C. submits tariff filing per 154.204: Negotiated Rate Agreement Filing (ARM May 17) to be effective 5/1/2017.
Filed Date: 04/27/2017.
Accession Number: 20170427–5418.
Comment Date: 5:00 p.m. Eastern Time on Tuesday, May 9, 2017.

Docket Numbers: RP17–197–004.
Applicants: Dominion Cove Point LNG, LP.
Description: Dominion Cove Point LNG, LP submits tariff filing per 154.203: DCP—RP17–197 Gas Quality Settlement Compliance to be effective 6/1/2017.
Filed Date: 04/28/2017.
Accession Number: 20170428–5367.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–694–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: Florida Gas Transmission Company, LLC submits tariff filing per 154.204: Negotiated Rates Filing on 4–28–17 to be effective 5/1/2017.
Filed Date: 04/28/2017.
Accession Number: 20170428–5021.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–695–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: Negotiated Rate—Chevron to Exelon—8945651 to be effective 5/1/2017.
Filed Date: 04/28/2017.
Accession Number: 20170428–5079.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–696–000.
Applicants: Millennium Pipeline Company, LLC.
Description: Millennium Pipeline Company, LLC submits tariff filing per 154.204: AutoPALS Filing to be effective 6/1/2017.
Filed Date: 04/28/2017.
Accession Number: 20170428–5115.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–697–000.
Applicants: Northern Natural Gas Company.
Description: Northern Natural Gas Company submits tariff filing per 154.204: 20170428 Negotiated Rate to be effective 5/1/2017.
Filed Date: 04/28/2017.
Accession Number: 20170428–5197.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–698–000.
Applicants: Cheyenne Plains Gas Pipeline Company, L.
Description: Cheyenne Plains Gas Pipeline Company, L.L.C. submits tariff filing per 154.403(d)(2): Fuel, L&U and Housekeeping Update Filing to be effective 6/1/2017.
Filed Date: 04/28/2017.
Accession Number: 20170428–5199.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–699–000.
Applicants: Texas Gas Transmission, LLC.
Description: Texas Gas Transmission, LLC submits tariff filing per 154.204: Edgemarc to EM Energy OHIO, Consent to Assign Filing to be effective 5/1/2017.
Filed Date: 04/28/2017.
Accession Number: 20170428–5209.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–700–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: CR w/NC NR provs (Oglethorpe 8482 to NJR 47984) to be effective 5/1/2017.
Filed Date: 04/28/2017.
Accession Number: 20170428–5272.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–701–000.
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 5/1/2017.
Filed Date: 04/28/2017.
Accession Number: 20170428–5280.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–702–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Cap Rel Neg Rate Agmt (EOG 34687 to Sequent 48117) to be effective 5/1/2017.
Filed Date: 04/28/2017.
Accession Number: 20170428–5297.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–703–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Amendment to Neg Rate Agmt (Methanex 42805–8) to be effective 5/1/2017.

Filed Date: 04/28/2017.

Accession Number: 20170428–5301.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–704–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Cap Rel Neg Rate Agmt (Encana 37663 to CenterPoint 48119) to be effective 5/1/2017.

Filed Date: 04/28/2017.

Accession Number: 20170428–5303.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–705–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Cap Rel Neg Rate Agmts (So Co 41616, 41617 to Tenaska 48156, 48154) to be effective 5/1/2017.

Filed Date: 04/28/2017.

Accession Number: 20170428–5306.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–706–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Cap Rel Neg Rate Agmts (Atlanta 8438 to various eff 5–1–17) to be effective 5/1/2017.

Filed Date: 04/28/2017.

Accession Number: 20170428–5308.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–707–000.

Applicants: Rockies Express Pipeline LLC.

Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Neg Rate 2017–04–28 Vectren and perm CR to EM Ohio to be effective 5/1/2017.

Filed Date: 04/28/2017.

Accession Number: 20170428–5311.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–708–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Cap Rel Neg Rate Agmt (Encana 37663 to Texla 48160) to be effective 5/1/2017.

Filed Date: 04/28/2017.

Accession Number: 20170428–5312.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–709–000.

Applicants: Discovery Gas Transmission LLC.

Description: Imbalance Cash-out Report for 2016 Activity for Discovery Gas Transmission LLC.

Filed Date: 04/27/2017.

Accession Number: 20170427–5548.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, May 09, 2017.

Docket Numbers: RP17–710–000.

Applicants: Kern River Gas Transmission Company.

Description: Kern River Gas Transmission Company submits tariff filing per 154.204: 2017 Creditworthiness to be effective 6/1/2017.

Filed Date: 04/28/2017.

Accession Number: 20170428–5424.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

Docket Numbers: RP17–711–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: El Paso Natural Gas Company, L.L.C. submits tariff filing per 154.601: Negotiated Rate Agreement Update (APS May 2017) to be effective 5/1/2017.

Filed Date: 04/28/2017.

Accession Number: 20170428–5466.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, May 10, 2017.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

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Dated: May 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09122 Filed 5–4–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG17–102–000.

Applicants: Vista Energy Storage, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status, LLC.

Filed Date: 4/28/17.

Accession Number: 20170428–5317.

Comments Due: 5 p.m. ET 5/19/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1420–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment to ER17–1420–000 Sch. 12-Appdx A re: RTEP Artificial Island Projects to be effective 10/10/2017.

Filed Date: 4/28/17.

Accession Number: 20170428–5391.

Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1495–000.

Applicants: Public Service Company of New Hampshire.

Description: § 205(d) Rate Filing: Design Engineering and Construction Agreement with Essential Power Newington LLC to be effective 6/28/2017.

Filed Date: 4/28/17.

Accession Number: 20170428–5315.

Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1496–000.

Applicants: Southern California Edison Company.

Description: Tariff Cancellation: Cancellation of IFAs and Distribution Service Agreements with City of Industry to be effective 7/1/2017.

Filed Date: 4/28/17.

Accession Number: 20170428–5321.

Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1497–000.

Applicants: Idaho Power Company.

Description: § 205(d) Rate Filing: SA 365—Construction Agreement—Addendum to ITSA with NV Energy to be effective 3/7/2017.

Filed Date: 4/28/17.

Accession Number: 20170428–5322.

Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1498–000.

Applicants: Rockford Power II, LLC.

Description: § 205(d) Rate Filing: Reactive Service Rate Schedule Filings to be effective 6/1/2017.

Filed Date: 4/28/17.

Accession Number: 20170428–5351.
Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1499–000.
Applicants: Rockford Power, LLC.
Description: § 205(d) Rate Filing: Reactive Service Rate Schedule Filings to be effective 6/1/2017.
Filed Date: 4/28/17.
Accession Number: 20170428–5354.
Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1500–000.
Applicants: Appalachian Power Company.
Description: § 205(d) Rate Filing: OATT—TCC & TNC Merger into AEP Texas Inc. and Rates Update to be effective 12/31/9998.
Filed Date: 4/28/17.
Accession Number: 20170428–5358.
Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1501–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: NYISO 205 filing re: Start-Up Bids in the Real-Time Market to be effective 7/1/2017.
Filed Date: 4/28/17.
Accession Number: 20170428–5362.
Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1502–000.
Applicants: Sierra Pacific Power Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 70 SPPC/Bonneville O&M Agreement to be effective 5/1/2017.
Filed Date: 4/28/17.
Accession Number: 20170428–5388.
Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1503–000.
Applicants: AEP Texas Inc.
Description: Baseline eTariff Filing: OATT Concurrence—AEP Texas to be effective 12/31/9998.
Filed Date: 4/28/17.
Accession Number: 20170428–5392.
Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1504–000.
Applicants: Midcontinent Independent System Operator, Inc., WPPI Energy.
Description: § 205(d) Rate Filing: 2017–04–28_Filing to revised WPPI Energy Attachment O to be effective 7/1/2017.
Filed Date: 4/28/17.
Accession Number: 20170428–5405.
Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1505–000.
Applicants: Entergy Louisiana, LLC.
Description: § 205(d) Rate Filing: ELL–DEMCO Transmission Facilities Credits Distribution Agreement to be effective 4/1/2017.
Filed Date: 4/28/17.
Accession Number: 20170428–5417.
Comments Due: 5 p.m. ET 5/19/17.

Docket Numbers: ER17–1506–000.
Applicants: New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: May 2017 Membership Filing to be effective 4/1/2017.
Filed Date: 4/28/17.
Accession Number: 20170428–5426.
Comments Due: 5 p.m. ET 5/19/17.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES17–18–000.
Applicants: Consumers Energy Company.
Description: Application for Authorization to Issue Securities of Consumers Energy Company.
Filed Date: 4/27/17.
Accession Number: 20170427–5549.
Comments Due: 5 p.m. ET 5/18/17.

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.

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Dated: April 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09113 Filed 5–4–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1512–000.
Applicants: CinCap V, LLC.
Description: Tariff Cancellation: Cancellation of MBR Tariff to be effective 6/30/2017.
Filed Date: 5/1/17.
Accession Number: 20170501–5209.
Comments Due: 5 p.m. ET 5/22/17.

Docket Numbers: ER17–1513–000.
Applicants: Duke Energy Commercial Enterprises, Inc.
Description: Tariff Cancellation: Cancellation of MBR Tariff to be effective 6/30/2017.
Filed Date: 5/1/17.
Accession Number: 20170501–5210.
Comments Due: 5 p.m. ET 5/22/17.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES17–19–000.
Applicants: ITC Great Plains, LLC.
Description: Application of ITC Great Plains, LLC under Section 204 of the Federal Power Act and Part 34 of the Commission's Regulations.
Filed Date: 4/27/17.
Accession Number: 20170427–5557.
Comments Due: 5 p.m. ET 5/18/17.

Docket Numbers: ES17–20–000.
Applicants: ITC Midwest LLC.
Description: Application of ITC Midwest LLC under Section 204 of the Federal Power Act and Part 34 of the Commission's Regulations.
Filed Date: 4/27/17.
Accession Number: 20170427–5567.
Comments Due: 5 p.m. ET 5/18/17.

Docket Numbers: ES17–21–000.
Applicants: International Transmission Company.
Description: Application of International Transmission Company under Section 204 of the Federal Power Act and Part 34 of the Commission's Regulations.
Filed Date: 4/27/17.
Accession Number: 20170427–5572.
Comments Due: 5 p.m. ET 5/18/17.

Docket Numbers: ES17–22–000.
Applicants: Michigan Electric Transmission Company, LLC.
Description: Application of Michigan Electric Transmission Company, LLC under Section 204 of the Federal Power Act and Part 34 of the Commission's Regulations.
Filed Date: 4/27/17.
Accession Number: 20170427–5585.
Comments Due: 5 p.m. ET 5/18/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing

requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09115 Filed 5–4–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP17–178–000; PF14–21–000]

Alaska Gasline Development Corporation; Notice of Application

Take notice that on April 17, 2017, Alaska Gasline Development Corporation (AGDC), Suite 200, 3201 C Street, Anchorage, Alaska 99503, filed in the above referenced docket an application pursuant to section 3 of the Natural Gas Act (NGA) for its proposed Alaska LNG Project. Specifically, AGDC proposes: (i) A liquefaction facility designed to produce up to 20 million metric tons per annum of liquefied natural gas; (ii) an approximately 807-mile, 42-inch-diameter pipeline with a peak day capacity of 3.3 billion cubic feet per day; (iii) a gas treatment plant; (iv) an approximately one-mile, 60-inch-diameter pipeline; (v) an approximately 63-mile, 32-inch-diameter pipeline; and (vi) eight compressor stations, all within the State of Alaska, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to Frank T. Richards, P.E., Senior V.P., Program Management, Alaska Gasline Development Corporation, Suite 200, 3201 C Street, Anchorage, Alaska 99503, by telephone at (907) 330–6532 or by email at *FRichards@agdc.us* and Howard L. Nelson and Kenneth M. Minesinger, Greenberg Traurig, 2001 L Street NW., Suite 1000, Washington, DC 20037 by telephone at (202) 331–3163 and (202) 530–8572 or by email at *nelsonh@gtlaw.com* or *minesingerk@gtlaw.com.*

On September 12, 2014, Commission staff granted AGDC's request to utilize the Pre-Filing Process and assigned Docket No. PF14–21–000 to staff activities involved in the Alaska LNG Project. Now, as of April 17, 2017 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP17–178–000, as noted in the caption of the Notice.

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) for this proposal. The issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and seven copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on May 22, 2017.

Dated: May 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09118 Filed 5–4–17; 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: PR17–40–000.

Applicants: Enable Oklahoma Intrastate Transmission, LLC.

Description: Tariff filing per 284.123(b),(e)+ (g): Revised SOC April

2017 to be effective 5/22/2017; Filing Type: 1300.

Filed Date: 4/20/17.

Accession Number: 201704205214.

Comments Due: 5 p.m. ET 5/11/17.

284.123(g) Protests Due: 5 p.m. ET 6/19/17.

Docket Number: PR17–41–000.

Applicants: Salt Plains Storage, LLC.

Description: Tariff filing per 284.123(b),(e)+(g): Salt Plains Housekeeping Filing to be effective 4/25/2017; Filing Type: 1300.

Filed Date: 4/25/17.

Accession Number: 201704255090.

Comments Due: 5 p.m. ET 5/16/17.

284.123(g) Protests Due: 5 p.m. ET 6/26/17.

Docket Numbers: RP17–658–001.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.205(b): Amendment to Filing (RP17–658, Pivotal 34691) to be effective 4/17/2017.

Filed Date: 04/26/2017.

Accession Number: 20170426–5248.

Comments Due: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–678–000.

Applicants: Elba Express Company, L.L.C.

Description: Elba Express Company, L.L.C. submits tariff filing per 154.204: EEC Negotiated Rate Filing & Housekeeping Filing to be effective 6/1/2017.

Filed Date: 04/26/2017.

Accession Number: 20170426–5012.

Comments Due: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–679–000.

Applicants: Stingray Pipeline Company, L.L.C.

Description: Stingray Pipeline Company, L.L.C. submits tariff filing per 154.204: Stingray Interim Settlement Rates Tariff Filing to be effective 6/1/2017.

Filed Date: 04/26/2017.

Accession Number: 20170426–5103.

Comments Due: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–680–000.

Applicants: Trailblazer Pipeline Company LLC.

Description: Trailblazer Pipeline Company LLC submits tariff filing per 154.204: Neg Rate 2017–04–26 UET (3) to be effective 5/1/2017.

Filed Date: 04/26/2017.

Accession Number: 20170426–5215.

Comments Due: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–681–000.

Applicants: Rockies Express Pipeline LLC.

Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Neg Rate 2017–04–26 Encana to be effective 4/26/2017.

Filed Date: 04/26/2017.

Accession Number: 20170426–5216.

Comments Due: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–682–000.

Applicants: Florida Southeast Connection, LLC.

Description: Florida Southeast Connection, LLC submits tariff filing per 154.204: FPL Negotiated Rate Filing to be effective 5/31/2017.

Filed Date: 04/26/2017.

Accession Number: 20170426–5277.

Comments Due: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–683–000.

Applicants: Natural Gas Pipeline Company of America.

Description: Natural Gas Pipeline Company of America LLC submits tariff filing per 154.204: Negotiated Rate—The Peoples Gas LIght and Coke Company to be effective 5/1/2017.

Filed Date: 04/26/2017.

Accession Number: 20170426–5284.

Comments Due: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–684–000.

Applicants: Natural Gas Pipeline Company of America.

Description: Natural Gas Pipeline Company of America LLC submits tariff filing per 154.204: Nicor Amendment to NRA to be effective 5/1/2017.

Filed Date: 04/26/2017.

Accession Number: 20170426–5285.

Comments Due: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

Docket Numbers: RP17–685–000.

Applicants: Sabal Trail Transmission, LLC.

Description: Sabal Trail Transmission, LLC submits tariff filing per 154.202: Sabal Trail Baseline Tariff—CP15–17 Compliance Filing to be effective 5/31/2017.

Filed Date: 04/26/2017.

Accession Number: 20170426–5287.

Comments Due: 5:00 p.m. Eastern Time on Monday, May 08, 2017.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 27, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09121 Filed 5–4–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–40–001]

Spire STL Pipeline, LLC; Notice of Amendment to Application for Certificate of Public Convenience and Necessity

Take notice that on April 21, 2017, Spire STL Pipeline LLC (Spire), 700 Market Street, St. Louis, Missouri 63101, filed an amendment to its application filed on January 26 pursuant to section 7(c) of the Natural Gas Act (NGA) and Parts 157 and 284 of the Commission's Regulations. Specifically, Spire is amending the application to propose a route alternative under which Spire would construct a new six-mile, 24-inch diameter pipeline for the final segment of its proposal (referred to as the North County Extension) instead of acquiring and refurbishing an existing seven-mile pipeline (known as Line 880) from its affiliated local gas distribution company, Laclede Gas Company (Laclede). The North County Extension would extend approximately six miles from the current terminus of the proposed 59-mile, 24-inch pipeline at the Laclede-Lange interconnect in St. Louis County, Missouri, through the northern portion of St. Louis County, and terminate at a new interconnection point with both Enable Mississippi River Transmission, LLC (MRT) and Laclede that would replace the existing Laclede-MRT interconnection at Chain of Rocks. The total length of the proposed project would be approximately 65 miles.

The filing may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application should be directed to Scott Jaskowiak, Vice President, Spire STL Pipeline LLC, 700 Market Street, St. Louis, Missouri 63101, phone: 314–516–8588, email: *scott.jaskowiak@spireenergy.com*.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 5 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on May 22, 2017.

Dated: May 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09116 Filed 5–4–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. Cp17–9–000]

ANR Pipeline Company; Notice of Availability of the Environmental Assessment for the Proposed Wisconsin South Expansion Project

The staff of the Federal Energy Regulatory Commission (Commission or FERC) prepared this environmental assessment (EA) to assess the environmental effects of the Wisconsin South Expansion Project (Project) involving replacement and expansion of existing aboveground facilities by ANR Pipeline Company (ANR) in the area west and southwest of Lake Michigan. The Project would enable ANR to expand delivery by 230,950 dekatherm per day (Dth/d) into the Northern Illinois and Wisconsin market areas to meet growing natural gas demand.

The EA assesses the potential environmental effects of the construction and operation of the proposed Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed Project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

ANR proposes to install one new 6,130-horsepower (HP) Solar Centaur 50 compressor unit at ANR's existing Sandwich Compressor Station in Kendall County, Illinois; increase capacity of the existing Hampshire Meter Station in Kane County, Illinois from the current 320 million cubic feet per day (MMCFD) to 500 MMCFD; abandon by removal the existing 0.54-mile-long 16-inch-diameter Line 332 Lateral located in Kane County, Illinois, and replaced in the same ditch with a new 24-inch-diameter pipeline to increase flow capacity from the Hampshire Meter Station to Nicor; increase the capacity of ANR's existing Tiffany East Meter Station in Rock County, Wisconsin from the current 118 MMCFD to 237 MMCFD; and re-stage an existing Saturn 10 turbine compressor unit at ANR's Kewaskum Compressor Station in Sheboygan County, Wisconsin.

The FERC staff mailed copies of the EA to Federal, State, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding. In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at:

Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more

specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this Project, it is important that we receive your comments in Washington, DC on or before May 30, 2017.

For your convenience, there are three methods which you can use to file your comments to the Commission. In all instances, please reference the project docket numbers (CP17–9–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *FERCOnlineSupport@ferc.gov.*

(1) You may 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 may also file your comments electronically using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You may file a paper copy of your comments by mailing them to the following address:

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First St. NE., Room 1A, Washington, DC 20426

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP17–9–000). 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 now 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/esubscribenow.htm.*

Dated: April 27, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09104 Filed 5–4–17; 8:45 am]

BILLING CODE 6717–01–P

[1] See the previous discussion on the methods for filing comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD17–1–000]

Review of Cost Submittals by Other Federal Agencies for Administering Part I of the Federal Power Act; Notice Requesting Questions and Comments on Fiscal Year 2017 Other Federal Agency Cost Submissions

In its *Order On Rehearing Consolidating Administrative Annual Charges Bill Appeals And Modifying Annual Charges Billing Procedures,* 109 FERC ¶ 61,040 (2004) (October 8 Order) the Commission set forth an annual process for Other Federal Agencies (OFAs) to submit their costs related to Administering Part I of the Federal Power Act. Pursuant to the established process the Chief of Revenue and Receivables, Financial Management Division, Office of the Executive Director, on October 4, 2016, issued a letter requesting the OFAs to submit their costs by December 31, 2016 using the OFA Cost Submission Form.

Upon receipt of the agency submissions, the Commission posted the information in eLibrary, and issued, on March 10, 2017, a notice announcing the date for a technical conference to review the submitted costs. On April 6, 2017, the Commission held the technical conference. Technical conference transcripts, submitted cost forms, and detailed supporting documents are all available for review under Docket No. AD17–1. These documents are accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and are available for review in the Commission's Public Reference Room in Washington, DC.

Interested parties may file specific questions and comments on the FY 2016 OFA cost submissions with the Commission under Docket No. AD17–1, no later than May 15, 2017. Once filed, the Commission will forward the questions and comments to the OFAs for response.

Anyone with questions pertaining to the technical conference or this notice should contact Norman Richardson at (202) 502–6219 (via email at *norman.richardson@ferc.gov*) or Raven A. Rodriguez at (202) 502–6276 (via email at *raven.rodriguez@ferc.gov*).

Dated: April 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09106 Filed 5–4–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–109–000.

Applicants: ALLETE Clean Energy, Inc., ALLETE, Inc.

Description: Application for Authorization Under Section 203 of the Federal Power Act of ALLETE, Inc., et al.

Filed Date: 4/26/17.

Accession Number: 20170426–5348.

Comments Due: 5 p.m. ET 5/17/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–1933–007.

Applicants: Interstate Power and Light Company.

Description: Notification of Change of Status of Interstate Power and Light Company.

Filed Date: 4/26/17.

Accession Number: 20170426–5411.

Comments Due: 5 p.m. ET 5/17/17.

Docket Numbers: ER14–1883–004.

Applicants: Allegheny Energy Supply Company, LLC.
Description: Compliance filing: eTariff Record for Reactive Power Rate Schedule No. 12 (ER06–888) to be effective 6/1/2014.
Filed Date: 4/26/17.
Accession Number: 20170426–5275.
Comments Due: 5 p.m. ET 5/4/17.
Docket Numbers: ER14–2140–006; ER14–2141–006; ER15–632–006; ER15–634–006; ER14–2466–007; ER14–2465–007; ER14–2939–004; ER15–1952–004; ER15–2728–006.
Applicants: Mulberry Farm, LLC, Selmer Farm, LLC, CID Solar, LLC, Cottonwood Solar, LLC, RE Camelot LLC, RE Columbia Two LLC, Pavant Solar, LLC, Imperial Valley Solar Company (IVSC) 2 LLC, Maricopa West Solar PV, LLC.
Description: Notice of Non-Material Change in Status of the Dominion Companies.
Filed Date: 4/26/17.
Accession Number: 20170426–5393.
Comments Due: 5 p.m. ET 5/17/17.
Docket Numbers: ER17–950–002.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Errata to ConEd Wheeling Termination in ER17–950–000 to correct BGE's Allocation to be effective 5/1/2017.
Filed Date: 4/26/17.
Accession Number: 20170426–5171.
Comments Due: 5 p.m. ET 5/17/17.
Docket Numbers: ER17–1054–001.
Applicants: PSEG Energy Resources & Trade LLC.
Description: PSEG Energy Resources & Trade LLC submits tariff filing per 35.17(b): Amendment and Cancellation of certain tariff records to be effective 6/1/2017 and 4/26/2017.
Filed Date: 4/27/17.
Accession Number: 20170427–5000.
Comments Due: 5 p.m. ET 5/18/17.
Docket Numbers: ER17–1480–000.
Applicants: First Wind Energy Marketing, LLC.
Description: Tariff Cancellation: Notice of Cancellation of Market-Based Rate Tariff to be effective 4/28/2017.
Filed Date: 4/27/17.
Accession Number: 20170427–5147.
Comments Due: 5 p.m. ET 5/18/17.
Docket Numbers: ER17–1481–000.
Applicants: Longfellow Wind, LLC.
Description: Tariff Cancellation: Notice of Cancellation of Market-Based Rate Tariff to be effective 4/28/2017.
Filed Date: 4/27/17.
Accession Number: 20170427–5148.
Comments Due: 5 p.m. ET 5/18/17.
Docket Numbers: ER17–1482–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions to Attachment AE to Add Term Instantaneous Load Capacity to be effective 6/27/2017.
Filed Date: 4/27/17.
Accession Number: 20170427–5163.
Comments Due: 5 p.m. ET 5/18/17.
Docket Numbers: ER17–1483–000.
Applicants: California Power Exchange Corporation.
Description: § 205(d) Rate Filing: Rate Filing for Rate Period 31 to be effective 7/1/2017.
Filed Date: 4/27/17.
Accession Number: 20170427–5167.
Comments Due: 5 p.m. ET 5/18/17.
Docket Numbers: ER17–1484–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Two Service Agreements for Wholesale Distribution Service Ecos Energy, LLC to be effective 6/27/2017.
Filed Date: 4/27/17.
Accession Number: 20170427–5232.
Comments Due: 5 p.m. ET 5/18/17.
Docket Numbers: ER17–1485–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Second Revised SA No. 3203, Queue No. W3–079 to be effective 4/7/2017.
Filed Date: 4/27/17.
Accession Number: 20170427–5233.
Comments Due: 5 p.m. ET 5/18/17.
Docket Numbers: ER17–1486–000.
Applicants: Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: DEC-Forest City Revised PPA RS No. 330 to be effective 7/1/2017.
Filed Date: 4/27/17.
Accession Number: 20170427–5234.
Comments Due: 5 p.m. ET 5/18/17.
Docket Numbers: ER17–1487–000.
Applicants: RC Cape May Holdings, LLC.
Description: Tariff Cancellation: Notice of Cancellation of Reactive Tariff to be effective 5/1/2017.
Filed Date: 4/27/17.
Accession Number: 20170427–5246.
Comments Due: 5 p.m. ET 5/18/17.

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: April 27, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09112 Filed 5–4–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17–68–000]

Linden VFT, LLC v. PJM Interconnection, L.L.C.; Notice of Complaint

Take notice that on April 28, 2017, pursuant to sections 206 and 306 of the Federal Power Act, 16 U.S.C. 824e and 825e, and Rules 206 and 215 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and 385.215, Linden VFT, LLC (Linden VFT or Complainant) filed a formal complaint against PJM Interconnection, L.L.C. (PJM or Respondent) alleging that (i) PJM does not have the authority to reallocate certain costs associated with Regional Transmission Expansion Plan projects b2436 and b2437 (BLC), (ii) PJM did not reallocate such cost using a methodology contained in the PJM Open Access Transmission Tariff, (iii) the PJM BLC cost reallocations are unjust, unreasonable and unduly discriminatory and preferential, all as more fully explained in the complaint.

Complainant certifies that copies of the complaint were served on the contacts for Respondent as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to

intervene, and protests must be served on the Complainant.

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 review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on May 18, 2017.

Dated: May 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–09120 Filed 5–4–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9032–9]

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 04/24/2017 Through 04/28/2017
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. 20170069, Final Supplement, FHWA, VA, Hampton Roads Crossing Study, Review Period Ends: 06/05/2017, Contact: Edward Sundra 804–775–3357.

EIS No. 20170071, Draft, FHWA, CA, US 50/South Shore Community Revitalization Project, Comment Period Ends: 07/06/2017, Contact: Scott McHenry 916–498–5854.

EIS No. 20170072, Draft, USFS, CA, Pine Mountain Late-Successional Reserve Habitat Protection and Enhancement, Comment Period Ends: 06/19/2017, Contact: April Hargis 707–275–1410.

EIS No. 20170073, Draft, USACE, NC, Bogue Banks Master Beach Nourishment Plan, Comment Period Ends: 06/19/2017, Contact: Mickey Sugg 910–251–4811.

Amended Notices

EIS No. 20130360, Final, USFS, AZ, Rosemont Copper Project, Proposed Construction, Operation with Concurrent Reclamation and Closure of an Open-Pit Copper Mine, Review Period Ends: 06/05/2017, Contact: Mindy Vogel 520–388–8300.

Revision to FR Notice Published 01/03/2014; The U.S. Forest Service is reopening the Review Period to end 06/05/2017.

Dated: May 2, 2017.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017–09165 Filed 5–4–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2016–0597; FRL–9960–65]

Chemical Data Reporting; Requirements for Inorganic Byproduct Chemical Substances; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: EPA is planning to establish a Negotiated Rulemaking Committee (Committee) under the Negotiated Rulemaking Act (NRA) as indicated in a **Federal Register** notice of December 15, 2016, and required by section 8(a)(6) of the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg Act). Prior to establishing the Committee, EPA is holding a public meeting with potential committee members and the public for the purpose of information exchange and to discuss the process of negotiated rulemaking. This notice announces the time and place of this meeting.

DATES: This public meeting will be held on May 9, 2017, from 9 a.m. to 5 p.m. and on May 10, 2017, from 9 a.m. to 3:00 p.m.

ADDRESSES: The meeting on May 9 and 10, 2017, will be held at Capital Hilton, General Session Room (South American AB), 1001 16th Street NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain information concerning the public meeting may contact Jonah Richmond, Designated Federal Officer (DFO), Conflict Prevention and Resolution Center, Office of General Counsel, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–0210; email address: *Richmond.jonah@epa.gov.*

For information on access or services for individuals with disabilities, or to request accommodation for a disability, please contact the DFO, preferably at least ten days prior to the meeting to give EPA as much time as possible to process your request.

Any updates concerning the meeting announced in this notice may be found at *https://www.epa.gov/chemical-data-reporting/negotiated-rulemaking-committee-chemical-data-reporting-requirements.*

For technical information contact: Susan Sharkey, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8789; email address: *Sharkey.susan@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture (including manufacture as a byproduct chemical substance and including import) chemical substances listed on the TSCA Inventory. The following list of North American Industrial Classification System (NAICS) codes are not intended to be exhaustive, but rather provides a guide to help readers determine whether this action may apply to them:

1. Chemical manufacturers and importers (NAICS codes 325 and 324110; *e.g.,* chemical manufacturing and processing and petroleum refineries).

2. Chemical users and processors who may manufacture a byproduct chemical substance (NAICS codes 22, 322, 331, and 3344; *e.g.,* utilities, paper manufacturing, primary metal manufacturing, and semiconductor and

other electronic component manufacturing).

If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2016–0597, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Background

Under section 8(a)(6) of TSCA, as amended by the Lautenberg Act, EPA is required to enter into a negotiated rulemaking providing for limiting chemical data reporting requirements for manufacturers of any inorganic byproduct chemical substances when such byproduct chemical substances are subsequently recycled, reused, or reprocessed. This negotiation process includes the establishment of a federal advisory committee. Prior to establishing the Committee, EPA is holding a public meeting with potential committee members and the public for the purpose of information exchange and to discuss the process of negotiated rulemaking as indicated in a **Federal Register** notice of December 15, 2016, (81 FR 90843) (FRL–9954–68). This notice announces the time and place of this meeting.

III. How can I request to participate in this meeting?

A. Attending the Meeting

EPA values public input during this process. The meeting announced in this notice will be open to the public, so interested parties may observe and communicate their views in the appropriate time and manner, as defined in the meeting agenda.

B. Oral Statements

In general, individuals or groups requesting an oral presentation at a public meeting will be limited to five minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should submit requests by email to *ecdrweb@epa.gov* one week prior to the meeting date, in order to be placed on the list of public speakers.

C. Written Statements

Anyone may submit written statements; however, for timely consideration, statements should be supplied by email to *ecdrweb@epa.gov* one week prior to the meeting date. Members of the public should be aware that written comments, including personal contact information, if included, may be placed in the EPA docket supporting this activity. Copyrighted material will not be posted without explicit permission of the copyright holder.

IV. Meeting Agenda

A copy of the agenda for this meeting will be posted to *https://www.epa.gov/chemical-data-reporting/negotiated-rulemaking-committee-chemical-data-reporting-requirements,* as well as in the EPA docket supporting this activity (docket ID number EPA–HQ–OPPT–2016–0597).

Authority: 15 U.S.C. 2601 *et seq.*

Dated: April 20, 2017.

Wendy Cleland-Hamnett,

Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2017–09178 Filed 5–4–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update Listing of Financial Institutions in Liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: May 1, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10526	First NBC Bank	New Orleans	LA	4/28/2017

[FR Doc. 2017–09056 Filed 5–4–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination; 10400 Sun Security Bank, Ellington, Missouri

The Federal Deposit Insurance Corporation (FDIC), as Receiver for 10400 Sun Security Bank, Ellington, Missouri (Receiver) has been authorized to take all actions necessary to terminate the receivership estate of Sun Security Bank (Receivership Estate); the Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective May 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: May 2, 2017.

Robert E. Feldman,

Executive Secretary, Federal Deposit Insurance Corporation.

[FR Doc. 2017–09126 Filed 5–4–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 22, 2017.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Lloyd K. Culbertson Revocable Trust, Lloyd Culbertson, trustee; The Kent and Toni Culbertson Living Trust, L. Kent Culbertson, trustee and Antonia J. Culbertson, trustee and individually;* all of Phillipsburg, Kansas; to acquire voting shares of Golden Plains Bankshares, Inc., Phillipsburg, Kansas (the Company), and thereby indirectly acquire First National Bank and Trust, Phillipsburg, Kansas. In addition, The Katherine Culbertson Revocable Trust, Lloyd Culbertson, trustee; The Deanna F. Culbertson Revocable Trust and Deanna F. Culbertson, as trustee, both of Phillipsburg, Kansas; and The Shane Culbertson Living Trust, and Shane Culbertson, trustee, both of Olathe, Kansas, to retain voting shares of the Company and be approved as members of the Culbertson Family Group.

Board of Governors of the Federal Reserve System, May 2, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–09127 Filed 5–4–17; 8:45 am]

BILLING CODE 6210–01–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 ''*Implementation of TeamSTEPPS in Primary Care Settings (ITS–PC).*''

DATES: Comments on this notice must be received by July 5, 2017.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov*.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by emails at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

''*Implementation of TeamSTEPPS in Primary Care Settings (ITS–PC)*''

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public the comment on this proposed information collection. As part of its effort to fulfill its mission goals, AHRQ, in collaboration with the Department of Defense's (DoD) Tricare Management Activity, developed TeamSTEPPS® (Team Strategies and Tools for Enhancing Performance and Patient Safety) to provide an evidence-based suite of tools and strategies for training teamwork-based patient safety to health care professionals. TeamSTEPPS includes multiple toolkits which are all tied to, or are variants of, the core curriculum. In addition to the core curriculum, TeamSTEPPS resources have been developed for primary care, rapid response systems, long-term care, and patients with limited English proficiency.

The main objective of the TeamSTEPPS program is to improve patient safety by training health care staff in various teamwork, communication, and patient safety concepts, tools, and techniques and ultimately helping to build national capacity for supporting teamwork-based patient safety efforts in health care organizations.

Created in 2007, AHRQ's National Implementation Program has trainedMaster Trainers who have stimulated the use and adoption of TeamSTEPPS in health care delivery systems. These individuals were trained using the TeamSTEPPS core curriculum at regional training centers across the U.S. AHRQ has also provided technical assistance and consultation on implementing TeamSTEPPS and has developed user networks, various educational venues and other channels of learning for continued support and the improvement of teamwork in health care. Since the inception of the National Implementation Program, AHRQ has trained more than 8,000 participants to serve as TeamSTEPPS Master Trainers.

Given the success of the National Implementation Program, AHRQ launched an effort to provide TeamSTEPPS training to primary care health professionals using the TeamSTEPPS in Primary Care version of the curriculum, which is now referred to as ''TeamSTEPPS for Office-Based Care.''

Most of the participants in the current National Implementation Program's training come from hospital settings, because the TeamSTEPPS core curriculum is most aligned with that

context. Under this new initiative, primary care practice facilitators will be trained through online instruction. Upon completion of the course, these individuals will be Master Trainers who will train the staff at primary care practices and implement or support the implementation of TeamSTEPPS tools and strategies in primary care practices.

As part of this initiative, AHRQ seeks to conduct an evaluation of the TeamSTEPPS for Office-Based Care training program. This evaluation seeks to understand the effectiveness of the TeamSTEPPS for Office-Based Care training and how trained practice facilitators implement TeamSTEPPS in primary care practices.

This research has the following goals:

(1) Conduct a formative assessment of the TeamSTEPPS for Office-Based Care training program to determine what revisions and improvement should be made to the training and how it is delivered, and

(2) Identify how trained participants use and implement the TeamSTEPPS tools and resources in primary care settings.

This study is being conducted by AHRQ through its contractor, the Health Research & Educational Trust and its subcontractor, IMPAQ International, pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of health care services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

This is a continuation of data collection for the purpose of conducting an evaluation of the TeamSTEPPS for Office-Based Care training program. The evaluation is formative in nature as AHRQ seeks information to improve the delivery of the online training.

To conduct the evaluation, the *TeamSTEPPS for Office-Based Care Post-Training Survey* will be administered to all individuals who complete the TeamSTEPPS for Office-Based Care training six months after training. The *TeamSTEPPS for Office-Based Care Post-Training Survey* will be administered via the Web to participants.

In order to reduce respondent burden, the training participant questionnaire will be administered via the Web. Participant information acquired by HRET and its partner Reingold, Inc. when participants enroll in the TeamSTEPPS for Office-Based Care training program will be used to develop the distribution lists. Each potential respondent will receive up to five email communications to encourage participation (*i.e.,* an advance notice of the questionnaire, an initial invitation to complete the questionnaire, and three follow-up emails to remind respondents to complete the questionnaire).

Using an online system for data collection, rather than administering a paper-based questionnaire, will make completing and submitting the questionnaire less time-consuming for respondents. Any skip patterns included in the questionnaire (*i.e.,* questions that are appropriate only for a subset of the respondents) will be automatically programmed into the Web-based form of the questionnaire, thereby eliminating any confusion during questionnaire completion. In addition, the contractors can also ensure that important items are not inadvertently skipped or ignored by setting software requirements to ensure proper completion of questionnaires based on specific respondent selections.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondent's time to participate in the study. The *TeamSTEPPS for Office-Based Care Post-Training Survey* will be completed by approximately 600 individuals per year. We estimate that each respondent will require 20 minutes to complete the survey. The total annualized burden is estimated to be 200 hours.

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to participate in the study. The total cost burden is estimated to be $24,944.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
TeamSTEPPS for Office-Based Care Post-Training Survey	600	1	20/60	200
Total	600	NA	NA	200

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
TeamSTEPPS for Office-Based Care Post-training Survey	600	200	$96.54	$19,308
Total	600	200	96.54	19,308

* Based on the mean hourly wage for Family and General Practitioners (29–1062) presented in the National Compensation Survey: Occupational Wages in the United States, May 2016, U.S. Department of Labor, Bureau of Labor Statistics (*https://www.bls.gov/oes/current/oes_nat.htm).*

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the

collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Sharon B. Arnold,

Acting Director.

[FR Doc. 2017–09089 Filed 5–4–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Patient Safety Organizations: Voluntary Relinquishment From the Healogics Patient Safety Institute

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of Delisting.

SUMMARY: The Patient Safety Rule authorizes AHRQ, on behalf of the Secretary of HHS, to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' by the Secretary if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. AHRQ has accepted a notification of voluntary relinquishment from the Healogics Patient Safety Institute of its status as a PSO, and has delisted the PSO accordingly. The Healogics Patient Safety Institute submitted this request for voluntary relinquishment after receiving a Notice of Preliminary Finding of Deficiency.

DATES: The directories for both listed and delisted PSOs are ongoing and reviewed weekly by AHRQ. The delisting was effective at 12:00 Midnight ET (2400) on March 21, 2017.

ADDRESSES: Both directories can be accessed electronically at the following HHS Web site: *http://www.pso.ahrq.gov/listed.*

FOR FURTHER INFORMATION CONTACT: Eileen Hogan, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, Room 06N94B, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; Email: *pso@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Patient Safety and Quality Improvement Act of 2005, (Patient Safety Act) and the related Patient Safety and Quality Improvement Final Rule, (Patient Safety Rule), published in the **Federal Register** on November 21, 2008, establish a framework by which hospitals, doctors, and other health care providers may voluntarily report information to Patient Safety Organizations (PSOs), on a privileged and confidential basis, for the aggregation and analysis of patient safety events.

The Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. 299b–21 to b–26, (Patient Safety Act) and the related Patient Safety and Quality Improvement Final Rule, 42 CFR part 3 (Patient Safety Rule), published in the **Federal Register** on November 21, 2008, 73 FR 70732–70814, establish a framework by which hospitals, doctors, and other health care providers may voluntarily report information to Patient Safety Organizations (PSOs), on a privileged and confidential basis, for the aggregation and analysis of patient safety events.

The Patient Safety Act authorizes the listing of PSOs, which are entities or component organizations whose mission and primary activity are to conduct activities to improve patient safety and the quality of health care delivery.

HHS issued the Patient Safety Rule to implement the Patient Safety Act. AHRQ administers the provisions of the Patient Safety Act and Patient Safety Rule relating to the listing and operation of PSOs. The Patient Safety Rule authorizes AHRQ to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. Section 3.108(d) of the Patient Safety Rule requires AHRQ to provide public notice when it removes an organization from the list of federally approved PSOs.

AHRQ has accepted a notification from the Healogics Patient Safety Institute, a component entity of Healogics, Inc., PSO number P0169, to voluntarily relinquish its status as a PSO. Accordingly, the Healogics Patient Safety Institute was delisted effective at 12:00 Midnight EDT (2400) on March 21, 2017. AHRQ notes that the Healogics Patient Safety Institute submitted this request for voluntary relinquishment following receipt of the Notice of Preliminary Finding of Deficiency sent to the PSO on February 22, 2017.

Healogics Patient Safety Institute has patient safety work product (PSWP) in its possession. The PSO will meet the requirements of Section 3.108(c)(2)(i) of the Patient Safety Rule regarding notification to providers that have reported to the PSO. In addition, according to Sections 3.108(c)(2)(ii) and 3.108(b)(3) of the Patient Safety Rule regarding disposition of PSWP, the PSO has 90 days from the effective date of delisting and revocation to complete the disposition of PSWP that is currently in the PSO's possession.

More information on PSOs can be obtained through AHRQ's PSO Web site at *http://www.pso.ahrq.gov.*

Sharon B. Arnold,

Acting Director.

[FR Doc. 2017–09088 Filed 5–4–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Patient Safety Organizations: Voluntary Relinquishment From the Empire State Patient Safety Assurance Network PSO

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of delisting.

SUMMARY: The Patient Safety and Quality Improvement Act of 2005, (Patient Safety Act) and the related Patient Safety and Quality Improvement Final Rule, published in the **Federal Register** on November 21, 2008, 73 FR 70732–70814, establish a framework by which hospitals, doctors, and other health care providers may voluntarily report information to Patient Safety Organizations (PSOs), on a privileged and confidential basis, for the aggregation and analysis of patient safety events. The Patient Safety Rule authorizes AHRQ, on behalf of the Secretary of HHS, to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' by the Secretary if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule,

when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. AHRQ has accepted a notification of voluntary relinquishment from the Empire State Patient Safety Assurance Network PSO of its status as a PSO, and has delisted the PSO accordingly.

DATES: The directories for both listed and delisted PSOs are ongoing and reviewed weekly by AHRQ. The delisting was effective at 12:00 Midnight ET (2400) on March 30, 2017.

ADDRESSES: Both directories can be accessed electronically at the following HHS Web site: *http://www.pso.ahrq.gov/listed*.

FOR FURTHER INFORMATION CONTACT: Eileen Hogan, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, Room 06N94B, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; Email: *pso@ahrq.hhs.gov*.

SUPPLEMENTARY INFORMATION:

Background

The Patient Safety Act authorizes the listing of PSOs, which are entities or component organizations whose mission and primary activity are to conduct activities to improve patient safety and the quality of health care delivery.

HHS issued the Patient Safety Rule to implement the Patient Safety Act. AHRQ administers the provisions of the Patient Safety Act and Patient Safety Rule relating to the listing and operation of PSOs. The Patient Safety Rule authorizes AHRQ to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. Section 3.108(d) of the Patient Safety Rule requires AHRQ to provide public notice when it removes an organization from the list of federally approved PSOs.

AHRQ has accepted a notification from the Empire State Patient Safety Assurance Network, PSO, a component entity of the University of Buffalo, PSO number P0048, to voluntarily relinquish its status as a PSO. Accordingly, the Empire State Patient Safety Assurance Network, PSO was delisted effective at 12:00 Midnight ET (2400) on March 30, 2017.

Empire State Patient Safety Assurance Network, PSO has patient safety work product (PSWP) in its possession. The PSO will meet the requirements of Section 3.108(c)(2)(i) of the Patient Safety Rule regarding notification to providers that have reported to the PSO. In addition, according to Sections 3.108(c)(2)(ii) and 3.108(b)(3) of the Patient Safety Rule regarding disposition of PSWP, the PSO has 90 days from the effective date of delisting and revocation to complete the disposition of PSWP that is currently in the PSO's possession.

More information on PSOs can be obtained through AHRQ's PSO Web site at *http://www.pso.ahrq.gov.*

Sharon B. Arnold,

Acting Director.

[FR Doc. 2017–09091 Filed 5–4–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''*The AHRQ Safety Program for Improving Antibiotic Use.*''

DATES: Comments on this notice must be received by July 5, 2017.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov*.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection. Antibiotics can have serious adverse effects including *Clostridium difficile* infections (CDI), organ dysfunction, allergic reactions, and the development of antibiotic resistance on both a patient level and population level. This project will assist acute care, long-term care and ambulatory care settings across the United States in adopting and implementing antibiotic stewardship programs, which are coordinated efforts to improve the use of antibiotics by promoting the selection of the optimal antibiotic regimen, dose, route of administration, and duration of therapy.

More specifically, this project has the following goals:

- Identify best practices in the delivery of antibiotic stewardship in the acute care, long-term care and ambulatory care settings
- Adapt the Comprehensive Unit-Based Safety Program (CUSP) model to enhance antibiotic stewardship efforts in the health care settings
- Assess the adoption of CUSP for antibiotic stewardship and evaluate the effectiveness of the intervention in the participating health care systems
- Develop a bundle of technical and adaptive interventions and associated tools and educational materials designed to support enhanced antibiotic stewardship efforts
- Provide technical assistance and training to health care organizations nationwide, using a phased approach, to implement effective antibiotic stewardship programs and interventions
- Improve communication and teamwork between health care workers surrounding antibiotic decision-making
- Improve communication between health care workers and patients/families surrounding antibiotic decision-making

This study is being conducted by AHRQ through its contractor Johns Hopkins University, with subcontracted partner NORC. The *AHRQ Safety Program for Improving Antibiotic Use* is being undertaken pursuant to AHRQ's mission to enhance the quality, appropriateness, and effectiveness of health services, and access to such services, through the establishment of a broad base of scientific research and through the promotion of improvements in clinical and health systems practices, including the prevention of diseases and other health conditions. 42 U.S.C. 299.

Method of Collection

To achieve the goals of this project the following data collections will be implemented:

(1) *Structural Assessments:* A brief (five to seven questions), online

Structural Assessment Tool will be administered in all settings at baseline (pre-intervention) and at the end of the intervention period to obtain general information about facilities and existing stewardship infrastructure and changes in stewardship infrastructure and interventions as a result of the AHRQ Safety Program.

(2) *Team Antibiotic Review Form:* The Stewardship Team will conduct monthly reviews of at least 10 patients who received antibiotics and fill out an assessment tool in conjunction with frontline staff to determine if the ''four moments of antibiotic decision-making'' are being considered by providers. The four moments can be summarized as: (1.) Is an infection present requiring antibiotics? (2.) Were appropriate cultures ordered and best initial choice of antibiotics made? (3.) (after at least 24 hours) Are changes in antibiotic orders appropriate? (4.) What duration of therapy is appropriate?

(3) The AHRQ Surveys on Patient Safety Culture will be administered to all participating staff at the beginning and end of the intervention. Each survey asks questions about patient safety issues, medical errors, and event reporting in the respective settings.

a. The Hospital Survey on Patient Safety Culture (HSOPS) will be utilized to evaluate safety culture for acute care hospitals.

b. The Nursing Home Survey on Patient Safety Culture (NHSOPS) will be administered in long term care.

c. The Medical Office Survey on Patient Safety Culture (MOSOPS) will be administered in ambulatory care centers.

(4) Semi-structured qualitative interviews: In-person and/or telephone discussions will be held before and after implementation with stewardship champions/organizational leaders, physicians, pharmacists, nurse practitioners, physician assistants, nurses, certified nursing assistants and others deemed relevant, to learn about the facilitators and barriers to a successful antibiotic stewardship program. Specific areas of interest include stakeholder perceptions of implementation process and outcomes, including successes and challenges with carrying out project tasks and perceived utility of the project; staff roles, engagement and support; and antibiotic prescribing etiquette & culture (*i.e.,* social norms and local cultural factors that contribute to prescribing behavior at the facility/unit-level).

(5) *Electronic Health Record (EHR) data:* Unit-level antibiotic usage and clinical outcomes will be extracted from the EHRs of participating health care facilities and used to assess the impact of the AHRQ Safety Program for Improving Antibiotic Use.

Estimated Annual Respondent Burden

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
1. Structural Assessment	500	2	0.2	200
2. Team Antibiotic Review Form	333	90	0.2	5,994
3. Surveys on Patient Safety Culture (SOPS):				
a. HSOPS	4,167	2	.5	4,167
b. NHSOPS	4,167	2	.5	4,167
c. MOSOPS	4,167	2	.5	4,167
4. Semi-structured qualitative interviews	30	2	1	60
(Physicians—line 1; Other Health Practitioners—line 2)	60	2	1	120
5. EHR data	500	12	.5	3,000
Total	13,924	N/A	N/A	21,875

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
1. Structural Assessment	500	200	[a] $98.83	$19,766
2. Team Antibiotic Review Form	333	5,994	[a] 98.83	592,387
3. SOPS:				
a. HSOPS	4,167	4,167	[b] 27.87	116,134
b. NHSOPS	4,167	4,167	[b] 27.87	116,134
c. MOSOPS	4,167	4,167	[b] 27.87	116,134
4. Semi-structured qualitative interviews	30	60	[a] 98.83	5,930
(Physicians—line 1; Other Health Practitioners—line 2)	60	120	[b] 27.87	3,344
5. EHR data	500	3,000	[b] 27.87	83,610
Total	13,924	21,875	N/A	1,053,439

* National Compensation Survey: Occupational wages in the United States May 2016 ''U.S. Department of Labor, Bureau of Labor Statistics:'' *http://www.bls.gov/oes/current/oes_stru.htm.*

[a] Based on the mean wages for *29–1069 Physicians and Surgeons, All Other.*

[b] Based on the mean wages for *29–9099 Miscellaneous Health Practitioners and Technical Workers: Healthcare Practitioners and Technical Workers, All Other.*

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. 2017–09090 Filed 5–4–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality; Notice of Meetings

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of five AHRQ subcommittee meetings.

SUMMARY: The subcommittees listed below are part of AHRQ's Health Services Research Initial Review Group Committee. Grant applications are to be reviewed and discussed at these meetings. Each subcommittee meeting will commence in open session before closing to the public for the duration of the meeting. These meetings will be closed to the public in accordance with 5 U.S.C. App. 2 section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6).

DATES: See below for dates of meetings:

1. *Health Care Research and Training (HCRT)*
   Date: May 25–26, 2017 (Open from 8:00 a.m. to 8:30 a.m. on May 25 and closed for remainder of the meeting)
2. *Healthcare Information Technology Research (HITR)*
   Date: June 7–9, 2017 (Open from 6:00 p.m. to 6:30 p.m. on June 7 and closed for remainder of the meeting)
3. *Health System and Value Research (HSVR)*
   Date: June 14–15, 2017 (Open from 8:30 a.m. to 9:00 a.m. on June 14 and closed for remainder of the meeting)
4. *Healthcare Effectiveness and Outcomes Research (HEOR)*
   Date: June 14–15, 2017 (Open from 8:30 a.m. to 9:00 a.m. on June 14 and closed for remainder of the meeting)
5. *Healthcare Safety and Quality Improvement Research (HSQR)*
   Date: June 22–23, 2017 (Open from 8:00 a.m. to 8:30 a.m. on June 22 and closed for remainder of the meeting)

ADDRESSES: (Below specifics where each hotel will be held)

Gaithersburg Marriott, 9751 Washingtonian Blvd., Gaithersburg, Maryland 20878.

FOR FURTHER INFORMATION CONTACT: (To obtain a roster of members, agenda or minutes of the non-confidential portions of the meetings.)

Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research Education and Priority Populations, Agency for Healthcare Research and Quality (AHRQ), 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 427–1554.

SUPPLEMENTARY INFORMATION:

In accordance with section 10 (a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), AHRQ announces meetings of the above-listed scientific peer review groups, which are subcommittees of AHRQ's Health Services Research Initial Review Group Committees. Each subcommittee meeting will commence in open session before closing to the public for the duration of the meeting. The subcommittee meetings will be closed to the public in accordance with the provisions set forth in 5 U.S.C. App. 2 section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6) 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.

Agenda items for these meetings are subject to change as priorities dictate.

Sharon B. Arnold,

Acting Director.

[FR Doc. 2017–09130 Filed 5–4–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project ''*The Re-engineered Visit for Primary Care.*''

This proposed information collection was previously published in the **Federal Register** on February 13, 2017 and allowed 60 days for public comment. AHRQ received one comment from the public. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by June 5, 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

The Re-Engineered Visit for Primary Care

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 project, The Re-engineered Visit for Primary Care, directly addresses the agency's goal to conduct research to enhance the quality of health care and reduce avoidable readmissions, which are a major indicator of poor quality and patient safety.

Research from AHRQ's Healthcare Cost and Utilization Project (HCUP) indicates that in 2011 there were approximately 3.3 million adult hospital readmissions in the United States. Adults covered by Medicare have the highest readmission rate (17.2 per 100 admissions), followed by adults covered by Medicaid (14.6 per 100 admissions) and privately insured adults (8.7 per

100 admissions). High rates of readmissions are a major patient safety problem and are associated with a range of adverse events, such as prescribing errors and misdiagnoses of conditions in the hospital and ambulatory care settings. Collectively these readmissions are associated with $41.3 billion in annual hospital costs, many of which potentially could be avoided.

In recent years, payer and provider efforts to reduce readmissions have proliferated. Many of these national programs have been informed or guided by evidence-based research, toolkits and guides, such as AHRQ's RED (Re-Engineered Discharge), STAAR (STate Action on Avoidable Readmission), AHRQ's Project BOOST (Better Outcomes by Optimizing Safe Transitions), the Hospital Guide to Reducing Medicaid Readmissions, and Eric Coleman's Care Transitions Intervention. These efforts have largely focused on enhancing practices occurring within the hospital setting, including the discharge process transitions among providers and between settings of care. While many of these efforts have recognized the critical role of primary care in managing care transitions, they have not had an explicit focus on enhancing primary care with the aim of reducing avoidable readmissions.

Evidence-based guidance to reduce readmissions and improve patient safety are comparatively lacking for the primary care setting. This gap in the literature is becoming more pronounced as primary care is increasingly serving as the key integrator across the health system as part of payment and delivery system reforms. This research project aims to address the important and unfulfilled need to improve patient safety and reduce avoidable readmissions within the primary care context.

AHRQ's goals in supporting this 30-month project are to build on the knowledge base from the inpatient settings, add to the expanding evidence base on preventing readmissions by focusing on the primary care setting, and provide insight on the components and themes that should be part of a re-engineered visit in primary care. This work will ultimately inform an effective intervention that can be tested in a diverse set of primary care clinics.

To meet AHRQ's goals and objectives, the agency awarded a task order to John Snow, Inc. (JSI) to conduct qualitative research using quality improvement to investigate the primary care-based transitional care workflow from the primary care staff, patient, and community agency perspective.

This research has the following goals:

1. Analyze current processes in the primary care visit associated with hospital discharge; and
2. Identify components of the re-engineered visit.

This study is being conducted by AHRQ through its contractor pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and vale of health care services and with respect to quality measurement and improvement. 42 U.S.C 299a(a)(1) and (2).

Method of Collection

To analyze current processes in the primary care visit associated with hospital discharge, the data collection is separated into seven smaller data collection activities to minimize research participant burden while still allowing for the collection of necessary data. Each of these tasks will be conducted at nine primary care sites:

1. *Primary care site organizational characteristics survey:* The purpose of this background information on the primary care site's organizational characteristics is to offer context for the work flow mapping. It will help make the work flow mapping process more efficient and reduce burden by only requesting information that is already known by each site contact. One person per primary care site will be engaged for this task.

2. *Primary care site patient characteristics survey:* The purpose of this background information on the primary care site's patients is to offer context for the work flow mapping. It will help make the work flow mapping process more efficient and reduce burden by only requesting information that is already known in the primary care practices' billing or clinical information systems. One person per primary care site will be engaged for this task.

3. *Work flow mapping preliminary interviews:* The purpose of this flow mapping ''pre-work'' is to engage individual primary care staff members to think about the current work flow map in order to set a foundation for the actual work flow mapping process. It is anticipated that eight individuals per primary care site will participate, for a total of 72 participants.

4. *Work flow mapping:* This collection will take place in a group meeting that brings together staff from various role types to collaborate in identifying their workflow processes involved in planning for and executing post-hospital follow up services for their patients. Based on feasibility, these may be smaller or larger group meetings, but the total burden on each role type participant is the same. The end goal of this meeting is to have enough information to develop an initial process flow map on paper. It is anticipated that 10 individuals per primary care site will participate, for a total of 90 participants.

5. *Work flow mapping follow-up interviews:* Once the initial process flow map is on paper, each role type will be asked to review to correct, add, or confirm detail to the document. Once the flow map has been edited and ratified by the primary care site staff, each role type will be asked specific questions regarding the flaws identified in the process flow for the failure mode effects analysis. It is anticipated that eight individuals per primary care site will participate, for a total of 72 participants.

6. *Patient Interviews:* As a complement to the work flow mapping, there will also be a process flow map developed from the patient's perspective. The purpose of the patient interviews is to capture patient perspectives on potential breakdowns in making the transition from the hospital to care in the primary care settings and to get, in their own words, information about the initial hospitalization and barriers to accessing follow-up care. One of the widely acknowledged limitations of the existing evidence based toolkits is that they are not designed with input from patients.

This has occurred despite the fact that clinical experience suggests that providers often fail to identify patient needs and concerns. Research has shown that there are cultural, social, and behavioral factors that may contribute to readmissions and assessing the patient's perspective can help to better understand the barriers to receiving appropriate follow-up care.

Patient and family interviews are increasingly common practices in efforts to improve care transitions and reduce readmissions, endorsed by CMS, the Institute for Healthcare Improvement, Kaiser Permanente, and others. This patient interview will collect unique information on the barriers to effective care transitions in the post-discharge period care, information which cannot be collected in other ways. It is anticipated that ten post-discharge patients per primary care site will be interviewed for a total of 90 patients.

7. *Community agency interviews:* As a complement to the work flow mapping, the process flow map developed will reflect the perspective of community

agencies affiliated with the primary care sites to assist patients. It is anticipated that five community agency representatives per primary care site will be interviewed.

The purpose of this data collection is to understand the key components that should be included in the re-engineered visit in primary care. The project team will examine the diverse settings, staff, and transitional care activities across a variety of primary care practices to identify key transitional care processes that impact patient outcomes, the challenges to implementing those processes, and ways to improve those processes.

The project team will distill the themes and principles that should be a part of the re-engineered visit and develop an outline and summary of its components, with a comparison/contrast of the components across sites and discussion of the generalizability of these components to different settings.

The results of this research will add to the expanding evidence base on preventing readmissions by focusing on the primary care setting, and provide insight on the components and themes that should be part of a re-engineered visit. This information will ultimately inform an effective intervention that can be tested in a diverse set of primary care clinics.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated burden hours to the respondents for providing all of the data needed to meet the project's objectives. The hours estimated per responses are based on the pilot project results.

For the primary care site organizational characteristics survey and patient characteristics survey, one person per each of the nine primary care sites will participate. Both surveys are anticipated to take 1.5 hours to complete.

For the work flow mapping preliminary interviews, we estimate that eight primary care staff per primary care site will participate, with each individual spending 0.5 hours in these interviews. For the work flow mapping group interview, we estimate that 10 primary care staff per primary care site will participate, with each individual spending 1.5 hours in these interviews. Finally, we estimate that eight primary care staff per primary care site will participate in the work flow mapping follow-up interviews, with each individual spending 0.5 hours in this data collection activity.

There will be 10 patients interviewed in association with each primary care site. These patient interviews are expected to take 0.5 hours per individual research participant.

Lastly, there will be five community agency staff members interviewed in association with each primary care site. These interviews are expected to take 1 hour per individual research participant.

Exhibit 2 shows the estimated cost burden for the respondents' time to participate in the project. The total annualized cost burden is estimated at $11,500.30.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Primary care site organizational characteristics survey	9	1	1.5	13.5
Primary care site patient characteristics survey	9	1	1.5	13.5
Workflow mapping preliminary interview	72	1	0.5	36
Workflow mapping group interview	90	1	1.5	135
Workflow mapping follow-up interview	72	1	0.5	36
Patient interview	90	1	0.5	45
Community agency interview	45	1	1	45
Total	387	n/a	n/a	2,628

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Primary care site organizational characteristics survey	9	13.5	[a] $40.41	$545.54
Primary care site patient characteristics survey	9	13.5	[a] 40.41	545.54
Workflow mapping preliminary interview	72	36	[a] 40.41	1,454.76
Workflow mapping group interview	90	135	[a] 40.41	5,455.35
Workflow mapping follow-up interview	72	36	[a] 40.41	1,454.76
Patient interview	90	45	[b] 23.23	1,045.35
Community agency interview	45	45	[c] 22.20	999.00
Total	387	n/a	n/a	11,500.30

* For hourly average wage rates, mean hourly wages from the Bureau of Labor Statistics (BLS) May 2015 national occupational employment wage estimates were used. *http://www.bls.gov/oes/current/oes_nat.htm#00–0000.*

[a] Participants will include a mix of providers and front desk staff; therefore a blended rate for these tasks are used including Nurse ($33.55), Medical Assistant ($15.01 [1]), Front Desk Staff ($13.38 [2]), Program Director ($32.56), Pharmacist ($56.96), Physician ($91.60), Behavioral health provider ($22.03).

[b] Based upon the mean wages for consumers (all occupations).

[c] Based upon the mean wages for Social Workers.

[1] *http://www.bls.gov/oes/current/oes319092.htm.*

[2] *http://www.bls.gov/oes/current/oes434171.htm.*

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Sharon B. Arnold,

Acting Director.

[FR Doc. 2017–09097 Filed 5–4–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting of the Community Preventive Services Task Force (Task Force)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The Centers for Disease Control and Prevention (CDC) within the Department of Health and Human Services announces the next meeting of the Community Preventive Services Task Force (Task Force) on June 14–15, 2017 in Atlanta, Georgia.

DATES: The meeting will be held on Wednesday, June 14, 2017 from 8:30 a.m. to 6:00 p.m. EDT and Thursday, June 15, 2017 from 8:30 a.m. to 1:00 p.m. EDT.

ADDRESSES: The Task Force Meeting will be held at the CDC Edward R. Roybal Campus, Centers for Disease Control and Prevention Headquarters (Building 19), 1600 Clifton Road NE., Atlanta, GA 30329. You should be aware that the meeting location is in a Federal government building; therefore, strict Federal security measures are applicable. For additional information, please see Roybal Campus Security Guidelines under **SUPPLEMENTARY INFORMATION**. Information regarding meeting logistics will be available on the Community Guide Web site (*www.thecommunityguide.org*) closer to the date of the meeting.

Meeting Accessability: This space-limited meeting is open to the public. All meeting attendees must register to ensure completion of required security procedures and access to the CDC's Global Communications Center.

Public Comment: A public comment period, limited to three minutes per person, will follow the Task Force's discussion of each systematic review. Individuals wishing to make public comments must indicate their desire to do so in advance by providing their name, organizational affiliation, and the topic to be addressed (if known) with their registration. Public comments will become part of the meeting summary. Public comment is not possible via Webcast.

U.S. citizens must register by June 7, 2017. To satisfy security requirements, Non U.S. citizens must register by May 29, 2017. Failure to register by the dates identified could result in the inability to attend the Task Force meeting.

Meeting Accessibility: This meeting is available to the public via Webcast. CDC will send the Webcast URL to registrants upon receipt of their registration. All meeting attendees must register to receive the webcast information. CDC will email webcast information from the *CPSTF@cdc.gov* mailbox.

FOR FURTHER INFORMATION/REGISTRATION, CONTACT: Onslow Smith, Center for Surveillance, Epidemiology and Laboratory Services, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–E–69, Atlanta, GA 30329, phone: (404) 498–6778, email: *CPSTF@cdc.gov*.

SUPPLEMENTARY INFORMATION:

Background on the CPSTF: The Task Force is an independent, nonpartisan, nonfederal, and unpaid panel. Its members represent a broad range of research, practice, and policy expertise in prevention, wellness, health promotion, and public health, and are appointed by the CDC Director. The Task Force was convened in 1996 by the Department of Health and Human Services (HHS) to identify community preventive programs, services, and policies that increase healthy longevity, save lives and dollars, and improve Americans' quality of life. CDC is mandated to provide ongoing administrative, research, and technical support for the operations of the Task Force. During its meetings, the Task Force considers the findings of systematic reviews on existing research and practice-based evidence and issues recommendations. Task Force recommendations are not mandates for compliance or spending. Instead, they provide information about evidence-based options that decision makers and stakeholders can consider when they are determining what best meets the specific needs, preferences, available resources, and constraints of their jurisdictions and constituents. The Task Force's recommendations, along with the systematic reviews of the evidence on which they are based, are compiled in the *Guide to Community Preventive Services (The Community Guide).*

At the meetings, the Task Force considers systematic reviews and issues findings and recommendations based on the reviews. Task Force recommendations provide information about evidence-based options that decision makers and stakeholders can consider when they are determining what best meets the specific needs, preferences, available resources, and constraints of their jurisdictions and constituents.

Matters proposed for discussion:* Diabetes prevention: Diabetes Prevention and Control (Effectiveness of Mobile Phone Applications to Improve Glycemic Control (HbA1c) in the Self-management of Diabetes); Obesity Prevention and Control (Economics of School-based Interventions for Obesity Prevention Availability of Healthy Food and Beverage (AHFB) and Snack Food and Beverage (SFB)); Physical Activity (Effectiveness of Activity Monitors for Increasing Physical Activity in Adults with Overweight or Obesity); Nutrition (Telehealth Methods to Deliver Dietary Interventions in Adults with Chronic Disease); and Women's Health (Effectiveness of Interventions for the Primary Prevention of Intimate Partner Violence and Sexual Violence Among Youth). The agenda is subject to change without notice.

Roybal Campus Security Guidelines: The Edward R. Roybal Campus is the headquarters of the CDC and is located at 1600 Clifton Road NE., Atlanta, Georgia. The meeting is being held in a Federal government building; therefore, Federal security measures are applicable.

All meeting attendees must RSVP by the dates outlined under *Meeting Accessability*. In planning your arrival time, please take into account the need to park and clear security. All visitors must enter the Edward R. Roybal

Campus through the front entrance on Clifton Road. Vehicles may be searched, and the guard force will then direct visitors to the designated parking area. Upon arrival at the facility, visitors must present government-issued photo identification (*e.g.,* a valid federal identification badge, state driver's license, state non-driver's identification card, or passport). Non-United States citizens must complete the required security paperwork prior to the meeting date and must present a valid passport, visa, Permanent Resident Card, or other type of work authorization document upon arrival at the facility. All persons entering the building must pass through a metal detector. CDC Security personnel will issue a visitor's ID badge at the entrance to Building 19. Visitors may receive an escort to the meeting room. All items brought to HHS/CDC are subject to inspection.

Dated: May 2, 2017.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2017–09133 Filed 5–4–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC–2017–0048, NIOSH 156–C]

Request for the Technical Review of 4 Draft Immediately Dangerous to Life or Health (IDLH) Value Profile Documents

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 and comments.

SUMMARY: The National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention announces four (4) draft Immediately Dangerous to Life or Health (IDLH) Value Profile documents now available for public comment.

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DATES: Electronic or written comments must be received by June 19, 2017.

ADDRESSES: You may submit responses, identified by CDC–2017–0048 and docket number NIOSH 156–C, by any of the following methods:

- *Federal eRulemaking Portal: http://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–2017–0048; NIOSH 156–C]. 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: G. Scott Dotson, NIOSH, Education and Information Division, 1090 Tusculum Avenue, C–32, Cincinnati, OH 45226, telephone (513) 533–8540 (not a toll free number).

SUPPLEMENTARY INFORMATION: NIOSH seeks comments on four (4) draft IDLH values and IDLH Value Profile documents. The draft IDLH Value Profile documents were developed to provide the scientific rationale behind derivation of IDLH values for the following chemicals:

Document #	Chemical	CAS
B–01	Acetonitrile	(# 75–05–8)
B–02	Chloroacetonitrile	(# 107–14–2)
B–03	Methacrylonitrile	(# 126–98–7)
B–04	Nitrogen dioxide	(# 10102–44–0)

Each IDLH Value Profile document provides a detailed summary of the health hazards of acute exposures to high airborne concentrations and the rationale for the proposed IDLH value with the chemical(s) of interest.

To facilitate the review of these documents, NIOSH requests that the following questions be taken into consideration:

1. Does this document clearly outline the health hazards associated with acute (or short-term) exposures to the chemical? If not, what specific information is missing from the document?
2. Are the rationale and logic behind the derivation of an IDLH value for a specific chemical clearly explained? If not, what specific information is needed to clarify the basis of the IDLH value?
3. Are the conclusions supported by the data?
4. Are the tables clear and appropriate?
5. Is the document organized appropriately? If not, what improvements are needed?
6. Are you aware of any scientific data reported in governmental publications, databases, peer-reviewed journals, or other sources that should be included within this document?

Background: In 2013, NIOSH published *Current Intelligence Bulletin (CIB) 66—Derivation of Immediately Dangerous to Life or Health (IDLH) Values* [NIOSH 2013]. Since the establishment of the IDLH values in the 1970s, NIOSH has continued to review available scientific data to improve the protocol used to derive acute exposure guidelines, in addition to the chemical-specific IDLH values. The information presented in this CIB represents the most recent update of the scientific rationale and the methodology (hereby referred to as the IDLH methodology) used to derive IDLH values. The primary objectives of this document are to:

1. Provide a brief history of the development of IDLH values
2. Update the scientific bases and risk assessment methodology used to derive IDLH values from quality data

3. Provide transparency behind the rationale and derivation process for IDLH values
4. Demonstrate how scientifically credible IDLH values can be derived from available data resources

The IDLH methodology is based on a weight-of-evidence approach that applies scientific judgment for critical evaluation of the quality and consistency of scientific data and in extrapolation from the available data to the IDLH value. The weight-of-evidence approach refers to critical examination of all available data from diverse lines of evidence and the derivation of a scientific interpretation on the basis of the collective body of data, including its relevance, quality, and reported results. Conceptually, the derivation process for IDLH values is similar to that used in other risk-assessment applications, including these steps:

1. Hazard characterization
2. Identification of critical adverse effects
3. Identification of a point of departure (POD)
4. Application of appropriate uncertainty factors (UFs), based on the study and POD
5. Determination of the final risk value

Reference

NIOSH [2013]. Current intelligence bulletin 66: derivation of immediately dangerous to life or health (IDLH) values. Cincinnati, OH: US Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, DHHS (NIOSH) Publication 2014–100.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2017–09149 Filed 5–4–17; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10320 and CMS–724]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by July 5, 2017.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10320 Health Care Reform Insurance Web Portal Requirements 45 CFR part 159

CMS–724 Medicare/Medicaid Psychiatric Hospital Survey Data and Supporting Regulations

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved information collection; *Title of Information Collection:* Health Care Reform Insurance Web Portal Requirements 45 CFR part 159; *Use:* In accordance with the provisions of the ACA referenced above, the U.S. Department of Health and Human Services created a Web site called *healthcare.gov* to meet these and other provisions of the law, and data collection was conducted for six months based upon an emergency information collection request. The interim final rule published on May 5, 2010 served as the emergency **Federal Register** notice for the prior information collection request. The Office of Management and Budget (OMB) reviewed the request under emergency processing and approved it on April 30, 2010.

CMS updated the web portal system where state Departments of Insurance and issuers log in using a custom user

ID and password validation. The states are asked to provide information on issuers in their state and various Web sites maintained for consumers. The issuers are also tasked with providing information on their major medical insurance products and plans. They are ultimately given the choice to download a basic information template to enter data then upload into the web portal; to manually enter data within the web portal itself; or to submit .xml files containing their information. Once the states and issuers submit their data, they will receive an email notifying them of any errors, and that their submission was received.

CMS is mandates that issuers verify and update their information on a quarterly basis and requests that States verify State-submitted information on an annual basis. In the event that an issuer enhances its existing plans, proposes new plans, or deactivates plans, the organization would be required to update the information in the web portal. Changes occurring during the three month quarterly periods will be allowed utilizing effective dates for both the plans and rates associated with the plans. *Form Number:* CMS–10320 (OMB control number: 0938–1086); *Frequency:* Annually, Quarterly; *Affected Public:* State, Local, and Tribal Governments; *Number of Respondents:* 305; *Total Annual Responses:* 5,500; *Total Annual Hours:* 89,725. (For policy questions regarding this collection contact Kim Heckstall at 410–786–1647.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare/Medicaid Psychiatric Hospital Survey Data and Supporting Regulations; *Use:* The CMS–724 form is used to collect data that assists us in program planning and evaluation and in maintaining an accurate database on providers participating in the psychiatric hospital program. Specifically, we use the information collected on this form in evaluating the Medicare psychiatric hospital program. The form is also used for audit purposes; determining patient population and characteristics of the hospital; and survey term composition. *Form Number:* CMS–724 (OMB control number: 0938–0378); *Frequency:* Annually; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 150; *Total Annual Responses:* 150; *Total Annual Hours:* 75. (For policy questions regarding this collection contact Stephanie Hursey at 410–786–4349.)

Dated: May 2, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–09170 Filed 5–4–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–9103–N]

Medicare and Medicaid Programs; Quarterly Listing of Program Issuances—January Through March 2017

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This quarterly notice lists CMS manual instructions, substantive and interpretive regulations, and other **Federal Register** notices that were published from January through March 2017, relating to the Medicare and Medicaid programs and other programs administered by CMS.

FOR FURTHER INFORMATION CONTACT: It is possible that an interested party may need specific information and not be able to determine from the listed information whether the issuance or regulation would fulfill that need. Consequently, we are providing contact persons to answer general questions concerning each of the addenda published in this notice.

Addenda	Contact	Phone number
I CMS Manual Instructions	Ismael Torres	(410) 786–1864
II Regulation Documents Published in the **Federal Register**	Terri Plumb	(410) 786–4481
III CMS Rulings	Tiffany Lafferty	(410)786–7548
IV Medicare National Coverage Determinations	Wanda Belle, MPA	(410) 786–7491
V FDA—Approved Category B IDEs	John Manlove	(410) 786–6877
VI Collections of Information	William Parham	(410) 786–4669
VII Medicare—Approved Carotid Stent Facilities	Sarah Fulton, MHS	(410) 786–2749
VIII American College of Cardiology—National Cardiovascular Data Registry Sites.	Sarah Fulton, MHS	(410) 786–2749
IX Medicare's Active Coverage—Related Guidance Documents	JoAnna Baldwin, MS	(410) 786–7205
X One-time Notices Regarding National Coverage Provisions	JoAnna Baldwin, MS	(410) 786–7205
XI National Oncologic Positron Emission Tomography Registry Sites	Stuart Caplan, RN, MAS	(410) 786–8564
XII Medicare—Approved Ventricular Assist Device (Destination Therapy) Facilities.	Linda Gousis, JD	(410) 786–8616
XIII Medicare—Approved Lung Volume Reduction Surgery Facilities	Sarah Fulton, MHS	(410) 786–2749
XIV Medicare—Approved Bariatric Surgery Facilities	Sarah Fulton, MHS	(410) 786–2749
XV Fluorodeoxyglucose Positron Emission Tomography for Dementia Trials	Stuart Caplan, RN, MAS	(410) 786–8564
All Other Information	Annette Brewer	(410) 786–6580

I. Background

The Centers for Medicare & Medicaid Services (CMS) is responsible for administering the Medicare and Medicaid programs and coordination and oversight of private health insurance. Administration and oversight of these programs involves the following: (1) Furnishing information to Medicare and Medicaid beneficiaries, health care providers, and the public; and (2) maintaining effective communications with CMS regional offices, state governments, state Medicaid agencies, state survey agencies, various providers of health care, all Medicare contractors that process claims and pay bills, National Association of Insurance Commissioners (NAIC), health insurers, and other stakeholders. To implement the various statutes on which the programs are based, we issue regulations under the

authority granted to the Secretary of the Department of Health and Human Services under sections 1102, 1871, 1902, and related provisions of the Social Security Act (the Act) and Public Health Service Act. We also issue various manuals, memoranda, and statements necessary to administer and oversee the programs efficiently.

Section 1871(c) of the Act requires that we publish a list of all Medicare manual instructions, interpretive rules, statements of policy, and guidelines of general applicability not issued as regulations at least every 3 months in the **Federal Register**.

II. Format for the Quarterly Issuance Notices

This quarterly notice provides only the specific updates that have occurred in the 3-month period along with a hyperlink to the full listing that is available on the CMS Web site or the appropriate data registries that are used as our resources. This is the most current up-to-date information and will be available earlier than we publish our quarterly notice. We believe the Web site list provides more timely access for beneficiaries, providers, and suppliers. We also believe the Web site offers a more convenient tool for the public to find the full list of qualified providers for these specific services and offers more flexibility and ''real time'' accessibility. In addition, many of the Web sites have listservs; that is, the public can subscribe and receive immediate notification of any updates to the Web site. These listservs avoid the need to check the Web site, as notification of updates is automatic and sent to the subscriber as they occur. If assessing a Web site proves to be difficult, the contact person listed can provide information.

III. How to Use the Notice

This notice is organized into 15 addenda so that a reader may access the subjects published during the quarter covered by the notice to determine whether any are of particular interest. We expect this notice to be used in concert with previously published notices. Those unfamiliar with a description of our Medicare manuals should view the manuals at *http://www.cms.gov/manuals*.

Dated: May 1, 2017.

Kathleen Cantwell

Director, Office of Strategic Operations and Regulatory Affairs.

BILLING CODE 4120–01–P

Publication Dates for the Previous Four Quarterly Notices

We publish this notice at the end of each quarter reflecting information released by CMS during the previous quarter. The publication dates of the previous four Quarterly Listing of Program Issuances notices are: May 9, 2016 (81 FR 28072), August 5, 2016 (81 FR 51901), November 2016 (81 FR 79489 and February 23, 2017 (82 FR 11456). We are providing only the specific updates that have occurred in the 3-month period along with a hyperlink to the website to access this information and a contact person for questions or additional information.

Addendum I: Medicare and Medicaid Manual Instructions (January through March 2017)

The CMS Manual System is used by CMS program components, partners, providers, contractors, Medicare Advantage organizations, and State Survey Agencies to administer CMS programs. It offers day-to-day operating instructions, policies, and procedures based on statutes and regulations, guidelines, models, and directives. In 2003, we transformed the CMS Program Manuals into a web user-friendly presentation and renamed it the CMS Online Manual System.

How to Obtain Manuals

The Internet-only Manuals (IOMs) are a replica of the Agency's official record copy. Paper-based manuals are CMS manuals that were officially released in hardcopy. The majority of these manuals were transferred into the Internet-only manual (IOM) or retired. Pub 15-1, Pub 15-2 and Pub 45 are exceptions to this rule and are still active paper-based manuals. The remaining paper-based manuals are for reference purposes only. If you notice policy contained in the paper-based manuals that was not transferred to the IOM, send a message via the CMS Feedback tool.

Those wishing to subscribe to old versions of CMS manuals should contact the National Technical Information Service, Department of Commerce, 5301 Shawnee Road, Alexandria, VA 22312 Telephone (703-605-6050). You can download copies of the listed material free of charge at: http://cms.gov/manuals.

How to Review Transmittals or Program Memoranda

Those wishing to review transmittals and program memoranda can access this information at a local Federal Depository Library (FDL). Under the FDL program, government publications are sent to approximately 1,400 designated libraries throughout the United States. Some FDLs may have arrangements to transfer material to a local library not designated as an FDL. Contact any library to locate the nearest FDL. This information is available at http://www.gpo.gov/libraries/

In addition, individuals may contact regional depository libraries that receive and retain at least one copy of most federal government publications, either in printed or microfilm form, for use by the general public. These libraries provide reference services and interlibrary loans; however, they are not sales outlets. Individuals may obtain information about the location of the nearest regional depository library from any library. CMS publication and transmittal numbers are shown in the listing entitled Medicare and Medicaid Manual Instructions. To help FDLs locate the materials, use the CMS publication and transmittal numbers. For example, to find the manual for Gender Dysphoria and Gender Reassignment Surgery use (CMS-Pub. 100-03) Transmittal No. 194.

Addendum I lists a unique CMS transmittal number for each instruction in our manuals or program memoranda and its subject number. A transmittal may consist of a single or multiple instruction(s). Often, it is necessary to use information in a transmittal in conjunction with information currently in the manual. For the purposes of this quarterly notice, we list only the specific updates to the list of manual instructions that have occurred in the 3-month period. This information is available on our website at www.cms.gov/Manuals.

Transmittal Number	Manual/Subject/Publication Number
	Medicare General Information (CMS-Pub. 100-01)
	None
	Medicare Benefit Policy (CMS-Pub. 100-02)
233	Clarification of Payment Policy Changes for Negative Pressure Wound Therapy (NPWT) Using a Disposable Device and the Outlier Payment Methodology for Home Health Services National 60-Day Episode Rate Outlier Payments Consolidated Billing Patient Confined to the Home Sequence of Qualifying Services and Other Medicare Covered Home Health Services Needs Skilled Nursing Care on an Intermittent Basis (Other than Solely Venipuncture for the Purposes of Obtaining a Blood Sample), Physical Therapy, Speech-Language Pathology Services, or Has Continued Need for Occupational Therapy Physician Certification Supporting Documentation Requirements Wound Care Medical Supplies (Except for Drugs and Biologicals Other Than Covered Osteoporosis Drugs), the Use of Durable Medical Equipment

	and Furnishing Negative Pressure Wound Therapy Using a Disposable Device Negative Pressure Wound Therapy Using a Disposable Device Coinsurance, Copayments, and Deductibles
234	Clarification of Admission Order and Medical Review Requirements Covered Inpatient Hospital Services Covered Under Part A Hospital Inpatient Admission Order and Certification
Medicare National Coverage Determination (CMS-Pub. 100-03)	
194	Gender Dysphoria and Gender Reassignment Surgery
Medicare Claims Processing (CMS-Pub. 100-04)	
3688	Update to the Federally Qualified Health Centers (FQHC) Prospective Payment System (PPS) - Recurring File Updates
3689	Durable Medical Equipment Prosthetics, Orthotics, and Supplies Healthcare Common Procedure Coding System (HCPCS) Code Jurisdiction List
3690	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3691	Changes to the Laboratory National Coverage Determination (NCD) Edit Software for April 2017
3692	April 2017 Quarterly Average Sales Price (ASP) Medicare Part B Drug Pricing Files and Revisions to Prior Quarterly Pricing Files
3693	Medicare Physician Fee Schedule Database (MPFSDB) 2017 File Layout Manual Addendum
3694	Issued to a specific audience, not posted to Internet/ Intranet to Confidentiality of Instruction
3695	Medicare Outpatient Observation Notice (MOON) Instructions Part A Medicare Outpatient Observation Notice
3696	New Waived Tests
3697	Issued to a specific audience, not posted to Internet/ Intranet to Confidentiality of Instruction
3698	Medicare Outpatient Observation Notice (MOON) Instructions Part A Medicare Outpatient Observation Notice Statutory Authority Scope Medicare Outpatient Observation Notice Alterations to the MOON Completing the MOON Hospital Delivery of the MOON Required Delivery Timeframes Refusal to Sign the MOON MOON Delivery to Representatives Ensuring Beneficiary Comprehension Completing the Additional Information Field of the MOON Notice Retention for the MOON Intersection with State Observation Notices
3699	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3700	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3701	Healthcare Common Procedure Coding System (HCPCS) Codes Subject to and Excluded from Clinical Laboratory Improvement Amendments (CLIA) Edits
3702	Quarterly Update for the Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Competitive Bidding Program (CBP) - April 2017
3703	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3704	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3705	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3706	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3707	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3708	Quarterly Update to the National Correct Coding Initiative (NCCI) Procedure to Procedure (PTP) Edits, Version 23.1, Effective April 1, 2017
3709	Quarterly Update to the National Correct Coding Initiative (NCCI) Procedure to Procedure (PTP) Edits, Version 23.1, Effective April 1, 2017
3710	New "K" Code for Continuous Positive Airway Pressure Device Bundle
3711	Implementation of New Influenza Virus Vaccine Code Table of Preventive and Screening Services Healthcare Common Procedure Coding System (HCPCS) and Diagnosis Codes Payment for Pneumococcal Pneumonia Virus, Influenza Virus, and Hepatitis B Virus and Their Administration on Institutional Claims Procedures for Renal Dialysis Facilities (RDF) CWF Edits on AB MAC (A) Claims CWF Edits on AB MAC (B) Claims CWF Crossover Edits for AB MAC (B) Claims
3712	New Fields in the Fiscal Intermediary Shared System (FISS) Inpatient and Outpatient Provider Specific Files (PSF) Addendum A- Provider Specific File Outpatient Provider Specific File
3713	Addendum A- Provider Specific File Outpatient Provider Specific File
3714	Changes to the National Coordination of Benefits Agreement (COBA) Crossover Process as a Result of the Social Security Number Removal Initiative (SSNRI) Beneficiary Insurance Assignment Selection Consolidation of the Claims Crossover Process Coordination of Benefits Agreement (COBA) Detailed Error Report Notification Process Coordination of Benefits Agreement (COBA) ASC X12 837 5010 Coordination of Benefits (COB) Flat File Errors Coordination of Benefits Agreement (COBA) ASC X12 837 Coordination of Benefits (COB) Mapping Requirements as of July 2012 National Council for Prescription Drug Programs (NCPDP) New Version Coordination of Benefits (COB) Requirements
3715	Qualified Medicare Beneficiary Indicator in the Medicare Fee-For-Service Claims Processing System

3716	Extension of the Transition to the Fully Adjusted Durable Medical Equipment, Prosthetics, Orthotics and Supplies Payment Rates under Section 16007 of the 21st Century Cures Act Phase-In for Competitive Bidding Rates in Areas Not in a Competitive Bid Area
3717	Clinical Laboratory Fee Schedule – Medicare Travel Allowance Fees for Collection of Specimens
3718	Instructions to Process Services Not Authorized by the Veterans Administration (VA) in a Non-VA Facility Reported With Value Code (VC) 42
3719	Quarterly Update to the Medicare Physician Fee Schedule Database (MPFSDB) - April CY 2017 Update
3720	Issued to a specific audience, not posted to Internet/ Intranet due to Confidentiality of Instruction
3721	Updates to Pub. 100-04, Chapters 12, 17 and 23 to Correct Remittance Advice Messages
3722	Instructions for Downloading the Medicare ZIP Code File for July 2017
3723	Healthcare Provider Taxonomy Codes (HPTCs) April 2017 Code Set Update
3724	Common Edits and Enhancements Modules (CEM) Code Set Update
3725	Remittance Advice Remark Code (RARC), Claims Adjustment Reason Code (CARC), Medicare Remit Easy Print (MREP) and PC Print Update
3726	April 2017 Update of the Ambulatory Surgical Center (ASC) Payment System
3727	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3728	April 2017 Update of the Hospital Outpatient Prospective Payment System (OPPS)
3729	April Quarterly Update for 2017 Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Fee Schedule
3730	Payment for Oxygen Volume Adjustments and Portable Oxygen Equipment Billing for Oxygen and Oxygen Equipment
3731	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
3732	Indian Health Services (IHS) Hospital Payment Rates for Calendar Year 2017
3733	Quarterly Update for the Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Competitive Bidding Program (CBP) - July 2017
3734	Federally Qualified Health Centers (FQHC) Prospective Payment System (PPS) - Recurring File Updates
3735	April 2017 Integrated Outpatient Code Editor (I/OCE) Specifications Version 18.1
3736	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
3737	Quarterly Updates to ESRD PRICER
3738	Changes to the Laboratory National Coverage Determination (NCD) Edit Software for July 2017
3739	Billing for Advance Care Planning (ACP) Claims
3740	FISS Implementation of the Restructured Clinical Lab Fee Schedule
3741	New Waived Tests
3742	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
Medicare Secondary Payer (CMS-Pub. 100-05)	
117	Remote Identity Proofing (RIDP) and Multi-Factor Authentication (MFA) for Electronic Correspondence Referral System (ECRS) Web Users Electronic Correspondence Referral System for the Web (ECRS Web) Quick Reference Card
118	Individuals Not Subject to the Limitation on Medicare Secondary Payment (MSP) Individuals Not Subject to the Limitation on Payment
Medicare Financial Management (CMS-Pub. 100-06)	
280	Notice of New Interest Rate for Medicare Overpayments and Underpayments -2nd Qtr Notification for FY 2017
281	Innovation Payment Contractor (IPC) for D1 D4 File Exchange
Medicare State Operations Manual (CMS-Pub. 100-07)	
167	Revision to State Operations Manual (SOM) Appendix PP - Incorporate revised Requirements of Participation for Medicare and Medicaid certified nursing facilities
168	Revision to State Operations Manual (SOM) Appendix PP - Incorporate revised Requirements of Participation for Medicare and Medicaid certified nursing facilities.
Medicare Program Integrity (CMS-Pub. 100-08)	
702	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
703	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
704	Home Health (HH) Language in Pub. 100-8 of Instruction Certification Requirements The Use of the Patient's Medical Record Documentation to Support Home Health Certification
705	Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Order Requirements for Changing Suppliers Requirement of New Orders
706	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
707	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
708	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
709	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
Medicare Contractor Beneficiary and Provider Communications (CMS-Pub. 100-09)	
	None
Medicare Quality Improvement Organization (CMS- Pub. 100-10)	
	None
Medicare End Stage Renal Disease Network Organizations (CMS Pub 100-14)	
	None
Medicaid Program Integrity Disease Network Organizations (CMS Pub 100-15)	
	None
Medicare Managed Care (CMS-Pub. 100-16)	
	None

Medicare Business Partners Systems Security (CMS-Pub. 100-17)	
	None
Demonstrations (CMS-Pub. 100-19)	
170	Affordable Care Act Bundled Payments for Care Improvement Initiative
171	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity Instruction
One Time Notification (CMS-Pub. 100-20)	
1767	Health Insurance Portability and Accountability Act (HIPAA) Electronic Data Interchange (EDI) Front End Updates for July 2017
1768	Common Working File (CWF) Reorganization of Daily Beneficiary Extract Files Shared System Enhancement 2015: Resolve Operating Report (ORPT) Issues - Development and Implementation
1769	eMSN and Alternate Format MSN Service Improvements
1770	Modifications to the National Coordination of Benefits Agreement (COBA) Crossover Process
1771	Fraud Prevention System (FPS) 2 Edit Migration Testing
1772	Common Working File (CWF) Reorganization of Daily Beneficiary Extract Files
1773	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity Instruction
1774	Shared System Enhancement 2014 – Identification of Fiscal Intermediary Standard System (FISS) Obsolete Reports - Analysis Only
1775	Updated Editing of Professional Therapy Services
1776	Instructions to Hospitals on the Election of a Medicare-Supplemental Security Income (SSI) Component of the Disproportionate Share (DSH) Payment Adjustment for Cost Reports that Involve SSI Ratios for Fiscal Year (FY) 2004 and earlier, or SSI Ratios for Hospital Cost-reporting Periods for Patient Discharges Occurring before October 1, 2004
1777	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity Instruction
1778	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity Instruction
1779	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity Instruction
1780	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity Instruction
1781	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity Instruction
1782	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity Instruction
1783	Innovation Payment Contractor (IPC) for D1 D4 File Exchange
1784	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity Instruction
1785	Payment for Oxygen Volume Adjustments and Portable Oxygen Equipment-FISS
1786	Update for Additional International Classification of Diseases (ICD)-10 Codes for the System Changes to Implement Section 231 of the Consolidated Appropriations Act, 2016, Temporary Exception for Certain Severe Wound Discharges From Certain Long-Term Care Hospitals (LTCHs)
1787	New Common Working File (CWF) Medicare Secondary Payer (MSP) Type for Liability Medicare Set-Aside Arrangements (LMSAs) and No-Fault Medicare Set-Aside Arrangements (NFMSAs
1788	Combined Common Edits/Enhancements (CCEM) Proxool and Apache Software Upgrades
1789	Shared System Enhancement 2016: Common Working File (CWF) to Show Date for Informational Unsolicited Response (IUR) Indicator on Claim History
1790	Shared System Enhancement 2016: Complete Disablement of Health Maintenance Organization (HMO) Inquiry Transaction, HIHO, and Related Vestige within Common Working File (CWF)
1791	Change to Beneficiary Liability and Cost Report Days for Subclause (II) Long Term Care Hospitals (LTCHs)
1792	ICD-10 Coding Revisions to National Coverage Determination (NCDs)
1793	Analysis Only - Modification of Process for Handling the Provider Enrollment Chain Ownership System (PECOS) Extract File
1794	Provider Enrollment, Chain and Ownership System (PECOS) Extract File – Analysis
1795	Advance Care Planning (ACP) Implementation for Outpatient Prospective Payment System (OPPS) Claims
1796	Processing Updates for VMS From Provider Enrollment, Chain and Ownership System (PECOS) Extract File
1797	Guidance on Implementing System Edits for Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS)
1798	ICD-10 Coding Revisions to National Coverage Determinations (NCDs)
1799	Preventing Hospice Notices of Election with Future Dates
1800	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity Instruction
1801	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity Instruction
1802	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity Instruction
1803	Innovation Payment Contractor (IPC) for D1 D4 File Exchange
1804	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity Instruction
1805	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity Instruction
1806	Health Insurance Portability and Accountability Act (HIPAA) Electronic Data Interchange (EDI) Front End Updates for July 2017
1807	Intern and Resident Information System (IRIS) Data Upload into STAR
1808	Advanced Provider Screening (APS) Phase 1 Go-Live
1809	Client Letter v5.2 Upgrade - DME MAC Training and Testing
1810	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity Instruction
1811	Shared System Enhancement 2014 – Identification of Fiscal Intermediary Shared System (FISS) Obsolete On-Request Jobs - Analysis Only
1812	HIGLAS Connectivity Updates and Testing
1813	Shared System Enhancement 2015: Identify Inactive Medicare Demonstration Projects Within the Common Working File (CWF)

1814	Shared System Enhancement 2014 – Identification of Fiscal Intermediary Standard System (FISS) Obsolete Reports - Analysis Only
Medicare Quality Reporting Incentive Programs (CMS- Pub. 100-22)	
66	Issued to a specific audience, not posted to Internet/ Intranet due to Confidentiality of Instruction
Information Security Acceptable Risk Safeguards (CMS-Pub. 100-25)	
	None

Addendum II: Regulation Documents Published in the Federal Register (January through March 2017)

Regulations and Notices

Regulations and notices are published in the daily **Federal Register**. To purchase individual copies or subscribe to the **Federal Register,** contact GPO at www.gpo.gov/fdsys. When ordering individual copies, it is necessary to cite either the date of publication or the volume number and page number.

The **Federal Register** is available as an online database through GPO Access. The online database is updated by 6 a.m. each day the **Federal Register** is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) through the present date and can be accessed at http://www.gpoaccess.gov/fr/index.html. The following website http://www.archives.gov/federal-register/ provides information on how to access electronic editions, printed editions, and reference copies.

This information is available on our website at: http://www.cms.gov/quarterlyproviderupdates/downloads/Regs-3Q16QPU.pdf

For questions or additional information, contact Terri Plumb (410-786-4481).

Addendum III: CMS Rulings (January through March 2017)

CMS Rulings are decisions of the Administrator that serve as precedent final opinions and orders and statements of policy and interpretation. They provide clarification and interpretation of complex or ambiguous provisions of the law or regulations relating to Medicare, Medicaid, Utilization and Quality Control Peer Review, private health insurance, and related matters.

The rulings can be accessed at http://www.cms.gov/Regulations-and-Guidance/Guidance/Rulings. For questions or additional information, contact Tiffany Lafferty (410-786-7548).

Addendum IV: Medicare National Coverage Determinations (January through March 2017)

Addendum IV includes completed national coverage determinations (NCDs), or reconsiderations of completed NCDs, from the quarter covered by this notice. Completed decisions are identified by the section of the NCD Manual (NCDM) in which the decision appears, the title, the date the publication was issued, and the effective date of the decision. An NCD is a determination by the Secretary for whether or not a particular item or service is covered nationally under the Medicare Program (title XVIII of the Act), but does not include a determination of the code, if any, that is assigned to a particular covered item or service, or payment determination for a particular covered item or service. The entries below include information concerning completed decisions, as well as sections on program and decision memoranda, which also announce decisions or, in some cases, explain why it was not appropriate to issue an NCD. Information on completed decisions as well as pending decisions has also been posted on the CMS website. For the purposes of this quarterly notice, we are providing only the specific updates that have occurred in the 3-month period. This information is available at: www.cms.gov/medicare-coverage-database/. For questions or additional information, contact Wanda Belle, MPA (410-786-7491).

Title	NCDM Section	Transmittal Number	Issue Date	Effective Date
Gender Dysphoria and Gender Reassignment Surgery	NCD 140.9	194	03/03/2017	08/30/2016

Addendum V: FDA-Approved Category B Investigational Device Exemptions (IDEs) (January through March 2017)

Addendum V includes listings of the FDA-approved investigational device exemption (IDE) numbers that the FDA assigns. The listings are organized according to the categories to which the devices are assigned (that is, Category A or Category B), and identified by the IDE number. For the purposes of this quarterly notice, we list only the specific updates to the Category B IDEs as of the ending date of the period covered by this notice and a contact person for questions or additional information. For questions or additional information, contact John Manlove (410-786-6877).

Under the Food, Drug, and Cosmetic Act (21 U.S.C. 360c) devices fall into one of three classes. To assist CMS under this categorization

process, the FDA assigns one of two categories to each FDA-approved investigational device exemption (IDE). Category A refers to experimental IDEs, and Category B refers to non-experimental IDEs. To obtain more information about the classes or categories, please refer to the notice published in the April 21, 1997 **Federal Register** (62 FR 19328).

IDE	Device	Start Date
BB17214	Transpose RT System	02/09/2017
BB17240	CliniMACS CD34 Reagent System	02/03/2017
BB17374	Magnetic- Activated Cell Sorter (CliniMACS, Miltenyi) for TCR??+/CD19+ Depeletion of G-CSF or GM-CSF Mobilized Allogeneic Unrelated or Partially Matched Related Peripheral Stem Cells; Chemotherapy	03/23/2017
BB17376	Amicus Separator System - Extracorporeal Photopheresis (ECP)	03/23/2017
G160152	ACCUSYTE 3-D FIDUCIAL MARKER	01/12/2017
G160163	Abre Venous Self-expanding Stent System	01/19/2017
G160225	ORBERA INTRAGASTRIC BALLOON	03/29/2017
G160255	Prostate Artery Embolization	03/30/2017
G160266	Insightec Exablate	01/06/2017
G160270	Prostate Artery Embolization for the Treatment of Lower Urinary Tract Symptoms due to Benign Prostatic Hyperplasia	01/13/2017
G160273	Arrow StimuCath Continuous Nerve Block Set	01/19/2017
G160276	Olympus PK Morcellator and Pneumoliner	01/19/2017
G160277	CELCUITY CELX HER2 SIGNALING FUNCTION TEST	01/20/2017
G160278	PV-001 Pulmonary Valved Conduit	01/26/2017
G170001	VM110 and Olympus NIR Laparoscopic System	02/03/2017
G170002	TULA System	02/03/2017
G170003	NEUROPORT ARRAY, PN 6248, NEUROPORT BIO-POTENTIAL SIGNAL PROCESSOR SYSTEM, PN 5416	02/03/2017
G170004	smART System	02/02/2017
G170006	FENIX™ Continence Restoration System	02/02/2017
G170007	SAPPHIRE II PRO CORONARY DILATION CATHETER	02/08/2017
G170010	Bidirectional Cortical Neuroprosthetic System (BiCNS)	02/10/2017
G170011	Treatment of Severe Lower Urinary Tract Obstruction (LUTO)	02/10/2017
G170014	Aquadex FlexFlow Aquapheresis System	02/22/2017
G170017	Senza Spinal Cord Stimulation (SCS) System	02/22/2017
G170018	ExAblate MR guided focused ultrasound system	02/24/2017
G170019	MAGE-A3/A6 Screening Test	02/21/2017
G170020	Attain Stability Quad MRI SureScan 4798 Lead	02/24/2017
G170024	TAAA Debranching Stent Graft System	02/23/2017
G170026	Cochlear Reponse Telemetry Research Tool	02/28/2017
G170028	Subcutaneous Tibial Nerve Stimulation for Urgency Urinary Incontinence	03/02/2017
G170031	Vivistim System for Stroke	03/10/2017
G170035	Activa RC Rechargeable Neurostimulator Model37612, Activa RC Recharger Model37651, DBS leads Models 3387S and 3389S, DBS extension Model37086, Patient Programmer Model #37642, External Neurostimulator Model37022, Clinician Programmer Model 8840,	03/09/2017
G170036	Medtronic Valiant Thoracoabdominal Stent Graft System	03/09/2017
G170037	Neocis Guidance System (NGS)	03/15/2017
G170043	Side Positioner	03/23/2017
G170044	VITARIA System	03/17/2017
G170048	Valiant Thoracoabdominal Stent Graft System	03/21/2017
G170050	Restylane; Restylane-L; Perlane; Restylane Lyft; Restylane Silk	03/30/2017
G170053	Edwards Alterra Adaptive Prestent System	03/29/2017
G170054	HAC-Coil (H7) Deep Transcranial Magnetic Stimulation (DTMS) Device for the Treatment of Major Depression Disorder (MDD)	03/29/2017
G170055	TECNIS Next-Generation Intraocular Lens	03/30/2017
G170056	Unity Subcutaneous Infusion System	03/31/2017

Addendum VI: Approval Numbers for Collections of Information (January through March 2017)

All approval numbers are available to the public at Reginfo.gov. Under the review process, approved information collection requests are assigned OMB control numbers. A single control number may apply to several related information collections. This information is available at www.reginfo.gov/public/do/PRAMain. For questions or additional information, contact William Parham (410-786-4669).

Addendum VII: Medicare-Approved Carotid Stent Facilities, (January through March 2017)

Addendum VII includes listings of Medicare-approved carotid stent facilities. All facilities listed meet CMS standards for performing carotid artery stenting for high risk patients. On March 17, 2005, we issued our decision memorandum on carotid artery stenting. We determined that carotid artery stenting with embolic protection is reasonable and necessary only if performed in facilities that have been determined to be competent in performing the evaluation, procedure, and follow-up necessary to ensure optimal patient outcomes. We have created a list of minimum standards for facilities modeled in part on professional society statements on competency. All facilities must at least meet our standards in order to receive coverage for carotid artery stenting for high risk patients. For the purposes of this quarterly notice, we are providing only the specific updates that have occurred in the 3-month period. This information is available at:

http://www.cms.gov/MedicareApprovedFacilitie/CASF/list.asp#TopOfPage
For questions or additional information, contact Sarah Fulton, MHS (410-786-2749).

Facility	Provider Number	Effective Date	State
The following facilities are new listings for this quarter.			
Redlands Community Hospital 350 Terracina Boulevard Redlands, CA 92373	050272	01/10/2017	CA
Dignity Health Dominican Hospital 1555 Soquel Drive Santa Cruz, CA 95065	050242	01/26/2017	CA
Advocate BroMenn Medical Center 1304 Franklin Avenue Normal, IL 61761	140127	03/15/2017	IL
White River Medical Center 1710 Harrison Street Batesville, AR 72501	040119	03/30/2017	AR
The following facilities have editorial changes (in bold).			
FROM: Fletcher Allen Health Care **TO: University of Vermont Medical Center** 1111 Colchester Avenue Burlington, VT 05401-1473	470003	05/26/2005	VT
Baxter Regional Medical Center 624 Hospital Drive Mountain Home, AR 72653	**1881788933**	10/26/2016	AR
Silver Cross Hospital **1900 Silver Cross Boulevard** **New Lenox, IL 60453**	140213	01/23/2006	IL
FROM: Midwest Regional Medical Center **TO: Alliance Health Midwest** 2825 Parklawn Drive Midwest City, OK 73110	370094	06/08/2005	OK
Memorial Hospital at Gulfport 4500 13th Street Gulfport, MS 39501	**1073606901**	06/05/2013	MS
FROM: Central Mississippi Medical Center **TO: Jackson HMA,LLC d/b/a Merit Health Central** 1850 Chadwick Drive Jackson, MS 39204	250072	05/06/2010	MS
FROM: St. Mary's Health System **TO: Tennova Healthcare – Physicians Regional Medical Center** 900 E. Oak Hill Avenue Knoxville, TN 37917	440120	10/11/2005	TN
FROM: Providence Hospital **TO: Providence-Providence Park Hospital** 16001 West Nine Mile Road Southfield, MI 48075	230019	06/27/2005	MI
FROM: St. Elizabeth Health Center **TO: St. Elizabeth Youngstown Hospital** 1044 Belmont Avenue Youngstown, OH 44501-1790	360064	11/16/2006	OH
Arizona Heart Hospital 1930 E. Thomas Road Phoenix, AZ 85016	**030094**	04/18/2005	AZ
The following facilities are terminations for this quarter.			
Palm West Hospital 13001 Southern Boulevard Loxahatchee, FL 33470-1150 P.O. Box 1150	100269	01/26/2017	FL
Scripps Memorial Hospital Encinitas 354 Santa Fe Drive ENC01 Encinitas, CA 92024	050503	04/16/2010	CA

Addendum VIII:
American College of Cardiology's National Cardiovascular Data Registry Sites (January through March 2017)

Addendum VIII includes a list of the American College of Cardiology's National Cardiovascular Data Registry Sites. We cover implantable cardioverter defibrillators (ICDs) for certain clinical indications, as long as information about the procedures is reported to a central registry. Detailed descriptions of the covered indications are available in the NCD. In January 2005, CMS established the ICD Abstraction Tool through the Quality Network Exchange (QNet) as a temporary data collection mechanism. On October 27, 2005, CMS announced that the American College of Cardiology's National Cardiovascular Data Registry (ACC-NCDR) ICD Registry satisfies the data reporting requirements in the NCD. Hospitals needed to transition to the ACC-NCDR ICD Registry by April 2006.

Effective January 27, 2005, to obtain reimbursement, Medicare NCD policy requires that providers implanting ICDs for primary prevention clinical indications (that is, patients without a history of cardiac arrest or spontaneous arrhythmia) report data on each primary prevention ICD procedure. Details of the clinical indications that are covered by Medicare and their respective data reporting requirements are available in the Medicare NCD Manual, which is on the CMS website at http://www.cms.hhs.gov/Manuals/IOM/itemdetail.asp?filterType=none&filterByDID=99&sortByDID=1&sortOrder=ascending&itemID=CMS014961

A provider can use either of two mechanisms to satisfy the data reporting requirement. Patients may be enrolled either in an Investigational Device Exemption trial studying ICDs as identified by the FDA or in the ACC-NCDR ICD registry. Therefore, for a beneficiary to receive a Medicare-covered ICD implantation for primary prevention, the beneficiary must receive the scan in a facility that participates in the ACC-NCDR ICD

registry. The entire list of facilities that participate in the ACC-NCDR ICD registry can be found at www.ncdr.com/webncdr/common

For the purposes of this quarterly notice, we are providing only the specific updates that have occurred in the 3-month period. This information is available by accessing our website and clicking on the link for the

American College of Cardiology's National Cardiovascular Data Registry at: www.ncdr.com/webncdr/common. For questions or additional information, contact Sarah Fulton, MHS (410-786-2749).

Facility	City	State
The following facilities are new listings for this quarter.		
Rancho Spring Medical Center	Murrieta	CA
Carolina Pines Regional Medical Center	Hartsville	SC
Protestant Memorial Medical Center	Belleville	IL
Fairbanks Memorial Hospital	Fairbanks	AK
Tennova- Dyersburg Regional Medical Center	Dyersburg	TN
Baptist Health Richmond, Inc.	Richmond	KY
The Hospitals of Providence Transmountain Campus	El Paso	TX
CMSC LLC Dba Great Falls Clinic Hospital	Great Falls	MT
Centegra Hospital - Huntley	McHenry	IL
Sacramento Heart Ambulatory Surgery Center, Inc.	Sacramento	CA
Piedmont Fayette Hospital	Fayetteville	GA
Integris Miami Hospital	Miami	OK
Doctor's Same Day Surgery Center	Sarasota	FL
Largo Ambulatory Surgery Center	Upper Marlboro	MD
South Baltimore Ambulatory Surgery Center	Rockville	MD
Tysons Corner Ambulatory Surgery Center	Tysons Corner	VA
Surgical Hospital of Oklahoma	Oklahoma City	OK
Beaumont ASC, LP	Beaumont	TX
Collin County ASP, LP	Plano	TX
Conroe ASC, LP	The Woodlands	TX
Katy ASC, LP	Houston	TX
Lake Charles Ambulatory Surgery Center, LP	Lake Charles	LA
Mid-Cities ASC, LP	Bedford	TX
Phoenix ASC, LP	Phoenix	AZ
Kaiser Permanente Orange County - Anaheim Medical	Irvine	CA
Memorial Hermann Cypress Hospital	Cypress	TX

Addendum IX: Active CMS Coverage-Related Guidance Documents (January through March 2017)

CMS issued a guidance document on November 20, 2014 titled "Guidance for the Public, Industry, and CMS Staff: Coverage with Evidence Development Document". Although CMS has several policy vehicles relating to evidence development activities including the investigational device exemption (IDE), the clinical trial policy, national coverage determinations and local coverage determinations, this guidance document is principally intended to help the public understand CMS's implementation of coverage with evidence development (CED) through the national coverage determination process. The document is available at http://www.cms.gov/medicare-coverage-database/details/medicare-coverage-document-details.aspx?MCDId=27. There are no additional Active CMS Coverage-Related Guidance Documents for the 3-month period. For questions or additional information, contact JoAnna Baldwin, MS (410-786-7205).

Addendum X: List of Special One-Time Notices Regarding National Coverage Provisions (January through March 2017)

There were no special one-time notices regarding national coverage provisions published in the 3-month period. This information is available at www.cms.hhs.gov/coverage. For questions or additional information, contact JoAnna Baldwin, MS (410-786 7205).

Addendum XI: National Oncologic PET Registry (NOPR) (January through March 2017)

Addendum XI includes a listing of National Oncologic Positron Emission Tomography Registry (NOPR) sites. We cover positron emission tomography (PET) scans for particular oncologic indications when they are performed in a facility that participates in the NOPR.

In January 2005, we issued our decision memorandum on **positron emission tomography** (PET) scans, which stated that CMS would cover PET scans for particular oncologic indications, as long as they were performed in the context of a clinical study. We have since recognized the National Oncologic PET Registry as one of these clinical studies. Therefore, in order for a beneficiary to receive a Medicare-covered PET scan, the beneficiary must receive the scan in a facility that participates in the registry. There were no additions, deletions, or editorial changes to the listing of National Oncologic Positron Emission Tomography Registry (NOPR) in the 3-month period. This information is available at http://www.cms.gov/MedicareApprovedFacilitie/NOPR/list.asp#TopOfPage. For questions or additional information, contact Stuart Caplan, RN, MAS (410-786-8564).

Addendum XII: Medicare-Approved Ventricular Assist Device (Destination Therapy) Facilities (January through March 2017)

Addendum XII includes a listing of Medicare-approved facilities that receive coverage for ventricular assist devices (VADs) used as destination therapy. All facilities were required to meet our standards in order to receive coverage for VADs implanted as destination therapy. On October 1, 2003, we issued our decision memorandum on VADs for the clinical indication of destination therapy. We determined that VADs used as destination therapy are reasonable and necessary only if performed in facilities that have been determined to have the experience and infrastructure to ensure optimal patient outcomes. We established facility standards and an application process. All facilities were required to meet our standards in order to receive coverage for VADs implanted as destination therapy.

We are providing only the specific updates to the list of Medicare-approved facilities that meet our standards that have occurred in the 3-month period. This information is available at http://www.cms.gov/MedicareApprovedFacilitie/VAD/list.asp#TopOfPage. For questions or additional information, contact Linda Gousis, JD, (410-786-8616).

Facility	Provider Number	Date Approved	State
There are no new listings for this quarter.			
The following facilities have editorial changes (in bold).			
Spectrum Health - Butterworth Campus 100 Michigan Street Northeast Grand Rapids, MI 49503	**230028**	06/17/2011	MI
Piedmont Hospital, **Inc.** 1968 Peachtree Road, NW Atlanta, GA 30309	110083	**02/08/2017**	GA

Addendum XIII: Lung Volume Reduction Surgery (LVRS) (January through March 2017)

Addendum XIII includes a listing of Medicare-approved facilities that are eligible to receive coverage for lung volume reduction surgery. Until May 17, 2007, facilities that participated in the National Emphysema Treatment Trial were also eligible to receive coverage. The following three types of facilities are eligible for reimbursement for Lung Volume Reduction Surgery (LVRS):

- National Emphysema Treatment Trial (NETT) approved (Beginning 05/07/2007, these will no longer automatically qualify and can qualify only with the other programs);
- Credentialed by the Joint Commission (formerly, the Joint Commision on Accreditation of Healthcare Organizations (JCAHO)) under their Disease Specific Certification Program for LVRS; and
- Medicare approved for lung transplants.

Only the first two types are in the list. There were no updates to the listing of facilities for lung volume reduction surgery published in the 3-month period. This information is available at www.cms.gov/MedicareApprovedFacilitie/LVRS/list.asp#TopOfPage. For questions or additional information, contact Sarah Fulton, MHS (410-786-2749).

Addendum XIV: Medicare-Approved Bariatric Surgery Facilities (January through March 2017)

Addendum XIV includes a listing of Medicare-approved facilities that meet minimum standards for facilities modeled in part on professional society statements on competency. All facilities must meet our standards in order to receive coverage for bariatric surgery procedures. On February 21, 2006, we issued our decision memorandum on bariatric surgery procedures. We determined that bariatric surgical procedures are reasonable and necessary for Medicare beneficiaries who have a body-mass index (BMI) greater than or equal to 35, have at least one co-morbidity related to obesity and have been previously unsuccessful with medical treatment for obesity. This decision also stipulated that covered bariatric surgery procedures are reasonable and necessary only when performed at facilities that are: (1) certified by the American College of Surgeons (ACS) as a Level 1 Bariatric Surgery Center (program standards and requirements in effect on February 15, 2006); or (2) certified by the American Society for Bariatric Surgery (ASBS) as a Bariatric Surgery Center of Excellence (BSCOE) (program standards and requirements in effect on February 15, 2006).

There were no additions, deletions, or editorial changes to Medicare-approved facilities that meet CMS's minimum facility standards for bariatric surgery that have been certified by ACS and/or ASMBS in the 3-month period. This information is available at www.cms.gov/MedicareApprovedFacilitie/BSF/list.asp#TopOfPage. For questions or additional information, contact Sarah Fulton, MHS (410-786-2749).

Addendum XV: FDG-PET for Dementia and Neurodegenerative Diseases Clinical Trials (January through March 2017)

There were no FDG-PET for Dementia and Neurodegenerative Diseases Clinical Trials published in the 3-month period.

This information is available on our website at www.cms.gov/MedicareApprovedFacilitie/PETDT/list.asp#TopOfPage. For questions or additional information, contact Stuart Caplan, RN, MAS (410-786-8564).

[FR Doc. 2017–09063 Filed 5–4–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA numbers: 93.581, 93.587, 93.612]

Notice of Final Issuance Adopting Administration for Native Americans (ANA) Program Policies and Procedures

AGENCY: ANA, ACF, HHS.

ACTION: Issuance of Final Policies.

SUMMARY: The Administration for Native Americans (ANA) is issuing final interpretive rules, general statements of policy, and rules of agency organization, procedure, or practice relating to the following seven Funding Opportunity Announcements (FOAs): Environmental Regulatory Enhancement (HHS–2017–ACF–ANA–NR–1221); Sustainable Employment and Economic Development Strategies (HHS–2017–ACF–ANA–NE–1225); Native American Language Preservation and Maintenance—Esther Martinez Immersion (HHS–2017–ACF–ANA–NB–1226); Native American Language Preservation and Maintenance (HHS–2017–ACF–ANA–NL–1235); Social and Economic Development Strategies (HHS–2017–ACF–ANA–NA–1236); Social and Economic Development Strategies—Alaska (HHS–2015–ACF–ANA–NK– 0960); and Native Youth Initiative for Leadership, Empowerment, and Development (HHS–2017–ACF–ANA–NC–1263).

DATES: The policies described in the Notice for Public Comment (NOPC) are effective immediately upon publication.

FOR FURTHER INFORMATION CONTACT: Carmelia Strickland, Director, Division of Program Operations and Administration for Native Americans, (877) 922–9262.

SUPPLEMENTARY INFORMATION: Section 814 of the Native American Programs Act of 1974 (NAPA), as amended, requires ANA to provide notice and allow for comment on its proposed interpretive rules and general statements of policy. This Notice responds to comments to ANA's January 23, 2017, NOPC, provides notice of the cancellation of the Fiscal Year (FY) 2017 Sustainable Employment and Economic Development Strategies (SEEDS) FOA, and provides information on where to find the FY 2017 FOAs.

A. Comments and Responses to the 2017 NOPC

ANA published a NOPC in the **Federal Register** on January 23, 2017 (82 FR 7834), with proposed policy and program clarifications, modifications, and activities for the FY 2017 FOAs. The NOPCs provided proposed clarifications, modifications, and new text for seven FY 2017 FOAs: Environmental Regulatory Enhancement (HHS–2017–ACF–ANA–NR–1221); Sustainable Employment and Economic Development Strategies (HHS–2017–ACF–ANA–NE–1225); Native American Language Preservation and Maintenance—Esther Martinez Immersion (HHS–2017–ACF–ANA–NB–1226); Native American Language Preservation and Maintenance (HHS–2017–ACF–ANA–NL–1235); Social and Economic Development Strategies (HHS–2017–ACF–ANA–NA–1236); Social and Economic Development Strategies—Alaska (HHS–2015–ACF–ANA–NK–0960); and Native Youth Initiative for Leadership, Empowerment, and Development (HHS–2017–ACF–ANA–NC–1263). The public comment period was open for 30 days.

ANA received feedback from the Cherokee Nation. ANA considered the comments and determined none of them required changes to any of the FOAs. Many of the comments expressed agreement with ANA's changes to the FOAs. We appreciate the comments and they require no response or changes. A few comments expressed concerns or made suggestions about some of the changes. We respond to those below:

Comment: Regarding access in all FOAs to ANA's Application Toolkit, commenter commended the addition of the Toolkit and recommended introductory webinars to roll out the Toolkit.

Response: ANA will make no changes to the FOAs in response to this comment. ANA will be providing information about the new Application Toolkit in a variety of ways, including webinars and ANA's pre-application trainings.

Comment: With respect to the modification of application due dates under the Native Youth Initiative for Leadership, Empowerment, and Development FOA to align with ANA's other FOAs, the commenter noted this change would help streamline ANA's grant processes and that such change was not unexpected. The commenter did express concern about lower quality proposals being submitted if tribes submitted multiple ANA applications in the same application period.

Response: ANA will make no changes to the FOAs in response to this comment. In response to the concern about multiple ANA applications being due at the same time, ANA is considering how to alleviate some of that burden by looking at ways to make the application process less burdensome for applicants interested in submitting applications under more than one FOA.

Comment: The commenter suggested that ANA broaden the scope of pre-application training to include examples of successful applications and separate webinars for each of ANA's FOAs rather than pre-application trainings that address all of ANA's FOAs.

Response: ANA will make no changes to the FOAs in response to this comment. With respect to provision of successful applications, as stated in the NOPC, ACF policy requires that no additional information that is not already provided in the FOA can be disseminated after FOAs have been published. In addition, ANA's pre-application trainings will continue to address all six of ANA's FOAs to allow potential applicants to benefit from being able to travel to one place to learn, in detail, about all of ANA's FOAs and how they may address community needs.

B. Cancellation of 2017 Sustainable Employment and Economic Development Strategies (SEEDS) FOA

ANA forecasted the issuance of SEEDS FOA (HHS–ACF–ANA–NE–1225) for FY 2017 and included it in the NOPC in the **Federal Register** (82 FR 7834) on January 23, 2017. Since the forecast and publication of the NOPC, ANA has determined that it will not publish the SEEDS FOA in 2017 due to limited funding for new awards. Currently funded SEEDS projects will continue to receive funding. Applicants interested in economic development projects in FY 2017 should consider the SEDS program, HHS–ACF–ANA–NA–1236.

ANA is not seeking comments on this cancellation of the SEEDS FOA. Section 814(b) of NAPA requires that ANA follow the notice and comment procedures in the Administrative Procedure Act at 5 U.S.C. 553 for interpretive rules and statements of policy but, like in 5 U.S.C. 553, creates an exception when the agency for good cause finds that notice and public procedure are ''impracticable, unnecessary, or contrary to the public interest.'' Seeking comments on the cancellation is impracticable because ANA has made this decision due to a lack of funding and any comments cannot change ANA's funding for FY 2017.

C. Funding Opportunity Announcements

For information on the types of projects funded by ANA, please refer to

ANA's Web site for information on our program areas and funding opportunity announcements: *http://www.acf.hhs.gov/programs/ana.* Pre-publication information on ANA's FOAs is available at *https://www.grants.gov/web/grants/search-grants.html* by clicking on 'Forecasted' under Opportunity Status and 'Administration for Children and Families—ANA [HHS–ACF–ANA]' on the left side of the page. ANA's 2017 FOAs can be accessed at: *http://www.acf.hhs.gov/grants/open/foa/office/ana* or *http://www.acf.hhs.gov/grants/open/foa/.* Synopses and application forms will be available on *www.Grants.gov.*

Dated: April 28, 2017.

Stacey Ecoffey,

Acting Commissioner, Administration for Native American.

[FR Doc. 2017–09148 Filed 5–4–17; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Bureau of Primary Health Care Uniform Data System, OMB No. 0915–0193—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR must be received no later than July 5, 2017.

ADDRESSES: Submit statements and comments to *paperwork@hrsa.gov* or by mail to the HRSA Information Collection Clearance Officer, 5600 Fishers Lane, Room 10–29, 14N39 Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Bureau of Primary Health Care Uniform Data System, OMB No. 0915–0193—Revision.

Abstract: The Uniform Data System (UDS) is the Bureau of Primary Health Care's (BPHC) annual reporting system for HRSA-supported health centers. UDS includes reporting requirements for Health Center Program look-alikes and grantees of the following: Community Health Center program, Migrant Health Center program, Health Care for the Homeless program, and Public Housing Primary Care program. A subset of recipients of the Bureau of Health Workforce's (BHW) Nurse Education, Practice, Quality and Retention (NEPQR) program, specifically those recipients that are funded under the practice priority areas listed under Public Health Service Act (PHSA) Section 831(b), are also required to complete UDS annual reporting.

Need and Proposed Use of the Information: HRSA collects UDS data annually to ensure compliance with legislative and regulatory requirements, improve health center performance and operations, and report overall program accomplishments. The data help to identify trends, enabling HRSA to establish or expand targeted programs and identify effective services and interventions to improve the health of medically underserved communities and vulnerable populations. UDS data are compared with national health-related data, including the National Health Interview Survey and National Health and Nutrition Examination Survey, to explore potential differences between health center patient populations and the U.S. population at large, and those individuals and families who rely on the health care safety net for primary care. UDS data also inform Health Center Program partners and communities regarding the patients served by health centers. BHW uses the patient and provider-level data to determine the impact of health care services on patient outcomes. The data also enables BHW to establish or expand targeted programs and identify effective services and interventions to improve the health of underserved communities and vulnerable populations. In addition, the UDS data are useful to a subset of BHW recipients of the NEPQR program for performance and operations improvement, patient forecasts, identification of trends/patterns, implication of access barriers, and cost analysis to support long-term sustainability.

The UDS data collection for 2018 will be revised in three ways. To support continued efforts to standardize data collection and reduce the burden per respondent of reporting for health centers, the measures stated below will be updated, where necessary, to align with Centers for Medicare & Medicaid Services electronic clinical quality measures (CMS e-CQMs) designated for the 2018 reporting period. Specifically:

- Poor glycemic control is defined as HbA1c > 9% per the CMS Meaningful Use and e-specifications.'' Therefore, HRSA is removing this column to be consistent with the Healthy People 2020 national benchmark and CMS and to reduce reporting burden.
- Patient Centered Medical Home (PCMH) recognition assesses a health center's approach to patient-centered care. HRSA collects PCMH data on a quarterly basis outside of UDS. Therefore, HRSA is removing this question to reduce reporting burden.
- Telehealth is increasingly used as a method of health care delivery for the health center patient population, especially those hard-to-reach patients living in geographically isolated communities. Collecting information on telehealth capacity and use of telehealth is essential for (1) the delivery of technical assistance for health centers and (2) improving the health of the nation's underserved communities and vulnerable populations by assuring access to comprehensive, culturally competent, quality primary health care services. Based on the uniqueness of telehealth data and its introduction into the UDS system, HRSA is proposing more robust questions to better capture this data.

Likely Respondents: Respondents are HRSA BPHC Health Center Program grantees, look-alikes, and BHW NEPQR Program recipients.

Burden Statement: Burden includes the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. While the overall burden estimate is increasing due to an increase in the number of respondents, the

proposed revisions will result in a reduction in burden per respondent due to the removal of two questions and the modification of a third set of questions. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Universal Report	1,477	1	1,477	169	249,613
Grant Report	498	1	498	21	10,458
Total	1,975		1,975		260,071

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–09086 Filed 5–4–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request Information Collection Request Title: National Health Service Corps Ambassador Portal OMB No. 0915–0388—Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than July 5, 2017.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, in compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: National Health Service Corps Ambassador Portal OMB No. 0915–0388—Extension

Abstract: The National Health Service Corps (NHSC), administered by HRSA, is committed to improving the health of the nation's underserved by uniting communities in need with caring health professionals and by supporting communities' efforts to build better systems of care. NHSC programs provide scholarships and repay qualifying educational loans for primary care physicians, dentists, nurse practitioners, physician assistants, behavioral health clinicians, and other primary care clinicians who agree to practice in Health Professional Shortage Areas (HPSAs).

The NHSC invites current and former NHSC participants and individuals affiliated with academic, clinical, and other public health related organizations to participate in the NHSC Ambassador Program. NHSC Ambassadors provide professional development, training, and mentorship to NHSC Corps members interested in primary care and serving in a HPSA. NHSC Ambassadors also educate current and prospective NHSC participants about the unique or local characteristics of a particular NHSC site, HPSA, or region. NHSC Ambassadors inspire and motivate students and clinicians to provide primary care in communities with health professional shortages.

The NHSC Ambassador Portal serves as both the application interface for interested individuals to apply and become NHSC Ambassadors, as well as the public-facing online searchable database of contact information for Ambassadors. An applicant creates an Ambassador profile that contains information such as name, email address, professional/employment information (including organization name and address, or the school attending), phone number(s), discipline(s) interested in interacting with, and a brief reason why he or she would like to be Ambassador. Completed applications are forwarded through the portal to NHSC staff. If approved, an NHSC Ambassador has the opportunity to add a brief professional biography and social network addresses to his or her profile. Assistance in completing the application is provided through prompts via the online portal and through the NHSC Customer Care Center, if necessary.

Need and Proposed Use of the Information: The need and purpose of this information collection is to provide a database where interested parties can search for an NHSC Ambassador to serve as a local resource who can offer a unique perspective on providing health care services as an NHSC Participant in HPSAs. Based on the analysis of the Directory since its creation in 2014, it is estimated that nearly 600 Ambassadors have the potential to update their profiles within 1 year. The number of new Ambassadors was over-estimated at 200 in 2014, whereas recent trends estimate 156 new Ambassadors annually. Therefore, the estimated increase in updates by current Ambassadors and decrease in new Ambassador profiles results in a net burden hour increase of 6 hours from 2014 to 2017.

Likely Respondents: Current or former NHSC participants or individuals who are affiliated with academic, clinical, or

other public health related organizations.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Ambassador Portal—New Applicants	156	1	156	.10	16
Ambassador Portal—Updates to current Ambassador profiles	600	1	600	.10	60
Total	756		756		76

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–09085 Filed 5–4–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of Meeting of the Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2030

AGENCY: Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The U.S. Department of Health and Human Services (HHS) announces the next federal advisory committee meeting regarding the development of national health promotion and disease prevention objectives for 2030. This meeting will be held online via webinar and is open to the public. The Committee will discuss the nation's health promotion and disease prevention objectives and will provide recommendations to improve health status and reduce health risks for the nation by the year 2030. The Committee will advise the Secretary on the Healthy People 2030 mission, vision, framework, and organizational structure. The Committee will provide advice regarding criteria for identifying a more focused set of measurable, nationally representative objectives. The Committee's advice must assist the Secretary in reducing the number of objectives while ensuring that the selection criteria identifies the most critical public health issues that are high-impact priorities supported by current national data.

DATES: The Committee will meet on June 27, 2017, from 1:00 p.m. to 5:00 p.m. Eastern Time (ET).

ADDRESSES: The meeting will be held online via webinar. To register to attend the meeting, please visit the Healthy People Web site at *https://www.healthypeople.gov.*

FOR FURTHER INFORMATION CONTACT: Emmeline Ochiai, Designated Federal Officer, Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2030, U.S. Department of Health and Human Services, Office of the Assistant Secretary for Health, Office of Disease Prevention and Health Promotion, 1101 Wootton Parkway, Room LL–100, Rockville, MD 20852, (240) 453–8280 (telephone), (240) 453–8281 (fax). Additional information is available on the Healthy People Web site at *https://www.healthypeople.gov.*

SUPPLEMENTARY INFORMATION: The names and biographies of the Committee members are available at *https://www.healthypeople.gov/2020/about/history-development/healthy-people-2030-advisory-committee.*

Purpose of Meeting: Through the Healthy People initiative, HHS leverages scientific insights and lessons from the past decade, along with new knowledge of current data, trends, and innovations, to develop the next iteration of national health promotion and disease prevention objectives. Healthy People provides science-based, 10-year national objectives for promoting health and preventing disease. Since 1979, Healthy People has set and monitored national health objectives that meet a broad range of health needs, encourage collaboration across sectors, guide individuals toward making informed health decisions, and measure the impact of our prevention and health promotion activities. Healthy People 2030 health objectives will reflect assessments of major risks to health and wellness, changing public health priorities, and emerging technologies related to our nation's health preparedness and prevention.

Public Participation at Meeting: Members of the public are invited to join the online Committee meeting. There will be no opportunity for oral public comments during this online Committee meeting. However, written comments are welcome throughout the entire development process of the national health promotion and disease prevention objectives for 2030 and may be emailed to *HP2030@hhs.gov.*

To join the Committee meeting, individuals must pre-register at the Healthy People Web site at *https://www.healthypeople.gov.* Participation in the meeting is limited. Registrations will be accepted until maximum webinar capacity is reached and must be completed by 9:00 a.m. ET on June 26, 2017. A waiting list will be maintained should registrations exceed capacity, and those individuals will be contacted as additional space for the meeting becomes available. Registration questions may be directed to: Jim

Nakayama at *events@nakamotogroup.com,* or (240) 672–4011.

Authority: 42 U.S.C. 217a. The Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2030 is governed by provisions of the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C., App.) which sets forth standards for the formation and use of federal advisory committees.

Dated: May 1, 2017.

Don Wright,

Deputy Assistant Secretary for Health (Disease Prevention and Health Promotion).

[FR Doc. 2017–09147 Filed 5–4–17; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group; Subcommittee J—Career Development.

Date: June 13–14, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Tushar Deb, Ph.D., Scientific Review Officer, Resources & Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH 9609 Medical Center Drive, Room 7W624, Bethesda, MD 20892–9750, 240–276–6132, *tushar.deb@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Omnibus R03.

Date: June 15–16, 2017.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Ombretta Salvucci, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W264, Bethesda, MD 20892–9750, 240–276–7286, *salvucco@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Clinical and Translational R21 & Omnibus R03: SEP–9.

Date: June 19–20, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Jun Fang, Ph.D., Scientific Review Officer, Research Technology & Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W246, Bethesda, MD 20892–9750, 240–276–5460, *jfang@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Research Specialist—R50.

Date: June 22–23, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Zhiqiang Zou, MD, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W242, Bethesda, MD 20892–9750, 240–276–6372, *zouzhiq@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Clinical and Translational R21 & Omnibus R03: SEP 5.

Date: June 23, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Jennifer C Schiltz, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W264, Bethesda, MD 20892–9750, 240–276–5122, *jennifer.schiltz@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI R03 & Clinical and Translational R21: SEP–8.

Date: June 28–29, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Eduardo E Chufan, Ph.D., Scientific Review Officer, Research Technology & Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W254, Bethesda, MD 20892–9750, 240–276–7975, *chufanee@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI R03 & Clinical and Translational R21: SEP–1.

Date: June 28, 2017.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 2E030, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Ivan Ding, MD, Health Scientist Administrator, Program & Review Extramural Staff Training Office, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W534, Bethesda, MD 20892–9750, 240–276–6444, *dingi@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Innovative Molecular and Cellular Analysis.

Date: June 30, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Yasuko Furumoto, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W634, Bethesda, MD 20892–9750, 240–276–5287, *yasuko.furumoto@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; PDX Development and Trial Centers RFA CA–17–003 (U54) & RFA CA–17–004 (U24).

Date: July 11–12, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Timothy C. Meeker, MD, Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W606, Bethesda, MD 20892–9750, 240–276–6464, *meekert@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Quantitative Imaging to Evaluate Response to Cancer Therapy.

Date: July 12, 2017.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 2W030, Bethesda, MD 20892–9750 (Telephone Conference Call).

Contact Person: Nadeem Khan, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W260, Bethesda, MD 20892–9750, 240–276–6348, *nadeem.khan@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction;

93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: May 1, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–09052 Filed 5–4–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Population Sciences Subcommittee.

Date: June 13, 2017.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Minki Chatterji, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6710B Rockledge Drive, Rm. 2121D, Bethesda, MD 20892–7501, 301–827–5435, *minki.chatterji@nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Archiving and Documenting Child Health and Human Development Data Sets (R03).

Date: June 13, 2017.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Minki Chatterji, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6710B Rockledge Drive, Rm. 2121D, Bethesda, MD 20892–7501, 301–827–5435, *minki.chatterji@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: May 1, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–09055 Filed 5–4–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute On Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Longevity Consortium.

Date: June 5, 2017.

Time: 3:00 p.m. to 6:00 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: Carmen Moten, Ph.D., MPH., National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7703, *cmoten@mail.nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel; Alzheimer's Translational Research.

Date: June 6, 2017.

Time: 1:00 p.m. to 2:30 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: Jeannette L. Johnson, Ph.D., National Institutes on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7705, *johnsonj9@nia.nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel; DNA Repair in Aging and AD Biomarkers.

Date: June 6, 2017.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2W200C, 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.*

Name of Committee: National Institute on Aging Special Emphasis Panel; Gerontology Research Training.

Date: June 6, 2017.

Time: 2:30 p.m. to 4:00 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: Jeannette L. Johnson, Ph.D., National Institutes on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7705, *johnsonj9@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: May 1, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–09053 Filed 5–4–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant

applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Obstetrics and Maternal-Fetal Biology Subcommittee.

Date: June 16, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Peter Zelazowski, Ph.D., Scientific Review Officer, National Institutes of Health, NICHD, SRB, 6710B Rockledge Drive, Bethesda, MD 20892, 301–435–6902, *Peter.Zelazowski@nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Moving Beyond Standard Assessments: Applying Novel Tools To Assess Human Placental Structure and Function in Real Time.

Date: July 7, 2017.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Peter Zelazowski, Ph.D., Scientific Review Officer, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6710B Rockledge Drive, Bethesda, MD 20892–7510, 301–435–6902, *peter.zelazowski@nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: July 7, 2017.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Peter Zelazowski, Ph.D., Scientific Review Officer, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6710B Rockledge Drive, Bethesda, MD 20892–7510, 301–435–6902, *peter.zelazowski@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: May 1, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–09054 Filed 5–4–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Child Health and Human Development Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

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/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Child Health and Human Development Council.

Date: June 8, 2017.

Open: 8:00 a.m. to 12:00 p.m.

Agenda: The agenda will include opening remarks, administrative matters.

Place: National Institutes of Health, Building 31, Center Drive, C-Wing, Conference Room 6, Bethesda, MD 20892.

Closed: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, Center Drive, C-Wing, Conference Room 6, Bethesda, MD 20892.

Contact Person: Della Hann, Director, Division of Extramural Research, *Eunice Kennedy Shriver* National Institute of Child Health and Human Development, NIH, 6710B Rockledge Drive, Room 2314, MSC 7002, Bethesda, MD 20892, (301) 496–8535.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *www.nichd.nih.gov/about/nachhd.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: May 1, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–09051 Filed 5–4–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2017–0022]

Agency Information Collection Activities: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 60-Day Notice and request for comments; Extension, 1670–0027.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD), Office of the Chief Information Office has submitted a Generic Information Collection Request: ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted until July 5, 2017. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: You may submit comments, identified by docket number DHS–2017–0022, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.*

• *Email: nppd-prac@hq.dhs.gov.* Include docket number DHS–2017–0022 in the subject line of the message.

• *Mail:* Written comments and questions about this Information Collection Request should be forwarded to DHS/NPPD/OCISO, ATTN: 1670–0027, 245 Murray Lane SW., Mail Stop 0380, Arlington, VA 20598–0640.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Comments submitted in response to this notice may be made available to the public through relevant Web sites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

SUPPLEMENTARY INFORMATION: The information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. NPPD is planning to submit this collection to OMB for approval. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study.

This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between NPPD and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on NPPD's services will be unavailable.

NPPD will only submit a collection for approval under this generic clearance if it meets the following conditions:

1. The collections are voluntary;
2. The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
3. The collections are noncontroversial and do not raise issues of concern to other Federal agencies;
4. Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
5. Personally identifiable information is collected only to the extent necessary and is not retained;
6. Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the NPPD (if released, NPPD must indicate the qualitative nature of the information);
7. Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
8. Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing personal information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This is an extension of an existing information collection. The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: National Protection and Programs Directorate, DHS.

Title: Agency Information Collection Activities: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 1670–0027.

Frequency: On occasion.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local, or Tribal Governments.

Number of Respondents: 49,080.

Estimated Time per Respondent: 14 minutes.

Total Burden Hours: 11,130 hours.

Dated: May 1, 2017.

Ryan Comber,

Acting Chief Information Officer.

[FR Doc. 2017–09067 Filed 5–4–17; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX17LR000F60100]

Agency Information Collection Activities: OMB Control Number 1028–0070; Consolidated Consumers' Report

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice.

SUMMARY: We (the U.S. Geological Survey) are asking the Office of Management and Budget (OMB) to approve the information collection (IC) described below. This collection consists of one form. As required by the Paperwork Reduction Act (PRA) of 1995, and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This collection is scheduled to expire on May 31, 2017.

DATES: To ensure that your comments are considered, OMB must receive them on or before June 5, 2017.

ADDRESSES: Please submit your written comments on this IC directly to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, at *OIRA_SUBMISSION@omb.eop.gov* (email); or (202) 395–5806 (fax). Please also forward a copy of your comments to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive MS 807, Reston, VA 20192 (mail); 703–648–7197 (fax); or *gs-info_collections@usgs.gov* (email). Reference ''Information Collection 1028–0070, Consolidated Consumers' Report'' in all correspondence.

FOR FURTHER INFORMATION CONTACT: Elizabeth S. Sangine, National Minerals Information Center, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 989, Reston, VA 20192 (mail); 703–648–7720 (phone); or *escottsangine@usgs.gov* (email). You may also find information about this Information Collection Request (ICR) at *www.reginfo.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

Respondents to this form supply the USGS with domestic consumption data for 12 metals and ferroalloys, some of which are considered strategic and critical to assist in determining stockpile goals. These data and derived information will be published as chapters in Minerals Yearbooks, monthly Mineral Industry Surveys, annual Mineral Commodity Summaries, and special publications, for use by Government agencies, industry education programs, and the general public.

II. Data

OMB Control Number: 1028–0070.

Form Number: USGS Form 9–4117–MA.

Title: Consolidated Consumers' Report.

Type of Request: Extension without change of a currently approved collection.

Affected Public: Business or Other-For-Profit Institutions: U.S. nonfuel minerals producers.

Respondent Obligation: Participation is voluntary.

Frequency of Collection: Monthly and Annually.

Estimated Number of Annual Responses: 1,407.

Estimated Time per Response: 45 minutes.

Annual Burden Hours: 1,055 hours.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: There are no ''non-hour cost'' burdens associated with this IC.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number and current expiration date.

III. Request for Comments

On January 24, 2017, a 60-day **Federal Register** notice (82 FR 8205) was published announcing this information collection. Public comments were solicited for 60 days ending March 27, 2017. We did not receive any public comments in response to that notice. We again invite comments as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden time to the proposed collection of information; (c) how to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that the comments submitted in response to this notice are a matter of public record. Before including your personal mailing address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment, including your personally identifiable information, may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public view, we cannot guarantee that we will be able to do so.

IV. Authorities

The authorities for this collection are:

- National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601 *et seq.*)
- National Mining and Minerals Policy Act of 1970 (30 U.S.C. 21(a))
- Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 *et seq.*)

Michael J. Magyar,

Associate Director, National Minerals Information Center, U.S. Geological Survey.

[FR Doc. 2017–09166 Filed 5–4–17; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVL00000 L12320000.DA0000.LVRDNV130000.16X; 13–08807; MO# 4500096440; TAS: 16X1125]

Notice of Individual Special Recreation Permit Requirement and Cave Closures on Public Lands in Lincoln, Nye, and White Pine Counties, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM) Ely District Office is establishing a new Individual Special Recreation Permit (ISRP) requirement for recreational use in the Cave Valley Cave, Goshute Cave, and Whipple Cave. This Notice also announces seasonal or temporary cave closures within the Ely District.

DATES: This new ISRP requirement is effective on May 5, 2017. These cave closures will be in effect from June 5, 2017 and will remain in effect until June 5, 2019, unless otherwise rescinded or modified by the Authorized Officer or designated Federal Officer.

FOR FURTHER INFORMATION CONTACT: Michael J. Herder, Ely District Manager,

702 N. Industrial Way, Ely, NV 89301, 775–289–1800, email *mherder@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 Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301) states that significant caves on Federal lands are an invaluable and irreplaceable part of the Nation's natural heritage. In some instances, these significant caves are threatened due to improper use, increased recreational demands, urban spread, and lack of specific statutory protection. As provided by the Act, it is also the policy of the United States that Federal lands be managed in a manner that protects and maintains, to the extent practical, significant caves.

The Ely District encompasses 11.4 million acres of public land in east-central Nevada, on which there are about 40 known undeveloped caves. In addition to the known caves, it is possible that there are many caves left to be discovered. With increasing visitation and increased vandalism, additional measures are needed to effectively protect caves in the District. The Ely District Office has completed the Ely District Cave and Karst Management Plan (Plan) and Environmental Assessment. The Plan provides guidance for cave management and protection in accordance with the Federal Cave Resources Protection Act of 1988, while providing for recreation within caves across the District. The Plan also establishes direction for long-term management, planning, and oversight of the District's cave resources, while identifying site-specific management actions for recreational use, scientific research, and management of cave resources.

The Ely District Office determined which caves to select for closure based on visitor use monitoring and identification of significant resource values. Monitoring of caves in the District has resulted in resource damage concerns resulting from recreational pressures. The new ISRP (referred to as a cave use permit system in the Ely District Plan) is being established to better manage recreational use while providing an opportunity to educate the public on the importance of protecting critical cave resources.

Application procedures for ''private noncommercial individual use of special areas'' are established here in accordance with 43 CFR 2932.22(b) and OMB control number 1004–0119. Visitors may obtain an office-issued permit in person at the Ely District Office. A permit may also be obtained by phone, or by downloading the application from the Ely District Office Web site and returning it by email, fax or U.S. mail. Self-issued permit stations will be established at Pescio Cave and Leviathan Cave. Each party is required to display the cave use permit on their vehicle's dashboard during their visit to the cave. A limit on the frequency of visitation is set for Cave Valley Cave, Goshute Cave, and Whipple Cave as determined in the site-specific management actions for those caves in the Plan. Based on our understanding of the carrying capacity of caves on the District, the Ely District Office will limit the number of visits and size of groups in the following caves: Cave Valley Cave, Goshute Cave, Leviathan Cave, Pescio Cave, and Whipple Cave.

Notice is also given that the Rose Guano Bat Cave will be closed each year during the bat maternity and migratory season (April 1–November 1); the Cave Valley Cave's side-passage will be closed to protect maternity colonies; and two significant caves on the District (NV–040–003 and NV–040–010) will be closed to protect cave integrity, cultural resources and Native American tribal concerns.

These restrictions do not apply to:

(1) Any Federal, State or local government officer or member of an organized rescue or fire fighting force while in the performance of an official duty.

(2) Any Bureau of Land Management employee, agent, contractor, or cooperator while in the performance of an official duty.

(3) Any Federal, State, local, or contract law enforcement officer, while in the performance of their official duties, or while enforcing this closure notice.

Violation of the requirement to obtain a permit is punishable by a fine and/or imprisonment for a Class A misdemeanor in accordance with 18 U.S.C. 3571 and 3581 *et seq.*

Any person who violates this closure may be tried before a United States Magistrate and fined in accordance with 18 U.S.C. 3571, imprisoned no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.0–7, or both. In accordance with 43 CFR 8365.1–7, State or local officials may also impose penalties for violations of Nevada law.

Authority: 43 CFR 2932.13, 2932.22, and 8364.1(a).

Michael J. Herder,

Ely District Manager.

[FR Doc. 2017–09152 Filed 5–4–17; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0006; DS63644000 DR2000000.CH7000 178D0102R2]

Agency Information Collection Activities: OCS Net Profit Share Payment Reporting—OMB Control Number 1012–0009; Comment Request

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Notice of extension.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), ONRR is inviting comments on a collection of information requests that we will submit to the Office of Management and Budget (OMB) for review and approval. This Information Collection Request (ICR) covers the paperwork requirements in the regulations under title 30, *Code of Federal Regulations* (CFR). Also, this ICR pertains to royalties or net profit share payments from oil and gas leases on submerged Federal lands on the Outer Continental Shelf (OCS).

DATES: You must submit your written comments on or before July 5, 2017.

ADDRESSES: You may submit comments on this ICR to ONRR by using one of the following three methods. Please reference ''ICR 1012–0009'' in your comments.

1. Electronically go to *http://www.regulations.gov.* In the entry titled ''Enter Keyword or ID,'' enter ''ONRR–2011–0006,'' then click ''Search.'' Follow the instructions to submit public comments. ONRR will post all comments.

2. Email comments to Mr. Armand Southall, Regulatory Specialist, at *Armand.Southall@onrr.gov.*

3. Hand-carry or mail comments, using an overnight courier service, to ONRR. Our courier address is Building 53, entrance E–20, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225. Visitor parking is available near entrance E–20, with a phone to request entry. Call Mr. Armando Salazar at (303) 231–3585 or Ms. Janet Giron at (303) 231–3088 to gain entrance.

FOR FURTHER INFORMATION CONTACT: For questions on technical issues, contact

Roman Geissel, Deputy Program Manager, Audit Program Management, ONRR, at (303) 231–3473 or email to *Roman.Geissel@onrr.gov.* For other questions, contact Mr. Armand Southall, telephone (303) 231–3221, or email to *armand.southall@onrr.gov.* You may also contact Mr. Southall to obtain copies, at no cost, of (1) the ICR and (2) the regulations that require us to collect the information.

SUPPLEMENTARY INFORMATION:

Abstract: The Secretary of the United States Department of the Interior is responsible for collecting royalties from lessees who produce minerals from leased Federal and Indian lands and the OCS. Under various laws, the Secretary's responsibility is to manage mineral resource production on Federal and Indian lands and the OCS, collect the royalties and other mineral revenues due, and distribute the funds collected. ONRR performs the royalty management functions and assists the Secretary in carrying out the Department's responsibility. We have posted those laws pertaining to mineral leases on Federal and Indian lands and the OCS at *http://www.onrr.gov/Laws_R_D/PubLaws/default.htm.*

I. General Information

ONRR collects and uses this information to determine all allowable direct and allocable joint costs and credits under § 1220.011 incurred during the lease term, appropriate overhead allowance permitted on these costs under § 1220.012, and allowances for capital recovery calculated under § 1220.020. ONRR also collects this information to ensure that royalties or net profit share payments are accurately valued and appropriately paid. This ICR affects only oil and gas leases on submerged Federal lands on the OCS.

II. Information Collections

Title 30 CFR part 1220 covers the net profit share lease (NPSL) program and establishes reporting requirements for determining the net profit share base under § 1220.021 and calculating of net profit share payments due to the Federal government for the production of oil and gas from leases under § 1220.022.

A. NPSL Bidding System

To encourage exploration and development of oil and gas leases on submerged Federal lands on the OCS, the Bureau of Ocean Energy Management (BOEM) promulgated regulations at 30 CFR part 260—Outer Continental Shelf Oil and Gas Leasing. Also, BOEM promulgated specific implementing regulations for the NPSL bidding system at § 260.110(d). BOEM established the NPSL bidding system to balance a fair market return to the Federal government for the lease of its public lands with a fair profit to companies risking their investment capital. The system provides an incentive for early expeditious exploration and development and provides for sharing the risks by the lessee and the Federal government. The NPSL bidding system incorporates a fixed capital recovery system as a means through which the lessee recovers costs of exploration and development from production revenues, along with a reasonable return on investment.

B. NPSL Capital Account

The Federal government does not receive a profit share payment from an NPSL until the lessee shows a credit balance in its capital account; that is, cumulative revenues and other credits exceed cumulative costs. Lessees multiply the credit balance by the net profit share rate (30 to 50 percent), resulting in the amount of net profit share payment due the Federal government.

ONRR requires lessees to maintain an NPSL capital account for each lease under § 1220.010, which transfers to a new owner when sold. Following the cessation of production, lessees are also required to provide either an annual or a monthly report to the Federal government, using data from the capital account until the lease is terminated, expired, or relinquished.

C. NPSL Inventories

The NPSL lessees must notify BOEM of their intent to take inventory so that the BOEM Director may be represented at the taking of inventory under § 1220.032. Each lessee must file a report after each inventory is taken, reporting the controllable material under § 1220.031.

D. NPSL Audits

When non-operators of an NPSL call for an audit, they must notify ONRR. When ONRR calls for an audit, the lessee must notify all non-operators on the lease. These requirements are located at § 1220.033.

III. OMB Approval

The information we collect under this ICR is essential in order to determine when net profit share payments are due and to ensure that lessees properly value and pay royalties or net profit share payments.

We will request OMB approval to continue to collect this information. Not collecting this information would limit the Secretary's ability to discharge fiduciary duties and may also result in the inability to confirm the accurate royalty value. ONRR protects the proprietary information received and does not collect items of a sensitive nature.

IV. Data

Title: 30 CFR part 1220, OCS Net Profit Share Payment Reporting.

OMB Control Number: 1012–0009.

Bureau Form Number: None.

Frequency: Annually, monthly, and on occasion.

Estimated Number and Description of Respondents: 14 lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 2,451 hours.

All fourteen lessees report monthly because all current NPSLs are in producing status. Because the requirements for establishment of capital accounts at § 1220.010(a) and capital account annual reporting at § 1220.031(a) are necessary only during the non-producing status of a lease, ONRR included only one response annually for these requirements, in case a new NPSL is established. We have not included in our estimates certain requirements performed in the normal course of business, which are considered usual and customary. The following table shows the estimated annual burden hours by CFR section and paragraph.

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS

Citation 30 CFR 1220	Reporting and recordkeeping requirement	Hour burden	Number of annual responses	Annual burden hours
PART 1220—Accounting Procedures for Determining Net Profit Share Payment for Outer Continental Shelf Oil and Gas Leases				
§ 1220.010 NPSL capital account				
1220.010(a)	(a) For each NPSL tract, an NPSL capital account shall be established and maintained by the lessee for NPSL operations . . .	1	1	1
§ 1220.030 Maintenance of records				
1220.030(a) and (b)	(a) Each lessee . . . shall establish and maintain such records as are necessary . . .	1	14	14
§ 1220.031 Reporting and payment requirements				
1220.031(a)	(a) Each lessee subject to this part shall file an annual report during the period from issuance of the NPSL until the first month in which production revenues are credited to the NPSL capital account . . .	1	14	14
1220.031(b)	(b) Beginning with the first month in which production revenues are credited to the NPSL capital account, each lessee . . . shall file a report for each NPSL, not later than 60 days following the end of each month . . .	13	[1] 168	2,184
1220.031(c)	(c) Each lessee subject to this Part 220 shall submit, together with the report required . . . any net profit share payment due . . .	Burden hours covered under § 1220.031(b).		
1220.031(d)	(d) Each lessee . . . shall file a report not later than 90 days after each inventory is taken . . .	8	14	112
1220.031(e)	(e) Each lessee . . . shall file a final report, not later than 60 days following the cessation of production . . .	4	14	56
§ 1220.032 Inventories				
1220.032(b)	(b) At reasonable intervals, but at least once every three years, inventories of controllable materiel shall be taken by the lessee. Written notice of intention to take inventory shall be given by the lessee at least 30 days before any inventory is to be taken so that the BOEM Director may be represented at the taking of inventory . . .	1	14	14
§ 1220.033 Audits				
1220.033(b)(1)	(b)(1) When nonoperators of an NPSL lease call an audit in accordance with the terms of their operating agreement, the ONRR Director shall be notified of the audit call . . .	2	14	28
1220.033(b)(2)	(b)(2) If DOI determines to call for an audit, DOI shall notify the lessee of its audit call and set a time and place for the audit . . . The lessee shall send copies of the notice to the nonoperators on the lease . . .	2	14	28
1220.033(e)	(e) Records required to be kept under § 1220.030(a) shall be made available for inspection by any authorized agent of DOI . . .	The Office of Regulatory Affairs determined that the audit process is exempt from the Paperwork Reduction Act of 1995 because ONRR staff asks non-standard questions to resolve exceptions.		
Total Burden			267	2,451

[1] (14 NPSL reports × 12 months = 168 reports)

Estimated Annual Reporting and Recordkeeping ''Non-hour'' Cost Burden: We have identified no ''non-hour'' cost burden associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501 *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

V. Request for Comments

Section 3506(c)(2)(A) of the PRA requires each agency to ''* * * provide

60-day notice in the **Federal Register** * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to (a) evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information that ONRR collects; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

The PRA also requires agencies to estimate the total annual reporting ''non-hour cost'' burden to respondents or record-keepers resulting from the collection of information. If you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods that you use to estimate (1) major cost factors, including system and technology acquisition, (2) expected useful life of capital equipment, (3) discount rate(s), and (4) the period over which you incur costs. Capital and startup costs include, among other items, computers and software that you purchase to prepare for collecting information and monitoring, sampling, and testing equipment, and record-storage facilities. Generally, your estimates should not include equipment or services purchased (i) before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Federal government; or (iv) as part of customary and usual business, or private practices.

We will summarize written responses to this notice and address them in our ICR submission for OMB approval, including appropriate adjustments to the estimated burden. We will provide a copy of the ICR to you, without charge, upon request. We also will post the ICR at *http://www.onrr.gov/Laws_R_D/FRNotices/FRInfColl.htm.*

Public Comment Policy: ONRR will post all comments, including names and addresses of respondents at *http://www.regulations.gov.* Before including Personally Identifiable Information (PII), such as your address, phone number, email address, or other personal information in your comment(s), you should be aware that your entire comment (including PII) may be made available to the public at any time. While you may ask us, in your comment, to withhold PII from public view, we cannot guarantee that we will be able to do so.

ONRR Information Collection Clearance Officer: Jeffrey Parrillo (202) 208–7072.

Authority

The authorities for this action are the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1337) and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: March 15, 2017.

Gregory J. Gould,

Director for Office of Natural Resources Revenue.

[FR Doc. 2017–09047 Filed 5–4–17; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–17–020]

Government in The Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: May 12, 2017 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Agendas for future meetings:* None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. No. 731–TA–1359 (Preliminary) (Carton Closing Staples from China). The Commission is currently scheduled to complete and file its determination on May 15, 2017; views of the Commission are currently scheduled to be completed and filed on May 22, 2017.
5. *Outstanding action jackets:* None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: May 3, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–09278 Filed 5–3–17; 4:15 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–17–019]

Government in The Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: May 11, 2017 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Agendas for future meetings:* None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 701–TA–573–574 and 731–TA–1349–1358 (Preliminary)(Carbon and Certain Alloy Steel Wire Rod from Belarus, Italy, Korea, Russia, South Africa, Spain, Turkey, Ukraine, the United Arab Emirates, and the United Kingdom). The Commission is currently scheduled to complete and file its determinations on May 12, 2017; views of the Commission are currently scheduled to be completed and filed on May 19, 2017.
5. *Outstanding action jackets:* None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: May 3, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–09279 Filed 5–3–17; 4:15 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission of the United States

Privacy Act of 1974; System of Records

AGENCY: Foreign Claims Settlement Commission Of The United States, Department of Justice.

ACTION: Notice of a new system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, the Foreign Claims Settlement Commission of the United States (Commission), Department of Justice, proposes to establish a new system of records to enable the Commission to carry out its statutory responsibility to

receive, examine, adjudicate and render final decisions with respect to claims for compensation of individuals pursuant to the Guam World War II Loyalty Recognition Act. The claims will include documentation provided by the claimants as well as background material that will assist the Commission in the processing of their claims. The system will also include the final decision of the Commission regarding each claim.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is effective upon publication, subject to a 30-day period in which to comment on the routine uses, described below. Therefore, please submit any comments by June 5, 2017. Following the 30-day comment period, the routine uses, described below, will be effective.

ADDRESSES: The public, the Office of Management and Budget (OMB), and Congress are invited to submit any comments to the Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579.

FOR FURTHER INFORMATION CONTACT: Jeremy LaFrancois, Chief Administrative Counsel, Foreign Claims Settlement Commission, U.S. Department of Justice, 600 E Street NW., Suite 6002, Washington, DC 20579, or by telephone at (202) 616–6975.

SUPPLEMENTARY INFORMATION: On December 23, 2016, President Obama signed into law the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114–328, 130 Stat. 2000, 2641–2647 (2016) (the ''Guam Loyalty Recognition Act'' or ''Act''). The Act authorizes the Foreign Claims Settlement Commission of the United States (Commission) to adjudicate claims and determine the eligibility of individuals for payments under the Act, in recognition of harms suffered by residents of Guam as a result of the occupation of Guam by Imperial Japanese military forces during World War II.

The system of records covered by this notice is necessary for the Commission's adjudication of claims under the Act. These records shall form the basis upon which the Commission will determine an individual's eligibility for and amount of payments under the Act. This system will not have any effect on any other systems of records.

In accordance with 5 U.S.C. 552a(r), the Commission has provided a report to OMB and the Congress on the new system of records.

Brian M. Simkin,
Chief Counsel.

JUSTICE/FCSC–32

SYSTEM NAME AND NUMBER:

Claims Arising under the Guam World War II Loyalty Recognition Act, JUSTICE/FCSC–32.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Offices of the Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579.

SYSTEM MANAGER(S) AND ADDRESS:

Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616–6975. Fax: (202) 616–6993.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority to establish and maintain this system is contained in 5 U.S.C, 301 and 44 U.S.C. 3101, which authorize the Chairman of the Commission to create and maintain federal records of agency activities, and is further described in 22 U.S.C. 1622e, which vests all non-adjudicatory functions, powers and duties in the Chairman of the Commission.

PURPOSE OF THE SYSTEM:

To enable the Commission to carry out its statutory responsibility to determine the validity and amount of claims arising under the Guam World War II Loyalty Recognition Act.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who file claims pursuant to the Guam World War II Loyalty Recognition Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claim information, including name and address of claimant and representative, if any; date and place of birth, naturalization, or residency; nature of claim; description of loss or injury, including medical records; and other evidence establishing entitlement to payments under the Act.

RECORD SOURCE CATEGORIES:

Claimant on whom the record is maintained.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), all or a portion of the records or information contained in this system of records may be disclosed as a routine use pursuant to 5 U.S.C. 552a(b)(3) under the circumstances or for the purposes described below, to the extent such disclosures are compatible with the purposes for which the information was collected.

a. To the Department of the Treasury in connection with the negotiation, adjudication, settlement and payment of claims;

b. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish a Commission function related to this system of records;

c. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record;

d. Where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

e. In an appropriate proceeding before the Commission, or before a court, grand jury, or administrative or adjudicative body, when the Department of Justice and/or the Commission determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding;

f. To a former employee of the Commission for purposes of: Responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Commission regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Commission requires information and/or consultation from the former employee regarding a matter within that person's former area of responsibility;

g. To the National Archives and Records Administration for purposes of

records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906;

h. To appropriate agencies, entities, and persons when (1) the Commission suspects or has confirmed that there has been a breach of the system of records; (2) the Commission has determined that as a result of the suspected or confirmed breach there is a risk of harm to the individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

i. To another Federal agency or Federal entity, when the Commission determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach;

j. To such recipients and under such circumstances and procedures as are mandated by federal statute or treaty.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records maintained in file folders at the Commission's office and electronic records located on the Commission's Server.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information from this system of records will be retrieved by claim number and/or decision number. An alphabetical index may be used by the Commission for identification of a claim by claimants' name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained under 5 U.S.C. 301. Disposal of records will be in accordance with the determination by the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records are under security safeguards at the Commission's office. Such safeguards include storage in a central location within a limited access building and a further limited access suite. Accordingly, access is limited to Commission employees and contractors with appropriate security clearances. The electronic records are safeguarded by the DOJ JCON security procedures. Access to the Commission's data requires a password and is limited to Commission employees and contractors with appropriate security clearances.

RECORD ACCESS PROCEDURE:

(a) Upon request in person or by mail, any individual will be informed whether or not a system of records maintained by the Commission contains a record or information pertaining to that individual. (b) Any individual requesting access to a record or information on himself or herself must appear in person at the offices of the Foreign Claims Settlement Commission, 600 E Street NW., Room 6002, Washington, DC, between the hours of 9 a.m. and 5:00 p.m., Monday through Friday, and (1) Provide information sufficient to identify the record, *e.g.,* the individual's own name, claim and decision number, date and place of birth, etc.; (2) Provide identification sufficient to verify the individual's identity, *e.g.,* driver's license, Medicare card, or other government issued identification; and (3) Any individual requesting access to records or information pertaining to himself or herself may be accompanied by a person of the individual's own choosing while reviewing the records or information. If an individual elects to be so accompanied, advance notification of the election will be required along with a written statement authorizing disclosure and discussion of the record in the presence of the accompanying person at any time, including the time access is granted. (c) Any individual making a request for access to records or information pertaining to himself or herself by mail must address the request to the Privacy Officer, Foreign Claims Settlement Commission, 600 E Street NW., Room 6002, Washington, DC 20579, and must provide information acceptable to the Commission to verify the individual's identity. (d) Responses to requests under this section normally will be made within ten (10) days of receipt (excluding Saturdays, Sundays, and legal holidays). If it is not possible to respond to requests within that period, an acknowledgment will be sent to the individual within ten (10) days of receipt of the request (excluding Saturdays, Sundays, and legal holidays).

CONTESTING RECORD PROCEDURES:

(a) Any individual may request amendment of a record pertaining to himself or herself according to the procedure in paragraph (b) of this section, except in the case of records described under paragraph (d) of this section. (b) After inspection by an individual of a record pertaining to himself or herself, the individual may file a written request, presented in person or by mail, with the Administrative Officer, for an amendment to a record. The request must specify the particular portions of the record to be amended, the desired amendments and the reasons therefor. (c) Not later than ten (10) days (excluding Saturdays, Sundays, and legal holidays) after the receipt of a request made in accordance with this section to amend a record in whole or in part, the Administrative Officer will: (1) Make any correction of any portion of the record which the individual believes is not accurate, relevant, timely or complete and thereafter inform the individual of such correction; or (2) Inform the individual, by certified mail return receipt requested, of the refusal to amend the record, setting forth the reasons therefor, and notify the individual of the right to appeal that determination as provided under 45 CFR 503.8. (d) The provisions for amending records do not apply to evidence presented in the course of Commission proceedings in the adjudication of claims, nor do they permit collateral attack upon what has already been subject to final agency action in the adjudication of claims in programs previously completed by the Commission pursuant to statutory time limitations.

NOTIFICATION PROCEDURE:

The Administrative Officer will inform any person or other agency about any correction or notation of dispute made in accordance with title 45 CFR 503.7 of any record that has been disclosed to the person or agency if an accounting of the disclosure was made.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2017–09157 Filed 5–4–17; 8:45 am]

BILLING CODE 4410–BA–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Proposed Collection: Comment Request

ACTION: Action: Notice.

SUMMARY: The National Endowment for the Arts, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance

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 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 collection requirements on respondents can be properly assessed. Currently, the National Endowment for the Arts, on behalf of the Federal Council on the Arts and the Humanities, is soliciting comments concerning renewal of the Application for Domestic Indemnification. A copy of this collection request can be obtained by contacting the office listed below in the address section of this notice.

DATES: Written comments must be submitted to the office listed in the address section below within 60 days of this publication in the **Federal Register**.

ADDRESSES: Patricia Loiko, National Endowment for the Arts, 400 7th Street SW., Washington, DC 20506–0001, telephone (202) 682–5541 (this is not a toll-free number), fax (202) 682–5721. Dated: May 2, 2017.

SUPPLEMENTARY INFORMATION: The National Endowment for the Arts is particularly interested in comments which:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;

—Enhance the quality, utility and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting the electronic submissions of responses.

Kathy Daum,

Director, Administrative Services Office, National Endowment for the Arts.

[FR Doc. 2017–09144 Filed 5–4–17; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings; National Science Board

The National Science Board (NSB), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended, (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of meetings for the transaction of NSB business as follows:

DATE AND TIME: May 9, 2017 from 8:00 a.m. to 4:30 p.m., and May 10, 2017 from 8:00 a.m. to 2:30 p.m. EDT.

PLACE: These meetings will be held at the NSF headquarters, 4201 Wilson Blvd., Arlington, VA 22230. Meetings are held in Room 1235 unless it is noted that the meeting is being held in Room 1295. All visitors must contact the Board Office (call 703–292–7000 or send an email to *nationalsciencebrd@nsf.gov*) at least 24 hours prior to the meeting and provide your name and organizational affiliation. Visitors must report to the NSF visitor's desk in the lobby of the 9th and N. Stuart Street entrance to receive a visitor's badge. Due to recent security changes, visitors should allot some extra time for the entrance process.

WEBCAST INFORMATION: Public meetings and public portions of meetings held in Room 1235 will be webcast. To view these meetings, go to: *http://www.tvworldwide.com/events/nsf/170509* and follow the instructions. The public may listen to public committee meetings held in Room 1295. Contact the Board Office (call 703–292–7000 or send an email to *nationalsciencebrd@nsf.gov*) at least 24 hours prior to the meeting for dial-in information.

UPDATES: Please refer to the NSB Web site for additional information. Meeting information and schedule updates (time, place, subject matter, and status of meeting) may be found at *http://www.nsf.gov/nsb/meetings/notices.jsp.*

NOTICE RE MEETING TIME FLEXIBILITY: The NSB will continue its program to provide some flexibility around meeting times. After the first meeting of each day, actual meeting start and end times will be allowed to vary by no more than 15 minutes in either direction. As an example, if a 10:00 meeting finishes at 10:45, the meeting scheduled to begin at 11:00 may begin at 10:45 instead. Similarly, the 10:00 meeting may be allowed to run over by as much as 15 minutes if the Chair decides the extra time is warranted. The next meeting would start no later than 11:15.

Arrive at the NSB boardroom or check the webcast 15 minutes before the scheduled start time of the meeting you wish to observe. Members of the public are invited to provide feedback on this program. Contact: *nationalsciencebrd@nsf.gov.*

AGENCY CONTACT: Brad Gutierrez, *bgutierr@nsf.gov,* 703–292–7000.

PUBLIC AFFAIRS CONTACT: Nadine Lymn, *nlymn@nsf.gov,* 703–292–2490.

STATUS: Portions open; portions closed.

OPEN SESSIONS:

May 9, 2017

8:00–8:30 a.m. Plenary NSB introduction
8:30–9:15 a.m. Committee on Oversight (CO) Room 1235
8:30–9:15 a.m. Committee on External Engagement (EE) Room 1295
9:30–11:30 a.m. Committee on National Science and Engineering Policy (SEP) Room 1295
10:30–11:30 a.m. Committee on Strategy (CS) Room 1235
11:30 a.m.–12:00 p.m. Plenary
1:00–1:30 p.m. Plenary

May 10, 2017

8:00–8:35 a.m. (A&F)
10:40 a.m.–12:00 p.m. Plenary
1:00–2:30 p.m. Plenary

CLOSED SESSIONS:

May 9, 2017

1:30–2:20 p.m. (CS)
2:30–4:30 p.m. (A&F)

May 10, 2017

8:40–9:35 a.m. Plenary Executive
9:40–10:30 a.m. Plenary

MATTERS TO BE DISCUSSED:

Tuesday, May 9, 2017

Plenary Board Meeting

Open session: 8:00–8:30 a.m.

- NSB Chair's Opening Remarks
- Overview of Major Issues for Meeting
- NSF Director's Remarks
- Summary of meetings on Capitol Hill

Committee on Oversight (CO)

Open session: 8:30–9:15 a.m.
Room 1235

- Committee Chair's Opening Remarks
- Approval of February 2017 Committee Meeting Minutes
- Review of OIG Semiannual Report
- Inspector General's Update
- Presentation by Independent Auditor
- Chief Financial Officer's Update
- Chair's Closing Remarks

Committee on External Engagement (EE)

Open session: 8:30–9:15 a.m.

Room 1295
- Committee Chair's Opening Remarks
- Approval of February 2017 Committee Meeting Minutes
- Update on NSB Policy Brief Rollout
- Hosting of a Member of Congress During August Home District Work Period
- Listening Session in Conjunction with LIGO Site Visit
- Discussion of Best Practices for NSB Member Op-eds

Committee on National Science and Engineering Policy (SEP)

Open session: 9:30–11:30 a.m.
Room 1295
- Committee Chair's Opening Remarks
- Approval of Prior Meeting Minutes
- Review and Discussion of *Indicators 2018* Draft Chapters

Committee on Strategy (CS)

Open session: 10:30–11:30 a.m.
Room 1235
- Committee Chair's Opening Remarks
- Approval of Prior Meeting Minutes
- Ongoing Discussion of Big Ideas:
- Convergence
- NSF INCLUDES

Plenary Board

Open session: 11:30 a.m.–12:00 p.m.
- Board Chair's Introduction of Dr. Arthur Eisenkraft, 2017 NSB Public Service Awardee
- Presentation
- Director's Introduction of Dr. John Pardon, 2017 Alan T. Waterman Awardee
- Presentation

Plenary Board

Open session: 1:00–2:30 p.m.
- Committee Chair's Opening Remarks
- Board Chair Introduction of Dr. Rita Rossi Colwell (Vannevar Bush Award)
- Presentation
- Director's Introduction of Lt. Gen. James Abrahamson, NSF Distinguished Public Service Awardee
- Presentation

Committee on Strategy (CS)

Closed session: 1:30–2:20 p.m.
- Committee Chair's Remarks
- Approval of Prior Meeting Minutes
- Update on FY 2017 Budget
- Update on FY 2018 Budget
- Update on New Administration OMB Guidance

Committee on Awards and Facilities (A&F)

Closed Session: 2:30–4:30 p.m.
- Committee Chair's Opening Remarks
- Approval of Closed February 2017 Minutes and April 2017 Teleconference Minutes
- Action Item: Regional Class Research Vessel (RCRV)
- Action Item: Antarctic Infrastructure Modernization for Science (AIMS)
- Action Item: Stampede 2 Operations and Maintenance Award
- Information Item: Status of Arecibo Observatory
- Written Information Item: National High Magnetic Field Laboratory
- Written Information Item: NEON Supplemental Proposal for Operations and Maintenance

MATTERS TO BE DISCUSSED:

Wednesday, May 10, 2017

Committee on Awards and Facilities (A&F)

Open session: 8:00–8:35 a.m.
- Committee Chair's Opening Remarks
- Approval of Open A&F Minutes for February 2017
- CY 2017 Schedule of Planned Action and Information Items
- Information Item: NSF's Possible National Center for Optical-Infrared Astronomy

Plenary Board (Executive)

Closed session: 8:40–9:35 a.m.
- Board Chair's Opening Remarks
- Approval of Prior Minutes
- Election of Executive Committee Members
- Strategic Discussion on the Board's Role as Advisor to Congress and the President and with future Budget Requests

Plenary Board

Closed session: 9:40–10:30 a.m.
- Board Chair's Opening Remarks
- Approval of Closed February Minutes
- Closed Committee Reports
- Vote: Stampede 2—Operations and Maintenance
- Vote: Regional Class Research Vessel
- Vote: Antarctic Infrastructure Modernization for Science
- Strategic Discussion on the Board's Role as Advisor to Congress and the President and with Future Budget Requests, continued.

Plenary Board

Open session: 10:40 a.m.–12:00 p.m.
- Board Chair's Opening Remarks
- Discussion of the Skilled Technical Workforce
- Director's Introduction of Dr. Baratunde Cola, 2017 Alan T. Waterman Awardee
- Presentation

Plenary Board

Open Session: 1:00–2:30 p.m.
- Board Chair's Introduction of Dr. Lance Bush, for the 2017 NSB Public Service Awardee, the Challenger Center
- Presentation
- Chair's Opening Remarks
- Approval of Prior Minutes
- NSF Director's Remarks
- Open Committee Reports
- Vote: Executive Committee Annual Report
- NSB Chair's Closing Remarks

MEETING ADJOURNS: 2:30 p.m.

Chris Blair,

Executive Assistant, National Science Board Office.

[FR Doc. 2017–09197 Filed 5–3–17; 11:15 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–382; NRC–2016–0239]

Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal by applicant.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Entergy Operations, Inc. (Entergy, the licensee), to withdraw its application dated September 1, 2016, for a proposed amendment to Facility Operating License No. NPF–38. The proposed amendment would have revised the Waterford Steam Electric Station, Unit 3 (Waterford 3) Technical Specifications (TSs) to relocate the surveillance frequency requirements for selected Engineered Safety Features Actuation System (ESFAS) Subgroup relays to a licensee-controlled program. Specifically, the license amendment would have revised the Table Notation for TS Table 4.3–2, ''Engineered Safety Features Actuation System Instrumentation Surveillance Requirements,'' to relocate the surveillance frequency of additional relays to the Waterford 3 Surveillance Frequency Control Program (SFCP).

ADDRESSES: Please refer to Docket ID NRC–2016–0239 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available

information related to this document using any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0239. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: April Pulvirenti, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1390, email: *April.Pulvirenti@nrc.gov*.

SUPPLEMENTARY INFORMATION: The NRC has granted the request of Entergy to withdraw its September 1, 2016, application (ADAMS accession no. ML16245A359) for a proposed amendment to Facility Operating License No. NPF–38 for Waterford 3, located in St. Charles Parish, Louisiana.

The amendment would have revised the Waterford 3 TSs to relocate the surveillance frequency requirements for selected ESFAS Subgroup relays to a licensee-controlled program. Specifically, the license amendment would have revised the Table Notation for TS Table 4.3–2, ''Engineered Safety Features Actuation System Instrumentation Surveillance Requirements,'' to relocate the surveillance frequency of additional relays to the Waterford 3 SFCP. The Commission previously published a proposed finding in the **Federal Register** on November 22, 2016 (81 FR 83875), that the amendment involves no significant hazards consideration. In addition, the licensee has supplemented the application with a response to a Request for Additional Information dated January 26, 2017 (ADAMS accession no. ML17039A909), and a second supplement dated February 27, 2017 (ADAMS accession no. ML17058A460). By letter dated March 22, 2017 (ADAMS accession no. ML17082A459), the licensee requested to withdraw the proposed amendment.

Dated at Rockville, Maryland, this 25th day of April, 2017.

For the Nuclear Regulatory Commission.

April L Pulvirenti,

Project Manager, Plant Licensing Branch 4, Division of Operator Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–09154 Filed 5–4–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0111]

Proposed Revisions to Conduct of Operations

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard Review Plan—draft section revision; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is soliciting public comment on draft NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Section 13.6.1, ''Physical Security—Combined License and Operating Reactors.'' The NRC seeks comments on the proposed draft section revision of the Standard Review Plan (SRP) concerning guidance for the review of combined construction and operating license (COL) and operating license (OL) applications and amendments for physical security.

DATES: Comments must be filed no later than July 5, 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–2017–0111. 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:* Cindy Bladey, Office of Administration, Mail Stop: TWFN–08–D36, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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

FOR FURTHER INFORMATION CONTACT: Mark D. Notich, Office of New Reactors, telephone: 301–415–3053; email *Mark.Notich@nrc.gov;* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0111 when contacting the NRC about the availability of information regarding this action. You may obtain publicly-available information related to this document by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0111.

• *NRC's Agencywide Documents Access and Management System (ADAMS):*

You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The draft revision and current revision to NUREG–0800, Section 13.6.1, ''Physical Security—Combined License and Operating Reactors,'' are available in ADAMS under Accession Nos. ML17101A741 and ML102230082. The redline strikeout comparing the current version and draft revision is available in ADAMS under Accession No. ML 14295A061.

• *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–2017–0111 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. Further Information

The NRC seeks public comment on the proposed draft section revision of SRP Section 13.6.1. The changes to SRP Chapter 13 reflect the current staff reviews, methods and practices based on lessons learned from the NRC's reviews of design certification and combined license applications completed since the last revision of this chapter. The draft SRP section would also provide guidance for reviewing an application for a combined license under part 52 of title 10 of the *Code of Federal Regulations* (10 CFR).

Following NRC staff evaluation of public comments, the NRC intends to incorporate the approved revisions into the next revision of NUREG–0800. The SRP is guidance for the NRC staff. The SRP is not a substitute for the NRC regulations, and compliance with the SRP is not required.

III. Backfitting and Issue Finality

Issuance of this draft SRP section, if finalized, would not constitute backfitting as defined in 10 CFR 50.109 of 10 CFR, (the Backfit Rule) or otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations.

1. *The draft SRP positions, if finalized, would not constitute backfitting, inasmuch as the SRP is internal guidance to NRC staff directed at the NRC staff with respect to their regulatory responsibilities.*

The SRP provides guidance to the NRC staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which either nuclear power plant applicants or licensees are protected under either the Backfit Rule or the issue finality provisions of 10 CFR part 52.

2. *The NRC staff has no intentions to impose the SRP positions on current licensees or already-issued regulatory approvals either now or in the future.*

The NRC staff does not intend to impose or apply the positions described in the draft SRP to existing (already issued) licenses and regulatory approvals. Hence, the issuance of a final SRP—even if considered guidance which is within the purview of the issue finality provisions in 10 CFR part 52—need not be evaluated as if it were a backfit or as being inconsistent with issue finality provisions. If, in the future, the NRC staff seeks to impose a position in the SRP on holders of already issued licenses in a manner which does not provide issue finality as described in the applicable issue finality provision, then the NRC staff must make the showing as set forth in the Backfit Rule or address the criteria for avoiding issue finality as described in the applicable issue finality provision.

3. *Backfitting and issue finality do not—with limited exceptions not applicable here—protect current or future applicants.*

Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions discussed below—were intended to apply to every NRC action which substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (*e.g.,* an early site permit) and/or NRC regulatory approval (*e.g.,* a design certification rule) with specified issue finality provisions. The NRC staff does not, at this time, intend to impose the positions represented in the draft SRP in a manner that is inconsistent with any issue finality provisions. If, in the future, the NRC staff seeks to impose a position in the draft SRP in a manner which does not provide issue finality as described in the applicable issue finality provisions, then the NRC staff must address the criteria for avoiding issue finality provisions.

Dated at Rockville, Maryland, this 1st day of May, 2017.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, New Reactor Rulemaking and Guidance Branch, Division of Engineering and Infrastructure, Office of New Reactors.

[FR Doc. 2017–09068 Filed 5–4–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–11; NRC–2017–0110]

Sacramento Municipal Utility District; Rancho Seco Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received a request from Sacramento Municipal Utility District (SMUD) to amend the license for the Rancho Seco Independent Spent Fuel Storage Installation (ISFSI) to allow the storage of byproduct nuclear material. The amendment would allow SMUD to use the byproduct nuclear material to check the functionality of radiation detection instruments. The NRC is evaluating whether approval of this request would be categorically excluded from the requirement to prepare an environmental assessment.

DATES: A request for a hearing or petition for leave to intervene must be filed by July 5, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0110 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0110. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS*

Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if that document is available in ADAMS) is provided the first time that a document is referenced.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Chris Allen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6877; email: *William.Allen@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC received, by letter dated January 17, 2017, a request from SMUD to amend Materials License No. SNM–2510 (ADAMS Accession No. ML17026A433). License No. SNM–2510 authorizes the licensee to receive, possess, store, and transfer spent fuel and greater than Class C waste at Rancho Seco ISFSI. The amendment, if approved, would add a license condition to allow the storage of byproduct nuclear material at Rancho Seco ISFSI. The SMUD would use the byproduct nuclear material to check the functionality of radiation detection instruments.

An NRC administrative completeness review, documented in a letter to SMUD dated March 17, 2017 (ADAMS Accession No. ML17074A011), found the application acceptable to begin a technical review. The NMSS has docketed this application under docket number 72–11. If the NRC approves the amendment, the approval will be documented in an amendment to NRC Materials License No. SNM–2510. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. These findings will be documented in a safety evaluation report. In the amendment request, SMUD asserted that the proposed amendment satisfies the categorical exclusion criteria of section 51.22(c)(11) of title 10 of the *Code of Federal Regulations* (10 CFR). The NRC will evaluate this assertion and make findings consistent with the National Environmental Policy Act (NEPA) and 10 CFR part 51.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

A State, local governmental body, federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by July 5, 2017. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Dated at Rockville, Maryland, this 24th day of April, 2017.

For the Nuclear Regulatory Commission.

John McKirgan,

Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety, and Safeguards.

[FR Doc. 2017–09155 Filed 5–4–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0001]

Sunshine Act Meeting Notice

DATE: Weeks of May 8, 15, 22, 29, June 5, 12, 2017.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of May 8, 2017

Tuesday, May 9, 2017

10:00 a.m. Briefing on Security Issues (Closed Ex. 1)

2:00 p.m. Briefing on Security Issues (Closed Ex. 1)

Thursday, May 11, 2017

9:00 a.m. Briefing on Risk-Informed Regulation (Public Meeting) (Contact: Steve Ruffin: 301–415–1985)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of May 15, 2017—Tentative

There are no meetings scheduled for the week of May 15, 2017.

Week of May 22, 2017—Tentative

There are no meetings scheduled for the week of May 22, 2017.

Week of May 29, 2017—Tentative

There are no meetings scheduled for the week of May 29, 2017.

Week of June 5, 2017—Tentative

There are no meetings scheduled for the week of June 5, 2017.

Week of June 12, 2017—Tentative

Tuesday, June 13, 2017

10:00 a.m. Briefing on Human Capital and Equal Employment Opportunity (Public Meeting) (Contact: Tanya Parwani-Jaimes: 301–287–0730)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

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The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: May 3, 2017.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2017–09308 Filed 5–3–17; 4:15 pm]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Emergency Review and 60-Day Notice for Comment for Existing Information Collection Requests

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: The Office of Personnel Management (OPM) has submitted to the Office of Management and Budget (OMB) a request for emergency clearance and review for existing information collection requests for the following OPM surveys: Customer Satisfaction Survey; Organizational Assessment Survey, Federal Employee Viewpoint Survey, Exit Survey, and New Leaders Onboarding Assessment; and the OPM Leadership 360™. Approval of these surveys is necessary to collect information on Federal agency performance, climate, engagement, and leadership effectiveness. This also serves as the 60-Day Notice for review for full clearance.

DATES: Comments will be accepted until July 5, 2017.

ADDRESSES: Send or deliver comments to: Andrea Zappone, HR Strategy and Evaluation Solutions, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415.

For Information Regarding Administrative Coordination Contact: Charles Cutshall, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building NW., Room 10235, Washington, DC 20503.

SUPPLEMENTARY INFORMATION: Emergency clearance is requested given the current forms (Customer Satisfaction Survey (OMB No. 3206–0236); Organizational Assessment Survey, Federal Employee Viewpoint Survey, Exit Survey, and New Leaders Onboarding Assessment (OMB No. 3206–0252); and the OPM Leadership 360™ (3206–0253)) expire July 31, 2017 and continuation of operations is necessary. We respectfully request OMB take action within 5 calendar days from the close of this **Federal Register** Notice on the request for emergency review. During the six-month extension, approximately 30,000 non-Federal respondents will complete the Customer Satisfaction Survey, 23,000 will complete one of the organizational assessments, and 2,000 will complete the OPM Leadership 360™. We estimate it will take 7 minutes on average to complete a Customer Satisfaction Survey; 13 minutes to complete one of the organizational assessments; and 15 minutes to complete an OPM Leadership 360™. Electronic submissions are processed through secure government Web sites maintained by OPM. The total estimated burden is 8,983 hours (3,500 for the Customer Satisfaction Survey; 4,983 for the organizational assessments; and 500 for the OPM Leadership 360™).

Comments are particularly invited on:

- whether this information is necessary and will have practical utility for the proper performance of functions of the Office of Personnel Management and its client agencies on whose behalf the Office Personnel Management administers the surveys;
- whether our estimate of the public burden of these collections of information is accurate, and based on valid assumptions and methodology; and
- ways in which we can minimize the burden of these collections of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

For copies of this proposal, contact Human Resources Strategy and Evaluation Solutions, Office of Personnel Management, 1900 E. Street NW., Washington, DC 20415, Attention: Andrea Zappone, or via email to *Organizational_Assessment@OPM.gov.* Please include your complete mailing address or email address with your request.

Kathy McGettigan,

Acting Director, US Office of Personnel Management.

[FR Doc. 2017–09069 Filed 5–4–17; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Initial Certification of Full-Time School Attendance, RI 25–41

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension without change of a currently approved information collection (ICR), Initial Certification of Full-Time School Attendance, RI 25–41.

DATES: Comments are encouraged and will be accepted until July 5, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Retirement Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Alberta Butler, Room 2347–E, or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection (OMB No. 3206–0099).

The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Form RI 25–41, Initial Certification of Full-Time School Attendance is used to determine whether a child is unmarried and a full-time student in a recognized school. OPM must determine this in order to pay survivor annuity benefits to children who are age 18 or older under title 5, U.S.C. Sections 8341(A)(4) and Chapter 84, Section 8441 (4)(C).

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Initial Certification of Full-Time School Attendance.

OMB: 3206–0099.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 1,200.

Estimated Time per Respondent: 90 minutes.

Total Burden Hours: 1800.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–09093 Filed 5–4–17; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Report of Medical Examination of Person Electing Survivor Benefits, OPM 1530

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on the reinstatement of an expired information collection request (ICR) with change, Report of Medical Examination of Person Electing Survivor Benefits, OPM 1530.

DATES: Comments are encouraged and will be accepted until June 5, 2017.

ADDRESSES: 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, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0162) was previously published in the **Federal Register** on August 10, 2016, at 81 FR 52915, allowing for a 60-day public comment period. No comments were received for this collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

OPM Form 1530 is used to collect information regarding an annuitant's health so that OPM can determine whether the insurable interest survivor benefit election can be allowed.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Report of Medical Examination of Person Electing Survivor Benefits.

OMB Number: 3206–0162.

Frequency: On occasion.

Affected Public: Individual or Households.

Number of Respondents: 500.

Estimated Time per Respondent: 1 hour, 30 minutes.

Total Burden Hours: 750.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–09101 Filed 5–4–17; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Request to Disability Annuitant for Information on Physical Condition and Employment, RI 30–1

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR), Request to Disability Annuitant for Information on Physical Condition and Employment, RI 30–1.

DATES: Comments are encouraged and will be accepted until July 5, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to U.S. Office of Personnel Management, Retirement Services, 1900 E Street NW., Washington, DC 20415, Attention: Alberta Butler, Room 2347–E or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting, the Retirement Services Publications Team, U.S. Office of Personnel Management, 1900 E Street NW., Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent by email to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection (OMB No. 3206–0143). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of OPM, including whether the information will have practical utility;

2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Form RI 30–1 is used by persons who are not yet age 60 and who are receiving a disability annuity and are subject to inquiry regarding their medical condition as OPM deems reasonably necessary. RI 30–1 collects information as to whether the disabling condition has changed.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Request to Disability Annuitant for Information on Physical Condition and Employment.

OMB Number: 3206–0143.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 8,000.

Estimated Time per Respondent: 60 minutes.

Total Burden Hours: 8,000.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–09102 Filed 5–4–17; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Disabled Dependent Questionnaire, RI 30–10

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an extension without change of a currently approved information collection (ICR), Disabled Dependent Questionnaire, RI 30–10.

DATES: Comments are encouraged and will be accepted until July 5, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Retirement Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Alberta Butler, Room 2347–E, or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection (OMB No. 3206–0179). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Form RI 30–10 is used to collect sufficient information about the medical condition and earning capacity for the Office of Personnel Management to be able to determine whether a disabled adult child is eligible for health benefits coverage and/or survivor annuity payments under the Civil Service Retirement System or the Federal Employees Retirement System.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Disabled Dependent Questionnaire.

OMB Number: 3206–0179.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 2,500.

Estimated Time per Respondent: 1 hour.

Total Burden Hours: 2,500.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–09103 Filed 5–4–17; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Civil Service Retirement System Survivor Annuitant Express Pay Application for Death Benefits, RI 25–51

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on the reinstatement of an expired information collection request (ICR) without change, Civil Service Retirement System Survivor Annuitant Express Pay Application for Death Benefits, RI 25–51.

DATES: Comments are encouraged and will be accepted until June 5, 2017.

ADDRESSES: 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, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0233) was previously published in the **Federal Register** on July 21, 2016, at 81 FR 47444, allowing for a 60-day public comment period. No comments were received for this collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Form RI 25–51 is used by the Civil Service Retirement System solely to pay benefits to the widow(er) of an annuitant. This application is intended for use in immediately authorizing payments to an annuitant's widow or widower, based on the report of death, when our records show the decedent elected to provide benefits for the applicant.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Civil Service Retirement System Survivor Annuitant Express Pay Application for Death Benefits.

OMB Number: 3206–0233.

Frequency: On occasion.

Affected Public: Individual or Households.

Number of Respondents: 34,800.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 17,400 hours.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–09095 Filed 5–4–17; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Death Benefit Payment Rollover Election, RI 94–7

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on the reinstatement of an expired information collection request (ICR) without change, Death Benefit Payment Rollover Election, RI 94–7.

DATES: Comments are encouraged and will be accepted until June 5, 2017.

ADDRESSES: 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, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0218) was previously published in the **Federal Register** on July 11, 2016, at 81 FR 44898, allowing for a 60-day public comment period. No comments were received for this collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Form RI 94–7 provides Federal Employees Retirement System (FERS) surviving spouses and former spouses with the means to elect payment of FERS rollover-eligible benefits directly or to an Individual Retirement Arrangement (IRA), eligible employer plan or Thrift Savings Plan (TSP) account.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Death Benefit Payment Rollover Election.

OMB Number: 3206–0218.

Frequency: On occasion.

Affected Public: Individual or Households.

Number of Respondents: 3,444.

Estimated Time per Respondent: 1 hour.

Total Burden Hours: 3,444.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–09099 Filed 5–4–17; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Evidence To Prove Dependency of a Child, RI 25–37

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension without change of a currently approved information collection (ICR), Evidence to Prove Dependency of a Child, RI 25–37.

DATES: Comments are encouraged and will be accepted until July 5, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Retirement Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Alberta Butler, Room 2347–E, or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Public Law 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection (OMB No. 3206–0206). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Form RI 25–37 is designed to collect sufficient information for the Office of Personnel Management to determine whether the surviving child of a deceased federal employee is eligible to receive benefits as a dependent child.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Evidence to Prove Dependency of a Child.

OMB Number: 3206–0206.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 250.

Estimated Time per Respondent: 1 hour.

Total Burden Hours: 250.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–09094 Filed 5–4–17; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Verification of Adult Student Enrollment Status, RI 25–49

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an extension without change of a currently approved information collection (ICR), Verification of Adult Student Enrollment Status, RI 25–49.

DATES: Comments are encouraged and will be accepted until July 5, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Retirement Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Alberta Butler, Room 2347–E, or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection (OMB No. 3206–0215). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Form RI 25–49 is used to verify that adult student annuitants are entitled to payment. The Office of Personnel Management must confirm that a full-time enrollment has been maintained.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Verification of Full-Time School Attendance.

OMB Number: 3206–0215.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 10,000.

Estimated Time per Respondent: 1 hour.

Total Burden Hours: 10,000.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–09100 Filed 5–4–17; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2017–126 and CP2017–179]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 9, 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).:* MC2017–126 and CP2017–179; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 48 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* May 1, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Katalin K. Clendenin; *Comments Due:* May 9, 2017.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–09136 Filed 5–4–17; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80569; File No. SR–ISE–2017–34]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Quote Mitigation

May 1, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 26, 2017, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 ISE Rule 804(h) regarding quote mitigation.

The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 ISE Rule 804, entitled ''Market Maker Quotations,'' to specifically amend Rule 804(h) which addresses the Exchange's quote traffic mitigation plan to adopt a similar quote mitigation plan to that of NASDAQ PHLX LLC (''Phlx'').

ISE implemented its quote mitigation plan in conjunction with joining other options exchanges in entering into the Penny Pilot Program to Quote Certain Options in Pennies. In 2007, ISE proposed to amend its rules to permit certain options classes to be quoted in pennies during a six-month pilot.[3]

ISE Rule 804(h) provides that ISE shall utilize a mechanism so that newly-received quotations and other changes to the Exchange's best bid and offer are not disseminated for a period of up to, but not more than one second. With the upcoming planned migration to INET,[4] the Exchange proposes to utilize a plan similar to that of Phlx for quote mitigation. The Exchange proposes to amend Rule 804(h) to adopt language similar to Phlx. Since 2007, Phlx has operated on INET, the same system that ISE will be migrating to utilize.

Phlx Rule 1082(a)(ii)(C) sets forth the conditions under which Phlx disseminates updated quotations based on changes in the Exchange's disseminated price and/or size. Phlx disseminates an updated bid and offer price, together with the size associated with such bid and offer, when: (1) Phlx's disseminated bid or offer price increases or decreases; (2) the size associated with Phlx's disseminated bid or offer decreases; or (3) the size associated with Phlx's bid (offer) increases by an amount greater than or equal to a percentage (never to exceed 20%) [5] of the size associated with the previously disseminated bid (offer). Such percentage, which would never exceed 20%, would be determined on an issue-by-issue basis by the Exchange and announced to membership via an Exchange circular. The percentage size increase necessary to give rise to a refreshed quote may vary from issue to issue, depending, without limitation, on the liquidity, average volume, and average number of quotations submitted in the issue. The mitigation would apply to all options traded on ISE.

The Exchange will not be adopting Phlx Rule 1082(a)(ii)(C)(4). This functionality is not necessary on INET. Phlx adopted 1082(a)(ii)(C)(4) when it was not operating on INET, with its subsequent replatform to INET functionality, 1082(a)(ii)(C)(4) was no longer necessary because of the real-time features which exist on INET. The INET functionality rendered the rule text in 1082(a)(ii)(C)(4) as unnecessary.

The Exchange will begin a system migration to Nasdaq INET in Q2 of 2017.[6] The migration will be on a symbol by symbol basis as specified by the Exchange in a notice to Members. The Exchange is proposing to implement this rule change once all symbols have migrated to INET.

Upon completion of the migration to INET, ISE will set an initial percentage of 3% to be applied to all issues, which will be announced in an Options Trader Alert. ISE will continue to monitor the quote activity on the market and would not notify participants of any incremental increase in the size of the Exchange's quote to be disseminated to OPRA.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by reducing the number of options quotations required to be submitted to OPRA and, therefore, mitigating the Exchange's quote message traffic and capacity. By adopting a quote mitigation plan similar to Phlx, the Exchange will continue to mitigate quotes and monitor its quote capacity, as is the case today. While the Phlx method differs from that of ISE's rule, the Exchange believes that Phlx's method today successfully mitigates quotes on that market. In addition, ISE desires to adopt a similar mitigation as currently utilized by its affiliated market, as it will operate on the same architecture.

The Phlx quote mitigation process has been in place since 2007. Phlx is operating on the INET system today, the same system that ISE will migrate to for its operating system. The Exchange believes that Phlx's quote mitigation process has successfully controlled Phlx's quote capacity. The Exchange believes that it is reasonable to utilize a similar process as Phlx to mitigate quotes for ISE given the system architecture which will be utilized on ISE with the upcoming migration. Additionally, Nasdaq, Inc., a common parent to Phlx and ISE, has experience with this quote mitigation strategy on INET. The Exchange has selected to mitigate ISE at 3% to start and determine if the percentage will need to be adjusted thereafter. While ISE, similar to Phlx, is a mature market with various auction offerings and higher volumes, ISE will be newly migrated to INET. The Exchange plans on monitoring the volume on this market to determine if the percentage needs to be adjusted. Utilizing 3% as the initial percentage will provide the Exchange with data for the newly migrated market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange proposes to mitigate all options trading on ISE. All options exchanges have a quote mitigation process in place in connection with their participation in the Penny Pilot Program.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant

[3] *See* Securities Exchange Release Act. No. 55161 (February 1, 2007), 72 FR 4754 (January 24, 2007) (SR–ISE–2006–62) (Order Granting Approval to Proposed Rule Change as Modified by Amendment Nos. 1 and 2 Thereto, To Implement a Penny Pilot Program To Quote Certain Options in Pennies).

[4] *See* Securities Exchange Act Release No. 80432 (April 11, 2017), 82 FR 18191 (April 17, 2017) (SR–ISE–2017–03) (Order Approving Proposed Rule Change, as Modified by Amendment No. 1, to Amend Various Rules in Connection with a System Migration to Nasdaq INET Technology).

[5] Phlx has set its percentage to 10%. *See http://www.nasdaqtrader.com/content/phlxmemos/2007/jan/0197-07.pdf.*

[6] *See* Securities Exchange Act Release No. 80432 (April 11, 2017), 82 FR 18191 (April 17, 2017) (SR–ISE–2017–03) (Order Approving Proposed Rule Change, as Modified by Amendment No. 1, to Amend Various Rules in Connection with a System Migration to Nasdaq INET Technology).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

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 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–ISE–2017–34 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–ISE–2017–34. 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–ISE–2017–34 and should be submitted on or before May 26, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09061 Filed 5–4–17; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80567; File No. TP 17–08]

Order Granting Limited Exemptions From Exchange Act Rule 10b–17 and Rules 101 and 102 of Regulation M to Alpha Architect Value Momentum Trend ETF Pursuant to Exchange Act Rule 10b–17(b)(2) and Rules 101(d) and 102(e) of Regulation M

May 1, 2017.

By letter dated May 01, 2017 (the ''Letter''), counsel for Alpha Architect ETF Trust (the ''Trust''), on behalf of the Trust, Alpha Architect Value Momentum Trend ETF (the ''Fund''), any national securities exchange or national securities association on or through which shares issued by the Fund (''Shares'') are listed and/or may subsequently trade, Quasar Distributors, LLC (the ''Distributor''), and other persons engaging in transactions in Shares (collectively, the ''Requestors''), requested exemptions, or interpretive or no-action relief, from Rule 10b–17 of the Securities Exchange Act of 1934, as amended (''Exchange Act''), and Rules 101 and 102 of Regulation M, in connection with secondary market transactions in Shares and the creation or redemption of aggregations of 50,000 Shares (''Creation Units'').

The Trust is registered with the Securities and Exchange Commission (''Commission'') under the Investment Company Act of 1940, as amended (''1940 Act''), as an open-end management investment company. The Fund is an exchange-traded fund (''ETF'') organized as a series of the Trust. The Fund seeks to track the performance of the Alpha Architect Value Momentum Trend Index (the ''Index''). The Fund intends to operate as an ''ETF of ETFs'' by seeking to track the performance of its underlying Index through, under normal circumstances,[1] investing at least 80% of its total assets [2] in up to four ETFs that comprise the Index (''Underlying ETFs''). The Fund also intends to invest the remaining twenty percent of its total assets in cash and cash equivalents, other investment companies, as well as securities and other types of financial instruments that may not be components of the Index, but which will help the Fund track the Index (*e.g.,* the Fund may invest in securities that are not components of the Index to reflect various corporate actions and other changes to the Index such as reconstitutions, additions, and deletions).[3] Except for the fact that the Fund will operate as an ETF of ETFs, the Fund will operate in a manner identical to the Underlying ETFs.

The Requestors represent, among other things, the following:

- Shares of the Fund will be issued by the Trust, an open-end management investment company that is registered with the Commission;
- The Trust will continuously redeem Creation Units at net asset value (''NAV''), and the secondary market price of the Shares should not vary

[1] The term ''under normal circumstances'' includes, but is not limited to, the absence of adverse market, economic, political, or other conditions, including extreme volatility or trading halts in the securities markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events, such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

[2] Regardless of the representation that the Fund generally will invest at least 80% of its total assets in securities that comprise the underlying Index, the Fund seeks to have a tracking error of less than five percent in any given month over a one-year period.

[3] The Fund intends, under normal circumstances, to hold shares of the Underlying ETFs and, from time to time, for hedging purposes, the Fund intends to short index ETFs or various types of financial instruments including, but not limited to, futures contracts and options on securities, indices, and futures contracts (''Financial Instruments''). Financial Instruments held or shorted by the Fund, if any, will be expected to provide a hedge against potential adverse market movements.

substantially from the NAV of such Shares;

- Shares of the Fund will be listed and traded on BATS Exchange, Inc. or another exchange in accordance with exchange listing standards that are, or will become, effective pursuant to Section 19(b) of the Exchange Act (the ''Exchange'');[4]
- All Underlying ETFs in which the Fund invests will either meet all conditions set forth in relevant class relief, will have received individual relief from the Commission, or will be able to rely upon individual relief even though they are not named parties;
- All of the components of the Index will have publicly available last sale trade information;
- The intra-day proxy value of the Fund per share and the value of the Index will be publicly disseminated by a major market data vendor throughout the trading day;
- On each business day before the opening of business on the Exchange, the Fund's custodian, through the National Securities Clearing Corporation, will make available the list of the names and the required number of shares of each security to be included in the consideration for purchase of a Creation Unit that day;
- The Exchange will disseminate continuously every 15 seconds throughout the trading day, through the facilities of the consolidated tape, the market value of a Share, and the Exchange, market data vendors, or other information providers will disseminate, every 15 seconds throughout the trading day, a calculation of the intra-day indicative value of a Share;
- The arbitrage mechanism will be facilitated by the transparency of the Fund's portfolio and the availability of the intra-day indicative value, the liquidity of securities held by the Fund, and the ability to acquire such securities, as well as the arbitrageurs' ability to create workable hedges;
- The Fund will invest solely in liquid securities and Financial Instruments;
- The Fund will invest in securities that will facilitate an effective and efficient arbitrage mechanism and the ability to create workable hedges;
- The Trust believes that arbitrageurs are expected to take advantage of price variations between the Fund's market price and its NAV; and
- A close alignment between the market price of Shares and the Fund's NAV is expected.

Regulation M

While redeemable securities issued by an open-end management investment company are excepted from the provisions of Rules 101 and 102 of Regulation M, the Requestors may not rely upon those exceptions for the Shares.[5] However, we find that it is appropriate in the public interest and is consistent with the protection of investors to grant exemptions from Rules 101 and 102 to persons who may be deemed to be participating in a distribution of Shares of the Fund as described in more detail below.

Rule 101 of Regulation M

Generally, Rule 101 of Regulation M is an anti-manipulation rule that, subject to certain exceptions, prohibits any ''distribution participant'' and its ''affiliated purchasers'' from bidding for, purchasing, or attempting to induce any person to bid for or purchase any security that is the subject of a distribution until after the applicable restricted period, except as specifically permitted in the Rule. Rule 100 of Regulation M defines ''distribution'' to mean any offering of securities that is distinguished from ordinary trading transactions by the magnitude of the offering and the presence of special selling efforts and selling methods. The provisions of Rule 101 of Regulation M apply to underwriters, prospective underwriters, brokers, dealers, or other persons who have agreed to participate in, or are participating in, a distribution of securities. The Shares are in a continuous distribution, and, as such, the restricted period in which distribution participants and their affiliated purchasers are prohibited from bidding for, purchasing, or attempting to induce others to bid for or purchase, the Shares extends indefinitely.

Based on the representations and the facts presented in the Letter, particularly that the Trust is a registered open-end management investment company that will continuously redeem, at NAV, Creation Unit aggregations of Shares of the Fund and that a close alignment between the market price of the Shares and the Fund's NAV is expected, the Commission finds that it is appropriate in the public interest, and consistent with the protection of investors, to grant the Trust an exemption from Rule 101 pursuant to paragraph (d) of Rule 101 of Regulation M with respect to the Shares of the Fund, thus permitting persons participating in a distribution of Shares of the Fund to bid for or purchase such Shares during their participation in such distribution.[6]

Rule 102 of Regulation M

Rule 102 of Regulation M prohibits issuers, selling security holders, and any affiliated purchaser of such person from bidding for, purchasing, or attempting to induce any person to bid for or purchase a covered security during the applicable restricted period in connection with a distribution of securities effected by or on behalf of an issuer or selling security holder.

Based on the representations and the facts presented in the Letter, particularly that the Trust is a registered open-end management investment company that will redeem, at the NAV, Creation Unit aggregations of Shares of the Fund and that a close alignment between the market price of the Shares and the Fund's NAV is expected, the Commission finds that it is appropriate in the public interest, and consistent with the protection of investors, to grant the Trust an exemption from Rule 102 pursuant to paragraph (e) of Rule 102 of Regulation M with respect to the Fund, thus permitting the Fund to redeem Shares of the Fund during the distribution of such Shares.

Rule 10b–17

Rule 10b–17, with certain exceptions, requires an issuer of a class of publicly traded securities to give notice of certain specified actions (for example, a dividend distribution) relating to such class of securities in accordance with Rule 10b–17(b). Based on the representations and the facts presented in the Letter, and subject to the conditions below, the Commission finds that it is appropriate in the public interest, and consistent with the protection of investors, to grant the Trust a conditional exemption from Rule 10b–17 because market participants will receive timely notification of the existence and timing of a pending distribution, and thus the concerns that the Commission raised in

[4] Further, Requestors represent in the Letter that, should the Shares also trade on a market pursuant to unlisted trading privileges, such trading will be conducted pursuant to self-regulatory organization rules that have become effective pursuant to Section 19(b) of the Exchange Act.

[5] While ETFs operate under exemptions from the definitions of ''open-end company'' under Section 5(a)(1) of the 1940 Act and ''redeemable security'' under Section 2(a)(32) of the 1940 Act, the Fund and its securities do not meet those definitions.

[6] Additionally, we confirm the interpretation that a redemption of Creation Unit size aggregations of Shares of the Fund and the receipt of securities in exchange by a participant in a distribution of Shares of the Fund would not constitute an ''attempt to induce any person to bid for or purchase, a covered security during the applicable restricted period'' within the meaning of Rule 101 of Regulation M and therefore would not violate that rule.

adopting Rule 10b–17 will not be implicated.[7]

Conclusion

It is hereby ordered, pursuant to Rule 101(d) of Regulation M, that the Trust, based on the representations and facts presented in the Letter, is exempt from the requirements of Rule 101 with respect to Shares of the Fund, thus permitting persons who may be deemed to be participating in a distribution of Shares of the Fund to bid for or purchase such Shares during their participation in such distribution.

It is further ordered, pursuant to Rule 102(e) of Regulation M, that the Trust, based on the representations and the facts presented in the Letter, is exempt from the requirements of Rule 102 with respect to the Fund, thus permitting the Fund to redeem Shares of the Fund during the continuous offering of such Shares.

It is further ordered, pursuant to Rule 10b–17(b)(2), that the Trust, based on the representations and the facts presented in the Letter and subject to the conditions below, is exempt from the requirements of Rule 10b–17 with respect to the transactions in the Shares of the Fund.

The exemption from Rule 10b–17 is subject to the following conditions:

- The Trust will comply with Rule 10b–17, except for Rule 10b–17(b)(1)(v)(a) and (b); and
- The Trust will provide the information required by Rule 10b–17(b)(1)(v)(a) and (b) to the Exchange as soon as practicable before trading begins on the ex-dividend date, but in no event later than the time when the Exchange last accepts information relating to distributions on the day before the ex-dividend date.

This exemptive relief is subject to modification or revocation at any time the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Exchange Act. These exemptions are based on the facts presented and the representations made in the Letter. Any different facts or representations may require a different response. Persons relying upon this exemptive relief shall promptly present the facts for the Commission's consideration in the event that any material change occurs with respect to any of the facts or representations made by the Requestors, and, as is the case with all preceding relief for ETFs, particularly with respect to the close alignment between the market price of Shares and the Fund's NAV. In addition, persons relying on these exemptions are directed to the anti-fraud and anti-manipulation provisions of the Exchange Act, particularly Sections 9(a), 10(b), and Rule 10b–5 thereunder. Responsibility for compliance with these and any other applicable provisions of the federal securities laws must rest with the persons relying on these exemptions.

This Order should not be considered a view with respect to any other question that the proposed transactions may raise, including, but not limited to, the adequacy of the disclosure concerning, and the applicability of other federal or state laws to, the proposed transactions.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09080 Filed 5–4–17; 8:45 am]

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[7] We also note that timely compliance with Rule 10b–17(b)(1)(v)(a) and (b) would be impractical in light of the Fund's nature because it is not possible for the Fund to accurately project ten days in advance what dividend, if any, would be paid on a particular record date. Further, the Commission finds, based on the Requestors representations in the Letter, that the provision of notices as described in the Letter would not constitute a manipulative or deceptive device or contrivance comprehended within the purpose of Rule 10b–17.

[8] 17 CFR 200.30–3(a)(6) and (9).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32620; 812–14739]

ClearShares, LLC et al.

May 1, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) actively-managed series of certain open-end management investment companies (''Funds'') to issue shares redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (''NAV''); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds (''Funds of Funds'') to acquire shares of the Funds; and (f) certain Funds (''Feeder Funds'') to create and redeem Creation Units in-kind in a master-feeder structure.

APPLICANTS: ETF Series Solutions (''Trust''), a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series, ClearShares LLC (''ClearShares''), a Delaware limited liability company that is registered as an investment adviser under the Investment Advisers Act of 1940, and Quasar Distributors, LLC (''Distributor''), a Delaware limited liability company and broker-dealer registered under the Securities Exchange Act of 1934 (''Exchange Act'').

FILING DATES: The application was filed on January 24, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on May 26, 2017, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: W. John McGuire, Esq., Morgan, Lewis & Bockius, LLP, 1111 Pennsylvania Avenue NW., Washington, DC 20004–2541 and Michael D. Barolsky, Esq., U.S. Bancorp Fund Services, LLC, 615 E. Michigan Street, Milwaukee, WI 53202.

FOR FURTHER INFORMATION CONTACT: Rochelle Kauffman Plesset, Senior Counsel, at (202) 551–6840 or Daniele

Marchesani, Assistant Chief Counsel, at (202) 551–6747 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would allow Funds to operate as actively-managed exchange traded funds (''ETFs'').[1] Fund shares will be purchased and redeemed at their NAV in Creation Units only. All orders to purchase Creation Units and all redemption requests will be placed by or through an ''Authorized Participant'', which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Certain Funds may operate as Feeder Funds in a master-feeder structure. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will consist of a portfolio of securities and other assets and investment positions (''Portfolio Instruments''). Each Fund will disclose on its Web site the identities and quantities of the Portfolio Instruments that will form the basis for the Fund's calculation of NAV at the end of the day.

3. Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments (''Deposit Instruments''), and shareholders redeeming their shares will receive specified instruments (''Redemption Instruments''). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units only.

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c–1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that hold non-U.S. Portfolio Instruments and that effect creations and redemptions of Creation Units in kind, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are Affiliated Persons, or Second Tier Affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions and Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Instruments currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.[2] The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Applicants also request relief to permit a Feeder Fund to acquire shares of another registered investment company managed by the Adviser having substantially the same investment objectives as the Feeder Fund (''Master Fund'') beyond the limitations in section 12(d)(1)(A) and permit the Master Fund, and any principal underwriter for the Master Fund, to sell shares of the Master Fund to the Feeder Fund beyond the limitations in section 12(d)(1)(B).

10. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the

[1] Applicants request that the order apply to the new series of the Trust as well as to additional series of the Trust and any other open-end management investment company or series thereof that currently exist or that may be created in the future (each, included in the term ''Fund''), each of which will operate as an actively-managed ETF. Any Fund will (a) be advised by ClearShares or an entity controlling, controlled by, or under common control with ClearShares (each, an ''Adviser'') and (b) comply with the terms and conditions of the application.

[2] The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09065 Filed 5–4–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80563; File No. SR–FICC–2017–003]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, To Expand the Types of Entities That Are Eligible To Participate in Fixed Income Clearing Corporation as Sponsored Members and Make Other Changes

May 1, 2017.

I. Introduction

On March 1, 2017, Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–FICC–2017–003, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder.[2] On March 13, 2017, FICC filed Amendment No. 1 to the proposed rule change, which amended and replaced the original filing in its entirety (hereinafter, ''Proposed Rule Change''). The Proposed Rule Change was published for comment in the **Federal Register** on March 17, 2017.[3] The Commission received four comment letters [4] to the Proposed Rule Change, including a response letter from FICC. For the reasons discussed below, the Commission is approving the Proposed Rule Change.

II. Description of the Proposed Rule Change

The Proposed Rule Change consists of changes to the Government Securities Division (''GSD'') Rulebook (''Rules'') [5] in order to (i) expand the types of entities that are eligible to participate in FICC's Sponsored Membership program as Sponsored Members, and (ii) make amendments and clarifications to the Rules relating to the Sponsored Membership service in general.

A. The Proposed Expansion of Sponsored Member Eligibility

Currently, GSD Bank Netting Members that are well-capitalized with at least $5 billion in equity capital are permitted to serve as Sponsoring Members and sponsor certain institutional firms into GSD membership as Sponsored Members.[6] A Sponsoring Member is permitted to submit to FICC for comparison, novation, and netting certain types of eligible transactions between itself and its Sponsored Members (''Sponsored Member Trades'').[7] For operational and administrative purposes, FICC interacts solely with the Sponsoring Member as agent for purposes of the day-to-day satisfaction of its Sponsored Members' obligations to FICC, including the Sponsored Members' securities and funds-only settlement obligations.[8]

Currently, eligibility to become a Sponsored Member is limited to investment companies that are registered under the Investment Company Act of 1940 [9] (each, a ''Registered Investment Company'' or ''RIC'') and that meet the definition of a qualified institutional buyer (''QIB''), as defined in Rule 144A [10] under the Securities Act of 1933.[11]

The Proposed Rule Change would eliminate the RIC requirement. However, in order to ensure that Sponsored Members are financially sophisticated, FICC would retain the QIB requirement to the extent that the Sponsored Member's legal entity type falls under one of the enumerated categories of Rule 144A's QIB definition.[12] For institutional firms whose entity types do not clearly fall into one of the enumerated categories in Rule 144A's QIB definition, FICC proposes to require that such Sponsored Members satisfy the financial requirements that an entity specifically listed in paragraph (a)(1)(i) of Rule 144A must satisfy in order to be a QIB.[13]

Because the proposal would newly permit non-U.S. entities to become Sponsored Members, FICC proposes to amend the GSD Rules to provide that such entities would be considered FFI Members [14] subject to FATCA compliance obligations.[15]

The proposal would also clarify that the existing requirement on all Sponsored Members and their Sponsoring Members to comply with all applicable laws includes the requirement to comply with global sanctions laws.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 80236 (March 14, 2017), 82 FR 14265 (March 17, 2017) (SR–FICC–2017–003) (''Notice'').

[4] *See* letter from Stefan M. Gavell, Executive Vice President and Head of Regulatory, Industry and Government Affairs, State Street Corporation (''State Street''), dated April 7, 2017, to Brent J. Fields, Secretary, Commission (''State Street Letter''); letter from Robert E. Pooler Jr., Chief Financial Officer, Ronin Capital, LLC (''Ronin''), dated April 7, 2017, to Robert W. Errett, Deputy Secretary, Commission (''Ronin Letter I''); letter from Murray Pozmanter, Managing Director, FICC, dated April 17, 2017, to Robert W. Errett, Deputy Secretary, Commission (''FICC Letter''); letter from Robert E. Pooler Jr., Chief Financial Officer, Ronin, dated April 20, 2017, to Robert W. Errett, Deputy Secretary, Commission (''Ronin Letter II'') *available at https://www.sec.gov/comments/sr-ficc-2017-003/ficc2017003.htm.*

[5] Capitalized terms not defined herein are defined in the Rules, *available at http://www.dtcc.com/legal/rules-and-procedures.*

[6] Rule 3A, Section 2, *supra* note 5.

[7] The Sponsoring Member is required to establish an omnibus account at FICC for all of its Sponsored Members' FICC-cleared activity (''Sponsoring Member Omnibus Account''), which is separate from the Sponsoring Member's regular netting account. Rule 1; Rule 3A, Section 10, *supra* note 5.

[8] *See* Rule 3A, Sections 5, 6, 7, 8 and 9, *supra* note 5.

[9] 15 U.S.C. 80a–1 *et. seq.*

[10] 17 CFR 230.144A.

[11] 15 U.S.C. 77a *et. seq.*

[12] 17 CFR 230.144A(a)(1)(i) defines a qualified institutional buyer as an entity ''. . . acting for its own account or the accounts of other qualified institutional buyers, that in the aggregate owns and invests on a discretionary basis at least $100 million in securities of issuers that are not affiliated with the entity. . . .''

[13] *See* Notice, 82 FR at 14266. Because conceptions of financial sophistication may change over time, FICC's proposal ties this requirement to the QIB definition in Rule 144A, as such definition may be amended from time to time.

[14] *See* Notice, 82 FR at 14267. Pursuant to Rule 1, the term ''FFI Member'' means ''any Person that is treated as a non-U.S. entity for U.S. federal income tax purposes.'' Rules, *supra* note 5. For the avoidance of doubt, the term FFI Member also includes ''any Member that is a U.S. branch of an entity that is treated as a non-U.S. entity for U.S. federal income tax purposes.'' *Id.*

[15] FATCA is the Foreign Account Tax Compliance Act, 26 U.S.C. 1471 *et seq.* The Rules define FATCA Compliant to mean that an ''. . . FFI Member has qualified under such procedures promulgated by the Internal Revenue Service . . . to establish exemption from withholding under FATCA such that [FICC] would not be required to withhold [anything] under FATCA . . . .'' Rules, *supra* note 5. Although GSD has Members, including certain Bank Netting Members, which are non-U.S. entities, currently there are no Sponsoring Members that are non-U.S. entities. *See* Notice, 82 FR at 14267. Any future Sponsoring Member or Sponsored Member that is an FFI Member will be subject to the same FATCA Compliance screening as any other Member that is a non-U.S. entity. Proposed Rule 3A, Section 3.

B. Other Proposed Rule Changes

The Proposed Rule Change also contains proposed changes that are unrelated to the proposed expansion of entity types eligible to be Sponsored Members, but that relate to FICC's Sponsored Membership program in general. FICC states that these proposed changes are designed to provide specificity, clarity, and additional transparency to the Rules.[16] Specifically FICC proposes to:

- Clarify that the Sponsoring Member Omnibus Account refers to an Account, as defined in Rule 1;
- amend Section 7 of Rule 3A to reference the application of fails charges [17] to a Sponsoring Member Omnibus Account in the same manner as such charges are applied to Netting Members pursuant to Rule 11 and to correct certain typographical errors; [18]
- amend Section 9 of Rule 3A to correct an out-of-date cross-reference to Rule 13;
- amend Section 10 of Rule 3A to reflect the current Clearing Fund calculation procedures applicable to a Sponsoring Member Omnibus Account; [19]
- amend Section 10 of Rule 3A to specify that, for purposes of calculating the Unadjusted GSD Margin Portfolio Amount applicable to a Sponsoring Member Omnibus Account, FICC would apply the higher of the Required Fund Deposit calculation as of the beginning of the current Business Day and intraday on the current Business Day;
- amend Section 10 of Rule 3A to correct certain out-of-date cross-references to Rule 4;
- amend Section 12 of Rule 3A to reflect the current loss allocation process applicable to Sponsored Member Trades in the event that the Sponsoring Member is insolvent or otherwise in default to FICC; [20]
- amend Section 12 of Rule 3A to correct certain out-of-date cross-references to Rule 4 and to correct certain typographical errors;
- amend Sections 13 and 14 of Rule 3A to correct certain out-of-date cross-references to Rule 21; and
- amend Section 15 of Rule 3A to specify the standard with respect to which a Sponsoring Member is deemed by FICC to have knowledge that one of its Sponsored Members is insolvent or is otherwise unable to perform on any of its material contracts, obligations, or agreements for purposes of the Sponsoring Member's obligation to inform FICC of such matter.[21]

III. Summary of Comments Received

The Commission received four comment letters in response to the proposal: One from State Street supporting the proposal, one from Ronin opposing the proposal, one from FICC in response to Ronin, and a second from Ronin in response to FICC.

State Street raises a number of points in support of the proposal. Specifically, State Street argues that, if adopted, the proposal would (i) provide institutional investors with access to central clearing services through FICC, without material changes to FICC's operational or risk management practice; (ii) permit greater use of netting to offset Sponsored Member transactions against a direct GSD member's other eligible transactions, thereby substantially reducing required amounts of leveraged capital; (iii) better enable global systemically important banks to meet supplementary leverage ratio requirements; and (iv) enhance the liquidity and efficiency of collateral and financing markets.[22]

Ronin raises a number of points in opposition to the proposal. Specifically, Ronin argues that the proposal would increase risks and have an anti-competitive impact. FICC's letter responds to the concerns raised by Ronin.

A. Comments Regarding the Proposal's Potential To Increase Risks

Ronin notes that the proposed expansion would allow certain entities such as hedge funds and other types of counterparties that Ronin believes are risk-taking and leveraged to participate in FICC as Sponsored Members. Ronin argues that by allowing such entities to participate in GSD as Sponsored Members, the proposal would (i) increase concentration risk in Sponsoring Members because the proposal would encourage entities to become Sponsored Members rather than full Netting Members that could then gravitate to one or just a few Sponsoring Members; (ii) increase settlement risk for Sponsoring Members who take on Sponsored Members; and (iii) increase the amount of leverage used by Sponsored Members, which would increase the risk of liquidity drain and fire sales in the event of a Sponsoring Member default.[23]

In response to Ronin's concerns regarding concentration risk, FICC states that the Rules already incorporate risk management practices into the Sponsored Membership program (*e.g.,* capital requirements,[24] Sponsoring Member Guaranty,[25] and Clearing Fund deposits [26]), which the proposal would not change.[27] Moreover, FICC notes that because Sponsoring Members are banks, they are subject to extensive prudential supervision and regulation,[28] which further mitigates the risk that a Sponsoring Member would be unable to meet its obligations associated with the default of a Sponsored Member.[29] FICC also notes that neither the Sponsoring Member Guaranty nor the Sponsoring

[16] *See* Notice, 82 FR at 14266–68.

[17] The term ''fails charge'' refers to the charge imposed by FICC on Netting Members for a delivery failure in Treasury Securities or debentures issued by Fannie Mae, Freddie Mac or the Federal Home Loan Banks, pursuant to Section 14 of Rule 11. Rules, *supra* note 5.

[18] FICC states that it has imposed fails charges, if applicable, on Sponsoring Members for their Sponsoring Member Omnibus Accounts since the implementation of the charges in 2009, Securities Exchange Act Release No. 59802 (April 20, 2009), 74 FR 19248 (April 28, 2009) (SR–FICC–2009–03), and that this proposed change would clarify the application of the fails charges to a Sponsoring Member's Sponsoring Member Omnibus Account in Rule 3A. *See* Notice, 82 FR at 14267.

[19] Specifically, FICC would amend Section 10 of Rule 3A to specify that the Required Fund Deposit of a Sponsoring Member Omnibus Account would be equal to the sum of (1) the VaR Charges for all of the Sponsored Members whose activity is represented in the Sponsoring Member Omnibus Account as derived pursuant to Section 1b(a)(i) of Rule 4, and (2) all amounts derived pursuant to the provisions of Rule 4 other than pursuant to Section 1b(a)(i) of Rule 4 computed at the level of the Sponsoring Member Omnibus Account. FICC states that the proposed changes maintain the substance of the calculation of the Required Fund Deposit for a Sponsoring Member Omnibus Account, but update the rules provisions to reflect the current Clearing Fund calculation terminology and delete references to terms that are no longer used in the Rules. *See* Notice, 82 FR at 14267–68.

[20] Specifically, FICC would amend Section 12 of Rule 3A to specify that any Remaining Loss incurred by FICC would be allocated to the Tier One Netting Members in accordance with the principles set forth in Section 7(d) of Rule 4 (Clearing Fund and Loss Allocation).

[21] Specifically, FICC would specify that if one or more duly authorized representatives of a Sponsoring Member, in its capacity as such, has knowledge that one of its Sponsored Members is insolvent or otherwise unable to perform on any of its material contracts, obligations or agreements, that such knowledge triggers the Sponsoring Member's obligation to inform FICC of such matter.

[22] *See* State Street Letter at 1–3.

[23] *See* Ronin Letter I at 1–6; Ronin Letter II at 2.

[24] As noted above, FICC requires a Sponsoring Member to be a well-capitalized GSD Bank Netting Member with at least $5 billion in equity capital. FICC Letter at 2; *see also* Rule 3A, Section 2(a), *supra* note 5.

[25] FICC requires a Sponsoring Member to provide FICC a guaranty regarding the payment and performance of each of its Sponsored Member's obligations to FICC. FICC Letter at 2; *see also* Rule 1 (definition of Sponsoring Member Guaranty) and Rule 3A, Section 2(c), *supra* note 5.

[26] FICC requires a Sponsoring Member to post all of the Clearing Fund deposits associated with the activity of its Sponsoring Member Omnibus Account. FICC Letter at 2; *see also* Rule 3A, Section 10, *supra* note 5.

[27] *See* FICC Letter at 2–3; Rule 1 definition of ''Sponsoring Member Guaranty'' and Rule 3A, Sections 2 and 10. Rules, *supra* note 5.

[28] *See* Rule 2A, Section 2. Rules, *supra* note 5.

[29] FICC Letter at 3.

Member's Clearing Fund deposits would be available to FICC to cover potential default losses if hedge funds were permitted to become full Netting Members.[30]

In response to Ronin's concerns regarding settlement risk, FICC argues that the proposal would reduce settlement risk because Sponsoring Members would be able to take advantage of additional netting that results from increased participation in FICC, and as discussed more fully below, FICC would have access to additional margin in connection with Sponsored Member accounts.[31]

Finally, in response to Ronin's concerns regarding increased leverage, FICC states that it is unlikely that the proposal would cause an increase in Sponsored Members' leverage because the prudential regulation of the Sponsoring Member and the Sponsoring Member Guaranty incentivize the Sponsoring Member to monitor and manage Sponsored Member activity to ensure that inappropriate risks are not presented.[32]

B. Comments Regarding the Proposal's Potential To Burden Competition

Ronin argues that the proposed expansion of the Sponsored Membership program would unfairly burden non-participating Netting Members by (i) allowing Sponsored Members to benefit from centralized clearing without bearing the risk or cost (*e.g.,* the cost associated with FICC's proposed capped contingency liquidity facility (''CCLF'')) [33] of loss mutualization that is borne by full Netting Members; and (ii) favoring only GSD Bank Netting Members with balance sheet offsets and reduced capital charges afforded through Sponsored Member trading activity.[34]

In response to Ronin's concerns regarding loss mutualization, FICC acknowledges that the proposal would not make Sponsored Members responsible for default loss mutualization or CCLF contributions, but emphasizes that such responsibilities would be borne by the Sponsoring Member.[35] Moreover, FICC states that the risk of potential losses resulting from Sponsored Membership activity would be adequately mitigated without placing undue burdens on non-participating Netting Members for a number of reasons.[36] First, a Sponsoring Member is required to post all of the Clearing Fund associated with the activity of its Sponsored Members, calculated on a gross basis (*i.e.,* Sponsored Member activity is not netted for margin purposes).[37] Second, FICC has the right to apply all of the Sponsoring Member's Clearing Fund deposits (*i.e.,* both the deposits of the Sponsoring Member Omnibus Account and the Sponsoring Member's own netting account) against any obligations owed to FICC by the Sponsoring Member. Third, loss mutualization would only occur after FICC had exhausted all Clearing Fund deposits of the defaulting Sponsoring Member and other applicable resources.[38] Finally, FICC notes that while an increase in the CCLF size would affect the CCLF contribution amounts of Netting Members that present the highest liquidity needs to FICC (*i.e.,* those Netting Members whose liquidity needs over a 6-month look-back period exceed $15 billion), it would not affect the CCLF contribution amounts of approximately 80 percent of Netting Members, whose liquidity needs over a 6-month look-back period are less than $15 billion.[39]

In response to Ronin's concerns that balance sheet offsets and reduced capital charges would only accrue to Sponsoring Members, FICC argues that all Netting Members would benefit from additional balance sheet and capital efficiencies to the extent that such members are counterparties to Sponsoring Members in new Sponsored Member activity cleared through FICC.[40]

IV. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [41] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization. After carefully considering the Proposed Rule Change, the comments received, and FICC's responses thereto, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to FICC. In particular, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act.[42]

Section 17A(b)(3)(F) of the Act requires, in part, that the Rules be designed to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.[43] As described above, eligibility to be a Sponsored Member currently is limited to RICs that are QIBs and that have a Sponsoring Member. Entities other than RICs that otherwise meet the Sponsored Member eligibility requirements and engage in the same type of eligible trading activity outside of a central counterparty are unable to avail themselves of the guaranteed settlement, novation, and independent risk management offered by FICC through the Sponsored Membership program. To address this issue, the proposal would remove the RIC requirement and modify the QIB requirement such that an entity not described in Rule 144A would still be able to become a Sponsored Member if it met the financial requirements listed in paragraph (a)(1)(i) of Rule 144A.

As described above, Ronin argues that such an expansion of the Sponsored Membership program would create a competitive burden because Sponsored Members would not bear the risk or cost of loss mutualization in the event of GSD member default, as full Netting Members do,[44] and any increased balance sheet offsets and reduced capital charges afforded by the expansion would only benefit bank Netting Members.[45] The Commission does not find that the proposed expansion of the Sponsored Membership program would create a competitive burden. Although it is true that Sponsored Members would not directly bear the risk and cost of loss mutualization, Sponsoring Members

[30] *Id.*

[31] FICC Letter at 4.

[32] *Id.*

[33] On March 1, 2017, FICC filed with the Commission an advance notice and proposed rule change that would establish CCLF to provide FICC with additional liquid financial resources to meet its cash settlement obligations in the event of a default of the largest family of affiliated Netting Members. *See* Securities Exchange Act Release No. 80191 (March 9, 2017), 82 FR 13876 (March 15, 2017) (SR–FICC–2017–802); Securities Exchange Act Release No. 80234 (March 14, 2017), 82 FR 14401(March 20, 2017) (SR–FICC–2017–002). The proposed CCLF would be sized based on the trading activity of the largest family of affiliated Netting Members. Ronin argues that the Sponsored Members of an entity within the largest family of affiliated Netting Members could increase the size of the CCLF obligations for other GSD Netting Members. Ronin Letter I at 4; Ronin Letter II at 1–2.

[34] Ronin Letter I at 1–6.

[35] FICC Letter at 2–3.

[36] *Id.*

[37] *Id.*

[38] *Id.*

[39] FICC Letter at 4–5; *see also* Securities Exchange Act Release No. 80191 (March 9, 2017), 82 FR 13876 (March 15, 2017) (SR–FICC–2017–802).

[40] FICC Letter at 3–4.

[41] 15 U.S.C. 78s(b)(2)(C).

[42] 15 U.S.C. 78q–1(b)(3)(F).

[43] *Id.*

[44] Ronin Letter I at 4–5; *see also* Ronin Letter II at 1–2.

[45] Ronin Letter I at 1–6.

would, and the Commission believes that Sponsoring Members are fully aware of this outcome and are capable of addressing it by passing on any risk and cost to their Sponsored Members. The Commission also believes that benefits from the expansion would not necessarily fall solely to bank Netting Members, but, as FICC explains,[46] to all GSD members, where such members are counterparties to Sponsoring Members with new Sponsored Member Trades.

In addition, the Commission believes that the proposal's expansion of the Sponsored Membership program would make the risk-reducing benefits of central clearing available to a wider range of entity types. In turn, increased trading activity through the expanded Sponsored Membership program would likely (1) lower the risk of diminished liquidity in the U.S. repo market caused by a large scale exit of participants from the market in a stress scenario (through FICC's guaranty of completion of settlement for a greater number of eligible transactions); (2) protect against fire sale risk (through FICC's ability to centralize and control the liquidation of a greater portion of a failed counterparty's portfolio); and (3) decrease settlement and operational risk (by making a greater number of transactions eligible to be netted and subject to guaranteed settlement, novation, and independent risk management through FICC).

Therefore, the Commission believes that by removing the RIC requirement and adjusting the QIB requirement, the Proposed Rule Change would remove an impediment to and help perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act, cited above.

Section 17A(b)(3)(F) of the Act requires, in part, that the Rules also be designed to, in general, to protect investors and the public interest.[47] As described above, the proposal would expand the types of entities eligible to participate in the Sponsored Membership program as Sponsored Members. As discussed above, Ronin argues that such expansion would increase concentration, settlement, and leverage risks.[48] The Commission does not find that the proposed expansion would increase such risks. First, Sponsoring Members are bank Netting Members that are subject to extensive risk management practices and oversight by their prudential regulators and FICC, which helps mitigate risk posed by such entities, including the addition of new Sponsored Members. Second, by expanding the types of entities that are eligible to participate and thereby benefit from FICC's guaranteed settlement, novation, and independent risk management, the proposal would help mitigate the risk of a large scale exit by such firms from the U.S. repo market in a stress scenario and, thus, lower the risk of a liquidity drain in such a scenario. Third, by providing central clearing to a greater number of Sponsored Member Trades, the proposal would enable FICC to centralize and control the liquidation of a greater number of such positions in the event of a Sponsored Member or Sponsoring Member's default. Doing so would help protect against the risk that an uncoordinated liquidation of the positions by multiple counterparties to the defaulting member would cause a fire sale of positions that negatively impacts the counterparties, FICC, and potentially the broader financial system. Therefore, the Commission believes that the proposed changes related to the proposed expansion of Sponsored Membership eligibility would help protect investors and the public interest, in accordance with Section 17A(b)(3)(F) of the Act.[49]

Section 17A(b)(3)(F) of the Act requires, in part, that the Rules also be designed to promote the prompt and accurate clearance and settlement of securities transactions.[50] In addition to the proposed changes related specifically to the proposed expansion of entity types eligible to be Sponsored Members, the Proposed Rule Change also would make a number of changes to the Rules that relate to Sponsored Membership in general, as described above. These changes are designed to provide specificity, clarity, and additional transparency to the Rules by (i) removing ambiguities in definitions and other Rule provisions to provide greater clarity regarding how such definitions and provisions apply to the Sponsored Membership program; (ii) updating Rule provisions to correct outdated terminology; and (iii) correcting typographical errors and out-of-date cross-references. Collectively, these changes would ensure that the relevant Rules remain transparent, accurate, and clear, which would enable all stakeholders to better understand their rights and obligations in connection with the Sponsored Membership program. Therefore, the Commission believes these changes would promote the prompt and accurate clearance and settlement of securities transactions by FICC, consistent with Section 17A(b)(3)(F) of the Act.[51]

V. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[52] and the rules and regulations promulgated thereunder.

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act[53] that proposed rule change SR–FICC–2017–003, as modified by Amendment No. 1, be, and hereby is, *Approved*.[54]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[55]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09059 Filed 5–4–17; 8:45 am]

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[46] FICC Letter at 3–4.

[47] 15 U.S.C. 78q–1(b)(3)(F).

[48] Ronin Letter I at 1–6; *see also* Ronin Letter II at 2.

[49] *Id.*

[50] *Id.*

[51] *Id.*

[52] 15 U.S.C. 78q–1.

[53] 15 U.S.C. 78s(b)(2).

[54] In approving the proposed rule change, the Commission considered the proposals' impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[55] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80566; File No. SR–ICEEU–2017–003]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change, Security-Based Swap Submission, or Advance Notice Relating to the CDS End-of-Day Price Discovery Policy

May 1, 2017.

On March 10, 2017, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–ICEEU–2017–003) to amend ICE Clear Europe's CDS End-of-Day Price Discovery Policy to implement a new price submission process for Clearing Members. The proposed rule change was published for comment in the **Federal Register** on March 23,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

2017.[3] The Commission received no comments regarding the proposed changes.

Section 19(b)(2) of the Act provides that within 45 days of the publication of the notice of the filing or a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved.[4] The 45th day from the publication of the Notice is May 7, 2017.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. ICE Clear Europe proposes to revise its CDS End-of-Day Price Discovery Policy to implement a new Clearing Member price submission process to remove the intermediary agent through which Clearing Members currently submit required prices, and replace it with a process through which Clearing Members submit prices directly to ICE Clear Europe. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider ICE Clear Europe's proposed rule change and the associated operational risks.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act, extends the period by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–ICEEU–2017–003) to no later than June 21, 2017.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[5]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09060 Filed 5–4–17; 8:45 am]

BILLING CODE 8011–01–P

[3] Securities Exchange Act Release No. 34–80269 (March 17, 2017), 82 FR 14925 (March 23, 2017) (SR–ICEEU–2017–003) (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80570; File No. SR–MIAX–2017–16]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing of a Proposed Rule Change To Amend MIAX Options Rule 515A, MIAX Price Improvement Mechanism (''PRIME'') and PRIME Solicitation Mechanism

May 1, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 25, 2017, Miami International Securities Exchange LLC (''MIAX Options'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 515A, MIAX Price Improvement Mechanism (''PRIME'') and PRIME Solicitation Mechanism.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 Rule 515A, MIAX Price Improvement Mechanism (''PRIME'') and PRIME Solicitation Mechanism, to amend the duration of a PRIME Auction. PRIME is a process by which a Member[3] may electronically submit for execution (''Auction'') an order[4] it represents as agent (''Agency Order'') against principal interest, and/or an Agency Order against solicited interest (''Solicitation Auction''). When the Exchange receives a properly designated Agency Order for auction processing, a Request for Responses (''RFR'') detailing the option, side, size, and initiating price is sent to all subscribers of the Exchange's data feeds. Currently, the Auction and Solicitation Auction period lasts for 500 milliseconds, unless it is concluded early.[5] The Exchange proposes to amend Rule 515A(a)(2)(i)(C) so that the duration of the Auction and Solicitation Auction shall be a time period designated by the Exchange, which shall be no less than 100 milliseconds and no more than 1 second, consistent with the rule of other exchanges, such as the International Securities Exchange (''ISE''), NASDAQ BX (''BX''), NASDAQ PHLX (''PHLX''), and Chicago Board Options Exchange (''CBOE'').[6] When approving the change

[3] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[4] The term ''order'' means a firm commitment to buy or sell option contracts. *See* Exchange Rule 100.

[5] A PRIME and PRIME Solicitation Auction will conclude at the sooner of (1) Upon receipt by the System of an unrelated order (in the same option as the Agency Order) on the opposite side of the market from the RFR responses, that is marketable against either the NBBO, the initiating price, or the RFR responses; (2) Upon receipt by the System of an unrelated order (in the same option as the Agency Order) on the same side of the market as the RFR responses, that is marketable against the NBBO; (3) Upon receipt by the System of an unrelated limit order (in the same option as the Agency Order) on the opposite of the market from the Agency Order that improves any RFR response; (4) Any time an RFR response matches the NBBO on the opposite side of the market from the RFR responses; (5) Any time there is a quote lock in the subject option on the Exchange pursuant to Rule 1402; or (6) Any time there is a trading halt in the option on the Exchange. *See* Exchange Rule 515A.

[6] *See* Securities Exchange Act Release Nos. 79733 (January 4, 2017), 82 FR 3055 (January 10, 2017) (SR–ISE–2016–26); 76301 (October 29, 2015), 80 FR 68347 (November 4, 2015) (SR–BX–2015–032); 77557 (April 7, 2016), 81 FR 21935 (April 13, 2016) (SR–PHLX–2016–40); and 80421 (April 10, 2017), 82 FR 18048 (April 14, 2017) (SR–CBOE–2017–029). The Commission notes that CBOE's proposed

to exposure periods in these mechanisms, the Securities and Exchange Commission (''SEC'') concluded that reducing the time periods was consistent with the Securities Exchange Act of 1934 (the ''Act'').[7]

The Exchange believes that moving to a range structure provides the Exchange with greater flexibility in establishing the optimal duration for Auctions and Solicitation Auctions. The Exchange believes that permitting a shorter duration of as low as 100 milliseconds will reduce market risk for all Members executing trades on the Exchange via the PRIME and PRIME Solicitation Mechanism. Initiating participants are required to guarantee an execution at the NBBO[8] or at a better price, and are subject to market risk as their PRIME order is exposed to other Members of the Exchange. While other participants are also subject to market risk, those providing responses may cancel their responses. The Exchange believes that the initiating participant plays a critical role in the Auction and Solicitation Auction processes. Their willingness to guarantee the orders entered into the PRIME and PRIME Solicitation Mechanism an execution at the NBBO or, in some cases, a better price, is the catalyst for an order gaining the opportunity for price improvement. The Exchange believes that allowing an Auction period of no less than 100 milliseconds and no more than 1 second will benefit Members utilizing the PRIME and PRIME Solicitation Mechanism. The Exchange believes it is in these Members' best interests to minimize the Auction and Solicitation Auction duration while continuing to allow Members adequate time to respond. The Exchange notes the Commission previously approved other exchanges' rules that provide for an auction response time as low as 100 milliseconds[9] and that the Exchange is not proposing to go lower than the lowest previously approved timer range.

Accordingly, the Exchange proposes to amend Rule 515A(b)(2)(i)(C) to remove the reference to the duration of the current timer setting. Currently the rule states that, ''[m]embers may submit responses to the RFR (specifying prices and sizes) during the response period (which shall be 500 milliseconds).'' The Exchange proposes to replace this sentence with the proposed language used in 515A(a)(2)(i)(C) which provides that ''[t]he RFR will last for a period of time, as determined by the Exchange and announced through a Regulatory Circular. The RFR will be no less than 100 milliseconds and no more than 1 second.''

The Exchange does not believe that requiring the Auction and Solicitation Auction to run for 500 milliseconds is necessary in today's market where, generally, Members' systems have the capability to respond within 100 milliseconds or less. As such, reducing the response time in the PRIME and PRIME Solicitation Mechanism is appropriate as Members no longer need up to 500 milliseconds to respond to an Auction or Solicitation Auction. Reducing the response time will allow Members the opportunity to seek out liquidity in an expedient manner that is consistent with today's system capabilities.

The Exchange's Members operate electronic systems that enable them to react and respond to orders in a meaningful way in fractions of a second. The Exchange anticipates that its Members will continue to compete within the proposed response times designated by the Exchange. In particular, the Exchange believes that the proposed response times—which will be no less than 100 milliseconds and no more than 1 second—will continue to provide Members with sufficient time to respond to, compete for, and provide price improvement for orders, and will provide investors and other market participants with more timely executions, and reduce their market risk.

Reducing the duration of Auctions and Solicitation Auctions from 500 milliseconds to as low as 100 milliseconds will benefit Members trading in the PRIME and PRIME Solicitation Mechanism. The Exchange believes that it is in these Members' best interest to minimize the response time while continuing to allow Members adequate time to electronically respond. Both the order being exposed and the Members' responses are subject to market risk during the Auction or Solicitation Auction. While a limited number of Members wait to respond until later in the Auction or Solicitation Auction, presumably to minimize their market risk, the majority of Members respond within the first 100 milliseconds. The Exchange believes that a response time as low as 100 milliseconds will continue to provide market participants with sufficient time to respond, compete, and provide price improvement for orders and will provide investors and other market participants with more timely executions, thereby reducing their market risk.

To substantiate that Members can receive, process, and communicate a response to an auction broadcast within 100 milliseconds, the Exchange surveyed all Members that responded to an auction broadcast in the period beginning November 2016 and ending January 2017 (the ''review period''). The Exchange received responses from all of the Members surveyed, and each Member confirmed that they can receive, process, and communicate a response back to the Exchange within 100 milliseconds.

Also, in consideration with this proposed rule change, the Exchange reviewed all responses received in PRIME and PRIME Solicitation Auctions from its Members for the review period. During the review period, on average, approximately 60% of responses were submitted within the first 50 milliseconds, and approximately 90% of responses were submitted within 100 milliseconds.[10]

Accordingly, the Exchange believes that a response time as low as 100 milliseconds will continue to provide Members with sufficient time to respond to, compete for, and provide price improvement for orders, and will provide investors and other market participants with more timely executions, and reduce their market risk. The Exchange also believes it is likely that the number of PRIME transactions will increase, thereby providing customers a greater opportunity to benefit from price improvement.

The Exchange believes that the information outlined above regarding price improving transactions in the PRIME and PRIME Solicitation Mechanism provides substantial support for its assertion that reducing the response time from 500 milliseconds to as low as 100 milliseconds will continue to provide Members with sufficient time to ensure competition for orders entered into the PRIME and PRIME Solicitation Mechanism, and could provide customer orders with additional opportunities for price improvement.

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and

rule change to amend its auction response period was published in the **Federal Register** on April 14, 2017 and is subject to a public comment period expiring on May 5, 2017.

[7] *Id.*

[8] The term ''NBBO'' means the national best bid or offer as calculated by the Exchange based on market information received by the Exchange from OPRA. *See* Exchange Rule 100.

[9] *See supra* note 6.

[10] The Exchange notes that the average percentages for responses within 50 milliseconds and 100 milliseconds were 61.03% and 88.19% respectively.

represents that it has the necessary systems capacity to handle the potential additional traffic associated with the additional transactions that may occur with the implementation of the proposed reduction in the response time duration to no less than 100 milliseconds. Additionally, the Exchange represents that its System will be able to sufficiently maintain an audit trail for order and trade information with the reduction in the response timer.

2. Statutory Basis

MIAX Options believes that its proposed rule change is consistent with Section 6(b) of the Act [11] in general, and furthers the objectives of Section 6(b)(5) of the Act [12] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

In particular, the proposed rule change will provide investors with more timely execution of their option orders, while ensuring that there is an adequate exposure of orders in the mechanisms. Additionally, the proposed change will allow more investors the opportunity to receive price improvement through the PRIME and PRIME Solicitation Mechanism and will reduce market risk for Members using these mechanisms. Finally, as mentioned above, other exchanges such as ISE, BX, PHLX, and CBOE [sic],[13] have already amended their rules to permit response times consistent with the instant proposal—*i.e.,* no less than 100 milliseconds and no more than 1 second.[14] As such, the Exchange believes the proposed rule change would help perfect the mechanism for a free and open national market system, and generally help protect investors and the public's interest.

The Exchange believes the proposed rule change is not unfairly discriminatory because the response time duration would be the same for all Members. All Members in the PRIME and PRIME Solicitation Mechanism have today, and will continue to have, an equal opportunity to receive the broadcast and respond with their best prices during the auction. Additionally, the Exchange believes the reduction of the response time for an auction reduces the market risk for all Members. The reduction of the time period reduces the market risk for the initiating member as well as any Members providing orders in response to an RFR.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The proposed rule change to provide the Exchange flexibility in determining potentially shorter durations for Auctions and Solicitation Auctions does not impose an undue burden on intra-market competition as the Exchange believes that allowing for an auction period of no less than 100 milliseconds and no more than 1 second will benefit Members utilizing the PRIME and PRIME Solicitation Mechanism. The Exchange believes it is in these Members' best interest to minimize the Auction and Solicitation Auction duration while continuing to allow Members adequate time to respond electronically.

The proposed rule allows Members to respond quickly at the most favorable price while reducing the risk that the market will move against the response. The Exchange believes that its Members will be able to compete within a timer range of no less than 100 milliseconds and no more than 1 second, and that any specific duration within this range is a sufficient amount of time to respond to, compete for, and provide price improvement for orders, and will provide investors and other market participants more timely executions, and reduce their market risk.

The Exchange does not believe its proposed rule change will impose an undue burden on inter-market competition as the Exchange notes other exchanges offer similar functionality with similar auction duration lengths.[15]

For all the reasons stated, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, and believes the proposed change will enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

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 (i) as the Commission may designate up to 90 days of such date 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 shall: (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–MIAX–2017–16 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–MIAX–2017–16. 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

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] The Commission notes that CBOE's proposed rule change to amend its auction response period was published in the **Federal Register** on April 14, 2017 and is subject to a public comment period expiring on May 5, 2017.

[14] *See supra* note 6.

[15] *See* NASDAQ BX Rules, Chapter VI, Section 9(ii)(A)(3), CBOE Rule 6.74A and 6.74B, ISE Rule 723(c)(1), and NASDAQ PHLX Rule 1080(n)(ii)(A)(4). The Commission notes that CBOE's proposed rule change to amend its auction response period was published in the **Federal Register** on April 14, 2017 and is subject to a public comment period expiring on May 5, 2017.

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–MIAX–2017–16 and should be submitted on or before May 26, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–09062 Filed 5–4–17; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15123]

Idaho Disaster #ID–00064 Declaration of Economic Injury

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of IDAHO, dated 04/27/2017.

Incident: Severe Winter Storms.

Incident Period: 12/22/2016 through 01/19/2017.

DATES: Effective 04/27/2017.

EIDL Loan Application Deadline Date: 01/29/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Payette, Washington

Contiguous Counties:

Idaho: Adams, Canyon, Gem

Oregon: Baker, Malheur

The Interest Rates are:

	Percent
Businesses and Small Agricultural Cooperatives without Credit Available Elsewhere	3.125
Non Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for economic injury is 151230.

The States which received an EIDL Declaration # are IDAHO, OREGON.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: April 27, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–09066 Filed 5–4–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14856]

Montana Disaster #MT–00099 Declaration of Economic Injury

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Economic Injury Disaster Loan (EIDL) declaration for the State of Montana, dated 09/20/2016.

Incident: River Conditions Resulting in the Closure of the Yellowstone River.

Incident Period: 08/19/2016 through 09/22/2016.

Effective Date: 04/28/2017.

EIDL Loan Application Deadline Date: 06/20/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of an Economic Injury declaration for the State of MONTANA dated 09/20/2016 is hereby amended to establish the incident period for this disaster as beginning 08/19/2016 and continuing through 09/22/2016.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: April 28, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–09064 Filed 5–4–17; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2017–0023]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, *Fax:* 202–395–6974, *Email address: OIRA_Submission@omb.eop.gov*

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, *Fax:* 410–966–2830, *Email address: OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2017–0023].

I. The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than July 5, 2017. Individuals can obtain copies of the collection instruments by writing to the above email address.

SSI Notice of Interim Assistance Reimbursement (IAR)—0960–0546. Section 1631(g) of the Social Security Act (Act) authorizes SSA to reimburse an IAR agency from an individual's retroactive Supplemental Security Income (SSI) payment for assistance the IAR agency gave the individual for meeting basic needs while an SSI claim was pending or SSI payments were suspended or terminated. The State or local agency needs an IAR agreement with SSA to participate in the IAR program. The individual receiving the IAR payment signs an authorization form with an IAR agency to allow SSA to repay the IAR agency for funds paid in advance prior to SSA's determination on the individual's claim. The authorization represents the individual's intent to file for SSI, if they did not file an application prior to SSA receiving the authorization. Agencies who wish to enter into an IAR agreement with SSA need to meet the following requirements:

- *Reporting Requirements*—Each IAR agency agrees to:
  - (a) Notify SSA of receipt of an authorization for initial claims or cases they are appealing, and (b) submit a copy of that authorization either through a manual or electronic process;
  - (c) inform SSA of the amount of reimbursement;
  - (d) submit a written request for dispute resolution on a determination;
  - (e) notify SSA of interim assistance paid (using the SSA–8125 or the SSA–L8125–F6);
  - (f) inform SSA of any deceased claimants who participate in the IAR program and;
  - (g) review and sign an agreement with SSA.
- *Recordkeeping Requirements (h & i)*—The IAR agencies agree to retain all notices, agreement, authorizations, and accounting forms for the period defined in the IAR agreement for the purposes of SSA verifying transactions covered under the agreement.
- *Third Party Disclosure Requirements (j)*—Each participating IAR agency agrees to send written notices from the IAR agency to the recipient regarding payment amounts and appeal rights.
- *Periodic Review of Agency Accounting Process (k–m)*—The IAR agency makes the IAR accounting records of paid cases available for SSA review and verification. SSA conducts reviews either onsite or through the mail of the authorization forms, notices to the claimant and accounting forms. Upon completion of the review, SSA provides a written report of findings to the IAR agency director.

The respondents are State IAR officers.

Type of Request: Revision of an OMB-approved information collection.

REPORTING REQUIREMENTS

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)
(a) State notification of receipt of authorization (Electronic Process).	11	Once per SSI claimant	97,330	1	1,622
(b) State submission of copy of authorization (Manual Process).	27	Once per SSI claimant	68,405	3	3,420
(c) State submission of amount of IA paid to recipients (using eIAR).	38	Once per SSI claimant	101,352	8	13,514
(d) State request for determination—dispute resolution.	(1)	As needed	2	30	1
(e) State computation of reimbursement due form SSA using paper Form SSA–L8125–F6.	38	Once per SSI claimant	1,524	30	762
(f) State notification to SSA of deceased claimant	20	As needed when SSI claimant dies while claim is pending.	40	15	10
(g) State reviewing/signing of IAR Agreement	38	Once during life of the IAR agreement.	38	[2] 12	456
Recordkeeping Requirements					
(h) Maintenance of authorization forms	38	One form per SSI claimant.	[3] 165,735	3	8,287
(i) Maintenance of accounting forms and notices	38	One form per SSI claimant.	101,352	3	5,068
Third Party Disclosure Requirements					
(j) Written notice from State to recipient regarding amount of payment.	38	Once per SSI claimant	101,352	7	11,824
Periodic Review of Agency Accounting Process					
(k) Retrieve and consolidate authorization and accounting forms.	12	One set of forms per SSI claimant for review by SSA once every 2 to 3 years.	12	3	36
(l) Participate in periodic review	12	For review by SSA once every 2 to 3 years.	12	16	192
(m) Correct administrative and accounting discrepancies.	6	To correct errors discovered by SSA in periodic review.	6	4	24

REPORTING REQUIREMENTS—Continued

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)
Total Administrative Burden					
Totals	38		639,160		45,216

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than June 5, 2017. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. *Statement Regarding Marriage—20 CFR 404.726—0960–0017.* According to Section 216(h)(1)(A) of the Act, SSA must apply state law when determining an individual's marital status. Some state laws recognize marriages without a ceremony (*i.e.,* common-law marriages). In such cases, SSA provides the same spouse or widow(er) benefits to the common-law spouses as it does to ceremonially married spouses. To determine common-law spouses, SSA must elicit information from blood relatives or other persons who are knowledgeable about the alleged common-law relationship. SSA uses Form SSA–753, Statement Regarding Marriage, to collect information from third parties to verify the applicant's statements about intent, cohabitation, and holding out to the public as married, which are the basic tenets of a common-law marriage. SSA uses the information to determine if a valid marital relationship exists, and if the common-law spouse is entitled to Social Security spouse or widow(er) benefits. The respondents are third parties who can confirm or deny the alleged common-law marriage.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–753	40,000	1	9	6,000

2. *Statement of Income and Resources—20 CFR 416.207, 146.301–416.310, 416.704, and 416.708—0960–0124.* SSA collects information about income and resources for SSI claims and redeterminations on the SSA–8010–BK. SSA uses the information to make initial or continuing eligibility determinations for SSI claimants or recipients who are subject to deeming. The respondents are people whose income and resources SSA may deem (consider to be available) to SSI applicants or recipients.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–8010–BK	341,000	1	26	147,767

3. *Claimant's Work Background—20 CFR 404.1512(a); 404.1520(a)(4); 404.1565(b); 416.912(a); 416.920(a)(4); 416.965(b)—0960–0300.* Sections 205(a) and 1631(e) of the Act provide the Commissioner of Social Security with the authority to establish procedures for determining if a claimant is entitled to disability benefits. The administrative law judge (ALJ) may ask individuals to provide background information on Form HA–4633 about work they performed in the past 15 years. When a claimant requests a hearing before an ALJ to establish an entitlement to disability benefits, the ALJ may request that the claimant provide a work history to assist the ALJ in fully inquiring into statutory issues related to the disability. The ALJ uses the information collected from the claimants on Form HA–4633 to: (1) Identify the claimant's relevant work history; (2) decide if SSA requires expert vocational testimony and, if so, have a vocational expert available to testify during the hearing; and (3) provide a reference for the ALJ to discuss the claimant's work history. The ALJ makes the completed HA–4633 part of the documentary evidence of record. The respondents are claimants for disability benefits under Title II or Title XVI who requested a hearing before an ALJ after SSA denied their application for disability payment.

Type of Request: Revision of an OMB-approved information collection.

[1] Average of about 2 States per year.

[2] Hours.

[3] Includes both denied and approved SSI claims.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
HA–4633—PDF/paper version	20,000	1	15	5,000
Electronic Records Express	180,000	1	15	45,000
Total	200,000			50,000

4. *Social Security Administration Eligible Non-Attorney Representative—20 CFR 404.1717, 404.1745–404.1799, 416.1517, and 416.1545–416.1599—0960–0699.* Section 3 of the Social Security Disability Applicants Access to Professional Representation Act (PRA) of 2010, Public Law 111–142, permanently extends the direct payment provision of Section 303 of the Social Security Protection Act (SSPA) of 2004, Public Law 108–203. The PRA permits SSA to extend direct payment of approved fees from claimants' past-due benefits to certain non-attorney representatives. Prior to the enactment of the SSPA and PRA, only attorneys could receive direct payment of SSA-approved fees. Under the PRA, non-attorneys must meet certain prerequisites to be eligible for direct payment of fees. These prerequisites include: (1) A bachelor's degree from an accredited institution of higher education, or four years of relevant professional experience and a high school diploma or General Education Development certificate; (2) passing a written examination administered by SSA testing the knowledge of relevant provisions of the Act under Titles II and XVI; (3) securing and maintaining continuous professional liability insurance, or equivalent, to protect claimants from malpractice; (4) passing a criminal background check; (5) demonstrating ongoing completion of continuing education courses. The PRA requires SSA to collect the information needed to determine if applicants have satisfied these prerequisites. SSA uses the information we collect on Form SSA–1691 to determine whether an applicant has fulfilled the statutory prerequisites and regulatory requirements as listed above. To verify this information, we also request the five required items listed above from each new applicant, and we request items #3 and #5 from all non-attorney representatives (new and existing) on a yearly basis. Every year, SSA evaluates the applications, conducts verification investigations, and issues recommendations regarding applicants' eligibility to sit for the examination and eligibility to receive direct payment. The respondents are non-attorneys who want to receive direct payment of their fees for representational services before SSA

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
New Respondents—Paper Application (complete and submit)—404.1717(b)&(c); 416.1517(b)&(c)	200	1	45	150
New Respondents Examination—404.1717(a)(5); 416.1517(a)(5)	200	1	120	400
New Respondents—Submission of proof of Bachelor's Degree or Equivalent Qualifications—404.1717(a)(3); 416.1517(a)(3)	200	1	10	33
New and Existing Respondents—CE Submission via email/mail/or FAX of training courses taken as prescribed by SSA—404.1717(a)(7); 416.1517(a)(7)	710	1	20	237
New and Existing Respondents—Proof of Continuous Professional or Business Liability Insurance Coverage (Scan and Email)—404.1717(a)(6); 416.1517(a)(6)	672	1	10	112
New and Existing Respondents—Proof of Continuous Professional or Business Liability Insurance Coverage (Copy and Mail)—404.1717(a)(6); 416.1517(a)(6)	38	1	15	10
New and Existing Respondents—Written Protests—404.1717(d); 416.1517(d)	45	1	45	34
Totals	2,065			976

Dated: May 2, 2017.

Naomi R. Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2017–09084 Filed 5–4–17; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 9974]

30-Day Notice of Proposed Information Collection: Evacuee Manifest and Promissory Note

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 June 5, 2017.

ADDRESSES:

• *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 Derek A. Rivers, Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS/PMO), U.S. Department of State, 2201 C. St. NW., Washington, DC 20522, who may be reached at *RiversDA@state.gov.*

SUPPLEMENTARY INFORMATION:

• *Title of Information Collection:* Evacuee Manifest and Promissory Note.

• *OMB Control Number:* 1405–0211.

• *Type of Request:* Extension of a Currently Approved Collection.

• *Originating Office:* Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS).

• *Form Number:* DS–5528.

• *Respondents:* U.S. citizens, U.S. non-citizen nationals, lawful permanent residents, and third country nationals applying for emergency loan assistance during an evacuation.

• *Estimated Number of Respondents:* 525.

• *Estimated Number of Responses:* 525.

• *Average Time per Response:* 20 minutes.

• *Total Estimated Burden Time:* 175 hours.

• *Frequency:* On Occasion.

• *Obligation to Respond:* Required to Obtain Benefit.

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

The purpose of the DS–5528 is to document the evacuation of persons from abroad when their lives are endangered by war, civil unrest, or natural disaster; document issuance of a crisis evacuation loan; obtain a Privacy Act Waiver to share information about the welfare of a U.S. citizen or U.S. lawful permanent resident consistent with the Privacy Act of 1974; and, to facilitate debt collection.

Methodology

An electronic version of the Evacuee Manifest and Promissory Note was created, allowing applicants to type their information into the form, print it, and present it to a consular officer at the evacuation point. Continued software development will provide the capability to electronically submit signed loan applications for adjudication. The final stage of software development will not only allow the applicant to enter his/her information and submit the form, but will also make the information available for all stages of financial processing including the Department of State's debt collection process. Due to the potential for serious conditions during crisis events that often affect electronic and internet infrastructure systems, the electronic form will not replace the paper form. Rather, the paper form will still be maintained and used in the event that applicants are unable to submit forms electronically.

Michelle Bernier-Toth,

Managing Director, Bureau of Consular Affairs, Overseas Citizens Services, Department of State.

[FR Doc. 2017–09171 Filed 5–4–17; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 9986]

Annual Certification of Shrimp-Harvesting Nations

AGENCY: Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

ACTION: Notice.

SUMMARY: On May 1, 2017, the Department of State certified that 13 shrimp-harvesting nations and four fisheries have a regulatory program comparable to that of the United States governing the incidental taking of the relevant species of sea turtles in the course of commercial shrimp harvesting and that the particular fishing environments of 26 shrimp-harvesting nations, one economy, and three fisheries do not pose a threat of the incidental taking of covered sea turtles in the course of such harvesting.

DATES: This finding is effective on May 5, 2017.

FOR FURTHER INFORMATION CONTACT: Section 609 Program Manager, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, 2201 C Street NW., Washington, DC 20520–2758; telephone: (202) 647–3263; email: *DS2031@state.gov.*

SUPPLEMENTARY INFORMATION: Section 609 of Public Law 101–162 (''Sec. 609'') prohibits imports of certain categories of shrimp unless the President certifies to the Congress by May 1, 1991, and annually thereafter, that either: (1) The harvesting nation has adopted a program governing the incidental taking of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) the particular fishing environment of the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State (''the Department''). The Department's Revised Guidelines for the Implementation of Section 609 were published in the **Federal Register** on July 8, 1999, at 64 FR 36946.

On May 1, 2017, the Department certified 13 nations on the basis that their sea turtle protection programs are comparable to that of the United States: Colombia, Costa Rica, Ecuador, El Salvador, Gabon, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Nigeria, Panama, and Suriname. This year the Department was unable to certify Pakistan because it did not demonstrate that the sea turtle protection program is comparable in effectiveness to that of the United States. Therefore, no wild-caught shrimp or product of that shrimp harvested in Pakistan and exported after April 30, 2017, will be permitted entry into the United States. The Department also certified 26 shrimp-harvesting nations and one economy as having fishing environments that do not pose a danger to sea turtles. Sixteen nations have shrimping grounds only in cold waters where the risk of taking sea turtles is negligible: Argentina, Belgium, Canada, Chile, Denmark, Finland, Germany, Iceland, Ireland, the Netherlands, New Zealand, Norway, Russia, Sweden, the United Kingdom, and Uruguay. Ten nations and one economy only harvest shrimp using

small boats with crews of less than five that use manual rather than mechanical means to retrieve nets or catch shrimp using other methods that do not threaten sea turtles. Use of such small-scale technology does not adversely affect sea turtles. The 10 nations and one economy are: The Bahamas, Belize, China, the Dominican Republic, Fiji, Hong Kong, Jamaica, Oman, Peru, Sri Lanka, and Venezuela.

A completed DS–2031 Shrimp Exporter's/Importer's Declaration must accompany all shipments of shrimp or products from shrimp into the United States. Only shrimp or products from shrimp harvested in the 39 certified nations and one economy listed above may be accompanied by a DS–2031 with Box 7(B) checked. All DS–2031 forms accompanying shrimp imports from uncertified nations must be originals with Box 7(A)(1), 7(A)(2), or 7(A)(4) checked, consistent with the form's instructions with regard to the method of harvest of the product and based on any relevant prior determinations by the Department, and signed by a responsible government official of the harvesting nation's competent domestic fisheries authority. The Department has not determined that any uncertified nation qualifies to export shrimp or products from shrimp harvested in a manner as described in 7(A)(3).

Shrimp and products of shrimp harvested with turtle excluder devices (''TEDs'') in an uncertified nation may, under specific circumstances, be eligible for importation into the United States under the DS–2031 Box 7(A)(2) provision for ''shrimp harvested by commercial shrimp trawl vessels using TEDs comparable in effectiveness to those required in the United States.'' Use of this provision requires that the Department determine in advance that the government of the harvesting nation has put in place adequate procedures to monitor the use of TEDs in the specific fishery in question and to ensure the accurate completion of the DS–2031 forms. At this time, the Department has determined that only shrimp and products from shrimp harvested in the Northern Prawn Fishery, the Queensland East Coast Trawl Fishery, and the Torres Strait Prawn Fishery in Australia and shrimp and products from shrimp harvested in the French Guiana domestic trawl fishery are eligible for entry under this provision. The Department was unable to make the same determination with respect to the Exmouth Gulf Prawn Fishery in Australia because the licensing conditions for the fishery do not meet the minimum technical standards of the U.S. National Marine Fisheries Service, so no wild-caught shrimp and products from that shrimp harvested in Exmouth Gulf and exported after April 30, 2017, will be permitted entry into the United States. The importation of TED-caught shrimp from any other uncertified nation will not be allowed. A responsible government official of Australia or France must sign in Block 8 of the DS–2031 form accompanying these imports into the United States.

In addition, the Department has determined that shrimp and products from shrimp harvested in the Spencer Gulf region in Australia and with ''mosquito'' nets in the Republic of Korea, and Mediterranean red shrimp (*Aristeus antennatus*) and products from that shrimp harvested in the Mediterranean Sea by Spain may be exported to the United States under the DS–2031 Box 7(A)(4) provision for ''shrimp harvested in a manner or under circumstances determined by the Department of State not to pose a threat of the incidental taking of sea turtles.'' A responsible government official of Australia, the Republic of Korea, or Spain must sign in Block 8 of the DS–2031 form accompanying these imports into the United States.

The Department has communicated these certifications and determinations under Sec. 609 to the Office of International Trade of U.S. Customs and Border Protection.

David A. Balton,

Deputy Assistant Secretary of State for Oceans and Fisheries, Bureau of Oceans and International and Scientific Affairs, Department of State.

[FR Doc. 2017–09164 Filed 5–4–17; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Surplus Property Release at Greenwood County Airport, Greenwood, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Notice is being given that the Federal Aviation Administration (FAA) is considering a request from the County of Greenwood to waive the requirement that one parcel (10.11 acres) of surplus property, located at the Greenwood County Airport be used for aeronautical purposes. Currently, ownership of the property provides for protection of FAR Part 77 surfaces and compatible land use which would continue to be protected with deed restrictions required in the transfer of land ownership.

DATES: Comments must be received on or before June 5, 2017.

ADDRESSES: Documents are available for review by prior appointment at the following location: Atlanta Airports District Office, Attn: Anna Lynch, Program Manager, 1701 Columbia Ave., Room 220, College Park, Georgia 30337–2747, Telephone: (404) 305–6746.

Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Attn: Anna Lynch, Program Manager, 1701 Columbia Ave., Room 220, College Park, Georgia 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Toby Chappell, County Manager, Greenwood County at the following address: County of Greenwood, Park Plaza, Suite 102, Greenwood, South Carolina 29646.

FOR FURTHER INFORMATION CONTACT: Anna Lynch, Program Manager, Atlanta Airports District Office, 1701 Columbia Ave., Room 220, College Park, Georgia 30337–2747, (404) 305–6746. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request under the provisions of Title 49, U.S.C. Section 47151(d), by the County of Greenwood to release one parcel of surplus property (10.11 acres) at the Greenwood County Airport. These parcels were originally conveyed to the County of Greenwood on July 11, 1947 under the powers and authority contained in the provisions of the Surplus Property Act of 1944. Currently, the surplus properties are being used to generate timber sales but will become the site of a new County Animal Shelter.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the Greenwood County Airport.

Issued in Atlanta, Georgia, on April 17, 2017.

Larry F. Clark

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 2017–09172 Filed 5–4–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Ninety Eighth RTCA SC–159 Navigation Equipment Using the Global Positioning System Plenary

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Ninety Eighth RTCA SC–159 Navigation Equipment Using the Global Positioning System Plenary.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of Ninety Eighth RTCA SC–159 Navigation Equipment Using the Global Positioning System Plenary.

DATES: The meeting will be held May 11, 2017, 09:00 a.m.–12:00 p.m.

ADDRESSES: The meeting will be held at: RTCA Headquarters, 1150 18th Street NW., Suite 910, Washington, DC 20036. Virtual participation is also allowed.

FOR FURTHER INFORMATION CONTACT: Rebecca Morrison at *rmorrison@rtca.org* or 202–330–0654, or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of the Ninety Eighth RTCA SC–159 Navigation Equipment Using the Global Positioning System Plenary. The agenda will include the following:

Thursday May 11, 2017, 9:00 a.m.–12:00 p.m.

1. Introductory Remarks: Co-chairs, RTCA and DFO Statement
2. Review and Approve Previous Meeting Summaries
   a. Ninety-Sixth Meeting held October, 2016, RTCA Paper No. 028–17/SC159–1057
   b. Ninety-Seventh Meeting held December, 2016, RTCA Paper No. 029–17/SC159–1058
3. Final Review and Comment (FRAC) consideration for document approval (a, b, d) or to open new FRAC (c, e)
   a. DO–253C (LAAS MOPS)
   b. DO–246D (LAAS ICD)
   c. DO–235C (Radio Frequency Interference)
   d. GPS/GLONASS L1 MOPS
   e. L1/L5 antenna MOPS
4. Action Item Review
5. Other Business
6. Date and Place of Next Meeting
7. Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on May 2, 2017.

Mohannad Dawoud,

Management & Program Analyst, Partnership Contracts Branch, ANG–A17, NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2017–09125 Filed 5–4–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–30]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of title 14, Code of Federal Regulations (14 CFR). The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before May 25, 2017.

ADDRESSES: You may send comments identified by docket number FAA–2017–0268 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments digitally.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lynette Mitterer, ANM–113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356, email *Lynette.Mitterer@faa.gov,* phone (425) 227–1047.

This notice is published pursuant to 14 CFR 11.85.

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

Victor Wicklund,

Manager, Transport Standard Staff.

Petition for Exemption

Docket No.: FAA–2017–0268.

Petitioner: Gulfstream.

Section of 14 CFR Affected: § 25.1711(a).

Description of Relief Sought: Request for partial exemption from title 14, Code of Federal Regulations (14 CFR) 25.1711(a) at amendment 25–123 for the Gulfstream Model GVII–G500 four production airplanes whose type design data did not specify labeling of certain Electrical Wiring Interconnection System (EWIS) components in accordance with the identification requirement.

[FR Doc. 2017–09072 Filed 5–4–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[PHMSA–2016–0158,Tennessee Gas Pipeline Company, LLC (TGP); PHMSA–2016–0159, Southern Natural Gas Company, LLC (SNG); PHMSA–2016–0160, El Paso Natural Gas Company, LLC (EPNG)]

Pipeline Safety: Request for Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation.

ACTION: Notice.

SUMMARY: Pursuant to the Federal pipeline safety laws, PHMSA is publishing this notice of three special permit requests for Class Location 1 to Class Location 3 changes that PHMSA received from three natural gas pipeline operators, seeking relief from compliance with certain requirements in the Federal Pipeline Safety Regulations. This notice seeks public comments on the requests, including comments on any safety or environmental impacts that would result from the granting of these permits. At the conclusion of the 30-day comment period, PHMSA will evaluate the requests and determine whether to grant or deny a special permit.

DATES: Submit any comments regarding these special permit requests by June 5, 2017.

ADDRESSES: Comments should reference the docket number for the specific special permit request and may be submitted in the following ways:

- *E-Gov Web site: http://www.Regulations.gov*. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–366–4566.
- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* DOT Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: At the beginning of your comments, you should identify the docket number for the special permit request you are commenting on. If you submit your comments by mail, please submit two copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments in the respective docket located at *http://www.Regulations.gov.*

Note: Comments including any personal information provided are posted to *http://www.Regulations.gov*, without changes or edits. There is a privacy statement published on *http://www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

General: Ms. Kay McIver by telephone at (202) 366–0113 or email at *kay.mciver@dot.gov.*

Technical: Mr. Steve Nanney by telephone at (713) 628–7479 or email at *steve.nanney@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA received the following Class 1 to Class 3 Location special permit requests. Each request includes a technical analysis and a Draft Environmental Assessment (DEA) provided by the respective operator. Each request has been assigned a separate docket number and is filed in the Federal Docket Management System at *www.Regulations.gov*. We invite interested persons to participate by reviewing these special permit requests and DEAs by submitting written comments, data, or other views. Please include any comments on potential safety or environmental impacts that may result, if the special permits are granted.

Before issuing a decision on the special permit requests, PHMSA will evaluate all comments received on or before the comments closing date. Comments received after the closing date will be evaluated, if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment we receive in making our decision to grant or deny the requests.

Docket No.	Requester	Regulation(s)	Nature of special permit
PHMSA–2016–0158	Tennessee Gas Pipeline Company, L.L.C. (TGP).	49 CFR 192.611(a) and (d), and 192.619(a).	To authorize the TGP relief from §§ 192.611(a) and (d), and § 192.619(a), for 25 pipeline segments totaling 10.2 miles, where the area has changed from a Class 1 Location to a Class 3 Location. Instead of replacing the pipe, TGP proposes to establish enhanced integrity management (IM) procedures for threats such as corrosion, dents, cracking, coating damage, and third party damage, to maintain pipe integrity and protect both the public and the environment. All the proposed special permit segments would be treated as high consequence areas with the implementation of IM. All the pipeline segments were installed prior to 1980. The proposed special permit area covers multiple TGP interstate pipeline segments as follows: In the State of Louisiana, there are nine (9) segments of 24-inch, 30-inch, or 31-inch diameter pipelines located in the Parish of Sabine. All the segments operate at a maximum allowable operating pressure (MAOP) of 750 psig.

Docket No.	Requester	Regulation(s)	Nature of special permit
			One (1) segment of 26-inch diameter pipeline, located in the Parish of Ouachita, operates at a MAOP of 750 psig. One (1) segment of 24-inch diameter pipeline, located in the Parish of Iberia, operates at a MAOP of 973 psig. One (1) segment of 20-inch diameter pipeline, located in the Parish of Natchitoches, operates at a MAOP of 986. One (1) segment of 30-inch diameter pipeline, located in the Parish of Calcasieu, operates at a MAOP of 936 psig. In the State of Texas, there are three (3) segments of 30-inch or 31-inch diameter pipelines located in Harris County. All of these segments operate at a MAOP of 750 psig. In the State of Kentucky, there are two (2) segments of 26-inch diameter pipelines located in Montgomery County and one (1) segment of 30-inch diameter pipeline in Rowan County. All of these segments operate at a MAOP of 750 psig. In the State of New York, there are six (6) segments of 24-inch or 30-inch diameter pipelines located in Wyoming County. All of these segments operate at a MAOP of 878 psig. TGP is owned and operated by the Kinder Morgan Company.
PHMSA–2016–0159	Southern Natural Gas Company, L.L.C. (SNG).	49 CFR 192.611(a) and (d), and 192.619(a).	To authorize the SNG relief from §§ 192.611(a) and (d), and § 192.619(a), for three (3) pipeline segments totaling 0.23 miles, where the area has changed from a Class 1 Location to a Class 3 Location. Instead of replacing the pipe, SNG proposes to establish enhanced integrity management (IM) procedures for threats such as corrosion, dents, cracking, coating damage, and third party damage, to maintain pipe integrity and protect both the public and the environment. All the proposed special permit segments would be treated as high consequence areas with the implementation of IM. All of the pipeline segments were installed prior to 1980. The proposed special permit area includes multiple SNG interstate pipeline segments of 20-inch, 24-inch, or 26-inch diameter pipelines located in St. Tammany Parish in the State of Louisiana. All of these segments operate at a MAOP of 1200 psig. SNG is owned and operated by the Kinder Morgan Company.
PHMSA–2016–0160	El Paso Natural Gas Company, L.L.C. (EPNG).	49 CFR 192.611(a) and (d), and 192.619(a).	To authorize the EPNG relief from §§ 192.611(a) and (d), and § 192.619(a), for one (1) pipeline segment totaling 0.18 miles, where the area has changed from a Class 1 Location to a Class 3 Location. Instead of replacing the pipe, EPNG proposes to establish enhanced integrity management (IM) procedures for threats such as corrosion, dents, cracking, coating damage, and third party damage, to maintain pipe integrity and protect both the public and the environment.

Docket No.	Requester	Regulation(s)	Nature of special permit
			The proposed special permit segment would be treated as a high consequence area with the implementation of IM. The pipeline segment was installed prior to 1980. The proposed special permit area includes one (1) EPNG interstate pipeline segment of 20-inch diameter pipeline located in San Juan County in New Mexico. The pipeline operates at a MAOP of 894 psig. EPNG is owned and operated by the Kinder Morgan Company.

Authority: 49 U.S.C. 60118 (c)(1) and 49 CFR 1.97.

Issued in Washington, DC, on May 01, 2017, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2017–09050 Filed 5–4–17; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Revision; Request for Comment; Uniform Interagency Transfer Agent Registration and Deregistration Forms

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to comment on the revision of an information collection as required by the Paperwork Reduction Act of 1995 (PRA).

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment on a revision to its collection titled ''Uniform Interagency Transfer Agent Registration and Deregistration Forms.''

DATES: Comments must be submitted on or before July 5, 2017.

ADDRESSES: Because paper mail in the Washington, DC, area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention ''1557–0124, Forms TA–1 and TA–W,'' 400 7th Street SW., Suite 3E–218, Washington, DC 20219. In addition, comments may be sent by fax to 571–465–4326 or by electronic mail to *prainfo@occ.treas.gov.*

You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling 202–649–6700 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comments or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, 202–649–5490 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to revise the following information collection:

Report Title: Uniform Interagency Transfer Agent Registration and Deregistration Forms.

Form Numbers: Form TA–1 & TA–W.

Frequency of Response: On occasion.

Affected Public: National banks and their subsidiaries, federal savings associations and their subsidiaries.

OMB Control No.: 1557–0124.

Form TA–1

Estimated Number of Respondents: Registrations: 1; Amendments: 10.

Estimated Average Time per Response: Registrations: 1.25 hours; Amendments: 10 minutes.

Estimated Total Annual Burden: 3 hours.

Form TA–W

Estimated Number of Respondents: Deregistrations: 2.

Estimated Average Time per Response: Registrations: 30 minutes.

Estimated Total Annual Burden: 1 hour.

Section 17A(c) of the Security Exchange Act of 1934 (the Act) requires all transfer agents for securities registered under section 12 of the Act or, if the security would be required to be registered except for the exemption from registration provided by section 12(g)(2)(B) or section 12(g)(2)(G), to ''fil[e] with the appropriate regulatory agency . . . an application for registration in such form and containing such information and documents . . . as such appropriate regulatory agency may prescribe as necessary or appropriate in furtherance of the purposes of this section.'' [1] In general, an entity performing transfer agent functions for a qualifying security is required to register with its appropriate regulatory agency (''ARA''). The OCC's regulations at 12 CFR 9.20 implement these provisions of the Act.

To accomplish the registration of transfer agents, Form TA–1 was developed in 1975 as an interagency effort by the Securities and Exchange Commission (SEC) and the federal banking agencies (the OCC, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation). The agencies primarily use the data collected on Form TA–1 to determine whether an application for registration should be approved, denied, accelerated, or postponed, and they use the data in connection with their supervisory responsibilities . . . .'' In addition, when a national bank or federal savings association no longer acts as a transfer

[1] 15 U.S.C. 78q–1.

agent for covered corporate securities or when the national bank or federal savings association is no longer supervised by the OCC, *i.e.,* liquidates or converts to another form of financial institution, the national bank or federal savings association must file Form TA–W with the OCC requesting withdrawal from registration as a transfer agent. In 2007, the OCC removed Form TA–W from this information collection and began use of the SEC's Form TA–W (OMB Control No. 3235–0151). The OCC is now reinstituting use of Form TA–W by national banks and federal savings associations to alleviate any confusion created by the use of the SEC form.

The OCC has determined that Forms TA–1 and TA–W are mandatory and that their collection is authorized by sections 17A(c), 17(a)(3), and 23(a)(1) of the Act, as amended (15 U.S.C. 78q–1(c), 78q(a)(3), and 78w(a)(1)). Additionally, section 3(a)(34)(B) of the Act (15 U.S.C. 78c(a)(34)(B)(ii)) provides that the OCC is the ARA in the case of a national banks and federal savings associations and subsidiaries of such institutions. The registrations are public filings and are not considered confidential.

The OCC needs the information contained in this collection to fulfill its statutory responsibilities. Section 17A(c) of the Act (15 U.S.C. 78q–1(c)), as amended, provides that all those authorized to transfer securities registered under section 12 of the Act (transfer agents) shall register ''by filing with the appropriate regulatory agency . . . . an application for registration in such form and containing such information and documents . . . . as such appropriate regulatory agency may prescribe to be necessary or appropriate in furtherance of the purposes of this section.''

Request for Comment

All comments received are part of the public record and subject to public disclosure. Comments are invited on:

(a) Whether the information collections are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections 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.

Dated: April 27, 2017.

Karen Solomon,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2017–09049 Filed 5–4–17; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF VETERANS AFFAIRS

Amended: Advisory Committee on Homeless Veterans, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2., that the Advisory Committee on Homeless Veterans will meet May 10–May 12, 2017 at various locations in Washington DC. This notice is amended to reflect a change in the meeting time and location.

Date	Time	Location
May 10, 2017	8:00 a.m.–5:00 p.m.	810 Vermont Avenue NW., Conference Room 530, Washington, DC 20420.
* May 11, 2017	8:20 a.m.–4:45 p.m.	American Legion Headquarters, Main Conference Room, 1608 K Street NW., Washington, DC 20006.
May 12, 2017	8:00 a.m.–12:00 p.m.	810 Vermont Avenue NW., Conference Room 530, Washington, DC 20420.

Note: The asterisk (*) reflects the new meeting time and location.

The meeting sessions are open to the public.

The purpose of the Committee is to provide the Secretary of Veterans Affairs with an on-going assessment of the effectiveness of the policies, organizational structures, and services of VA in assisting Veterans at-risk and experiencing homelessness. The Committee shall assemble and review information related to the needs of homeless Veterans and provide advice on the most appropriate means of providing assistance to that subset of the Veteran population. The Committee will make recommendations to the Secretary regarding such activities.

The agenda will include briefings from officials at VA and other agencies regarding services for homeless Veterans. The Committee will also receive a briefing on the annual report that was developed after the last meeting of the Advisory Committee on Homeless Veterans and will then discuss topics for its upcoming annual report and recommendations to the Secretary of Veterans Affairs.

No time will be allocated at this meeting for receiving oral presentations from the public. Interested parties should provide written comments on issues affecting Veterans at-risk and experiencing homelessness for review by the Committee to Anthony Love, Designated Federal Officer, VHA Homeless Programs Office (10NC1), Department of Veterans Affairs, 90 K Street Northeast, Washington, DC, or via email at *Anthony.Love@va.gov.*

Members of the public who wish to attend in-person should contact both Charles Selby and Timothy Underwood of the VHA Homeless Program Office by April 25, 2017, at *Charles.Selby@va.gov* and *Timothy.Underwood@va.gov,* while providing their name, professional affiliation, address, and phone number. There will also be a call-in number at 1–800–767–1750; Access Code: 79421#. Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the clearance process. Due to an increase in security protocols, and in order to prevent delays in clearance processing, you should allow an additional 30 minutes before the meeting begins. Attendees who require reasonable accommodation should state so in their requests.

Dated: May 2, 2017.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–09134 Filed 5–4–17; 8:45 am]

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