

# Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### **Announcement of Application Deadlines and Requirements for Section 313A Guarantees for Bonds and Notes Issued for Electrification or Telephone Purposes Loan Program for Fiscal Year (FY) 2017**

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice of Solicitation of Applications (NOSA).

**SUMMARY:** The Rural Utilities Service (RUS), an agency of the United States Department of Agriculture (USDA), announces the application window, requirements and funding for loans that may become available for Fiscal Year (FY) 2017 under the Guarantees for Bonds and Notes Issued for Electrification or Telephone Purposes Program (the 313A Program) authorized under the Rural Electrification Act of 1936, as amended, and related terms. Under the 313A Program, the Federal Financing Bank (FFB) will make loans to the selected applicant(s) and RUS will guarantee the applicant(s)'s repayment of the loans to FFB. Selected applicants may use the proceeds of loan funds made available under the 313A Program to make loans to borrowers for electrification or telecommunications purposes, or to refinance bonds or notes previously issued by applicants for such purposes. The proceeds of the guaranteed bonds and notes are not to be used by applicants to directly or indirectly fund projects for the generation of electricity.

This notice is based on loan levels contemplated by the FY 17 Continuing Resolution and on information available to the agency at the time of this notice. The final amount of funding made available under this notice could be affected by subsequent Congressional action or subsidy rate calculations. Last year, the RUS obligated \$750 million in

loan funds for this program. It is necessary to publish this notice at this time to ensure that applicants have sufficient time to prepare applications and to ensure that the agency has sufficient time and resources to evaluate applications.

**DATES:** Completed applications must be received by RUS no later than 5:00 p.m. Eastern Daylight Time (EDT) on April 28, 2017.

**ADDRESSES:** Applicants are required to submit one original and two copies of their loan applications to the U.S. Department of Agriculture, Rural Utilities Service, Electric Program, ATTN: Amy McWilliams, Management Analyst, 1400 Independence Avenue SW., STOP 1568, Room 0226-S, Washington, DC 20250-1568.

**FOR FURTHER INFORMATION CONTACT:** For further information contact Amy McWilliams, Management Analyst, 1400 Independence Avenue SW., STOP 1568, Room 0226-S, Washington, DC 20250-1568. Telephone: (202) 205-8663; or email: [amy.mcwilliams@wdc.usda.gov](mailto:amy.mcwilliams@wdc.usda.gov)

#### **SUPPLEMENTARY INFORMATION:**

##### **Overview**

*Federal Agency:* Rural Utilities Service, USDA.

*Funding Opportunity Title:* Guarantees for Bonds and Notes Issued for Electrification or Telephone Purposes for Fiscal Year (FY) 2017.

*Announcement Type:* Guarantees for Bonds and Notes.

*Catalog of Federal Domestic Assistance (CFDA) Number:* 10.850

##### *Due Date for Applications:*

Applications must be received by RUS by 5:00 p.m. Eastern Daylight Time (EDT) on April 28, 2017.

#### **Items in Supplementary Information**

- I. Funding Opportunity Description
- II. Award Information
- III. Eligibility Information
- IV. Fiscal Year 2017 Application and Submission Information
- V. Application Review Information
- VI. Issuance of the Guarantee
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## Federal Register

Vol. 82, No. 10

Tuesday, January 17, 2017

File a Complaint, Persons With Disabilities

## I. Funding Opportunity Description

### *A. Purpose of the 313A Program*

The purpose of the 313A Program is to make guaranteed loans to selected applicants (each referred to as "Guaranteed Lender" in this NOSA and in the Program Regulations) that are to be used (i) to make loans for electrification or telecommunications purposes eligible for assistance under the RE Act (defined herein) and regulations for the 313A Program located at 7 CFR part 1720 (also referred to as the "Program Regulations" in this NOSA), or (ii) to refinance bonds or notes previously issued by the Guaranteed Lender for such purposes. The proceeds of the guaranteed bonds and notes are not to be used by the Guaranteed Lender to directly or indirectly fund projects for the generation of electricity.

### *B. Statutory Authority*

The 313A Program is authorized by Section 313A of the Rural Electrification Act of 1936, as amended (7 U.S.C. 940c-1) (the RE Act) and is implemented by regulations located at 7 CFR part 1720. The Administrator of RUS (the Administrator) has been delegated responsibility for administering the 313A Program.

### *C. Definition of Terms*

The definitions applicable to this NOSA are published at 7 CFR 1720.3.

### *D. Application Awards*

RUS will review and evaluate applications received in response to this NOSA based on the regulations at 7 CFR 1720.7, and as provided in this NOSA.

## II. Award Information

*Type of Awards:* Guaranteed Loans.

*Fiscal Year Funds:* FY 2017.

*Award Amounts:* RUS anticipates making multiple approvals under this NOSA. The number, amount and terms of awards under this NOSA will depend, in part, on the number of eligible applications and the amount of funds requested. In determining whether or not to make an award, the RUS will take overall program policy objectives into account.

*Application Date:* See **SUPPLEMENTARY INFORMATION** herein.

**Award Date:** Awards will be made on or before September 29, 2017.

*Preferred Schedule of Loan*

**Repayment:** Amortization Method (level debt service).

### III. Eligibility Information

#### A. Eligible Applicants

**1. To be eligible to participate in the 313A Program, a Guaranteed Lender must be:**

a. A bank or other lending institution organized as a private, not-for-profit cooperative association, or otherwise organized on a non-profit basis; and

b. Able to demonstrate to the Administrator that it possesses the appropriate expertise, experience, and qualifications to make loans for electrification or telephone purposes.

**2. To be eligible to receive a guarantee, a Guaranteed Lender's bond must meet the following criteria:**

a. The Guaranteed Lender must furnish the Administrator with a certified list of the principal balances of eligible loans outstanding and certify that such aggregate balance is at least equal to the sum of the proposed principal amount of guaranteed bonds to be issued, including any previously issued guaranteed bonds outstanding;

b. The guaranteed bonds to be issued by the Guaranteed Lender would receive an underlying investment grade rating from a Rating Agency, without regard to the guarantee; and

3. A lending institution's status as an eligible applicant does not assure that the Administrator will issue the guarantee sought in the amount or under the terms requested, or otherwise preclude the Administrator from declining to issue a guarantee.

#### B. Other Eligibility Requirements

Applications will only be accepted from lenders that serve rural areas defined in 7 CFR 1710.2(a) as (i) Any area of the United States, its territories and insular possessions (including any area within the Federated States of Micronesia, the Marshall Islands, and the Republic of Palau) other than a city, town, or unincorporated area that has a population of greater than 20,000 inhabitants; and (ii) Any area within a service area of a borrower for which a borrower has an outstanding loan as of June 18, 2008, made under titles I through V of the Rural Electrification Act of 1936 (7 U.S.C. 901–950bb). For initial loans to a borrower made after June 18, 2008, the “rural” character of an area is determined at the time of the initial loan to furnish or improve service in the area.

### IV. Fiscal Year 2017 Application and Submission Information

#### A. Applications

All applications must be prepared and submitted in accordance with this NOSA and 7 CFR 1720.6 (Application Process). To ensure the proper preparation of applications, applicants should carefully read this NOSA and 7 CFR part 1720 (available online at <http://www.ecfr.gov/cgi-bin/text-idx?SID=9295e45c9a0f6a857d800fbec5dde2fb&mc=true&node=pt7.11.1720&rgn=div5>).

#### B. Content and Form of Submission

In addition to the required application specified in 7 CFR 1720.6, all applicants must submit the following additional required documents and materials:

**1. Form AD-1047, Certification Regarding Debarment, Suspension and Other Responsibility Matters Primary Covered Transactions.** This form contains certain certifications relating to debarment and suspension, convictions, criminal charges, and the termination of public transactions (See 2 CFR part 417, and 7 CFR 1710.123). This form is available at <http://www.ocio.usda.gov/policy-directives-records-forms/forms-management/approved-computer-generated-forms>;

**2. Restrictions on Lobbying.** Applicants must comply with the requirements with respect to restrictions on lobbying activities. (See 2 CFR part 418, and 7 CFR 1710.125). This form is available at <http://www.rd.usda.gov/publications/regulations-guidelines/electric-sample-documents>;

**3. Uniform Relocation Act assurance statement.** Applicants must comply with 49 CFR part 24, which implements the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended. (See 7 CFR 1710.124). This form is available at <http://www.rd.usda.gov/publications/regulations-guidelines/electric-sample-documents>;

**4. Federal debt delinquency requirements.** This report indicates whether or not the applicants are delinquent on any Federal debt (See 7 CFR 1710.126 and 7 CFR 1710.501(a)(13)). This form is available at <http://www.rd.usda.gov/publications/regulations-guidelines/electric-sample-documents>;

**5. RUS Form 266, Compliance Assurance.** Applicants must submit a non-discrimination assurance commitment to comply with certain regulations on non-discrimination in program services and benefits and on equal employment opportunity as set forth in 7 CFR parts 15 and 15b and 45

CFR part 90. This form is available at <http://www.rd.usda.gov/publications/regulations-guidelines/forms-publications>;

**6. Articles of incorporation and bylaws:** See 7 CFR 1710.501(a)(14). These are required if either document has been amended since the last loan application was submitted to RUS, or if this is the applicant's first application for a loan under the RE Act; and

**7. Form AD 3030, Representations Regarding Felony Conviction and Tax Delinquency Status for Corporation Applications.** Applicants are required to complete this form if they are a corporation. This form is available at <http://www.ocio.usda.gov/policy-directives-records-forms/forms-management/approved-computer-generated-forms>.

#### C. Supplemental Documents for Submission

**1. Cash flow projections and assumptions:** Each applicant must include five-year pro-forma cash flow projections or business plans and clearly state the assumptions that underlie the projections, demonstrating that there is reasonable assurance that the applicant will be able to repay the guaranteed loan in accordance with its terms (See 7 CFR 1720.6(4)).

**2. Pending litigation statement:** A statement from the applicant's counsel listing any pending litigation, including levels of related insurance coverage and the potential effect on the applicant.

### V. Application Review Information

#### A. Application Evaluation

**1. Administrator Review.** Each application will be reviewed by the Administrator to determine whether it is eligible under 7 CFR 1720.5, the information required under 7 CFR 1720.6 is complete, and the proposed guaranteed bond complies with applicable statutes and regulations. The Administrator can at any time reject an application that fails to meet these requirements.

a. Applications will be subject to a substantive review, on a competitive basis, by the Administrator based upon the evaluation factors listed in 7 CFR 1720.7(b).

**2. Decisions by the Administrator.** The Administrator will approve or deny applications in a timely manner as such applications are received; provided, however, that in order to facilitate competitive evaluation of applications, the Administrator may from time to time defer a decision until more than one application is pending. The Administrator may limit the number of

guarantees made to a maximum of five per year, to ensure a sufficient examination is conducted of applicant requests. RUS will notify the applicant in writing of the Administrator's approval or denial of an application. Approvals for guarantees will be conditioned upon compliance with 7 CFR 1720.4 and 7 CFR 1720.6. The Administrator reserves the discretion to approve an application for an amount less than that requested.

#### B. Independent Assessment

Before a guarantee decision is made by the Administrator, the Administrator shall request that FFB review the rating agency determination required by 7 CFR 1720.5(b)(2) as to whether the bond or note to be issued would be below investment grade without regard to the guarantee.

#### VI. Issuance of the Guarantee

The requirements under this section must be met by the applicant prior to the endorsement of a guarantee by the Administrator (See 7 CFR 1720.8).

#### VII. Guarantee Agreement

Each Guaranteed Lender will be required to enter into a Guarantee Agreement with RUS that contains the provisions described in 7 CFR 1720.8 (Issuance of the Guarantee), 7 CFR 1720.9 (Guarantee Agreement), and 7 CFR 1720.12 (Reporting Requirements). The Guarantee Agreement will also obligate the Guaranteed Lender to pay, on a semi-annual basis, a guarantee fee equal to 15 basis points (0.15 percent) of the outstanding principal amount of the guaranteed loan (See 7 CFR 1720.10).

#### VIII. Reporting Requirements

Guaranteed Lenders are required to comply with the financial reporting requirements and pledged collateral review and certification requirements set forth in 7 CFR 1720.12.

#### IX. Award Administration Information

##### Award Notices

RUS will send a commitment letter to an applicant once the loan is approved. Applicants must accept and commit to all terms and conditions of the loan which are requested by RUS and FFB as follows:

1. *Compliance conditions.* In addition to the standard conditions placed on the section 313A Program or conditions requested by the Agency to ensure loan security and statutory compliance, applicants must comply with the following conditions:

a. Each Guaranteed Lender selected under the 313A Program will be

required to post collateral for the benefit of RUS in an amount equal to the aggregate amount of loan advances made to the Guaranteed Lender under the 313A Program.

b. The pledged collateral shall consist of outstanding notes or bonds payable to the Guaranteed Lender (the Eligible Securities) and shall be placed on deposit with a collateral agent for the benefit of RUS. To be deemed Eligible Securities that can be pledged as collateral, the notes or bonds to be pledged (i) cannot be classified as non-performing, impaired, or restructured under generally accepted accounting principles, (ii) cannot be comprised of more than 30% of bonds or notes from generation and transmission borrowers or (iii) cannot have more than 5% of notes and bonds be from any one particular borrower.

c. The Guaranteed Lender will be required to place a lien on the pledged collateral in favor of RUS (as secured party) at the time that the pledged collateral is deposited with the collateral agent. RUS will have the right, in its sole discretion, within 14 business days to reject and require the substitution of any Pledged Collateral that the Guaranteed Lender deposits as collateral with the collateral agent. Prior to receiving any advances under the 313A Program, the Guaranteed Lender will be required to enter into a pledge agreement, satisfactory to RUS, with a banking institution serving as collateral agent.

d. The Guaranteed Lender will be required to maintain pledged collateral at a level that is sufficient to ensure that, upon the occurrence of an event of default, resources will be available to cover (i) principal, interest, fees and (ii) reasonable expenses incurred by RUS as a result of a default or incurred pursuant to RUS's obligation to make related payments to FFB under the RUS Guarantee on all guarantees issued by RUS to FFB for the benefit of the Guaranteed Lender under Section 313A of the RE Act. The Guaranteed Lender will also be required to agree that the pledged collateral can be used for such purposes.

e. The Guaranteed Lender will be required to agree to not to take any action that would have the effect of reducing the value of the Pledged Collateral below the level described above.

f. Applicants must certify to the RUS, the portion of their Eligible Loan portfolio that is:

- (1) Refinanced RUS debt;
- (2) Debt of borrowers for whom both RUS and the applicants have outstanding loans; and

(3) Debt of borrowers for whom both RUS and the applicant have outstanding concurrent loans pursuant to Section 307 of the RE Act, and the amount of Eligible Loans.

2. *Compliance with Federal Laws.* Applicants must comply with all applicable Federal laws and regulations.

a. This obligation is subject to the provisions contained in the Consolidated Appropriations Act, 2016, Public Law 114–113, Division A, Title VII, Sections 745 and 746, as amended and/or subsequently enacted for USDA agencies and offices regarding corporate felony convictions and corporate federal tax delinquencies.

b. An authorized official within your organization must execute, date, and return the loan commitment letter and the Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants (Form AD–3031) to RUS by September 28, 2017; otherwise, the commitment will be void. This form is available at <http://www.ocio.usda.gov/policy-directives-records-forms/forms-management/approved-computer-generated-forms>.

c. Uniform Commercial Code (UCC) Filing. The Borrower must provide RUS with evidence that the Borrower has filed the UCC financing statement required pursuant to Section 2.05(i) of the Pledge Agreement. Upon filing of the appropriate UCC financing statement, the Guaranteed Lender will provide RUS with a perfection opinion by outside counsel, satisfactory to RUS, which demonstrates that RUS's security interest in the Pledged Collateral under the Pledge Agreement is perfected.

d. Additional conditions may be instituted for future obligations.

#### X. National Environmental Policy Act Certification

For any proceeds to be used to refinance bonds and notes previously issued by the Guaranteed Lender for the RE Act purposes that are not obligated with specific projects, RUS has determined that these financial actions will not individually or cumulatively have a significant effect on the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR parts 1500–1508. However, for any new projects funded under the 313A Program, applicants must consult with RUS and comply with the Agency regulations at 7 CFR part 1970.

#### XI. Other Information and Requirements

Applications must contain all of the required elements of this NOSA and all

standard requirements as required by 7 CFR part 1720. Additional supporting data or documents may be required by RUS depending on the individual application or financial conditions. All applicants must comply with all Federal Laws and Regulations.

## XII. Agency Contacts

A. Web site: <http://www.rd.usda.gov/programs-services/all-programs/electric-programs>

B. Phone: (202) 205–8663.

C. Fax: (844) 749–0736.

D. Email: [amy.mcwilliams@wdc.usda.gov](mailto:amy.mcwilliams@wdc.usda.gov).

E. Main point of contact: Amy McWilliams, Management Analyst, 1400 Independence Avenue SW., STOP 1568, Room 0226–S, Washington, DC 20250–1568.

## XIII. USDA Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027. This form is available at <http://www.ocio.usda.gov/policy-directives-records-forms/forms-management/approved-computer-generated-forms> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992.

Submit your completed form or letter to USDA by:

(1) Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410;

(2) Fax: (202) 690–7442; or

(3) Email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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**Authority:** 7 U.S.C. 940c–1.

Dated: December 20, 2016.

**Joshua Cohen,**

*Deputy Administrator, Rural Utilities Service.*  
[FR Doc. 2017–00831 Filed 1–13–17; 8:45 am]

**BILLING CODE 3410–15–P**

## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of Public Meeting of the Delaware Advisory Committee; Correction

**AGENCY:** Commission on Civil Rights.

**ACTION:** Notice; revision.

**SUMMARY:** The Commission on Civil Rights published a notice in the **Federal Register** of September 15, 2016, concerning a meeting of the Delaware Advisory Committee. The meeting time for the January 18, 2017 is changed.

**FOR FURTHER INFORMATION CONTACT:** Ivy Davis, (202) 376–7533.

#### Revision

In the **Federal Register** of Delaware, in FR Doc. 2016–22196, on page 63468, revise the first paragraph to read:

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 (FACA), that the time of the January 18, 2017 planning meeting of the Delaware State Advisory Committee to the Commission is changed to 10:00 a.m. EST.

Dated: January 10, 2017.

**David Mussatt,**

*Supervisory Chief, Regional Programs Coordination Unit.*

[FR Doc. 2017–00768 Filed 1–13–17; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B–5–2017]

### Foreign-Trade Zone 124—Gramercy, Louisiana, Application for Reorganization, (Expansion of Service Area) Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Port of South Louisiana, grantee of Foreign-Trade Zone 124, requesting authority to reorganize the zone to expand its service area under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR Sec. 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or “usage-driven” FTZ sites for operators/users located within a grantee’s “service area” in the context of the FTZ Board’s standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on January 10, 2017.

FTZ 124 was approved by the FTZ Board on December 20, 1985 (Board Order 319, 50 FR 53351, December 31, 1985), reorganized under the ASF on January 31, 2012 (Board Order 1814, 77 FR 6059, February 7, 2012), and its service area was expanded on July 16, 2013 (Board Order 1908, 78 FR 44094–44095, July 23, 2013). The zone currently has a service area that includes St. Charles, St. John the Baptist, St. James, Lafourche, St. Mary and Tangipahoa Parishes, Louisiana.

The applicant is now requesting authority to expand the service area of the zone to include Plaquemines and Assumption Parishes, Louisiana, as described in the application. If approved, the grantee would be able to serve sites throughout the expanded service area based on companies’ needs for FTZ designation. The application indicates that the proposed expanded service area is adjacent to the Gramercy Customs and Border Protection Port of Entry.

In accordance with the FTZ Board’s regulations, Camille Evans of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be