

PARTICIPATING COMPANIES—Continued

Requirement	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Total estimated annual burden (hours)
Creation of file with SSN holder identification data; maintaining required documentation/forms .....	90	** 251	22,590	60	22,590
Using the system to upload request file, check status, and download results file .....	90	251	22,590	5	1,883
Storing Consent Forms .....	90	251	22,590	60	22,590
Activities related to compliance review .....	90	251	22,590	60	22,590
<b>Total</b> .....			<b>90,373</b>		<b>69,679</b>

\* One-time registration process/approximately 14 new participating companies per year.

\*\* Please note there are 251 Federal business days per year on which a requesting party could submit a file.

PARTICIPATING COMPANIES WHO OPT FOR EXTERNAL TESTING ENVIRONMENT (ETE)

Requirement	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Total estimated annual burden (hours)
ETE Registration Process (includes reviewing and completing ETE User Agreement) .....	20	1	1	180	60
Web Service Transactions .....	20	1	1	50	17
Reporting Issues Encountered on Web service testing (e.g., reports on application's reliability) .....	20	1	1	50	17
Reporting changes in users' status (e.g., termination or changes in users' employment status; changes in duties of authorized users) .....	20	1	1	60	20
Cancellation of Agreement .....	20	1	1	30	10
Dispute Resolution .....	20	1	1	120	40
<b>Total</b> .....	<b>20</b>		<b>104</b>		<b>164</b>

PEOPLE WHOSE SSNS SSA WILL VERIFY

Requirement	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated annual burden (hours)
Reading and signing authorization for SSA to release SSN verification .....	2,800,000	1	2,800,000	3	140,000
Responding to CPA re-contact .....	5,750	1	5,750	5	479
<b>Total</b> .....	<b>2,805,750</b>		<b>2,805,750</b>		<b>140,479</b>

There is one CPA respondent conducting compliance reviews and preparing written reports of findings. The average burden per response is 4,800 minutes for a total burden of 7,200 hours annually.

**Cost Burden**

The public cost burden is dependent upon the number of companies and transactions. SSA based the cost estimates below upon 90 participating companies submitting a total 2.8 million transactions per year.

One-Time Per Company Registration Fee—\$5,000.

Estimated per SSN Transaction Fee—\$1.40.<sup>1</sup>

<sup>1</sup> The annual costs associated with the transaction to each company are dependent upon the number

Estimated per Company Cost to Store Consent Forms—\$300.

Date: November 25, 2016.

**Naomi R. Sipple,**

*Reports Clearance Officer, Social Security Administration.*

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**BILLING CODE 4191-02-**

of SSN transactions submitted to SSA by the company on a yearly basis. For example, if a company anticipates submitting 1 million requests to SSA for the year, its total transaction cost for the year would be \$1.40 × 1,000,000, or \$1,400,000. Periodically, SSA will calculate our costs to provide CBSV services and adjust the fee charged as needed. SSA notifies companies in writing and via **Federal Register** Notice of any changes and companies have the opportunity to cancel the agreement or continue service using the new transaction fee.

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

[Docket No. FHWA-2016-0035]

**Proposed Amendment to the Third Renewed Memorandum of Understanding (MOU) Assigning Certain Federal Environmental Responsibilities to the State of California, Including National Environmental Policy Act (NEPA) Authority for Certain Categorical Exclusions (CEs)**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of proposed amendment, request for comments.

**SUMMARY:** The FHWA and the State of California acting by and through its Department of Transportation (Caltrans), propose an amendment to the Memorandum of Understanding (MOU) authorizing the State's participation in the 23 U.S.C. 326 program. This program allows FHWA to assign to States its authority and responsibility for determining whether certain designated activities within the geographic boundaries of the State are categorically excluded from preparation of an Environmental Assessment or an Environmental Impact Statement under the National Environmental Policy Act. The parties propose to amend the MOU to make the litigation provisions consistent with the 23 U.S.C. 327 program MOU and to allow a 90 day suspension of the program, giving the State an opportunity to renew its waiver of sovereign immunity and acceptance of Federal court jurisdiction. The program will resume upon the State's recertification that the sovereign immunity waiver and acceptance of Federal court jurisdiction is in place.

**DATES:** Comments must be received on or before December 30, 2016.

**ADDRESSES:** You may submit comments by any of the methods described below. To ensure that you do not duplicate your submissions, please submit them by only one of the means below. Electronic or facsimile comments are preferred because Federal offices experience intermittent mail delays due to security screening.

**Federal eRulemaking Portal:** Go to Web site: <http://www.regulations.gov/>. Follow the instructions for submitting comments on the DOT electronic docket site (FHWA-2016-0035).

**Facsimile (Fax):** 1-202-493-2251.

**Mail:** Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

**Hand Delivery:** 1200 New Jersey Avenue SE., Washington, DC 20590 between 9 a.m. and 5 p.m., Eastern Time, Monday through Friday, except Federal holidays.

For access to the docket to view a complete copy of the proposed MOU, or to read background documents or comments received, go to <http://www.regulations.gov/> at any time or to 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Eastern Time, Monday through Friday, except for Federal holidays.

**Instructions:** You must include the agency name and docket number at the beginning of your comments. All comments received will be posted

without change to <http://www.regulations.gov/>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** For FHWA: Shawn Oliver; by email at [shawn.oliver@dot.gov](mailto:shawn.oliver@dot.gov) or by telephone at 916-498-5048. The FHWA California Division Office's normal business hours are 8 a.m. to 4:30 p.m. (Pacific Time), Monday-Friday, except for Federal holidays. For the State of California: Tammy Massengale; by email at [tammy.massengale@dot.ca.gov](mailto:tammy.massengale@dot.ca.gov) or by telephone at 916-653-5157. State business hours are the same as above although State holidays may not completely coincide with Federal holidays.

#### **SUPPLEMENTARY INFORMATION:**

##### *Electronic Access*

Internet users may reach the Office of the Federal Register's home page at: <http://www.archives.gov/> and the Government Printing Office's database: <http://www.fdsys.gov/>. An electronic version of the proposed MOU may be downloaded by accessing the DOT DMS docket, as described above, at <http://www.regulations.gov/>.

#### **Background**

Section 326 of Title 23 U.S. Code, creates a program that allows the Secretary of the U.S. Department of Transportation (Secretary) to assign, and a State to assume, responsibility for determining whether certain Federal highway projects are included within classes of action that are categorically excluded (CE) from requirements for Environmental Assessments or Environmental Impact Statements pursuant to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* In addition, this program allows the assignment of other environmental review requirements applicable to Federal highway projects, except with respect to government-to-government consultations with federally recognized Indian tribes (23 U.S.C. 326(b)(1)). The FHWA retains responsibility for conducting formal government-to-government consultation with federally recognized Indian tribes, which is required under some of the above-listed laws and Executive Orders. The State may assist FHWA with formal consultations, with consent of a tribe, but FHWA remains responsible for the consultation. The Secretary delegated his authority to FHWA, which acts on behalf of the Secretary with respect to these matters.

The FHWA renewed California's participation in this program for a third time on May 31, 2016. The original

MOU became effective on June 7, 2007, for an initial term of three (3) years. The first renewal followed on June 7, 2010, and the second renewal followed on June 7, 2013. The third MOU renewal has an expiration date on May 31, 2019.

The FHWA and Caltrans propose three modifications to the MOU. First, the parties propose to modify Stipulations IV.G.5 and IV.G.9 with regards to coordination on settlements and appeals to make them consistent with the draft MOU for participation in the 23 U.S.C. 327 Surface Transportation Project Delivery Program. The draft MOU for that Program can be accessed in Docket No. FHWA-2016-0019.

Second, Stipulation V.B. of the MOU contains a termination clause stating that the State's authority to participate in the program will end on January 1, 2017, unless the California Legislature takes affirmative action to extend the sovereign immunity waiver under the Eleventh Amendment of the U.S. Constitution. The parties propose an amendment that establishes a process to address a possible temporary lapse in the State's statutory consent to Federal jurisdiction and waiver of sovereign immunity. If the State does not provide consent to Federal court jurisdiction and waive sovereign immunity by December 31, 2016, this MOU will be suspended and Caltrans will not be able to make any NEPA decisions or implement any of the environmental review responsibilities assigned under the MOU. The FHWA and Caltrans propose a temporary suspension not to exceed 90 days to provide time for the State to address the deficiency. In the event that the State does not take the necessary action and Caltrans does not provide adequate certification within the time period provided, the State's participation in the Program will be terminated. This language is the same as the one proposed in the draft MOU for the Surface Transportation Project Delivery Program (Docket No. FHWA-2016-0019).

Third, the parties propose an amendment to Stipulation language to eliminate unnecessary paperwork. The current MOU requires a **Federal Register** notice that announces the agency's decision and execution of the MOU. The parties believe that requiring publication in the **Federal Register** of the decision is unnecessary. Publication of the final MOU through other means, such as in the State's public Web site, would be a more effective means of disseminating the outcome of this process.

The FHWA will consider the comments submitted on the proposed

MOU when making its decision on whether to execute this renewal MOU. The FHWA will make the final, executed MOU publicly available.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

**Authority:** 23 U.S.C. 326; 42 U.S.C. 4331, 4332; 23 CFR 771.117; 49 CFR 1.85; 40 CFR 1507.3, 1508.4.

Issued on: November 23, 2016.

**Vincent Mammano,**

*California Division Administrator, Federal Highway Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary of Transportation

[DOT-OST-2016-0227]

#### Positioning, Navigation, and Timing (PNT) Service for National Critical Infrastructure Resiliency

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

**ACTION:** Request for information (RFI).

**SUMMARY:** This RFI provides an outline for the potential use by the Federal Government of one or more Positioning, Navigation, and Timing (PNT) technologies to back up signals from the Global Positioning System (GPS) and to ensure resiliency of PNT for U.S. Critical Infrastructure (CI) operations. As a co-chair and member of the National Executive Committee for Space-based PNT, and a provider and user of U.S. critical infrastructure services, the Department of Transportation is investigating opportunities by which the Federal Government may make use of service(s) which can provide the necessary backup capability or capabilities to ensure PNT continuity for U.S. CI in the event of a temporary disruption in GPS availability. Further, as the lead civil agency for PNT in the Federal Government, the Department of Transportation is interested in leveraging PNT service technology initiatives under consideration or currently undertaken by industry.

The Federal Government is presently documenting civil requirements for PNT capabilities to serve as the basis for potential future acquisition activity. The initial objective is to support

sustainment of domestic CI timing continuity with the capability to extend service(s) in the future to provide positioning/navigation continuity as well.

**DATES:** Responses should be filed by January 30, 2017.

**ADDRESSES:** You may file responses identified by the docket number DOT-OST-2016-0227 by any of the following methods:

- *Federal eRulemaking Portal:* go to <http://www.regulations.gov> and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Ave. SE., between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* (202) 493-2251.

*Instructions:* You must include the agency name and docket number DOT-OST-2016-0227 at the beginning of your submission. All submissions received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Privacy Act:* Anyone is able to search the electronic form of all submissions received in any of our dockets by the name of the individual submitting the document (or signing the submission, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://DocketsInfo.dot.gov>.

*Docket:* For access to the docket and comments received, go to <http://www.regulations.gov> or to the street address listed above. Follow the online instructions for accessing the docket.

#### **FOR FURTHER INFORMATION CONTACT:**

Karen L. Van Dyke, Director, Positioning, Navigation, and Timing & Spectrum Management, Office of the Assistant Secretary for Research and Technology, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC, 20590, 202-366-3180, [karen.vandyke@dot.gov](mailto:karen.vandyke@dot.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **1. Overview**

This RFI provides an outline for the potential use by the Federal Government of one or more PNT technologies to back up signals from GPS and to ensure resiliency of PNT for U.S. critical infrastructure operations.

The national policy requirement to ensure resilient PNT capabilities is expressed in two Presidential policy documents. The National Space Policy of the United States of America, dated June 28, 2010, states, “. . . the United States shall . . . Invest in domestic capabilities and support international activities to detect, mitigate, and increase resiliency to harmful interference to GPS, and identify and implement, as necessary and appropriate, redundant and back-up systems or approaches for critical infrastructure, key resources, and mission-essential functions.” This follows a statement in U.S. Space-based PNT Policy dated December 15, 2004 (National Security Presidential Directive (NSPD)-39) that, “. . . the United States Government shall . . . Improve the performance of space-based positioning, navigation, and timing services, including more robust resistance to interference for, and consistent with, U.S. and allied national security purposes, homeland security, and civil, commercial, and scientific users worldwide . . . and, Promote the use of U.S. space-based positioning, navigation, and timing services and capabilities for applications at the Federal, State, and local level, to the maximum practical extent.”

As defined in NSPD-39, the responsibility to “. . . advise and coordinate with and among the Departments and Agencies responsible for the strategic decisions regarding policies, architectures, requirements, and resource allocation for maintaining and improving U.S. space-based PNT infrastructures, including the GPS, its augmentations, [and] security for these services . . .” rests with the National Space-Based PNT Executive Committee, co-chaired by the Deputy Secretaries of the Department of Defense and the Department of Transportation. NSPD-39 also specifically requires that the Secretary of Transportation, in coordination with the Secretary of Homeland Security, “. . . develop, acquire, operate, and maintain backup position, navigation, and timing capabilities that can support critical transportation, homeland security, and other critical civil and commercial infrastructure applications within the United States, in the event of a disruption of the GPS or other space-based positioning, navigation, and timing services . . .”

As a co-chair and member of the National Executive Committee for Space-based PNT, and a provider and user of U.S. CI services, the Department of Transportation is investigating opportunities by which the Federal