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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–0457; Directorate Identifier 2015–NM–084–AD; Amendment 39–18751; AD 2016–25–25]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that published in the **Federal Register**. That AD applies to all BAE Systems (Operations) Limited Model 4101 airplanes. As published, the Product Identification line of the regulatory text contains an error. This document corrects that error. In all other respects, the original document remains the same.

DATES: This correction is effective March 22, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of February 7, 2017 (82 FR 7, January 3, 2017).

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov;* 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 Docket 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: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1175; fax 425–227–1149.

SUPPLEMENTARY INFORMATION: Airworthiness Directive (AD) 2016–25–25, Amendment 39–18751 (82 FR 7, January 3, 2017) (''AD 2016–25–25''), currently requires repetitive detailed inspections for cracks, corrosion, and other defects of the rear face of the wing rear spar, and repair if necessary, for all BAE Systems (Operations) Limited Model 4101 airplanes.

As published, the Product Identification line of the regulatory text contains an error. The Product Identification line incorrectly identifies Bombardier as the product manufacturer, but should have identified BAE Systems (Operations) Limited. All other references to the product manufacturer appear correctly as BAE Systems (Operations) Limited throughout the preamble and regulatory text of AD 2016–25–25.

No other part of the preamble or regulatory information has been changed; therefore, only the changed portion of the final rule is being published in the **Federal Register**.

The effective date of this AD remains February 7, 2017.

List of Subjects in 14 CFR Part 39

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

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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 [Corrected]

■ 2. The FAA amends § 39.13 by removing Amendment 39–17079 (77 FR 36127, June 18, 2012), and adding the following new airworthiness directive (AD):

2016–25–25 BAE Systems (Operations) Limited: Amendment 39–18751; Docket No. FAA–2016–0457; Directorate Identifier 2015–NM–084–AD.

(a) Effective Date

This airworthiness directive (AD) is effective February 7, 2017.

(b) Affected ADs

This AD replaces AD 2012–11–15, Amendment 39–17079 (77 FR 36127, June 18, 2012) (''AD 2012–11–15'').

(c) Applicability

This AD applies to BAE Systems (Operations) Limited Model 4101 airplanes, certificated in any category, all models and all serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by new reports of cracking found in the wing rear spar and technical analysis results, which confirmed that the crack initiation and propagation are due to fatigue, with no indication of any other crack initiation mechanism (*e.g.,* stress corrosion). We are issuing this AD to detect and correct cracking in the wing rear spar, which could propagate to a critical length, possibly affecting the structural integrity of the area and resulting in a fuel tank rupture, with consequent damage to the airplane and possible injury to its occupants.

(f) Compliance

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

(g) Repetitive Inspections and Repair

Within 30 days after February 7, 2017 (the effective date of this AD), or within 1,600 flight cycles since the most recent detailed inspection was done as specified in BAE Systems Alert Service Bulletin J41–A57–029, whichever occurs later: Do a detailed inspection for cracks, corrosion, and other defects (defects include scratches, dents, holes, damage to fastener holes, or damage to surface protection and finish) of the rear face of the wing rear spars, in accordance with the Accomplishment Instructions of BAE Systems Alert Service Bulletin J41–A57–029, Revision 3, dated April 8, 2014. Repeat the inspection thereafter at intervals not to exceed 1,600 flight cycles.

(1) If any cracking, corrosion, or other defect is found within the criteria defined in Chapter 57, Wings, of the Jetstream Series 4100 Structural Repair Manual (SRM), Volume 1, Publication Ref. No. (Transmittal No.) SA 4–4100/SRM/400, Revision 32, dated October 15, 2014 (''Chapter 57 of the SRM''): Before further flight, repair the affected area, in accordance with the repair instructions of Chapter 57 of the SRM.

(2) If any cracking, corrosion, or other defect is found exceeding the criteria defined in Chapter 57 of the SRM: Before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or BAE Systems (Operations) Limited's EASA Design Organization Approval (DOA).

(h) Repair Does Not Constitute Terminating Action Except for Certain Repairs

Accomplishment of a repair, as required by paragraphs (g)(1) and (g)(2) of this AD, does not constitute terminating action for the repetitive inspections required by paragraph (g) of this AD, unless the approved repair required by paragraph (g)(2) of this AD states otherwise (*e.g.,* the approved repair states the repair terminates the inspections for the repaired area only).

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 International Branch, send it to ATTN: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1175; fax 425–227–1149.

Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* 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. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* As of February 7, 2017 (the effective date of this AD), for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or BAE Systems (Operations) Limited's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2015–0100, dated June 3, 2015, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–0457.

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) BAE Systems Alert Service Bulletin J41–A57–029, Revision 3, dated April 8, 2014.

(ii) Chapter 57, Wings, of the BAE Systems (Operations) Limited Jetstream Series 4100 Structural Repair Manual, Volume 1, Publication Ref. No. (Transmittal No.) SA 4–4100/SRM/400, Revision 32, dated October 15, 2014.

(3) For service information identified in this AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email *RApublications@baesystems.com;* Internet *http://www.baesystems.com/Businesses/RegionalAircraft/index.htm.*

(4) You may view this 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.

(5) You may view this service information that is incorporated by reference at 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/cfr/ibr-locations.html.*

Issued in Renton, Washington, on January 23, 2017.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–05163 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9302; Directorate Identifier 2016–NM–037–AD; Amendment 39–18826; AD 2017–06–02]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Fokker Services B.V. Model F28 Mark 0100 airplanes equipped with Rolls-Royce TAY 650–15 engines. This AD was prompted by reports of uncontained engine fan blade failures in Rolls-Royce TAY 650–15 engines. This AD requires installation of a caution placard in the flight compartment. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 26, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 26, 2017.

ADDRESSES: For service information identified in this final rule, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone: +31 (0)88–6280–350; fax: +31 (0)88–6280–111; email: *technicalservices@fokker.com;* Internet *http://www.myfokkerfleet.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–2016–9302.

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–2016–9302; 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 street address for the Docket Office (telephone 800–647–5527) is Docket 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: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Fokker Services B.V. Model F28 Mark 0100 airplanes equipped with Rolls-Royce TAY 650–15 engines. The NPRM published in the **Federal Register** on November 1, 2016 (81 FR 75759) (''the NPRM''). The NPRM was prompted by reports of uncontained engine fan blade failures in Rolls-Royce

TAY 650–15 engines. The fan blade failures occurred due to cracking of the fan blades, which was initiated under conditions of fan blade flutter during engine ground operation. The NPRM proposed to require installation of a caution placard in the flight compartment. We are issuing this AD to prevent certain engine thrust settings during ground operation, which can cause the fan blades to flutter and fail, resulting in damage to the airplane and possible injury to personnel.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive Airworthiness Directive 2013–0141, dated July 12, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for Fokker Services B.V. Model F28 Mark 0100 airplanes equipped with Rolls-Royce TAY 650–15 engines. The MCAI states:

> In the past, two F28 [Mark] 0100 aeroplanes with TAY [650–15] engines were involved in incidents as a result of uncontained engine fan blade failures. The fan blade failures occurred due to cracking of the fan blades, which was initiated under conditions of fan blade flutter. This fan blade flutter can occur during stabilized reverse thrust operation within a specific N1 RPM-range [revolutions per minute], known as Keep Out Zone (KOZ), which has been identified to be between 57% and 75% N1 RPM.
>
> To address this potential unsafe condition [which can result in damage to the airplane and possible injury to personnel], [Civil Aviation Authority—The Netherlands] CAA–NL issued [Dutch] AD (BLA) nr. 2002–119 for the aeroplane, while Luftfahrt-Bundesamt (LBA) Germany issued [German] AD (LTA) 2002–090 (later revised) for the Rolls-Royce Tay [650–15] engines. More recently, LBA [German] AD 2002–090R1 was superseded by EASA AD 2013–0070.
>
> During stabilized forward thrust operation of an engine with the aeroplane stationary on the ground (*e.g.* maintenance engine ground running), the same type of fan blade flutter can occur. To ensure maintenance personnel awareness of the engine speed KOZ when performing engine ground running (in forward or reverse thrust), a caution placard must be introduced in the flight compartment.
>
> For the reasons described above, this [EASA] AD requires the installation of a caution placard in the flight compartment, between the Standby Engine Indicator (SEI) and the Multi-Functional Display Unit (MFDU).

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9302.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- 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.

Related Service Information Under 1 CFR Part 51

We reviewed Fokker Service Bulletin SBF100–11–027, dated April 18, 2013. This service information describes procedures for the installation of a caution placard. 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.

Costs of Compliance

We estimate that this AD affects 4 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Installation of placard	1 work-hour × $85 per hour = $85	$46	$131	$524

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 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 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.

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 adding the following new airworthiness directive (AD):

2017–06–02 Fokker Services B.V.: Amendment 39–18826; Docket No. FAA–2016–9302; Directorate Identifier 2016–NM–037–AD.

(a) Effective Date

This AD is effective April 26, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Fokker Services B.V. Model F28 Mark 0100 airplanes, certificated in any category, all serial numbers if equipped with Rolls-Royce TAY 650–15 engines.

(d) Subject

Air Transport Association (ATA) of America Code 11, Placards and Markings.

(e) Reason

This AD was prompted by reports of uncontained engine fan blade failures in Rolls-Royce TAY 650–15 engines. We are issuing this AD to prevent certain engine thrust settings during ground operation, which can cause the fan blades to flutter and fail, resulting in damage to the airplane and possible injury to personnel.

(f) Compliance

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

(g) Installation of Caution Placard

Within 6 months after the effective date of this AD, install a caution placard in the flight compartment, between the standby engine indicator (SEI) and the multi-functional display unit (MFDU), in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–11–027, dated April 18, 2013.

Note 1 to paragraph (g) of this AD: Additional information can be found in Fokker All Operators Message AOF100.177 #05, dated April 18, 2013.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 International Branch, send it to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* 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.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Fokker Services B.V.'s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2013–0141, dated July 12, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9302.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (j)(3) and (j)(4) of this AD.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Fokker Service Bulletin SBF100–11–027, dated April 18, 2013.

(ii) Reserved.

(3) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone: +31 (0)88–6280–350; fax: +31 (0)88–6280–111; email: *technicalservices@fokker.com;* Internet *http://www.myfokkerfleet.com.*

(4) You may view this 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.

(5) You may view this service information that is incorporated by reference at 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/cfr/ibr-locations.html.*

Issued in Renton, Washington, on March 7, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–05161 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 234

[Docket No. DOT–OST–2014–0056]

RIN 2105–AE66

Enhancing Airline Passenger Protections III: Extension of Compliance Date for Provision Concerning Baggage Handling Statistics Report

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

ACTION: Final rule.

SUMMARY: The Department of Transportation is amending its regulations by extending the compliance date from January 1, 2018, to January 1, 2019, for the provision concerning reporting of baggage handling statistics in the Department's final rule on enhancing airline passenger protections. This extension is necessary to ensure consistency with the change of compliance date for the Department's final rule on reporting of data for mishandled baggage and wheelchairs.

DATES: This final rule is effective March 22, 2017.

FOR FURTHER INFORMATION CONTACT: Blane A. Workie, Office of Aviation Enforcement and Proceedings, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC, 20590, 202–366–9342, 202–366–7152 (fax), *blane.workie@dot.gov* (email).

SUPPLEMENTARY INFORMATION: On November 3, 2016, the Department of Transportation published a final rule in the **Federal Register** (81 FR 76800), titled ''Enhancing Airline Passenger Protections III'' (RIN 2105–AE11). This rule, among other things, expands the pool of carriers that must report airline service and performance data from any carrier that accounts for at least 1% of domestic scheduled passenger revenue to any carrier that accounts for at least 0.5% of domestic scheduled passenger revenue. It also requires reporting carriers to separately report airline service and performance data for their domestic scheduled flights operated by their code-share partners. This means that, under the November 2016 final

rule, for air transportation taking place on or after January 1, 2018, airlines that account for at least 0.5% of domestic scheduled passenger revenue must provide airline service and performance data for flights they operate and separately for flights held out with their designator code and operated by their code-share partners. The airline service and performance data that is required consists of on-time performance, mishandled baggage and oversales data.

On March 2, 2017, the Department issued a rule extending the compliance date of its final rule on reporting of data for mishandled baggage and wheelchairs in aircraft cargo compartments to January 1, 2019. That final rule addressed the methodology for collection of mishandled baggage information and required separate statistics for mishandled wheelchairs and scooters used by passengers with disabilities. The change to the matrix on how to report mishandled baggage and to provide separate reporting of mishandled wheelchairs and scooters was incorporated into the Department's Enhancing Airline Passenger Protections III final rule. As such, this document is extending the compliance date to January 1, 2019 for the provision concerning baggage handling statistics in the Department's final rule on enhancing airline passenger protections. The compliance date for the requirements pertaining to on-time performance and oversales remain unchanged.

As is the case today, until January 1, 2019, airlines that account for at least 1% of domestic scheduled passenger revenue will continue to provide mishandled baggage data only for flights they operate based on the number of Mishandled Baggage Reports and the number of domestic passenger enplanement. Airlines that account for at least 0.5% but less than 1% of the domestic scheduled passenger revenue are not required to provide mishandled baggage data until February 15, 2019 for air transportation taking place on or after January 1, 2019. Separate statistics for mishandled wheelchairs and scooters used by passengers with disabilities and transported in aircraft cargo compartment are not required until January 1, 2019.

List of Subjects in 14 CFR Part 234

Air carriers, Mishandled baggage, On-time statistics, Reporting, Uniform system of accounts.

Issued this 9th day of March 2017, in Washington, DC under authority delegated in 49 CFR 1.27(n):

Judith S. Kaleta,

Deputy General Counsel.

Accordingly, the Department of Transportation amends 14 CFR part 234 as follows:

PART 234—[AMENDED]

■ 1. The authority citation for part 234 continues to read as follows:

Authority: 49 U.S.C. 329, 41101, and 41701.

■ 2. Section 234.6 is revised to read as follows:

§ 234.6 Baggage-handling statistics.

(a) For air transportation taking place before January 1, 2019, an air carrier certificated under 49 U.S.C. 41102 that accounts for at least 1 percent of domestic scheduled-passenger revenues in the most recently reported 12-month period as defined by the Department's Office of Airline Information, and as reported to the Department pursuant to part 241 of this title shall, for the flights it operates, report monthly to the Department on a domestic system basis, excluding charter flights, the total number of passengers enplaned system-wide and the total number of mishandled-baggage reports filed with the carrier for any nonstop flight, including a mechanically delayed flight, to or from any airport within the contiguous 48 states that accounts for at least 1 percent of domestic scheduled-passenger enplanements in the previous calendar year, as reported to the Department pursuant to part 241 of this title.

(b) For air transportation taking place on or after January 1, 2019, an air carrier certificated under 49 U.S.C. 41102 that accounts for at least 0.5 percent of domestic scheduled-passenger revenues in the most recently reported 12-month period as defined by the Department's Office of Airline Information, and as reported to the Department pursuant to part 241 of this title shall report monthly to the Department on a domestic system basis, excluding charter flights:

(1) The total number of checked bags enplaned, including gate checked baggage, ''valet bags,'' interlined bags, and wheelchairs and scooters enplaned in the aircraft cargo compartment for any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, operated by the carrier to or from any U.S. large, medium, small or non-hub airport as defined in 49 U.S.C. 41702 and separately for any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, held out with only the carrier's designator code to or from any U.S. large, medium, small, or non-hub airport as defined in 49 U.S.C. 47102 and operated by any code-share partner that is a certificated air carrier or commuter air carrier;

(2) The total number of wheelchairs and scooters that were enplaned in the aircraft cargo compartment for any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, operated by the carrier to or from any U.S. large, medium, small or non-hub airport as defined in 49 U.S.C. 41702 and separately for any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, held out with only the carrier's designator code to or from any U.S. large, medium, small, or non-hub airport as defined in 49 U.S.C. 47102 and operated by any code-share partner that is a certificated air carrier or commuter air carrier;

(3) The number of mishandled checked bags, including gate-checked baggage, ''valet bags,'' interlined bags and wheelchairs and scooters that were enplaned in the aircraft cargo compartment for any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, operated by the carrier to or from any U.S. large, medium, small or non-hub airport as defined in 49 U.S.C. 41702 and separately for any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, held out with only the carrier's designator code to or from any U.S. large, medium, small, or non-hub airport as defined in 49 U.S.C. 47102 and operated by any code-share partner that is a certificated air carrier or commuter air carrier; and

(4) The number of mishandled wheelchairs and scooters that were enplaned in the aircraft cargo compartment for any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, operated by the carrier to or from any U.S. large, medium, small or non-hub airport as defined in 49 U.S.C. 41702 and separately for any domestic nonstop scheduled passenger flight, including a mechanically delayed flight, held out with only the carrier's designator code to or from any U.S. large, medium, small, or non-hub airport as defined in 49 U.S.C. 47102 and operated by any code-share partner that is a certificated air carrier or commuter air carrier.

(c) The information in paragraphs (a) and (b) of this section shall be submitted to the Department within 15 days after the end of the month to which the

information applies and must be submitted with the transmittal accompanying the data for on-time performance in the form and manner set forth in accounting and reporting directives issued by the Director, Office of Airline Information.

[FR Doc. 2017–05113 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy (DoN) is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) has determined that USS PORTLAND (LPD 27) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

DATES: This rule is effective March 22, 2017 and is applicable beginning March 2, 2017.

FOR FURTHER INFORMATION CONTACT: Commander Theron R. Korsak, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave. SE., Suite 3000, Washington Navy Yard, DC 20374–5066, telephone 202–685–5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the DoN amends 32 CFR part 706.

This amendment provides notice that the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS PORTLAND (LPD 27) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I paragraph 2(i)(i), Rule 27(a)(i) and (b)(i), pertaining to the placement of all-round task lights in a vertical line; Annex I, paragraph 3(a), pertaining to the horizontal distance between the forward and after masthead lights; and Annex I, paragraph 2(k) as described in Rule 30(a)(i), pertaining to the vertical separation between anchor lights. The DAJAG (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

For the reasons set forth in the preamble, the DoN amends part 706 of title 32 of the Code of Federal Regulations as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read:

Authority: 33 U.S.C. 1605.

■ 2. Section 706.2 is amended by:

■ a. In Table Three, adding, in alpha numerical order, by vessel number, an entry for USS PORTLAND (LPD 27);

■ b. In Table Four, paragraph 20., adding, in alpha numerical order, by vessel number, an entry for USS PORTLAND (LPD 27); and

■ c. In Table Five, by adding, in alpha numerical order, by vessel number, an entry for USS PORTLAND (LPD 27).

The additions read as follows:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE THREE

Vessel	No.	Masthead lights arc of visibility; rule 21(a)	Side lights arc of visibility; rule 21(b)	Stern light arc of visibility; rule 21(c)	Side lights distance inboard of ship's sides in meters 3(b) annex 1	Stern light, distance forward of stern in meters; rule 21(c)	Forward anchor light, height above hull in meters; 2(K) annex 1	Anchor lights relationship of aft light to forward light in meters 2(K) annex 1
*	*	*	*	*		*	*	
USS PORTLAND	LPD 27							1.55 below.
*	*	*	*	*		*	*	

* * * * *

Table Four

20. * * *

* * * * *

Vessel	Number	Angle in degrees of task lights off the vertical as viewed from directly ahead or astern
* * *	* * *	*
USS PORTLAND	LPD 27	10
* * *	* * *	*

* * * * *

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
* * *	*	*		*	*
USS PORTLAND	LPD 27			X	71
* * *	*	*		*	*

Approved: March 2, 2017.

A.S. Janin,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law).

Dated: March 8, 2017.

A.M. Nichols,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2017–05159 Filed 3–21–17; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0137]

Drawbridge Operation Regulation; Shark River, Avon, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the NJ Transit Railroad Bridge across Shark River (South Channel), mile 0.9, at Avon, NJ. This deviation is necessary to facilitate testing and replacement of the drive motor. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 10 p.m. on March 24, 2017, through 6 a.m. on March 25, 2017.

ADDRESSES: The docket for this deviation, [USCG–2017–0137] 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 Mr. Martin Bridges, Bridge Administration Branch Fifth District, Coast Guard, telephone 757–398–6422, email *Martin.A.Bridges@uscg.mil.*

SUPPLEMENTARY INFORMATION: The New Jersey Transit, who owns and operates the NJ Transit Railroad Bridge across the Shark River, mile 0.9, at Avon, NJ, has requested a temporary deviation from the current operating regulation set out in 33 CFR 117.751, to facilitate replacement of the drive motor on the vertical span of the bridge.

Under this temporary deviation, the bridge will remain in the closed-to-navigation position from 10 p.m., March 24, 2017, to 6 a.m., March 25, 2017. The drawbridge is a single span which has a vertical clearance in the closed-to-navigation position of 9 feet above mean high water.

The NJ Transit Railroad Bridge is used by recreational vessels, tug and barge traffic, fishing vessels, and small commercial vessels. The Coast Guard has carefully considered the nature and volume of vessel traffic on the waterway in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge span will not be able to open in case of an emergency and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local Notice and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: March 6, 2017.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2017–05648 Filed 3–21–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0727; FRL–9960–32–Region 9]

Limited Federal Implementation Plan; Prevention of Significant Deterioration Requirements for Fine Particulate Matter ($PM_{2.5}$); California; North Coast Unified Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing a limited Federal Implementation Plan (FIP) under the Clean Air Act (CAA or Act) to apply to the North Coast Unified Air Quality Management District (North Coast Unified AQMD or District) in California. This limited FIP will implement provisions to regulate fine particulate matter ($PM_{2.5}$) under the CAA Prevention of Significant Deterioration (PSD) program within the District. The EPA previously issued two findings of failure to submit a State Implementation Plan (SIP) addressing these PSD requirements and also issued a partial disapproval action applicable to the North Coast Unified AQMD portion of the California SIP that triggered the duty under CAA section 110(c)(1) for the EPA to promulgate this limited FIP. Under this final rule, the EPA will be the CAA PSD permitting authority for any new or modified major sources subject to PSD review for $PM_{2.5}$ or its precursors within the District.

DATES: This rule is effective on April 21, 2017.

ADDRESSES: The EPA has established Docket ID Number EPA–R09–OAR–2016–0727 for this action. All documents in the docket are listed in the *www.regulations.gov* index for this rulemaking. Although listed in the index, some information is not publicly available (*e.g.,* CBI or other information whose disclosure is restricted by statute). Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically at *www.regulations.gov* or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105 during normal business hours. For security purposes, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section during normal business hours to view a hard copy of the docket.

FOR FURTHER INFORMATION CONTACT: Laura Yannayon, (415) 972–3534 or *yannayon.laura@epa.gov.*

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

Table of Contents

I. Proposed Action

On December 22, 2016 (81 FR 93872), the EPA proposed a limited FIP for the North Coast Unified AQMD in California, which would apply the EPA's PSD regulatory program under 40 CFR 52.21 specifically to sources in the District subject to PSD review for emissions of $PM_{2.5}$ or $PM_{2.5}$ precursors. CAA section 110(c)(1) requires the EPA Administrator to promulgate a FIP at any time within two years after the Administrator either finds that a state has failed to make a required SIP submission or disapproves a state's SIP in whole or in part, unless the state submits and the EPA approves a SIP that corrects the deficiency before the Administrator promulgates the FIP. In this case, as discussed in the EPA's proposal for this limited FIP action, the EPA is required to promulgate this FIP for sources subject to PSD review for emissions of $PM_{2.5}$ or $PM_{2.5}$ precursors in the North Coast Unified AQMD in order to address SIP deficiencies relating to the PSD requirements for such sources that EPA identified in earlier actions; California has not submitted revised rules that resolve these deficiencies and thus we have not approved a SIP submittal for the North Coast Unified AQMD to correct these deficiencies.

The requirement that the EPA promulgate this limited FIP for the North Coast Unified AQMD stems from several actions taken previously by the EPA in accordance with CAA requirements. In 2008, the EPA promulgated a rulemaking finalizing regulations to implement the New Source Review program for $PM_{2.5}$ ($PM_{2.5}$ NSR Rule).[1] The $PM_{2.5}$ NSR Rule required, among other things, that states develop SIPs addressing the PSD permitting requirements for the regulation of major stationary sources and major modifications of $PM_{2.5}$ emissions, including such sources emitting precursors of $PM_{2.5}$. In 2010, the EPA promulgated a rulemaking amending the PSD program regulations for $PM_{2.5}$ to add provisions governing the maximum allowable increases in ambient pollutant concentrations (increments), with which new major stationary sources and major modifications of $PM_{2.5}$ or $PM_{2.5}$ precursor emissions must demonstrate compliance as a condition of obtaining a PSD permit ($PM_{2.5}$ Increments Rule).[2] The $PM_{2.5}$ Increments Rule requires states to submit SIPs modifying their PSD permitting regulations to incorporate the $PM_{2.5}$ increment provisions.

On January 15, 2013, the EPA issued a finding of failure to submit for the State of California in which it found that California had failed to make an infrastructure[3] SIP submittal providing certain required basic program elements of CAA section 110(a)(2) that are necessary to implement the 2008 Ozone National Ambient Air Quality Standard (NAAQS).[4] Relevant here, the EPA found that California had not submitted a SIP to address the PSD permitting requirements of CAA section 110(a)(2)(C), (D)(i)(II), and (J) for areas including the North Coast Unified AQMD. That finding resulted in a deadline of February 14, 2015, for the EPA to promulgate a FIP pursuant to CAA section 110(c)(1) to address the outstanding SIP elements unless, prior to that time, the State submitted, and the EPA approved, a SIP that corrected the identified deficiencies.[5]

On April 1, 2016, the EPA published a final rule partially approving and partially disapproving several CAA infrastructure SIP revisions submitted by the State of California related to the implementation, maintenance and enforcement of the NAAQS for ozone, $PM_{2.5}$, lead, nitrogen dioxide (NO_2), and sulfur dioxide (SO_2).[6] We partially

[1] Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers (PM_2), 73 FR 28321 (May 16, 2008).

[2] Prevention of Significant Deterioration (PSD) for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentrations (SMC), 75 FR 64864 (Oct. 20, 2010). The $PM_{2.5}$ Increments Rule also promulgated several optional revisions to the PSD permitting program which are not addressed in this notice.

[3] We refer to such SIP revision submittals as ''infrastructure'' SIPs because they are intended to address the basic structural SIP requirements for new or revised NAAQS.

[4] 78 FR 2882, 2889.

[5] See 78 FR at 2886.

[6] 81 FR 18766.

disapproved a portion of these infrastructure SIP submittals as they pertained to the North Coast Unified AQMD with respect to the PSD-related requirements of CAA sections 110(a)(2)(C), (D)(i)(II), and (J) for all of these NAAQS, in part because we found that the District's SIP-approved PSD program did not include requirements for the regulation of $PM_{2.5}$ and $PM_{2.5}$ precursors, condensable $PM_{2.5}$, or PSD increments for $PM_{2.5}$.[7] This infrastructure SIP partial disapproval action also triggered a duty for the EPA to promulgate a FIP pursuant to CAA section 110(c)(1) to address the identified deficiencies related to the District's PSD program for $PM_{2.5}$, unless, prior to that time, the State submitted, and the EPA approved, a SIP that corrected the identified deficiencies.[8] The State has not submitted a SIP revision that would correct the North Coast Unified AQMD's SIP deficiencies relating to the PSD program for $PM_{2.5}$ and therefore EPA has not approved such a SIP revision. Thus, for these $PM_{2.5}$ PSD requirements, the EPA remains subject to the duty to promulgate a FIP for the District that was triggered by our January 15, 2013 finding of failure to submit and our April 1, 2016 partial disapproval action for the infrastructure SIP requirements for the NAAQS discussed above.

On September 2, 2014, the EPA published a final rule finding that the North Coast Unified AQMD had failed to make a complete submittal to address new requirements for $PM_{2.5}$ increments in its PSD program as required by implementing regulations that the EPA promulgated on October 20, 2010.[9] That finding resulted in a duty and a deadline of October 2, 2016 for the EPA to promulgate a FIP pursuant to CAA section 110(c)(1) to address these outstanding SIP elements unless, prior to that time, the State submitted, and the EPA approved, a SIP that corrected the identified deficiencies. As noted above, the EPA has not approved a SIP revision for California that would address the requirements for $PM_{2.5}$ increments in the PSD program for the North Coast Unified AQMD, thus the EPA remains subject to the requirement that it promulgate a FIP to do so.

In sum, the EPA has not approved a PSD SIP revision for California that would address the District's $PM_{2.5}$ PSD program SIP deficiencies identified in the January 15, 2013, September 2, 2014, and April 1, 2016 EPA actions discussed above. Accordingly, as authorized by CAA section 110(c)(1), the EPA proposed to promulgate a limited FIP for the North Coast Unified AQMD in order to address the identified deficiencies in the State's PSD program with respect to the regulation of major stationary sources and major modifications of sources subject to PSD review for emissions of $PM_{2.5}$ or $PM_{2.5}$ precursors.

II. Public Comments

The EPA's proposed FIP action provided a 30-day public comment period, which closed on January 23, 2017. The EPA also preliminarily scheduled a public hearing for January 13, 2017 to receive written and oral comments on our proposed action, which we stated would be held only if we received a written request for such a hearing by December 29, 2016. No one requested such a hearing during this period and therefore the hearing was canceled. During the public comment period, we received no comments on our proposed action.

III. EPA Action

Under CAA section 110(c)(1) and for the reasons discussed in our December 22, 2016 proposed rule and in the Proposed Action section of this notice, we are finalizing the limited PSD FIP for the North Coast Unified AQMD as proposed. CAA section 110(c)(1) requires the Administrator to promulgate a FIP at any time within two years after the Administrator either finds that a state has failed to make a required submission or disapproves a state's SIP in whole or in part, unless the state submits and the EPA approves a SIP that corrects the deficiency before the Administrator promulgates a FIP. As indicated earlier in this notice, the EPA has not approved a PSD SIP revision for California to regulate $PM_{2.5}$ and $PM_{2.5}$ precursors in the North Coast Unified AQMD that would address the District's $PM_{2.5}$ PSD program deficiencies identified in the January 15, 2013, September 2, 2014, and April 1, 2016 EPA actions discussed above. Accordingly, as authorized by CAA section 110(c)(1), the EPA is promulgating a limited FIP for the North Coast Unified AQMD in order to address the identified deficiencies in the State's PSD program with respect to the regulation of major stationary sources and major modifications of sources subject to PSD review for emissions of $PM_{2.5}$ or $PM_{2.5}$ precursors.

This limited FIP consists of the EPA regulations found in 40 CFR 52.21, including the PSD applicability provisions, with a limitation to assure that, strictly for purposes of this rulemaking, the FIP applies only to the regulation of $PM_{2.5}$ and $PM_{2.5}$ precursors. Accordingly, for the purposes of ensuring compliance with the PSD permitting requirements with respect to $PM_{2.5}$ and $PM_{2.5}$ precursors for sources within the North Coast Unified AQMD, the EPA will serve as the PSD permitting authority.

The EPA has previously promulgated limited CAA PSD FIPs for the North Coast Unified AQMD to implement the federal PSD permitting program under 40 CFR 52.21 for certain other sources and pollutants, including the PSD program as it regulates oxides of nitrogen (NO_X) as an ozone precursor, as discussed above; these limited FIPs remain in effect. See 40 CFR 52.270(b)(2). The EPA and the District have entered into partial delegation agreements pursuant to 40 CFR 52.21(u), dated January 8, 1993 and October 6, 2015, whereby the EPA has delegated authority to the District to conduct PSD review for certain sources subject to these limited PSD FIPs. The District may similarly seek a partial delegation of authority from the EPA, pursuant to 40 CFR 52.21(u), to conduct PSD review for the sources regulated under this limited PSD FIP. For all other major emitting facilities and pollutants not covered by the limited PSD FIPs applicable to the District as specified in 40 CFR 52.270(b)(2), the North Coast Unified AQMD will continue to serve as the PSD permitting authority under its SIP-approved PSD program.

This limited FIP is narrow in scope, in that it will only address the $PM_{2.5}$ PSD deficiencies for the District that were identified in our 2016 infrastructure SIP partial disapproval action. We note that such deficiencies include the deficiencies for PSD requirements for $PM_{2.5}$ increments that were also the focus of the EPA's September 2, 2014 finding of failure to submit action. Today's final limited FIP action will satisfy the remaining FIP requirements for the North Coast Unified AQMD that were triggered by our January 15, 2013 finding of failure to submit relating to ozone infrastructure SIP requirements; our September 2, 2014 finding of failure to submit related to the District's PSD requirements for $PM_{2.5}$ increments; and

[7] The EPA's April 1, 2016 partial disapproval action for infrastructure SIP requirements in CAA sections 110(a)(2)(C), (D)(i)(II), and (J) for the North Coast Unified AQMD was also based on the EPA's finding that the District's SIP-approved PSD program did not regulate oxides of nitrogen (NO_X) as an ozone precursor. 81 FR at 18773. However, we noted in that action that the EPA had already promulgated a limited FIP on August 8, 2011 to remedy that SIP deficiency, and thus our 2016 partial disapproval action did not trigger a new PSD FIP obligation related to NO_X as an ozone precursor. See 81 FR at 18773, 18775; see also 76 FR 48006 (Aug. 8, 2011).

[8] See 81 FR at 18775–18776.

[9] 79 FR 51913.

our April 1, 2016 partial disapproval action for the infrastructure SIP requirements for the NAAQS for ozone, $PM_{2.5}$, lead, NO_2, and SO_2. This limited FIP will be codified in 40 CFR 52.270(b)(2)(v).

This limited FIP will remain in place until California submits a SIP revision addressing the identified deficiencies relating to the District's PSD program for $PM_{2.5}$ and we approve that SIP revision. The EPA is working with the North Coast Unified AQMD to develop District rules that would address these requirements.

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

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

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

B. Paperwork Reduction Act

This action does not impose any new information collection burden. The OMB has previously approved the information collection requirements contained in the existing regulations for PSD (*e.g.,* 40 CFR 52.21) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060–0003. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. The small entities subject to the requirements of this action are a single biomass generating facility, which is currently not operating. The Agency has determined that this single facility may experience an impact associated with the requirements of this action, but only in the event that the facility elects to significantly expand its operations. The EPA is not aware of any specific new sources that would be subject to regulation under this action in the future. We expect a negligible financial impact on any facilities subject to the requirements of this action because any such facility would be subject to substantially similar, and in some respects more stringent, regulatory requirements that are already in effect under state and federal law.

D. Unfunded Mandates Reform Act

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. While the EPA's action will lead to the application of federal PSD regulations for $PM_{2.5}$ to sources within the North Coast Unified AQMD, general PSD requirements for major emitting facilities with emissions of other regulated NSR pollutants already apply within the District, and thus the incremental impact associated with application of the specific requirements of the PSD regulations for certain sources emitting $PM_{2.5}$ or its precursors is expected to be relatively minor. In addition, there are few major emitting facilities currently located in the District that would be subject to the requirements of the FIP. The EPA is not aware of any specific new sources that would be subject to regulation under our narrow FIP in the future. Accordingly, the EPA has determined that this action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and that it will not significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

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

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

This action does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, 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. The FIP is not applicable on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because, as a limited FIP establishing PSD regulatory requirements for the $PM_{2.5}$ NAAQS for certain sources located in the North Coast Unified AQMD, it implements a previously promulgated federal standard.

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

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

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). This action does not affect the level of protection provided to human health or the environment. With this action, the EPA is only implementing the PSD permitting requirements mandated by the CAA in order to ensure compliance with the $PM_{2.5}$ NAAQS and $PM_{2.5}$ increments, which were promulgated in separate, prior rulemaking actions.

K. Congressional Review Act

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

L. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States

Court of Appeals for the appropriate circuit by May 22, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section CAA 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

Dated: March 14, 2017.

E. Scott Pruitt,

Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.270 is amended by adding paragraph (b)(2)(v) to read as follows:

§ 52.270 Significant deterioration of air quality.

* * * * *

(b) * * *

(2) * * *

(v) Those projects that are major stationary sources or major modifications for emissions of $PM_{2.5}$ or its precursors under § 52.21, and those projects that are major stationary sources under § 52.21 with the potential to emit $PM_{2.5}$ or its precursors at a rate that would meet or exceed the rates specified at § 52.21(b)(23)(i).

* * * * *

[FR Doc. 2017–05557 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2015–0248; FRL–9957–89–Region 4]

Air Plan Approval; Georgia; Atlanta; Requirements for the 2008 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve the portion of a state implementation plan (SIP) revision submitted on February 6, 2015, by the State of Georgia, through the Georgia Environmental Protection Division (GA EPD), addressing the nonattainment new source review (NNSR) requirements for the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) for the Atlanta, Georgia 2008 8-hour ozone nonattainment area (hereinafter referred to as the ''Atlanta Area'' or ''Area''). The Atlanta Area is comprised of 15 counties in Atlanta (Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale). This action is being taken pursuant to the Clean Air Act (CAA or Act) and its implementing regulations.

DATES: This direct final rule is effective May 22, 2017 without further notice, unless EPA receives adverse comments by April 21, 2017. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2015–0248 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mrs. Sheckler can be reached by telephone at (404) 562–9222 or via electronic mail at *sheckler.kelly@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On March 12, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 parts per million (ppm). *See* 73 FR 16436 (March 27, 2008). Under EPA's regulations at 40 CFR 50.15, the 2008 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm. Ambient air quality monitoring data for the 3-year period must meet a data completeness requirement. The ambient air quality monitoring data completeness requirement is met when the average percent of days with valid ambient monitoring data is greater than 90 percent, and no single year has less than 75 percent data completeness as determined in appendix I of part 50.

Upon promulgation of a new or revised NAAQS, the CAA requires EPA to designate as nonattainment any area that is violating the NAAQS based on the three most recent years of ambient air quality data at the conclusion of the designation process. The Atlanta Area was designated nonattainment for the 2008 8-hour ozone NAAQS on April 30, 2012 (effective July 20, 2012) using 2009–2011 ambient air quality data. *See* 77 FR 30088 (May 21, 2012). At the time of designation, the Atlanta Area was classified as a marginal nonattainment area. On March 6, 2015, EPA issued a final rule entitled, ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements'' (SIP Requirements Rule), which establishes the requirements that state, tribal, and local air quality management agencies must meet as they develop implementation plans for areas where air quality exceeds the 2008 8-hour

ozone NAAQS.[1] *See* 80 FR 12264. Areas that were designated as marginal ozone nonattainment areas were required to attain the 2008 8-hour ozone NAAQS no later than July 20, 2015, based on 2012–2014 monitoring data. *See* 40 CFR 51.1103. The Atlanta Area did not attain the 2008 8-hour ozone NAAQS by July 20, 2015, and therefore on April 11, 2016, the EPA Administrator signed a final rule reclassifying the Atlanta Area from a marginal nonattainment area to a moderate nonattainment area for the 2008 8-hour ozone standard. *See* 81 FR 26697 (May 4, 2016). Moderate areas are required to attain the 2008 8-hour ozone NAAQS no later than July 20, 2018, six years after the effective date of the initial nonattainment designations.[2] *See* 40 CFR 51.1103.

Based on the initial nonattainment designation for the 2008 8-hour ozone standard, Georgia was required to develop a SIP revision addressing certain CAA requirements for the Atlanta Area. On February 6, 2015, Georgia submitted a SIP revision addressing the emissions inventory, emissions statements, and NNSR requirements related to the 2008 8-hour ozone NAAQS for the Atlanta Area.[3] On August 11, 2015, EPA approved Georgia's SIP revision as meeting the requirements of sections 110, 182(a)(1), and 182(a)(3)(B) of the CAA by addressing the emissions inventory and emissions statements requirements for the 2008 8-hour ozone NAAQS for the Atlanta Area. See 80 FR 48036. EPA is now taking action on the NNSR portion of Georgia's February 6, 2015, SIP revision. EPA's analysis of how this SIP revision addresses the NNSR requirements for the 2008 8-hour ozone NAAQS is provided below.

II. Analysis of Georgia's Nonattainment New Source Review Requirements

The minimum SIP requirements for NNSR permitting programs for the 2008 8-hour ozone NAAQS are located in 40 CFR 51.165. *See* 40 CFR 51.1114. These NNSR program requirements include those promulgated in the ''Phase 2 Rule'' implementing the 1997 8-hour ozone NAAQS (75 FR 71018 (November 29, 2005)) and the SIP Requirements Rule implementing the 2008 8-hour ozone NAAQS. Under the Phase 2 Rule, the SIP for each ozone nonattainment area must contain NNSR provisions that: Set major source thresholds for NO_X and VOC pursuant to 40 CFR 51.165(a)(1)(iv)(A)(*1*)(*i*)–(*iv*) and (*2*); classify physical changes as a major source if the change would constitute a major source by itself pursuant to 40 CFR 51.165(a)(1)(iv)(A)(3); consider any significant net emissions increase of NO_X as a significant net emissions increase for ozone pursuant to 40 CFR 51.165(a)(1)(v)(E); consider certain increases of VOC emissions in extreme ozone nonattainment areas as a significant net emissions increase and a major modification for ozone pursuant to 40 CFR 51.165(a)(1)(v)(F); set significant emissions rates for VOC and NO_X as ozone precursors pursuant to 40 CFR 51.165(a)(1)(x)(A)–(C) and (E); contain provisions for emissions reductions credits pursuant to 40 CFR 51.165(a)(3)(ii)(C)(*1*)–(*2*); provide that the requirements applicable to VOC also apply to NO_X pursuant to 40 CFR 51.165(a)(8); and set offset ratios for VOC and NO_X pursuant to 40 CFR 51.165(a)(9)(i)–(iii) (renumbered as (a)(9)(ii)–(iv) under the SIP Requirements Rule for the 2008 8-hour ozone NAAQS). Under the SIP Requirements Rule for the 2008 8-hour ozone NAAQS, the SIP for each ozone nonattainment area designated nonattainment for the 2008 8-hour ozone NAAQS and designated nonattainment for the 1997 ozone NAAQS on April 6, 2015, must also contain NNSR provisions that include the anti-backsliding requirements at 40 CFR 51.1105. *See* 40 CFR 51.165(a)(12).

Georgia's longstanding SIP-approved NNSR program, established in Air Quality Control Rule 391–3–1–.03(8)—*Permit Requirements,* applies to the construction and modification of major stationary sources in nonattainment areas. In its February 6, 2015 SIP revision, Georgia certifies that the version of Air Quality Control Rule 391–3–1–.03(8) in the SIP exceeds the federal NNSR requirements for the Atlanta Area. EPA last approved revisions to the SIP-approved version of Georgia's NNSR rule in 2010 addressing, among other things, the NNSR requirements in the Phase 2 Rule that were relevant to the counties designated as nonattainment for the 1997 8-hour ozone NAAQS in and around the Atlanta metropolitan area (1997 Atlanta Area) and that were not already satisfied by the SIP-approved rule.[4] *See* 75 FR 71020 (November 22, 2010). Georgia's rule revision did not include Phase 2 Rule requirements for 8-hour ozone nonattainment areas classified as serious or above because the 1997 Atlanta Area was classified as a moderate nonattainment area.

The version of Rule 391–3–1–.03(8) that is contained in the current SIP has not changed since the 2010 rulemaking.[5] This version of the rule covers the entire Atlanta Area and remains adequate to meet all applicable NNSR requirements for the 2008 8-hour ozone NAAQS. The Phase 2 requirements for 8-hour ozone nonattainment areas classified as serious or above remain inapplicable because the Atlanta Area is classified as a moderate nonattainment area for the 2008 8-hour NAAQS and the anti-backsliding requirements added in the 2008 8-hour ozone implementation rule are inapplicable because the Atlanta Area was redesignated to attainment for the 1997 8-hour ozone NAAQS in 2013.

III. Final Action

EPA is approving the portion of Georgia's February 6, 2015, SIP revision addressing the NNSR requirements for the 2008 8-hour ozone NAAQS for the Atlanta Area. EPA has concluded that the State's submission fulfills the 40

[1] The SIP Requirements Rule addresses a range of nonattainment area SIP requirements for the 2008 ozone NAAQS, including requirements pertaining to attainment demonstrations, reasonable further progress (RFP), reasonably available control technology, reasonably available control measures, major new source review, emission inventories, and the timing of SIP submissions and of compliance with emission control measures in the SIP. The rule also revokes the 1997 ozone NAAQS and establishes anti-backsliding requirements.

[2] Subsequent to the reclassification of the Atlanta Area, EPA determined that the Area has attained the 2008 8-hour ozone NAAQS based on 2013–2015 monitoring data. *See* 81 FR 45419 (July 14, 2016). However, an attainment determination is not equivalent to a redesignation under CAA section 107(d)(3). The Area will remain nonattainment for the 2008 8-hour ozone NAAQS and subject to the NNSR requirements for that NAAQS until such time as EPA determines that the Area meets the requirements for redesignation to attainment.

[3] States have three years after the effective date of designation for the 2008 8-hour ozone NAAQS to submit SIP revisions addressing NNSR for their nonattainment areas. *See* 40 CFR 51.1114. Georgia's SIP revision also certified that its SIP-approved state regulation addressing nonattainment new source review for all new stationary sources and modified existing stationary sources in the Atlanta Area, 391–3–1–.03(8)—Permit Requirements, exceeds the requirements of section 182(a)(2)(C) for the 2008 8-hour ozone NAAQS. However, EPA does not believe that the two-year deadline contained in CAA section 182(a)(2)(C) applies to NNSR SIP revisions for implementing the 8-hour ozone NAAQS. *See* 80 FR 12264, 12267 (March 6, 2015); 70 FR 71612, 71683 (November 29, 2005). The submission of NNSR SIPs due on November 15, 1992, satisfied the requirement for states to submit NNSR SIP revisions to meet the requirements of CAA sections 172(c)(5) and 173 within two years after the date of enactment of the 1990 CAA Amendments. *Id.*

[4] The 1997 Atlanta Area was comprised of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding and Walton Counties.

[5] The entry for Rule 391–3–1–.03 in the table of SIP-approved Georgia regulations at 40 CFR 52.570(e) is incorrect. The ''Explanation'' associated with the version of 391–3–1–.03 approved by EPA on April 9, 2013 (78 FR 21065) should read ''Changes specifically to (6)—Exemptions'' rather than ''Changes specifically to (8)—Permit Requirements.'' EPA will correct this inadvertent error in a future action.

CFR 51.1114 revision requirement and meets the requirements of CAA section 110 and the minimum SIP requirements of 40 CFR 51.165.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the NNSR portion of the SIP revision should adverse comments be filed. This rule will be effective May 22, 2017 without further notice unless the Agency receives adverse comments by April 21, 2017.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All adverse comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on May 22, 2017 and no further action will be taken on the proposed rule.

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 22, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 7, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart L—Georgia

■ 2. In § 52.570, the table in paragraph (e) is amended by adding the entry ''2008 8-hour ozone NAAQS Nonattainment New Source Review Requirements for the Atlanta Area'' at the end of the table to read as follows:

§ 52.570 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED GEORGIA NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/effective date	EPA approval date	Explanation
* *	*	*	* *	*
2008 8-hour ozone NAAQS Nonattainment New Source Review Requirements for the Atlanta Area.	Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale Counties.	2/6/2015	3/22/2017, [insert **Federal Register** citation].	

[FR Doc. 2017–05459 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0337; FRL–9958–10]

Fatty Acids, Montan-Wax, Ethoxylated; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of fatty acids, montan-wax, ethoxylated (CAS No. 68476–04–0) when used as an inert ingredient in a pesticide chemical formulation. Clariant Corporation submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of fatty acids, montan-wax, ethoxylated on food or feed commodities.

DATES: This regulation is effective March 22, 2017. Objections and requests for hearings must be received on or before May 22, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0337, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

C. Can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0337 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 22, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0337, by one of the following methods.

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

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

II. Background and Statutory Findings

In the **Federal Register** of November 30, 2016 (81 FR 86312) (FRL–9954–06), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (PP IN–10949) filed by Clariant Corporation, 4000 Monroe Road, Charlotte, NC 28205. The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of fatty acids, montan-wax, ethoxylated (CAS No. 68476–04–0). That document included a summary of the petition prepared by the petitioner and solicited comments on the petitioner's request. The Agency did not receive any comments.

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

III. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). 2- fatty acids, montan-wax, ethoxylated conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers.

1. The polymer is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. The polymer does contain as an integral part of its composition the atomic elements carbon, hydrogen, and oxygen.

3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

7. The polymer does not contain certain perfluoroalkyl moieties consisting of a CF3- or longer chain length as specified in 40 CFR 723.250(d)(6).

Additionally, the polymer also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

8. The polymer's number average MW of 1,800 is greater than 1,000 and less than 10,000 daltons. The polymer contains less than 10% oligomeric material below MW 500 and less than 25% oligomeric material below MW 1,000,

Thus, fatty acids, montan-wax, ethoxylated meets the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the criteria in this unit, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to fatty acids, montan-wax, ethoxylated.

IV. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that fatty acids, montan-wax, ethoxylated could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational, non-dietary exposure was possible. The number average MW of fatty acids, montan-wax, ethoxylated is 20,500 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since fatty acids, montan-wax, ethoxylated conform to the criteria that identify a low-risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

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

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

VI. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of fatty acids, montan-wax, ethoxylated, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

VII. Determination of Safety

Based on the conformance to the criteria used to identify a low-risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to residues of fatty acids, montan-wax, ethoxylated.

VIII. Other Considerations

A. Existing Exemptions From a Tolerance

There are no existing exemptions from a tolerance for fatty acids, montan-wax, ethoxylated.

B. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

C. International Residue Limits

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

The Codex has not established a MRL for fatty acids, montan-wax, ethoxylated.

IX. Conclusion

Accordingly, EPA finds that exempting residues of fatty acids, montan-wax, ethoxylated from the requirement of a tolerance will be safe.

X. Statutory and Executive Order Reviews

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

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

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

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

XI. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: February 13, 2017.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.960, add alphabetically the polymer to the table to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

Polymer	CAS No.
* * * * * * *	
fatty acids, montan-wax, ethoxylated, minimum number average molecular weight (in amu), 1800	68476–04–0
* * * * * * *	

[FR Doc. 2017–05721 Filed 3–21–17; 8:45 a.m.]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0378; FRL–9956–02]

Isoamyl Acetate; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of isoamyl acetate (CAS Reg. No. 123–92–2) when used as an inert ingredient (buffering agent) in pesticide formulations applied to growing crops and raw agricultural commodities after harvest. The Technology Sciences Group on behalf of the Jeneil Biosurfactant Company submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance.

DATES: This regulation is effective March 22, 2017. Objections and requests for hearings must be received on or before May 22, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0378, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0378 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 22, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0378, by one of the following methods:

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

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

II. Petition for Exemption

In the **Federal Register** of August 29, 2016 (81 FR 59165) (FRL–9950–22), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–10851) by the Technology Sciences Group, 1150 18th Street NW., Suite 1000, Washington, DC 20036, on behalf of the Jeneil Biosurfactant Company, 400 N. Dekora Woods Blvd., Saukville, WI 53080. The petition requested that 40 CFR 180.910 be amended by establishing an exemption from the requirement of a tolerance for residues of isoamyl acetate (CAS Reg. No.123–92–2) when used as an inert ingredient (buffering agent) in pesticide formulations applied to growing crops and raw agricultural commodities after harvest. That document referenced a summary of the petition prepared by the Technology

Sciences Group on behalf of the Jeneil Biosurfactant Company the petitioner, which is available in the docket, *http://www.regulations.gov.* One comment was received and posted to this docket. The comment did not pertain to isoamyl acetate but to a totally unrelated compound.

This regulation eliminates the need to establish a maximum permissible level for residues of isoamyl acetate when applied in accordance with the conditions under 40 CFR 180.910.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

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

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for isoamyl acetate including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with isoamyl acetate follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by isoamyl acetate as well as the no-observed-adverse-effect level (NOAEL) and the lowest-observed-adverse-effect level (LOAEL) from the toxicity studies are discussed in this unit.

Isoamyl acetate exhibits low levels of acute toxicity with oral lethal dose $(LD)_{50}$s for rats and rabbits being 16.6 grams/kilogram (g/kg) and 7.4 g/kg respectively. The dermal LD_{50} for rabbits is >5g/kg. It is not irritating to rabbit skin.

The National Toxicology Program reported dogs exposed to 5,000 parts per million (ppm) isoamyl acetate via inhalation for one hour showed drowsiness and nasal irritation. Cats exposed to 4,000 ppm isoamyl acetate for 20 minutes experienced eye and nose irritation.

The potential for eye irritation in rabbits was evaluated with a mixture of n-pentyl acetate and 2-methylbutyl acetate, two structural isomers of isoamyl acetate. Moderate conjunctival irritation, with no effects to the cornea or iris, resulted from ocular exposure and minor, transient conjunctival irritation was also observed. Conjunctival effects cleared up in 7 days.

There are no repeat-dose toxicity studies with isoamyl acetate. However, there are studies available regarding isoamyl alcohol. Isoamyl acetate readily metabolizes to isoamyl alcohol and toxicity data on isoamyl alcohol may be used as a surrogate for isoamyl acetate.

In a 4-week range-finding drinking water study, SPF-Wistar rats received isoamyl alcohol doses of 360 milligrams/kilogram/day (mg/kg/day) for two weeks and 1160 mg/kg/day for the next two weeks (20,000 and 16,000 ppm respectively). The higher concentration was unpalatable to the rats. Exposure to isoamyl alcohol did not affect body weight gain or food consumption and no effects were observed upon gross post-mortem examination. The NOAEL for this study is 1,160 mg/kg/day.

In a subsequent 90-day study, rats were given daily drinking water concentrations of 0, 1,000, 4,000 and 16,000 ppm isoamyl alcohol (males 0, 73, 295, 1,068 mg/kg/day and females 91, 385, 1,657 mg/kg/day, respectively). Treatment did not induce any effect on mortality, body weight, various clinical chemistry parameters, or organ weights or any abnormality at gross and microscopic examination. There were marginal increases in red blood cell counts in the male animals of the mid- and high-dose groups and slight decreases in mean corpuscular volume and mean corpuscular hemoglobin content in the male animals of the high-dose group. The highest dose levels tested were the no observed-adverse-effect levels (NOAEL) in the drinking water study in rats (1,068 and 1,657 mg/kg/day in males and females respectively.

In a 17-week oral gavage study, Ash/CSE rats were administered daily doses of 0, 150, 500 or 1,000 mg/kg/day isoamyl alcohol. Parameters and endpoints evaluated included clinical observations, body weight, food and water consumption, hematology, clinical chemistry, urinalysis, organ weights (brain, liver, heart, spleen, stomach, small intestine, caecum, adrenals, gonads, pituitary and thyroid) and macroscopic and microscopic evaluations. Two high-dose rats died from lung congestion which was

attributed to gavage error. No deaths or abnormalities in behavior occurred during the study in any of the test groups. After 17 weeks treatment, there were slight decreases in body weight gain in the high-dose males. That was ascribed to 5–10% lower food consumption compared to controls. No other consistent test-related effects were seen in any of the test groups. The NOAEL under the conditions of this study was 1,000 mg/kg/day.

Isoamyl acetate was negative in bacteria cell and *in vitro* genotoxicity assays as well as one *in vivo* study. It did not induce reverse gene mutations in *Salmonella typhimurium* in the absence and presence of metabolic activation.

Prenatal toxicity to isoamyl alcohol was studied using Wistar rats and Himalayan rabbits exposed 6 hours/day on gestational days 6–15 and 7–19 respectively. Dose concentrations were 0, 500, 2,500 and 10,000 mg/m^3 (0, 135, 675, 2,700 ppm). All rats and rabbits were sacrificed on days 20 and 29 respectively. In both species, maternal toxicity was manifested by slight retardation of body weight gain during the first days of the exposure period in animals of the high-dose group. The rabbits of this group had eye irritation (reddish, lid closure, or slight discharge) during exposure. There were no compound-related signs of embryo/fetotoxicity or teratogenicity in any of the treated rat groups. In rabbits, there was a statistically significant increase incidence of total fetal soft tissue variations mainly caused by a significant increase in the incidence of 'separated origin of carotids'. However, the incidences of variations were within the range of biological variation and unexpectedly low in control animals. The NOAEL for maternal toxicity in both rats and rabbits was 2,500 mg/m^3 (675 ppm; 1,013 mg/kg/day) and the NOAEL for developmental toxicity was 10,000 mg/m^3 (2,700 ppm; 4,054 mg/kg/day).

An *in vitro Hydra attenuata* developmental toxicity assay was conducted with isoamyl acetate. It was equally toxic to adults and embryos indicating low concern for developmental toxicity.

The Joint FAO/WHO Expert Committee on Food Additives summarized a chronic study where male and female rats received 2% isoamyl alcohol in their drinking water. No adverse effects or tumors were observed up to 2,000 mg/kg/day in rats given isoamyl alcohol in their drinking water for 53–56 weeks.

A DEREK analysis conducted on the isoamyl acetate structure did not reveal any structural alerts for possible carcinogenicity with regard to systemic and organ toxicity or mutagenicity. Therefore, based on the results of the DEREK analysis, the lack of toxicity in the submitted studies, and the lack of mutagenicity, isoamyl acetate is not expected to be carcinogenic to humans.

B. Toxicological Points of Departure/Levels of Concern

Due to the lack of adverse effects in the available data, no toxicological endpoint of concern has been identified. Therefore, a quantitative assessment of human exposure and risk is not necessary and have not been conducted.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to isoamyl acetate, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from isoamyl acetate in food as follows:

Under this exemption from the requirement of a tolerance, residues of isoamyl acetate may be found on foods from crops that were treated with pesticide formulations containing isoamyl acetate. However, a quantitative dietary exposure assessment was not conducted since an endpoint for risk assessment was not identified.

2. *Dietary exposure from drinking water.* Since a hazard endpoint of concern was not identified for the acute and chronic dietary assessment, a quantitative dietary exposure risk assessment for drinking water was not conducted, although exposures may be expected from use on food crops.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

Isoamyl acetate may be used in pesticide products and non-pesticide products that may be used around the home. Based on the discussion in Unit IV.B., a quantitative residential exposure assessment for isoamyl acetate was not conducted.

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

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

D. Safety Factor for Infants and Children

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

As part of its qualitative assessment, the Agency did not use safety factors for assessing risk, and no additional safety factor is needed for assessing risk to infants and children. Based on an assessment of isoamyl acetate, EPA has concluded that there are no toxicological endpoints of concern for the U.S. population, including infants and children.

E. Aggregate Risks and Determination of Safety

Because no toxicological endpoints of concern were identified, EPA concludes that aggregate exposure to residues of isoamyl acetate will not pose a risk to the U.S. population, including infants and children, and that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to isoamyl acetate residues.

V. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.910 for isoamyl acetate (CAS Reg. No. 123–92–2) when used as an inert ingredient (buffering agent) in pesticide formulations applied to growing crops and raw agricultural commodities after harvest.

VII. Statutory and Executive Order Reviews

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

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

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

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

VIII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: February 13, 2017.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.910, add alphabetically the inert ingredient to the table to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

Inert ingredients	Limits	Uses
* * * * * * *		
Isoamyl acetate (CAS Reg. No. 123–92–2)		Buffering Agent.
* * * * * * *		

[FR Doc. 2017–05701 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0299; FRL–9959–11]

Cloquintocet-mexyl; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of Cloquintocet-mexyl (acetic acid [5-chloro-8-quinolinyl) oxy]-1-methylhexyl ester) in or on teff when cloquintocet-mexyl is used as an inert ingredient (herbicide safener) in pesticide formulations containing pyroxsulam. Dow AgroSciences LLC requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA) in order to cover residues of cloquintocet-mexyl in imported teff commodities.

DATES: This regulation is effective March 22, 2017. Objections and requests for hearings must be received on or before May 22, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0299, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC

20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0299 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 22, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0299, by one of the following methods:

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

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of August 29, 2016 (81 FR 59165) (FRL–9950–22), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP# 5E8432) by Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268. The petition requested that 40 CFR part 180.560 be amended by establishing tolerances without U.S registrations for residues of the cloquintocet-mexyl for use as an inert ingredient (safener) in combination with the herbicide pyroxulam in or on the raw agricultural commodities teff, forage at 0.2 parts per million (ppm); teff, grain at 0.1 ppm; teff hay at 0.5 ppm; teff straw at 0.1ppm. That document referenced a summary of the petition prepared by Dow AgroSciences, LLC, the registrant, which is available in the docket EPA–HQ–OPP–2016–0299 at *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

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

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for cloquintocet-mexyl in or on teff forage, grain, hay and straw, consistent with FFDCA section 408(b)(2).

In the **Federal Register** of August 2, 2016 (81 FR 50630) (FRL–9947–78), EPA established tolerances for residues of cloquintocet-mexyl and its acid metabolite (5-chloro-8-quinolinoxyacetic acid) when used in pesticide formulations containing the active ingredient halauxifen-methyl, in or on barley grain, barley hay, barley straw, and wheat forage, wheat grain, wheat hay, and wheat straw. EPA is relying upon the risk assessments that supported the findings made in the August 2, 2016, **Federal Register** document in support of this action. The toxicity profile of cloquintocet-mexyl has not changed, and the previous risk assessments that supported the establishment of those tolerances remain valid.

The Agency evaluated the request to establish tolerances in or on teff forage, grain, hay, and straw. Teff is prepared like other whole grains, such as rice and barley, and may also be used to make flour in a manner similar to wheat and other cereal grains. In considering likely residue levels on teff, EPA concludes that because of the similarity in application rates for pesticides containing cloquintocet-mexyl between

teff and wheat, the likely decline in residue levels as teff moves through commerce, and the similarities to the small grains in terms of morphology, taxonomy and cultural practices, residue levels of cloquintocet-mexyl on teff will be similar to residue levels on wheat. The lack of teff consumption data being reported in the available food consumption data indicates a very low overall consumption of teff in the United States. When teff is consumed in the U.S., it is typically consumed in place of wheat. Using these assumptions regarding likely residue levels and consumption, EPA concludes that aggregate exposure and risk estimates resulting from cloquintocet-mexyl residues in/on teff would not be substantially different than those presented in the most recent human health risk assessment and published in the August 2, 2016 final rule. As those risk estimates were not of concern to the Agency, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to cloquintocet-mexyl residues.

For a detailed discussion of the aggregate risk assessments and determination of safety for these tolerances, please refer to the August 2, 2016, **Federal Register** document and its supporting documents, available at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2012–0843. Further information about EPA's determination that an updated risk assessment was not necessary may be found in the document, ''Cloquintocet-mexyl—Human Health Risk Assessment of Tolerances without a U.S. Registration for Use on Teff'' in docket ID number EPA–HQ–OPP–2016–0299.

For specific information on the studies received and the nature of the adverse effects caused by cloquintocet-mexyl as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies, the reader is referred to the final rule published in the **Federal Register** of December 16, 2005 (70 FR 74679) (FRL–7753–4); Docket ID number EPA–HQ–OPP–2005–0234.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology, high performance liquid chromatography with ultraviolet detection (HPLC–UV); method REM 138.01for the cloquintocet-mexyl (parent) and the HPLC–UV Method RED 138.10 for its acid metabolite, are available to enforce the tolerance expression.

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

B. International Residue Limits

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

The Codex has not established a MRL for cloquintocet-mexyl.

V. Conclusion

Therefore, tolerances are established for combined residues of cloquintocet-mexyl (acetic acid [(5-chloro-8-quinolinyl) oxy]-1-methylhexyl ester) and its acid metabolite (5-chloro-8-quinlinoxyacetic acid), expressed as cloquintocet-mexyl, for use as an inert ingredient (safener) in combination with the herbicide pyroxsulam in or on teff, forage at 0.2 ppm; teff, grain at 0.1 ppm; teff, hay at 0.5 ppm; and teff, straw at 0.1 ppm.

VI. Statutory and Executive Order Reviews

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

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

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

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

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to

publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: March 6, 2017.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.560:

■ a. Revise paragraph (a) introductory text; and

■ b. Add alphabetically entries for ''teff, forage,'' ''teff, grain,'' ''teff, hay,'' and ''teff, straw'' to the table in paragraph (a).

The revision and additions read as follows:

§ 180.560 Cloquintocet-mexyl; pesticide tolerances.

(a) *General.* Tolerances are established for residues of the inert ingredient cloquintocet-mexyl, including its metabolites and degradates, in or on the commodities in the following table when used as a safener in pesticide formulations containing the active ingredients clodinafop-propargyl (wheat only), dicamba (wheat only), flucarbazone-sodium (wheat only), halauxifen-methyl (wheat or barley), pinoxaden (wheat or barley), or pyroxsulam (wheat or teff). Compliance with the tolerance levels specified is to be determined by measuring the combined residues of cloquintocet-mexyl, (acetic acid [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester; CAS Reg. No. 99607–70–2) and its acid metabolite (5-chloro-8-quinolinoxyacetic acid), expressed as cloquintocet-mexyl, in or on the following commodities:

Commodity	Parts per million
* * * * *	
Teff, forage [1]	0.2
Teff, grain [1]	0.1
Teff, hay [1]	0.5
Teff, straw [1]	0.1
* * * * *	

[1] There are no U.S. registrations for use on this commodity as of March 22, 2017.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0357; FRL–9958–53]

Cyantraniliprole; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of cyantraniliprole in or on multiple commodities which are identified and discussed later in this document. E.I. DuPont de Nemours & Company and Syngenta Crop Protection, LLC requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective March 22, 2017. Objections and requests for hearings must be received on or before May 22, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0357 is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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SUPPLEMENTARY INFORMATION:

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0357 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 22, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

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2014–0357, by one of the following methods:

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of January 28, 2015 (80 FR 4525) (FRL–9921–55), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of pesticide petitions (PP 4F8258 and 4F8320) by E.I. du Pont de Nemours & Company, 1007 Market St., Wilmington, DE 19898 and Syngenta Crop Protection LLC, P.O. Box 18300, Greensboro, NC 27419, respectively. The petitions requested that 40 CFR part 180 be amended by establishing tolerances for residues of the insecticide cyantraniliprole, in or on artichokes, globe (import tolerance) at 0.1 parts per million (ppm); berries, low growing, except strawberries (crop subgroup 13–07H) (import tolerance) at 0.08 ppm; coffee, bean, green (import tolerance) at 0.05 ppm; grapes (import tolerance) at 1.5 ppm; olives (import tolerance) at 1.5 ppm; peanuts at 0.01 ppm; peanut hay at 3 ppm; pomegranates (import tolerance) at 0.01 ppm; rice, grain (import tolerance) at 0.03 ppm; soybeans, seed at 0.4 ppm; strawberries at 1.0 ppm; vegetables, foliage of legume (crop group 7) at 50 ppm; vegetables, leaves of root and tuber (crop group 2) at 40 ppm; vegetables, legume, dried shelled, except soybean (crop subgroup 6C) at 0.9 ppm; vegetables, legume, edible podded (crop subgroup 6A) at 2 ppm; vegetables, legume, succulent shelled (crop subgroup 6B) at 0.2 ppm; vegetables, root, except sugar beet (crop subgroup 1B) at 0.4 ppm; and tea, dried (import tolerance) at 30 ppm (PP 4F8258) and corn, field and pop, forage at 0.04 ppm; corn, field and pop, grain at 0.01 ppm; corn, field and pop, stover at 0.015 ppm; corn, sweet, forage at 0.02 ppm; corn, sweet, kernel plus cob with husks removed at 0.01 ppm; and corn, sweet, stover at 0.08 ppm (PP 4F8320). That document referenced a summary of the petitions prepared by E.I. du Pont de Nemours & Company and Syngenta Crop Protection LLC, the registrants, which is available in the dockets EPA–HQ–OPP–2014–0357 and EPA–HQ–OPP–2014–0890, respectively, at *http://www.regulations.gov.* Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA has modified the levels at which and the commodities upon which tolerances are being established. The reasons for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

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

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for cyantraniliprole including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with cyantraniliprole follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

In general, cyantraniliprole administration in mammals produces both adverse and adaptive changes in the liver, thyroid gland, and adrenal cortex. With repeated dosing, consistent findings of mild to moderate increases in liver weights across multiple species (rats, mice, and dogs) are observed. Dogs appear to be more sensitive than rats and mice; cyantraniliprole produces adverse liver effects (increases in alkaline phosphatase, decreases in cholesterol, and decreases in albumin) in dogs at lower dose levels than in rats. In addition, the liver effects in the dog show progressive severity with increased duration of exposure. The available data also show thyroid hormone homeostasis is altered in rats following exposure to cyantraniliprole after 90 days due to enhanced metabolism of the thyroid hormones by the liver. However, cyantraniliprole does not act directly on the thyroid; the thyroid effects observed are secondary to the effects on the liver.

Cyantraniliprole is classified as ''Not Likely to be Carcinogenic to Humans'' based on the absence of increased tumor incidence in carcinogenicity studies in rats and mice. In addition, there are no genotoxicity, mutagenicity, neurotoxicity, or immunotoxicity concerns. There are also no developmental or reproductive toxicity concerns and there is no evidence of an adverse effect attributable to a single dose.

Specific information on the studies received and the nature of the adverse effects caused by cyantraniliprole as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document titled ''*Cyantraniliprole. Human Health Risk Assessment for the Proposed Uses on Root Vegetables (except Sugar Beet) (Crop Subgroup 1B), Leaves of Root and Tuber Vegetables (Crop Group 2), Legume Vegetables (Crop Group 6 except soybean), Leaves of Legume Vegetables (Crop Group 7 except soybean), Peanuts, Strawberries, Tobacco and Seed Treatment Uses on Corn (Field, Pop, Seed, Sweet). Tolerance Requests without U.S. Registration for Artichokes, Coffee Green Bean, Wine Grapes, Low Growing Berries (except Strawberries) (Crop Subgroup 13–07H), Olives, Pomegranate, and Tea Dried. Amended Tolerance Requests for Cucurbit*

Vegetables (Crop Group 9) due to New Use Pattern and Amended Uses for Tomatoes and Peppers'' on page 40 in docket ID number EPA–HQ–OPP–2014–0357.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/ safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for cyantraniliprole used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of February 5, 2014 (79 FR 6826) (FRL–9388–7).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to cyantraniliprole, EPA considered exposure under the petitioned-for tolerances as well as all existing cyantraniliprole tolerances in 40 CFR 180.672. EPA assessed dietary exposures from cyantraniliprole in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

No such effects were identified in the toxicological studies for cyantraniliprole; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the 2003–2008 United States Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, a refined chronic (food and drinking water) dietary assessment was conducted assuming average field trial residues for all proposed crops (except sugar beet root), percent crop treated (PCT) where available, and percent crop treated for new uses (PCTn) for some crops. In addition, the estimated percentage of imported grapes was incorporated into the assessment. For processed commodities, input values included combined average residues of parent and the metabolite (IN–J9Z38) with relevant processing factors. The chronic assessment incorporated empirical processing factors, if available, or Dietary Exposure Evaluation Model (DEEM) Version 7.81 default processing factors as appropriate. Empirical processing factors were used for potato flakes and chips, tomatoes (paste, puree, dried, and juice), orange juice, apple juice, cottonseed oil, citrus oil, and dried plums. The processing factors for these commodities were set at 1 because the residue input values included combined residues of the parent and the metabolite with relevant processing factors. Crop field trial data depicting residues in/on citrus fruit peels (lemon and orange) were available and included into the assessment.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that cyantraniliprole does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and PCT information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- Condition a: The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- Condition b: The exposure estimate does not underestimate exposure for any significant subpopulation group.
- Condition c: Data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency estimated the PCT for existing uses as follows:

Citrus: Oranges 62%, grapefruit 87%, and lemons 46%; pome fruit: Apples 61% and pears 76%; stone fruits: Apricots 53%, cherries 48%, peaches 41%, and plums/prunes 59%; tree nuts: Almonds 72%, hazelnuts 65%, pecans 22%, pistachios 49%, and walnuts 53%; bushberries (subgroup 13–07B): Blueberries 45%; fruiting vegetables: Peppers 45% and tomatoes 54%; cucurbits: Cantaloupes 50%, cucumbers 23%, pumpkins 18%, squash 24%, and watermelons 29%; leafy vegetables: Celery 70%, lettuce 78%, and spinach 53%; *Brassica* (cole) leafy vegetables: Broccoli 81%, cabbage 50%, and cauliflower 83%; onion 58%; potato 50%; oilseeds: Canola 15% and sunflower 35%; and corn 56%.

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and the National Pesticide Use Database for the chemical/crop combination for the most recent 6–7 years. EPA uses an average PCT for chronic dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding to the nearest 5%, except for those situations in which the average PCT is less than one. In those cases, 1% is used as the average PCT and 2.5% is used as the

maximum PCT. EPA uses a maximum PCT for acute dietary risk analysis. The maximum PCT figure is the highest observed maximum value reported within the recent 6 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%.

The Agency estimated the PCT for new uses as follows:

Cotton 41%; peanuts 41%; carrots 23%; soybeans 21%; strawberries 59%; vegetable crop group 7: Dry beans/peas 6%, soybeans 21%, beans (snap, bush, etc.) 49%, and peas fresh/green/sweet) 38%; vegetable crop group 2: Sugar beets 40%; vegetable crop group 6A: Soybeans 21%, beans (snap, bush, etc., string) 49%; peas fresh/green/sweet) 38%; vegetable crop group 6C: Dried bean and peas 6%. For the imported grapes (wine grapes) a 50% import estimate was used in the chronic dietary risk assessment.

EPA estimates of the PCTn of cyantraniliprole represent the upper bound of use expected during the pesticide's initial five years of registration; that is, PCTn for cyantraniliprole is a threshold of use that EPA is reasonably certain will not be exceeded for each registered use site. The PCTn recommended for use in the chronic dietary assessment is calculated as the average PCT of the market leader or leaders (*i.e.,* the currently registered pesticide(s) with the greatest PCT) on that site over the three most recent years of available data. Comparisons are only made among pesticides of the same pesticide type (*e.g.,* the market leader for insecticides on the use site is selected for comparison with a new insecticide). The market leader included in the estimation may not be the same for each year since different pesticides may dominate at different times.

Typically, EPA uses USDA/NASS as the source of data because it is publicly available and directly reports values for PCT. When a specific use site is not reported by USDA/NASS, EPA uses market survey data and calculates the PCT given reported data on acres treated and acres grown. If no data are available, EPA may extrapolate PCTn from other crops, if the production area and pest spectrum are substantially similar.

A retrospective analysis to validate this approach shows few cases where the PCT for the overall market leaders were exceeded. Further review of these cases identified factors contributing to the exceptionally high use of a new pesticide. To evaluate whether the PCTn for cyantraniliprole could be exceeded, EPA considered whether there may be unusually high pest pressure, as indicated in emergency exemption requests for cyantraniliprole; how the pest spectrum of the new pesticide compares with the market leaders; and whether pest resistance issues with past market leaders provide cyantraniliprole with significant market potential. EPA also considered the potential for resistance to cyantraniliprole to develop as a limiting factor in its use. Given currently available information, EPA concludes that it is unlikely that actual PCT for cyantraniliprole will exceed the estimated PCT for new uses during the next five years.

The Agency believes that the three conditions discussed in Unit III.C.1.iv. have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which cyantraniliprole may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for cyantraniliprole in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of cyantraniliprole. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Based on the First Index Reservoir Screening Tool (FIRST) and Pesticide in Water Calculator (PWC), the estimated drinking water concentrations (EDWCs) of cyantraniliprole for chronic exposures are estimated to be 24 ppb for surface water and 64 ppb for ground water, respectively.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. An acute dietary risk assessment was not conducted since no acute toxicological effects were found. For the chronic dietary risk assessment, the water concentration value of 64 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Cyantraniliprole is currently registered for the following uses that could result in residential exposures: Turfgrass (including residential, recreational, and golf course turf), ornamentals, and structural buildings (including indoor crack/crevice and outdoor broadcast). EPA assessed residential exposure using the following assumptions: Residential exposure may occur by the dermal, oral, and inhalation routes and is expected to be short-term in duration of exposures. However, since a dermal hazard has not been identified for cyantraniliprole, the only exposures of concern are handler inhalation (for adults), and post-application incidental oral (for children). For adults, the oral and inhalation routes of exposure were not aggregated since the endpoints of concern are not common. The turf and ornamental labels indicate that a maximum of two applications are allowed per season. Thus, intermediate-term exposures are not likely because of the intermittent nature of applications by homeowners. Post-application incidental oral exposures for children may occur for short- and intermediate-term durations due to the persistence of cyantraniliprole. Although intermediate-term incidental oral post-application exposures are possible (*i.e.,* from soil ingestion, due to the persistence of cyantraniliprole), the short-term incidental oral exposures are protective of the possible intermediate-term incidental oral exposures because the POD for both durations is the same. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether

to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found cyantraniliprole to share a common mechanism of toxicity with any other substances, and cyantraniliprole does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that cyantraniliprole does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* There is no evidence of susceptibility in developmental toxicity studies in rats and rabbits. The developmental toxicity study in rats tested up to the limit dose (1,000 mg/kg/day). In the rabbit developmental toxicity study decreases in fetal body weight are seen at a dose higher than that resulting in maternal effects. In the reproductive toxicity study, increased incidence of thyroid follicular epithelium hypertrophy/hyperplasia occurs in F_1 parental animals at a dose lower than that for the parental (P) generation. A clear NOAEL (1.4 mg/kg/day) is established for F_1 parental animals, and the PODs selected for risk assessment from the dog studies (1 or 3 mg/kg/day) are protective of the effect (thyroid effect at 14 mg/kg/day) seen in the F_1 parental animals. In addition, the submitted data support the conclusion that the effects on the thyroid are secondary to effects on the liver.

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

i. The toxicity database for cyantraniliprole is complete.

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

iii. There is no evidence of susceptibility in developmental toxicity studies in rats and rabbits. In the reproductive toxicity study, increased incidence of thyroid follicular epithelium hypertrophy/hyperplasia occurs in F_1 parental animals at a dose lower than that for the parental (P) generation. However, for the reasons summarized in Unit III.D.2. these effects are not of concern.

iv. There are no residual uncertainties identified in the exposure databases. The chronic dietary food exposure assessment was a refined assessment which assumed average field trial residues for all crops (except sugar beet root), PCT where available, and PCTn data. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to cyantraniliprole in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by cyantraniliprole.

E. Aggregate Risks and Determination of Safety

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

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

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to cyantraniliprole from food and water will utilize 98% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of cyantraniliprole is not expected.

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

Cyantraniliprole is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to cyantraniliprole.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in an aggregate MOE of 149 for children 1–2 years old. For adults, the oral and inhalation routes of exposure were not aggregated since the endpoints of concern are not common. Because EPA's level of concern for cyantraniliprole is a MOE of 100 or below, this MOE is not of concern.

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

Cyantraniliprole is currently registered for uses that could result in intermediate-term residential exposure, however, the short-term aggregate risk estimate described above is protective of potential intermediate-term exposures and risks in children.

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

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (liquid chromatography with tandem mass spectroscopy (LC/MS/MS)) is available to enforce the tolerance expression.

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

B. International Residue Limits

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

For the commodities discussed in this action, there are only Codex MRLs established for residues of cyantraniliprole on coffee beans (0.03 ppm), cucurbit fruiting vegetables (0.3 ppm), legume animal feeds (in the U.S. identified as Foliage of legume vegetables) (0.8 ppm), and root and tuber vegetables (0.05 ppm). There are also Codex MRLs for residues of cyantraniliprole in/on ruminants at (0.01–0.05 ppm), milk (0.02 ppm), and poultry commodities at (0.01 ppm).

The EPA has not harmonized the tolerances for these commodities with the existing Codex MRLs. The petitioner requested a tolerance on coffee without a U.S. registration be established at 0.05 ppm to be line with the existing MRL for coffee in Canada. The Codex MRLs established for residues of cyantraniliprole on cucurbit fruiting vegetables at 0.3 ppm, root and tuber vegetables at 0.05 ppm, and legume animal feeds at 0.8 ppm are lower than the U.S. tolerances of 0.7 ppm, 0.15 ppm and 40 ppm, respectively. The U.S. tolerances cannot be harmonized because following the label use directions could result in residues above the established Codex MRLs. The Codex MRLs for residues of cyantraniliprole in/on ruminants at (0.01–0.05 ppm), milk (0.02 ppm), and poultry commodities at (0.01 ppm) are lower than the U.S. tolerances. The U.S. and Codex livestock MRLs are not harmonized due to different animal diets and tolerances (MRLs) established for different animal feed commodities. The U.S. tolerances cannot be harmonized (lowered) because following the label use directions could result in residues above the Codex MRLs.

C. Response to Comments

A comment was submitted on behalf of the Center for Biological Diversity and the Center for Food Safety and was primarily concerned about EPA's consideration of the impacts of cyantraniliprole on the environment, pollinators, and endangered species. This comment is not relevant to the Agency's evaluation of safety of the cyantraniliprole tolerances under section 408 of the FFDCA, which requires the Agency to evaluate the potential harms to human health, not effects on the environment.

EPA received two other comments to the Notices of Filing noting general concerns about the toxicity of this chemical and stating, in part, that ''this product represents a clear and present danger'' and ''should not be approved to be sold.'' The Agency understands the commenter's concerns and recognizes that some individuals believe that pesticides should be banned on agricultural crops. However, the existing legal framework provided by section 408 of the FFDCA states that tolerances may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. EPA has assessed the effects of this chemical on human health and determined that aggregate exposure to it will be safe.

D. Revisions to Petitioned-For Tolerances

The Agency is not establishing the proposed tolerances for corn, field and pop, forage; corn, field and pop stover; corn, sweet, forage; and corn, sweet stover because the proposed uses are seed treatment only, not a foliar use, so no residues will be present on these feed commodities. Therefore, these tolerances are not necessary.

The proposed tolerance for residues of cyantraniliprole in/on rice, grain of 0.03 ppm is being modified to 0.02 ppm based on the OECD statistical calculation applied to the field trial residue data.

The proposed wine grape tolerance is being modified from 1.5 ppm to 2.0 ppm and a tolerance is being established on olive oil at 2.0 ppm due to concentration demonstrated in the processing studies.

The proposed tolerance for residues in/on legume vegetables, subgroup 6C of 0.9 ppm is being modified to 1.0 ppm based on the OECD statistical calculation applied to the field trial residue data.

The proposed tolerance for residues in/on soybean seed including the foliage (forage and hay) is not being established since processing studies were not submitted for soybean processed commodities (hulls, meal, oil). Therefore, the proposed tolerance for residues of cyantraniliprole in/on vegetables, foliage of legume (crop group 7) is being revised to ''Vegetable, foliage of legume, except soybean, group 7A.''

Numerous ruminant commodity tolerances are already established. These ruminant (cattle, goats, horses, and sheep) commodity tolerances are being increased to reflect the new dietary burdens from the tolerances established by this document.

V. Conclusion

Therefore, tolerances are established for residues of cyantraniliprole, 3-bromo-1-(3-chloro-2-pyridinyl)-*N*-[4-cyano-2-methyl-6-[(methylamino)carbonyl]phenyl]-1*H*-pyrazole-5-carboxamide, including its metabolites and degradates, in or on Artichoke, globe at 0.10 ppm; Berry, low growing, except strawberry, subgroup 13–07H at 0.08 ppm; Coffee, green bean at 0.05 ppm; Corn, field, grain at 0.01 ppm; Corn, pop, grain at 0.01 ppm; Corn, sweet, kernel plus cob with husks removed at 0.01 ppm; Grape, wine at 2.0 ppm; Olive at 1.5 ppm; Olive, oil at 2.0 ppm; Peanut at 0.01 ppm; Pomegranate at 0.01 ppm; Rice, grain at 0.02 ppm; Strawberry at 1.0 ppm; Tea at 30 ppm; Vegetable, foliage of legume, except soybean, group 7A at 40 ppm; Vegetable, leaves of root and tuber, group 2 at 40 ppm; Vegetable, legume, dried shelled, except soybean, subgroup 6C at 1.0 ppm; Vegetable, legume, edible podded, subgroup 6A at 2.0 ppm; Vegetable, legume, succulent shelled, subgroup 6B at 0.20 ppm; and Vegetable, root, except sugar beet, subgroup 1B at 0.40 ppm.

In addition, the following tolerances are modified as follows: Peanut, hay from 0.01 ppm to 3.0 ppm and Vegetable, cucurbit, group 9 from 0.40 ppm to 0.70 ppm.

Also, due to the tolerances being established the following tolerances are modified as follows: Cattle, fat from 0.01 ppm to 0.10 ppm; Cattle, meat from 0.01 ppm to 0.10 ppm; Cattle, meat byproducts from 0.01 ppm to 0.40 ppm; Goat, fat from 0.01 ppm to 0.10 ppm; Goat, meat from 0.01 ppm to 0.10 ppm; Goat, meat byproducts from 0.01 ppm to 0.40 ppm; Horse, fat from 0.01 ppm to 0.10 ppm; Horse, meat from 0.01 to 0.10 ppm; Horse, meat byproducts from 0.01 ppm to 0.40 ppm; Milk from 0.01 ppm to 0.20 ppm; Sheep, fat from 0.01 ppm to 0.10 ppm; Sheep, meat from 0.01 ppm to 0.10 ppm; and Sheep, meat byproducts from 0.01 to 0.40 ppm.

Lastly, due to the tolerances being established above, the indirect or inadvertent tolerances under 40 CFR 180.672 (d) for Peanut, hay; Vegetable, foliage of legume (group 7); Vegetable, leaves of root and tuber vegetables (group 2); and Vegetable, root (subgroup 1A) are removed as unnecessary, and new tolerances are established under 180.672 (d) for Beet, sugar, roots at 0.02 ppm; Soybean, forage at 0.70 ppm; and Soybean, hay at 0.70 ppm.

VI. Statutory and Executive Order Reviews

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

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

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

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: February 17, 2017.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.672, revise paragraphs (a) and (d) to read as follows:

§ 180.672 Cyantraniliprole; tolerances for residues.

(a) *General.* Tolerances are established for the combined residues of the insecticide cyantraniliprole, 3-bromo-1-(3-chloro-2-pyridinyl)-N-[4-cyano-2-methyl-6-[(methylamino)carbonyl]phenyl]-1H-pyrazole-5-carboxamide, including its metabolites and degradates, in or on commodities in the following table. Compliance with the tolerance levels specified in the following table is to be determined by measuring only cyantraniliprole in or on the commodity.

Commodity	Parts per million
Almond, hulls	8.0
Artichoke, globe [1]	0.10
Berry, low growing, except strawberry, subgroup 13–07H [1]	0.08
Brassica head and stem, subgroup 5A	3.0
Brassica leafy vegetables, subgroup 5B	30
Bushberry, subgroup 13–07B	4.0
Cattle, fat	0.10
Cattle, meat	0.10
Cattle, meat byproducts	0.40
Cherry, subgroup 12–12A	6.0
Citrus, oil	2.4
Coffee, green bean [1]	0.05
Corn, field, grain	0.01

Commodity	Parts per million
Corn, pop, grain	0.01
Corn, sweet, kernel plus cob with husks removed	0.01
Cotton, gin byproducts	10
Fruit, citrus, group 10–10	0.70
Fruit, pome, group 11–10	1.5
Goat, fat	0.10
Goat, meat	0.10
Goat, meat byproducts	0.40
Grape, wine [1]	2.0
Horse, fat	0.10
Horse, meat	0.10
Horse, meat byproducts	0.40
Milk	0.20
Nut, tree, group 14–12	0.04
Oilseed group 20	1.5
Olive [1]	1.5
Olive, oil [1]	2.0
Onion, bulb, subgroup 3–07A	0.04
Onion, green, subgroup 3–07B	8.0
Peach, subgroup 12–12B	1.5
Peanut	0.01
Peanut hay	3.0
Plum, subgroup 12–12C	0.50
Pomegranate [1]	0.01
Rice, grain [1]	0.02
Sheep, fat	0.10
Sheep, meat	0.10
Sheep, meat byproducts	0.40
Strawberry	1.0
Tea [1]	30
Vegetable, cucurbit, group 9	0.70
Vegetable, foliage of legume, except soybean, group 7A	40
Vegetable, fruiting, group 8–10	2.0
Vegetable, leafy, except *Brassica,* group 4	20
Vegetable, leaves of root and tuber, group 2	40
Vegetable, legume, dried shelled, except soybean, subgroup 6C	1.0
Vegetable, legume, edible podded, subgroup 6A	2.0
Vegetable, legume, succulent shelled, subgroup 6B	0.20
Vegetable, root, except sugar beet, subgroup 1B	0.40
Vegetable, tuberous and corm, subgroup 1C	0.15

[1] There are no U.S. registrations for these commodities.

* * * * *

(d) *Indirect or inadvertant residues.* Tolerances are established for indirect or inadvertant tolerances for residues of cyantraniliprole, 3-bromo-1-(3-chloro-2-pyridinyl)-N-[4-cyano-2-methyl-6-[(methylamino)carbonyl]phenyl]-1H-pyrazole-5-carboxamide, including its metabolites and degradates, in or on commodities in the following table. Compliance with the tolerance levels specified in the following table is to be determined by measuring only cyantraniliprole in or on the commodity.

Commodity	Parts per million
Animal feed, nongrass, group 18	0.20
Beet, sugar, roots	0.02
Grain, cereal, forage, fodder and straw, group 16	0.50
Grass forage, fodder and hay, group 17	0.50
Soybean, forage	0.70
Soybean, hay	0.70

[FR Doc. 2017–05707 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0566; FRL–9959–92]

Aspergillus flavus AF36; Amendment to an Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends the existing tolerance exemption for *Aspergillus flavus* AF36 by establishing an exemption from the requirement of a tolerance for residues of *Aspergillus flavus* AF36 in or on almond and fig when used in accordance with label directions and good agricultural practices. Interregional Research Project Number 4 submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting that EPA amend the existing tolerance exemption for *Aspergillus flavus* AF36. This regulation eliminates the need to establish a maximum permissible level for residues of *Aspergillus flavus* AF36 under FFDCA.

DATES: This regulation is effective March 22, 2017. Objections and requests for hearings must be received on or before May 22, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0566, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0566 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 22, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0566, by one of the following methods:

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

II. Background

In the **Federal Register** of November 30, 2016 (81 FR 86312) (FRL–9954–06), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 6E8471) by Interregional Research Project Number 4 (IR–4), Rutgers University, 500 College Rd. East, Suite 201W, Princeton, NJ 08540. The petition requested that 40 CFR 180.1206 be amended by establishing an exemption from the requirement of a tolerance for residues of *Aspergillus flavus* AF36 in or on almond and fig. That document referenced a summary of the petition prepared by the petitioner IR–4, which is available in the docket via *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

III. Final Rule

A. EPA's Safety Determination

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

occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance or tolerance exemption and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .'' Additionally, FFDCA section 408(b)(2)(D) requires that EPA consider ''available information concerning the cumulative effects of a particular pesticide's . . . residues and other substances that have a common mechanism of toxicity.''

EPA evaluated the available toxicity and exposure data on *Aspergillus flavus* AF36 and considered their validity, completeness, and reliability, as well as the relationship of this information to human risk. A full explanation of the data upon which EPA relied and its risk assessment based on those data can be found within the February 2017, document entitled ''Federal Food, Drug, and Cosmetic Act (FFDCA) Considerations for *Aspergillus flavus* AF36.'' This document, as well as other relevant information, is available in the docket for this action as described under **ADDRESSES**.

Based upon its evaluation, EPA concludes that *Aspergillus flavus* AF36 is not toxic, not pathogenic, and not infective. Although there may be some exposure to residues when *Aspergillus flavus* AF36 is used on fig and almond in accordance with label directions and good agricultural practices, there is a lack of concern due to the lack of potential for adverse effects. EPA also determined that retention of the Food Quality Protection Act (FQPA) safety factor was not necessary as part of the qualitative assessment conducted for *Aspergillus flavus* AF36.

Based upon its evaluation, EPA concludes that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of *Aspergillus flavus* AF36. Therefore, the existing tolerance exemption for *Aspergillus flavus* AF36 is amended by establishing an exemption from the requirement of a tolerance for residues of *Aspergillus flavus* AF36 in or on almond and fig when used in accordance with label directions and good agricultural practices.

B. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes because EPA is establishing an exemption from the requirement of a tolerance without any numerical limitation.

IV. Statutory and Executive Order Reviews

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

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance exemption in this action, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes. As a result, this action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, EPA has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, EPA has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

V. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: March 7, 2017.

Robert McNally,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.1206, add paragraph (e) to read as follows:

§ 180.1206 Aspergillus flavus AF36; exemption from the requirement of a tolerance.

* * * * *

(e) An exemption from the requirement of a tolerance is established for residues of *Aspergillus flavus* AF36 in or on almond and fig when used in accordance with label directions and good agricultural practices.

[FR Doc. 2017–05720 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0617; FRL–9958–97]

Octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)]; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)]; when used as an inert ingredient in a pesticide chemical formulation. Ethox Chemicals, LLC submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)] on food or feed commodities.

DATES: This regulation is effective March 22, 2017. Objections and requests for hearings must be received on or before May 22, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0617, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

C. Can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0617 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 22, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0617, by one of the following methods.

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

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

II. Background and Statutory Findings

In the **Federal Register** of December 20, 2016 (81 FR 92758) (FRL–9956–04), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (PP IN–10984) filed by Spring Trading Company on behalf of Ethox Chemicals, LLC, 1801 Perimeter Road, Greenville, SC 29605. The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)]; CAS Reg. No. 1939051–18–9. That document included a summary of the petition prepared by the petitioner and solicited comments on the petitioner's request. The Agency did not receive any comments.

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

tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .'' and specifies factors EPA is to consider in establishing an exemption.

III. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). Octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)] conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers.

1. The polymer is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. The polymer does contain as an integral part of its composition at least two of the atomic elements carbon, hydrogen, nitrogen, oxygen, silicon, and sulfur.

3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

7. The polymer does not contain certain perfluoroalkyl moieties consisting of a CF3- or longer chain length as listed in 40 CFR 723.250(d)(6).

Additionally, the polymer also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

8. The polymer's number average MW of 5,000 is greater than 1,000 and less than 10,000 daltons. The polymer contains less than 10% oligomeric material below MW 500 and less than 25% oligomeric material below MW 1,000, and the polymer does not contain any reactive functional groups.

Thus, octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)] meets the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the criteria in this unit, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)].

IV. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)] could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average MW of octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)] is 5,000 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)] conform to the criteria that identify a low-risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

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

EPA has not found octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)] to share a common mechanism of toxicity with any other substances, and octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)] does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)] does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

VI. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)], EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

VII. Determination of Safety

Based on the conformance to the criteria used to identify a low-risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to residues of octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)].

VIII. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. International Residue Limits

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

The Codex has not established a MRL for octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)].

IX. Conclusion

Accordingly, EPA finds that exempting residues of octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α',α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)] from the requirement of a tolerance will be safe.

X. Statutory and Executive Order Reviews

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

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

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

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

XI. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: February 14, 2017.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.960, alphabetically add the polymer to the table to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

Polymer	CAS No.
* * * * * * *	
Octadecanoic acid, 12-hydroxy-, homopolymer, ester with α, α', α''-1,2,3-propanetriyltris[ω-hydroxypoly(oxy-1,2-ethanediyl)], minimum number average molecular weight (in amu), 5,000	1939051–18–9
* * * * * * *	

[FR Doc. 2017–05708 Filed 3–21–17; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0606; FRL–9959–12]

Polyglycerol Polyricinoleate; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of polyglycerol polyricinoleate when used as an inert ingredient in a pesticide chemical formulation. AgroFresh Inc., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of polyglycerol polyricinoleate on food or feed commodities.

DATES: This regulation is effective March 22, 2017. Objections and requests for hearings must be received on or before May 22, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0606, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

C. Can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0606 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 22, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0606, by one of the following methods.

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

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

II. Background and Statutory Findings

In the **Federal Register** of December 20, 2016 (81 FR 927580) (FRL–9956–04), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (PP IN–10970) filed by AgroFresh Inc., 400 Arcola Road, P.O. Box 7000 (RC3356), Collegeville, PA 19426. The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of polyglycerol polyricinoleate (CAS Reg. No. 29894–35–7). That document included a summary of the petition prepared by the petitioner and solicited comments on the petitioner's request. The Agency did not receive any comments.

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

factors EPA is to consider in establishing an exemption.

III. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). Polyglycerol polyricinoleate conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers:

a. The polymer is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

b. The polymer does contain as an integral part of its composition the atomic elements carbon, hydrogen, and oxygen.

c. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

d. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize.

e. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

f. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

g. The polymer does not contain certain perfluoroalkyl moieties consisting of a CF_3- or longer chain length as specified in 40 CFR 723.250(d)(6).

Additionally, the polymer also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

h. The polymer's number average MW of 2,500 daltons is greater than 1,000 and less than 10,000 daltons. The polymer contains less than 10% oligomeric material below MW 500 and less than 25% oligomeric material below MW 1,000, and the polymer does not contain any reactive functional groups.

Thus, polyglycerol polyricinoleate meets the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the criteria in this unit, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to polyglycerol polyricinoleate.

IV. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that polyglycerol polyricinoleate could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average MW of polyglycerol polyricinoleate is 2,500 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since polyglycerol polyricinoleate conforms to the criteria that identify a low-risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

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

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

VI. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of polyglycerol polyricinoleate, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

VII. Determination of Safety

Based on the conformance to the criteria used to identify a low-risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to residues of polyglycerol polyricinoleate.

VIII. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint

United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for polyglycerol polyricinoleate.

IX. Conclusion

Accordingly, EPA finds that exempting residues of polyglycerol polyricinole from the requirement of a tolerance will be safe.

X. Statutory and Executive Order Reviews

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

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

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

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

XI. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: February 16, 2017.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180

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

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

■ 2. In § 180.960, add alphabetically the entry ''Polyglycerol polyricinoleate; minimum number average molecular weight (in amu), 2,500'' to the table to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

Polymer	CAS No.
* * * * * * *	
Polyglycerol polyricinoleate; minimum number average molecular weight (in amu), 2,500	29894–35–7
* * * * * * *	

[FR Doc. 2017–05703 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 405, 410, 411, 414, 417, 422, 423, 424, 425, and 460

[CMS–1654–CN4]

RIN 0938–AS81

Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2017; Medicare Advantage Bid Pricing Data Release; Medicare Advantage and Part D Medical Loss Ratio Data Release; Medicare Advantage Provider Network Requirements; Expansion of Medicare Diabetes Prevention Program Model; Medicare Shared Savings Program Requirements; Corrections

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; correction.

SUMMARY: This document corrects technical errors in the addenda to the final rule published in the November 15, 2016, **Federal Register** entitled, ''Medicare Program; Revisions to Payment Policies under the Physician Fee Schedule and Other Revisions to Part B for CY 2017; Medicare Advantage Bid Pricing Data Release; Medicare Advantage and Part D Medical Loss Ratio Data Release; Medicare Advantage Provider Network Requirements; Expansion of Medicare Diabetes Prevention Program Model; Medicare Shared Savings Program Requirements.''

DATES: This correcting document is effective March 21, 2017 and is applicable beginning January 1, 2017.

FOR FURTHER INFORMATION CONTACT: Jessica Bruton (410) 786–5991.

SUPPLEMENTARY INFORMATION:

I. Background

In the addenda to FR Doc 2016–26668 (81 FR 80170 through 80562), the final rule entitled, ''Medicare Program; Revisions to Payment Policies under the Physician Fee Schedule and Other Revisions to Part B for CY 2017; Medicare Advantage Bid Pricing Data Release; Medicare Advantage and Part D Medical Loss Ratio Data Release; Medicare Advantage Provider Network Requirements; Expansion of Medicare Diabetes Prevention Program Model; Medicare Shared Savings Program Requirements'' there was a technical error in an element of the payment calculation for several services that is identified and corrected in this correcting document. These corrections are effective as if they had been included with the document published November 15, 2016. Accordingly, the corrections are applicable beginning January 1, 2017.

II. Summary and Correction of Errors in the Addenda on the CMS Web Site

Due to a technical error in the allocation of indirect practice expense (PE) for CPT codes 97161 through 97168, the incorrect CY 2017 PE relative value units (RVUs) were included in Addendum B. The corrected CY 2017 PE RVUs for these codes are reflected in the corrected Addendum B available on the CMS Web site at *www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/PhysicianFeeSched/index.html.*

III. Waiver of Proposed Rulemaking

Under 5 U.S.C. 553(b) of the Administrative Procedure Act (the APA), the agency is required to publish a notice of the proposed rule in the **Federal Register** before the provisions of a rule take effect. Similarly, section 1871(b)(1) of the Social Security Act (the Act) requires the Secretary to provide for notice of the proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment. In addition, section 553(d) of the APA and section 1871(e)(1)(B)(i) of the Act mandate a 30-day delay in effective date after issuance or publication of a rule. Sections 553(b)(B) and 553(d)(3) of the APA provide for exceptions from the APA notice and comment, and delay in effective date requirements; in cases in which these exceptions apply, sections 1871(b)(2)(C) and 1871(e)(1)(B)(ii) of the Act provide exceptions from the notice and 60-day comment period and delay in effective date requirements of the Act as well. Section 553(b)(B) of the APA and section 1871(b)(2)(C) of the Act authorize an agency to dispense with normal notice and comment rulemaking procedures for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and includes a statement of the finding and the reasons for it in the rule. In addition, section 553(d)(3) of the APA and section 1871(e)(1)(B)(ii) allow the agency to avoid the 30-day delay in effective date where such delay is contrary to the public interest and the agency includes in the rule a statement of the finding and the reasons for it.

In our view, this correcting document does not constitute a rulemaking that would be subject to these requirements. This document merely corrects technical errors in the CY 2017 PFS final rule. The corrections contained in this document are consistent with, and do not make substantive changes to, the policies and payment methodologies that were proposed subject to notice and comment procedures and adopted in the CY 2017 PFS final rule. As a result, the corrections made through this correcting document are intended to resolve inadvertent errors so that the rule accurately reflects the policies adopted in the final rule.

Even if this were a rulemaking to which the notice and comment and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the CY 2017 PFS final rule or delaying the effective date of the corrections would be contrary to the public interest because it is in the public interest to ensure that the rule accurately reflects our policies as of the date they take effect. Further, such procedures would be unnecessary because we are not making any substantive revisions to the final rule, but rather, we are simply correcting the **Federal Register** document to reflect the policies that we previously proposed, received public comment on, and subsequently finalized in the final rule. For these reasons, we believe there is good cause to waive the requirements for notice and comment and delay in effective date.

Dated: March 16, 2017.

Ann C. Agnew,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2017–05675 Filed 3–21–17; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 10–90; FCC 16–33, 16–64, and 16–143]

Connect America Fund

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office

of Management and Budget (OMB) has approved, for a period of three years, an information collection associated with the Commission's *Connect America Fund,* Report and Order, Order and Order on Reconsideration, April 25, 2016, Report and Order, July 7, 2016, and Order, November 22, 2016 (collectively, *Orders*). The Commission submitted new information collection requirements for review and approval by OMB, as required by the Paperwork Reduction Act (PRA) of 1995, December 30, 2016, which were approved by the OMB on February 27, 2017. This notice is consistent with the *Orders,* which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of new information collection requirements.

DATES: The rules associated with the Orders related to certain high-cost carriers' obligation to report broadband location information where they have deployed facilities meeting their public interest obligations, as well as associated certifications and quarterly reports, published at 81 FR 24282, April 25, 2016, 81 FR 44414, July 7, 2016, and 81 FR 83706, November 22, 2016, as well as 47 CFR 54.316 and 54.320(d) are effective March 22, 2017.

FOR FURTHER INFORMATION CONTACT: Jonathan Lechter, Wireline Competition Bureau at (202) 418–7400 or TTY (202) 418–0484.

SUPPLEMENTARY INFORMATION: This document announces that, on February 27, 2017, OMB approved, for a period of three years, the information collection requirements contained in the Commission's *Orders,* FCC 16–33, published at 81 FR 24282, April 25, 2016, FCC 16–64, published at 81 FR 44414, July 7, 2016, and FCC 16–143, published at 81 FR 83706, November 22, 2016. The OMB Control Number is 3060–1228. The Commission publishes this notice as an announcement of the effective date of the rules associated with the Orders related to certain high-cost carriers' obligation to report broadband location information where they have deployed facilities meeting their public interest obligations, as well as associated certifications and quarterly reports, published at 81 FR 24282, April 25, 2016, 81 FR 44414, July 7, 2016 (Phase II Auction Order), and 81 FR 83706, November 22, 2016, as well as 47 CFR 54.316 and 54.320(d). If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1–A620, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060–1228, in your correspondence. The Commission will also accept your comments via email please send them to *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on February 27, 2017, for the rules associated with t the Orders related to certain high-cost carriers' obligation to report broadband location information where they have deployed facilities meeting their public interest obligations, as well as associated certifications and quarterly reports, published at 81 FR 24282, April 25, 2016, 81 FR 44414, July 7, 2016, and 81 FR 83706, November 22, 2016, as well as 47 CFR 54.316 and 54.320(d). Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1228.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1228.

OMB Approval Date: February 27, 2017.

OMB Expiration Date: February 29, 2020.

Title: Connect America Fund—High Cost Portal Filing.

Form No.: N/A.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 1,526 unique respondents; 3,595 responses.

Estimated Time per Response: 8 hours–30 hours.

Frequency of Response: On occasion, quarterly reporting requirements, annual reporting requirements, one-time reporting requirement and recordkeeping requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 155, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, 410, and 1302.

Total Annual Burden: 65,713 hours.

Total Annual Cost: No Cost.

Nature and Extent of Confidentiality: We note that USAC must preserve the confidentiality of certain data obtained from respondents; must not use the data except for purposes of administering the universal service programs or other purposes specified by the Commission; and must not disclose data in company-specific form unless directed to do so by the Commission. Respondents may request materials or information submitted to the Commission or the Administrator believed confidential to be withheld from public inspection under 47 CFR 0.459 of the FCC's rules.

Needs and Uses: This information collection addresses the requirement that certain carriers with high cost reporting obligations must file information about their locations which meet their broadband deployment public interest obligations via an electronic portal (''portal''). *The Rate-of-Return Order* required that the Universal Service Administrative Company (USAC) establish the portal so that carriers could file their location data with the portal starting in 2017. The *Rate-of-Return Order* required all recipients of Phase II model-based support and rate-of-return carriers to submit geocoded location data and related certifications to the portal. Recipients of Phase II model-based support had been required to file such information in their annual reports due by July 1. The *Phase II Auction Order* requires auction winners to build-out networks capable of meeting their public interest obligations and report, to an online portal, locations to which auction winners had deployed such networks. The *ACS Phase II Order* requires Alaska Communications Systems (ACS), a recipient of Phase II frozen support, to comply with the reporting, certification and non-compliance measures similar to those previously adopted for ETCs electing Phase II model-based support. For the same reason, the Commission also adopted a cost certification requirement for certain locations. This collection also implements the *Rate-of-Return Order* by moving and revising the currently approved requirements under OMB Control Numbers 3060–1200 and 3060–0986 to enable recipients of Phase

II model-based support and rural broadband experiment funding to file their location information and associated reports and certifications in the portal instead of on the FCC Form 481 or as is currently required.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2017–05654 Filed 3–21–17; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130312235–3658–02]

RIN 0648–XF290

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; Commercial Trip Limit Reduction

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

ACTION: Temporary rule; commercial trip limit reduction.

SUMMARY: NMFS issues this temporary rule to reduce the commercial trip limit for vermilion snapper in or from the exclusive economic zone (EEZ) of the South Atlantic to 500 lb (227 kg), gutted weight, 555 lb (252 kg), round weight. This trip limit reduction is necessary to protect the South Atlantic vermilion snapper resource.

DATES: This rule is effective 12:01 a.m., local time, March 22, 2017, until 12:01 a.m., local time, July 1, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *mary.vara@noaa.gov.*

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

The commercial ACL (commercial quota) for vermilion snapper in the South Atlantic is divided into two 6-month time periods, January through June and July through December. For the January 1 through June 30, 2017, fishing season, the commercial quota is 388,703 lb (176,313 kg), gutted weight, 431,460 lb (195,707 kg), round weight (50 CFR 622.190(a)(4)(i)(D)).

Under 50 CFR 622.191(a)(6)(ii), NMFS is required to reduce the commercial trip limit for vermilion snapper from 1,000 lb (454 kg), gutted weight, 1,110 lb (503 kg), round weight, when 75 percent of the fishing season commercial quota is reached or projected to be reached, by filing a notification to that effect with the Office of the Federal Register, as established by Regulatory Amendment 18 to the FMP (78 FR 47574, August 6, 2013). The reduced commercial trip limit is 500 lb (227 kg), gutted weight, 555 lb (252 kg), round weight. Based on current information, NMFS has determined that 75 percent of the available commercial quota for the January 1 through June 30, 2017, fishing season for vermilion snapper will be reached by March 22, 2017. Accordingly, NMFS is reducing the commercial trip limit for vermilion snapper to 500 lb (227 kg), gutted weight, 555 lb (252 kg), round weight, in or from the South Atlantic EEZ at 12:01 a.m., local time, on March 22, 2017. This reduced commercial trip limit will remain in effect until the start of the next fishing season on July 1, 2017, or until the seasonal commercial quota is reached and the commercial sector closes, whichever occurs first.

Classification

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

This action is taken under 50 CFR 622.191(a)(6)(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 Fisheries, NOAA (AA), finds that the need to immediately implement this commercial trip limit reduction constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because prior notice and opportunity for public comment on this temporary rule is unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule establishing and providing for a reduction in the commercial trip limit has already been subject to notice and comment, and all that remains is to notify the public of the commercial trip limit reduction. Providing prior notice and opportunity for public comment is contrary to the public interest because any delay in reducing the commercial trip limit could result in the commercial quota being exceeded. There is a need to immediately implement this action to protect the vermilion snapper resource, since the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Providing prior notice and opportunity for public comment on this action would require time and increase the likelihood that the commercial sector could exceed its quota.

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

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

Dated: March 17, 2017.

Jennifer M. Wallace,

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

[FR Doc. 2017–05634 Filed 3–17–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 54
Wednesday, March 22, 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–2016–3984; Directorate Identifier 2014–NM–119–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

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

SUMMARY: We are revising an earlier proposal to supersede Airworthiness Directive (AD) 2013–10–03 for all Airbus Model A330–200, –200 Freighter, and –300 series airplanes; and Model A340–200, –300, –500, and –600 series airplanes. This action revises the notice of proposed rulemaking (NPRM) by adding a replacement of certain main landing gear (MLG) with MLG that have an improved bogie beam. We are proposing this AD to address the unsafe condition on these products. Since these actions impose an additional burden over those 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 May 8, 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For Airbus service information identified in this SNPRM, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 45 80; email: *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.*

For Messier-Bugatti-Dowty service information identified in this SNPRM, contact Messier Services Americas, Customer Support Center, 45360 Severn Way, Sterling, VA 20166–8910; phone: 703–450–8233; fax: 703–404–1621; Internet: *https://techpubs.services/messier-dowty.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.

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–2016–3984; 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 (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1138; fax: 425–227–1149.

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–2016–3984; Directorate Identifier 2014–NM–119–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 based on 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

On May 13, 2013, we issued AD 2013–10–03, Amendment 39–17456 (78 FR 31386, May 24, 2013) (''AD 2013–10–03''). AD 2013–10–03 requires actions intended to address an unsafe condition on all Airbus Model A330–200, –200 Freighter, and –300 series airplanes; and Model A340–200, –300, -–500, and –600 series airplanes. (AD 2013–10–03 superseded AD 2010–02–10, Amendment 39–16181 (75 FR 4477, January 28, 2010)).

We issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A330–200, –200 Freighter, and –300 series airplanes; and Model A340–200 and –300 series airplanes. The NPRM published in the **Federal Register** on March 1, 2016 (81 FR 10540) (''the NPRM''). The NPRM was prompted by reports of corroded and cracked bogie beams under the bogie stop pad. The NPRM proposed to remove Model A340–500 and –600 series airplanes from the applicability, remove certain one-time inspections of the MLG bogie beams and the sliding piston sub-assembly, revise certain compliance times, and provide, for certain airplanes, an optional terminating action for the repetitive actions.

Actions Since the NPRM Was Issued

Since we issued the NPRM, we have determined that MLG having part number (P/N) 201252 series and P/N 201490 series should be replaced with a MLG that has an improved bogie beam, which would constitute terminating action for the repetitive inspections on the modified MLG.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0108, dated June 8, 2016 (referred to after this

as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A330–200, –200 Freighter, and –300 series airplanes; and Model A340–200 and –300 series airplanes. The MCAI states:

During a scheduled maintenance inspection on the Main Landing Gear (MLG), the bogie stop pad was found deformed and cracked. Upon removal of the bogie stop pad for replacement, the bogie beam was also found cracked. The results of a laboratory investigation indicated that an overload event had occurred and no fatigue propagation of the crack was evident. A second bogie beam crack was subsequently found on another aeroplane, located under a bogie stop pad which only had superficial paint damage.

This condition, if not detected and corrected, could lead to landing gear bogie detachment from the aeroplane, or landing gear collapse, or a runway excursion, possibly resulting in damage to the aeroplane and injury to the occupants and/or people on the ground.

To address this potential unsafe condition, EASA issued AD 2008–0223 to require accomplishment of a one-time detailed inspection under the bogie stop pad of both MLG bogie beams. As a result of the one-time inspection required by that [EASA] AD, numerous bogie stop pad were found corroded and a few cracked. The one-time inspection was retained in EASA AD 2011–0211 [which corresponds to FAA AD 2013–10–03], which superseded EASA AD 2008–0223, which also introduced repetitive inspections, except for A340–500/–600 aeroplanes.

After EASA AD 2011–0211 was issued, further investigation led to the conclusion that the one-time inspection was no longer necessary and only the repetitive inspections should remain. In addition, it was determined that repetitive inspections were also necessary for MLG on A340–500/–600 aeroplanes.

Prompted by these conclusions, EASA issued AD 2014–0120, partially retaining the requirements of EASA AD 2011–0211, which was superseded, and introducing repetitive detailed inspections of the MLG on A340–500 and A340–600 aeroplanes. Subsequently, further analysis indicated that repetitive inspections of the MLG on A340–500/–600 aeroplanes were not necessary after all. In addition, the threshold for the inspection of MLG P/N 10–210 series was raised from 24 to 126 months, and Airbus developed a modification of the MLG P/N 10–210 series which provides an (optional) terminating action for the repetitive inspections.

Consequently, EASA AD 2014–0120 was revised to delete the requirements for A340–500/–600 aeroplanes, to amend the inspection threshold for MLG P/N 10–210 series, and to introduce an optional terminating action for aeroplanes with MLG P/N 10–210 series.

Since EASA AD 2014–0120R1 was issued, Airbus developed a modification (mod 205289) of the MLG P/N 201252 series and P/N 201490 series that must be embodied in service with Airbus SB A330–32–3275 or SB A340–32–4305. It was also identified that A340–500/–600 aeroplanes could be removed from the applicability of this [EASA] AD as no more actions were required on these aeroplanes.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2014–0120R1, which is superseded, removes the A340–500/–600 aeroplanes from the Applicability and requires the modification of the MLG P/N 201252 series and P/N 201490 series, which constitutes terminating action for the repetitive inspections required by this [EASA] AD.

The required actions include repetitive detailed inspections for damage and corrosion of the sliding piston sub-assembly, and related investigative and corrective actions if necessary. Related investigative actions include a test for indications of corrosion and damage to the bogie assembly base material, and a magnetic particle inspection for cracks, corrosion, and damage of the bogie beam. Corrective actions include repairing affected parts.

The required terminating action (for MLG having P/N 201252 series or P/N 201490 series) and the optional terminating action (for MLG having P/N 10–210) are modifications of the bogie beam of an MLG, which consist of installing a nickel under chrome coating, a new bogie beam stop pad, and new stop pad brackets.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–3984.

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information.

- Airbus Service Bulletin A330–32–3248, Revision 05, including Appendix 1, dated May 4, 2016; and Airbus Service Bulletin A340–32–4286, Revision 02, including Appendix 1, dated January 5, 2016; which describe procedures for doing an inspection for damage and corrosion of the MLG sliding piston sub-assembly, bogie beam stop pad and the bogie beam under the stop pad, and related investigative and corrective actions. These documents are distinct since they apply to different airplane models.
- Airbus Service Bulletin A330–32–3268, Revision 01, dated September 21, 2015, which describes procedures for modification of the bogie beam of an MLG having P/N 10–210 that includes installing a nickel under chrome coating, a new bogie beam stop pad, and new stop pad brackets.
- Airbus Service Bulletin A330–32–3275, dated December 23, 2015, which describes procedures for modification of the bogie beam of an MLG having P/N 201252 series or P/N 201490 series that include installing a nickel under chrome coating, a new bogie beam stop pad, and new stop pad brackets.
- Airbus Service Bulletin A340–32–4300, dated April 20, 2015; and Revision 01, dated September 21, 2015; which describe procedures for modification of the bogie beam of an MLG having P/N 10–210 that include installing a nickel under chrome coating, a new bogie beam stop pad, and new stop pad brackets. These service bulletins are distinct since they are different revision levels.
- Airbus Service Bulletin A340–32–4305, dated December 23, 2015, which describes procedures for modification of the bogie beam of an MLG having P/N 201252 series or P/N 201490 series that includes installing a nickel under chrome coating, a new bogie beam stop pad, and new stop pad brackets.

Messier-Bugatti-Dowty has issued the following service information.

- Messier-Bugatti-Dowty Service Bulletin A33/34–32–305, including Appendix A, dated April 13, 2015, which describes procedures for modification of the bogie beam of an MLG having MLG P/N 10–210 series that includes installing a nickel under chrome coating, a new bogie beam stop pad, and new stop pad brackets.
- Messier-Bugatti-Dowty Service Bulletin A33/34–32–306, Revision 1, including Appendix A, dated May 31, 2016, which describes procedures for modification of the bogie beam of an MLG having P/N 201252 series or P/N 201490 series that includes installing a nickel under chrome coating, a new bogie beam stop pad, and new stop pad brackets.

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 participate in developing this proposed AD. We considered the comments received on the proposal and the FAA's response to each comment.

Requests To Revise Applicability and Terminating Action

Air France (AF) and American Airlines (AAL) requested that we revise the applicability of the proposed AD to exclude airplanes that have had Airbus Modification 204421 or Airbus

Modification 205289 incorporated in production.

AAL also requested that we exclude airplanes from the applicability that have accomplished the actions specified in Airbus Service Bulletin A330–32–3268, dated April 20, 2015, which describes procedures for modification of the bogie beam of an MLG having P/N 10–210, and Airbus Service Bulletin A330–32–3275, dated December 23, 2015, which describes procedures for modification of the bogie beam of an MLG having P/N 201490.

AAL and AF also requested that we add Airbus Service Bulletin A330–32–3275, dated December 23, 2015, as a terminating action in paragraph (m) of the proposed AD. AF also asked that we add Airbus Service Bulletin A340–32–4305, dated December 23, 2015, as a terminating action in paragraph (m) of the proposed AD. AF and AAL referenced the applicability in the MCAI as justification for the requests.

We partially agree with the commenters' requests. We have revised paragraph (c) of this proposed AD to exclude airplanes that have embodied Airbus Modification 204421 or Airbus Modification 205289 in production, which corresponds with the MCAI. However, we have not revised paragraph (c) of this proposed AD to exclude airplanes on which Airbus Service Bulletin A330–32–3268, dated April 20, 2015; or Airbus Service Bulletin A330–32–3275, dated December 23, 2015; has been done because those airplanes are not excluded from the MCAI.

We have added information to paragraph (m) of this proposed AD to specify that accomplishing the actions specified in Messier-Bugatti-Dowty-Service Bulletin A33/34–32–305, including Appendix A, dated April 13, 2015, for MLG having P/N 10–210, constitutes terminating action for the repetitive inspections. We also have added information in paragraph (m) of this proposed AD to specify that accomplishing the actions specified in the service information referenced in paragraph (k) of this proposed AD (which includes references to Airbus Service Bulletin A330–32–3275, dated December 23, 2015; and Airbus Service Bulletin A340–32–4305, dated December 23, 2015) constitutes terminating action for the repetitive inspections.

Additional Changes to This SNPRM

We have clarified the affected airplanes for paragraphs (h)(1) and (h)(3) of this AD by changing the text ''For airplanes . . . having an MLG P/N 201252 series and P/N 201490 series'' to ''For airplanes . . . having an MLG P/N 201252 series or P/N 201490 series'' (replaced the ''and'' with an ''or'').

We have removed the reporting requirements from this SNPRM. We have also revised the Costs of Compliance section of this SNPRM to reflect the revised proposed requirements.

FAA's Determination and Requirements of This SNPRM

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

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.

Costs of Compliance

We estimate that this proposed AD affects 89 Model A330–200, –200 Freighter, and –300 series airplanes of U.S. registry.

We estimate that it would take about 13 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $98,345, or $1,105 per product.

Currently, there are no Model A340–200, or –300 series airplanes on the U.S. Register. However, if an affected airplane is imported and placed on the U.S. Register in the future, it would be subject to the same per-airplane cost specified above for the Model A330–200, -200 Freighter, and –300 series airplanes.

In addition, we estimate that any necessary follow-on actions would take about 24 work-hours and require parts costing $78, for a cost of $2,118 per product. We have no way of determining the number of aircraft that might need these actions.

According to the manufacturer, all of the parts costs of the optional terminating action specified in this SNPRM may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate. We have received no definitive data that would enable us to provide the work-hour cost estimates for the optional terminating action 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) 2013–10–03, Amendment 39–17456 (78 FR 31386, May 24, 2013), and adding the following new AD:

Airbus: Docket No. FAA–2016–3984; Directorate Identifier 2014–NM–119–AD.

(a) Comments Due Date

We must receive comments by May 8, 2017.

(b) Affected ADs

This AD replaces AD 2013–10–03, Amendment 39–17456 (78 FR 31386, May 24, 2013) (''AD 2013–10–03'').

(c) Applicability

This AD applies to Airbus airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category, all serial numbers, except those airplanes that have embodied Airbus Modification 204421 or Airbus Modification 205289 in production.

(1) Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(2) Model A340–211, –212, –213, –311, –312, and –313 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by reports of corroded and cracked bogie beams under the bogie stop pad. We are issuing this AD to detect and correct damage or corrosion under the bogie stop pad of both main landing gear (MLG) bogie beams; this condition could result in a damaged bogie beam and consequent detachment of the beam from the airplane, collapse of the MLG, or departure of the airplane from the runway, possibly resulting in damage to the airplane and injury to occupants.

(f) Compliance

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

(g) Repetitive Inspections, Related Investigative Actions, and Corrective Actions

For Model A330–200, –200 Freighter, and –300 series airplanes; and Model A340–200 and –300 series airplanes; equipped with a MLG having part number (P/N) 201252 series, P/N 201490 series, or P/N 10–210 series: Do the applicable actions required by paragraph (g)(1) or (g)(2) of this AD.

(1) For airplanes equipped, as of the effective date of this AD, with a MLG that has been previously inspected as specified in Airbus Service Bulletin A330–32–3220, Airbus Service Bulletin A330–32–3248, Airbus Service Bulletin A340–32–4264, or Airbus Service Bulletin A340–32–4286, as applicable: At applicable times specified in paragraphs (h)(1) and (h)(2) of this AD, do a detailed inspection for damage (*e.g.,* cracking and fretting) and corrosion of the MLG sliding piston sub-assembly, bogie beam stop pad, and the bogie beam under the stop pad; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–32–3248, Revision 05, including Appendix 1, dated May 4, 2016; or Airbus Service Bulletin A340–32–4286, Revision 02, including Appendix 1, dated January 5, 2016; as applicable; except as required by paragraph (j) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspection of the MLG sliding piston sub-assembly, bogie beam stop pad, and the bogie beam under the stop pad, thereafter, at intervals not to exceed 2,500 flight cycles or 24 months, whichever occurs first.

(2) For airplanes equipped, as of the effective date of this AD, with a MLG that has not been previously inspected as specified in Airbus Service Bulletin A330–32–3220, Airbus Service Bulletin A330–32–3248, Airbus Service Bulletin A340–32–4264, or Airbus Service Bulletin A340–32–4286, as applicable: At the applicable times specified in paragraphs (h)(3) and (h)(4) of this AD, do a detailed inspection for damage (*e.g.,* cracking and fretting) and corrosion of the MLG sliding piston sub-assembly, bogie beam stop pad, and the bogie beam under the stop pad; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–32–3248, Revision 05, including Appendix 1, dated May 4, 2016 or Airbus Service Bulletin A340–32–4286, Revision 02, including Appendix 1, dated January 5, 2016; as applicable; except as required by paragraph (j) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspection of the MLG sliding piston sub-assembly, bogie beam stop pad, and the bogie beam under the stop pad, thereafter, at intervals not to exceed 2,500 flight cycles or 24 months, whichever occurs first.

(h) Compliance Times for the Actions Required by Paragraph (g) of This AD

Do the applicable actions required by paragraph (g) of this AD at the applicable time specified in paragraph (h)(1), (h)(2), (h)(3), or (h)(4) of this AD.

(1) For airplanes identified in paragraph (g)(1) of this AD having an MLG P/N 201252 series or P/N 201490 series: Before the accumulation of 2,500 total flight cycles or 24 months, whichever occurs first since the later of the times specified in paragraphs (h)(1)(i) and (h)(1)(ii) of this AD.

(i) Since first flight after a MLG overhaul.

(ii) Since first flight after the most recent accomplishment of an inspection of the MLG, as specified in Airbus Service Bulletin A330–32–3220, Airbus Service Bulletin A330–32–3248, Airbus Service Bulletin A340–32–4286, or Airbus Service Bulletin A340–32–4264, as applicable.

(2) For airplanes identified in paragraph (g)(1) of this AD having an MLG P/N 10–210 series: Before the accumulation of 126 months since first flight of the MLG on an airplane or since first flight on an airplane after the most recent inspection of the MLG, as specified in Airbus Service Bulletin A330–32–3248, or Airbus Service Bulletin A340–32–4286, as applicable.

(3) For airplanes identified in paragraph (g)(2) of this AD having an MLG P/N 201252 series or P/N 201490 series: At the later of the times specified in paragraphs (h)(3)(i) and (h)(3)(ii) of this AD.

(i) Before the accumulation of 2,500 total flight cycles or 24 months, whichever occurs first since the later of the times specified in paragraphs (h)(3)(i)(A) and (h)(3)(i)(B) of this AD.

(A) Since first flight of the MLG on an airplane.

(B) Since first flight after a MLG overhaul.

(ii) Within 16 months after the effective date of this AD.

(4) For airplanes identified in paragraph (g)(2) of this AD having MLG P/N 10–210 series: Before the accumulation of 126 months since first flight of the MLG on an airplane.

(i) Optional Overhaul

For the purposes of this AD, accomplishment of an MLG overhaul is acceptable instead of an inspection required by paragraph (g) of this AD. The inspections required by paragraph (g) of this AD are not terminated by an MLG overhaul, but are required at the next applicable compliance time required by paragraph (g) of this AD.

(j) Service Information Exception

If the applicable service information specified in paragraph (g) of this AD specifies to contact Messier-Dowty for instructions, or if any repair required by paragraph (g) of this AD is beyond the maximum repair allowance specified in the applicable service information specified in paragraph (g) of this AD: Before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(k) MLG Modification

For airplanes equipped with MLG having P/N 201252 series or MLG having P/N 201490 series: Before the accumulation of 126 months since first flight of the MLG on an airplane or since first flight on an airplane after the most recent overhaul as of the effective date of this AD, as applicable, replace that MLG with a MLG having P/N 201252 series or MLG having P/N 201490 series that has an improved bogie beam, as defined in Airbus Service Bulletin A330–32–3275, dated December 23, 2015; or Airbus Service Bulletin A340–32–4305, dated December 23, 2015; as applicable; and in accordance with the Accomplishment Instructions of Messier-Bugatti-Dowty Service Bulletin A33/34–32–306, Revision 1, including Appendix A, dated May 31, 2016.

(l) Terminating Action Limitation

Accomplishment of corrective actions required by paragraph (g) of this AD does not constitute terminating action for the repetitive inspections required by this AD.

(m) Terminating Action for Certain Airplanes

(1) For airplanes with any MLG having P/N 10–210 series: Modification of the bogie beam of each MLG having P/N 10–210 series, as specified in Airbus Service Bulletin A330–32–3268, Revision 01, dated September 21, 2015; or Airbus Service Bulletin A340–32–4300, dated April 20, 2015; or Revision 01, dated September 21, 2015; as applicable; and in accordance with the Accomplishment Instructions of Messier-Bugatti-Dowty Service Bulletin A33/34–32–305, including Appendix A, dated April 13, 2015; constitutes terminating action for the repetitive inspection requirements of this AD for that airplane, provided that, following in-service modification, the airplane remains in post-service bulletin configuration.

(2) For airplanes with any MLG having P/N 201252 series or P/N 201490 series: Installation of both left-hand and right-hand MLG having P/N 201252 series or P/N 201490 series that has an improved bogie beam, as required by paragraph (k) of this AD, constitutes terminating action for the repetitive inspections requirements of this AD for that airplane, provided that, following in-service modification, the airplane remains in post-service bulletin configuration.

(n) Parts Installation Prohibition

Do not install on any airplane a pre-Airbus modification MLG having P/N 201252 series or pre-Airbus modification MLG having P/N 201490 series, as specified in paragraph (n)(1) or (n)(2) of this AD, as applicable; or a pre-Airbus modification MLG having P/N 10–210 series, as specified in paragraph (n)(3) or (n)(4) of this AD, as applicable.

(1) For any airplane that is in post-Airbus Modification 205289 configuration, or on which the modification required by paragraph (k) of this AD has been done: From the effective date of this AD.

(2) For any airplane that is in pre-Airbus Modification 205289 configuration, or on which the modification required by paragraph (k) of this AD has not been done: After modification of that airplane, as required by paragraph (k) of this AD.

(3) For any airplane that is in post-Airbus Modification 204421 configuration, or on which the modification specified in paragraph (m)(1) of this AD has been done: From the effective date of this AD.

(4) For an airplane that is in pre-Airbus Modification 204421, or on which the modification required by paragraph (m)(1) of this AD has not been done: After modification of that airplane, as required by paragraph (m)(1) of this AD.

(o) Credit for Previous Actions

(1) This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the service information identified in paragraphs (o)(1)(i) through (o)(1)(vii) or (o)(2) of this AD, as applicable.

(i) Airbus Service Bulletin A330–32–3248, dated October 5, 2011, which is not incorporated by reference in this AD.

(ii) Airbus Service Bulletin A330–32–3248, Revision 01, including Appendix 01, dated December 13, 2012, which was incorporated by reference in AD 2013–10–03, Amendment 39–17456 (78 FR 31386, May 24, 2013).

(iii) Airbus Service Bulletin A330–32–3248, Revision 02, dated April 16, 2014, which is not incorporated by reference in this AD.

(iv) Airbus Service Bulletin A330–32–3248, Revision 03, dated November 27, 2015, which is not incorporated by reference in this AD.

(v) Airbus Service Bulletin A330–32–3248, Revision 04, dated January 5, 2016, which is not incorporated by reference in this AD.

(vi) Airbus Service Bulletin A340–32–4286, dated October 5, 2011, which was incorporated by reference in AD 2013–10–03, Amendment 39–17456 (78 FR 31386, May 24, 2013).

(vii) Airbus Service Bulletin A340–32–4286, Revision 01, dated November 27, 2015, which is not incorporated by reference in this AD.

(2) This paragraph provides credit for the actions required by paragraph (k) of this AD, if those actions were performed before the effective date of this AD using Messier-Bugatti-Dowty Service Bulletin A33/34–32–306, dated December 21, 2015, which is not incorporated by reference in this AD.

(p) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1138; fax: 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(i) 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. The AMOC approval letter must specifically reference this AD.

(ii) AMOCs approved previously for AD 2013–10–03 are not approved as AMOCs with this AD.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (j) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified 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 procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(q) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0108, dated June 8, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–3984.

(2) For Airbus service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 45 80; email: *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.* For Messier-Bugatti-Dowty service information identified in this AD, contact Messier Services Americas, Customer Support Center, 45360 Severn Way, Sterling, VA 20166–8910; phone: 703–450–8233; fax: 703–404–1621; Internet: *https://techpubs.services/messier-dowty.com.* You may view this 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 March 9, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–05251 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9380; Directorate Identifier 2016–NE–21–AD

RIN 2120–AA64

Airworthiness Directives; CFE Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA is withdrawing a notice of proposed rulemaking (NPRM). The NPRM proposed a new

airworthiness directive (AD) for certain CFE Company (CFE) turbofan engines that published in the **Federal Register** on January 5, 2017. The proposed action that published in the **Federal Register** on January 5, 2017 was a duplicate of an NPRM, Directorate Identifier 2016–NE–21–AD, that published in the **Federal Register** on January 3, 2017. Accordingly, we withdraw the proposed rule that published in the **Federal Register** on January 5, 2017.

DATES: As of March 22, 2017, the proposed rule published January 5, 2017 (82 FR 52) is withdrawn.

FOR FURTHER INFORMATION CONTACT: Martin Adler, Aerospace Engineer, Engine Certification Office, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7157; fax: 781–238–7199; email: *martin.adler@faa.gov.*

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 with a proposed AD (82 FR 1258, January 5, 2017). Since we published the NPRM, Directorate Identifier 2016–NE–21–AD, in the **Federal Register** on January 5, 2017 (82 FR 1258), we discovered that it was a duplicate of an NPRM, Directorate Identifier 2016–NE–21–AD, that published in the **Federal Register** on January 3, 2017 (82 FR 52). This duplication created overlapping comment periods with different comment period closing dates, which is confusing to commenters.

Withdrawal of the NPRM (82 FR 1258, January 5, 2017) constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule. Therefore, Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) do not cover this withdrawal.

List of Subjects in 14 CFR Part 39

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

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket No. FAA–2016–9380; Directorate Identifier 2016–NE–21–AD, published in the **Federal Register** on January 5, 2017 (82 FR 1258), is withdrawn.

Issued in Burlington, Massachusetts, on March 8, 2017.

Carlos A. Pestana,

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

[FR Doc. 2017–05242 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1132

[Docket No. FDA–2016–N–2527]

Tobacco Product Standard for N-Nitrosonornicotine Level in Finished Smokeless Tobacco Products; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is extending the comment period for the proposed rule that appeared in the **Federal Register** of January 23, 2017. In the proposed rule, FDA requested comments on its proposal to establish a limit of N-nitrosonornicotine (NNN) in finished smokeless tobacco products. The Agency is taking this action in response to requests for an extension to allow interested persons additional time to submit comments. The Agency is also providing notice of a typographical error in a formula in the Laboratory Information Bulletin (LIB) titled, ''Determination of N-nitrosonornicotine (NNN) in Smokeless Tobacco and Tobacco Filler by HPLC–MS/MS'' (LIB No. 4620, January 2017). In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review'', the Agency is also taking this opportunity to provide notice that, as with all regulatory actions subject to such memorandum, this proposed rule is being reviewed consistent with the memorandum.

DATES: FDA is extending the comment period on the proposed rule published January 23, 2017 (82 FR 8004). Submit either electronic or written comments by July 10, 2017[. Late, untimely filed comments will not be considered. Electronic comments must be submitted on or before July 10, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of [*July 10, 2017.* Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–N–2527 for ''Tobacco Product Standard for N-nitrosonornicotine Level in Finished Smokeless Tobacco Products.'' Received comments, those filed in a timely manner (see DATES), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Division of Dockets Management

between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beth Buckler or Colleen Lee, Office of Regulations, Center for Tobacco Products (CTP), Food and Drug Administration, Document Control Center, 10903 New Hampshire Ave., Bldg. 71, Rm. G335, Silver Spring, MD 20993–0002, 877–287–1373, *CTPRegulations@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 23, 2017, FDA published a proposed rule with a 75-day comment period to request comments on our proposal to establish a limit for NNN in finished smokeless tobacco products. Comments on the proposed rule will inform FDA's rulemaking to establish a tobacco product standard for NNN.

The Agency has received requests for a 75-day extension of the comment period for the proposed rule. Each request expressed concern that the current 75-day comment period does not allow the public sufficient time to develop thoughtful responses to the proposed rule.

The Agency also has received a request to clarify a formula in the Laboratory Information Bulletin (LIB) titled, ''Determination of N-nitrosonornicotine (NNN) in Smokeless Tobacco and Tobacco Filler by HPLC–MS/MS'' (LIB No. 4620, January 2017). Upon further review, FDA has determined that the formula for converting NNN on a wet weight basis to a dry weight basis contains a typographical error—some of the terms and variables in the numerator and denominator were inadvertently switched. FDA has revised the LIB to correct this error (LIB No. 4623, March 2017, available at *https://www.fda.gov/downloads/ScienceResearch/FieldScience/UCM546874.pdf*). We note that the typographical error in the LIB did not affect our calculations in the preamble of the proposed rule or the supporting analyses.

FDA has considered the requests and is extending the comment period for the proposed rule for 90 days, until [*July 10, 2017.* The 90-day extension will provide additional time for interested persons to submit comments on all aspects of the proposed rule, including whether the approach proposed in the rule is appropriate.

Dated: March 15, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–05490 Filed 3–21–17; 8:45 am]

BILLING CODE 4164–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2016–0785: FRL–9959–02-Region 10]

Air Plan Approval; Washington: General Regulations for Air Pollution Sources, Energy Facility Site Evaluation Council

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to revise the Washington State Implementation Plan (SIP) to approve updates to the Energy Facility Site Evaluation Council (EFSEC) air quality regulations. The EFSEC regulations primarily adopt by reference the Washington Department of Ecology (Ecology) general air quality regulations, which the EPA approved in the fall of 2014 and spring of 2015. Consistent with our approval of the Ecology general air quality regulations, we are also proposing to approve revisions to implement the preconstruction permitting regulations for large industrial (major source) facilities in attainment and unclassifiable areas, called the Prevention of Significant Deterioration (PSD) program. The PSD program for major energy facilities under EFSEC's jurisdiction has historically been operated under a Federal Implementation Plan (FIP), in cooperation with the EPA and Ecology. If finalized, the EPA's proposed approval of the EFSEC PSD program would narrow the FIP to include only those few potential facilities, emission sources, geographic areas, and permits for which EFSEC does not have jurisdiction or authority. The EPA is also proposing to approve EFSEC's visibility protection permitting program which overlaps significantly with the PSD program in most cases.

DATES: Written comments must be received on or before April 21, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2016–0785 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, Air Planning Unit, Office of Air and Waste (AWT–150), Environmental Protection Agency, Region 10, 1200 Sixth Ave, Suite 900, Seattle, WA 98101; telephone number: (206) 553–0256; email address: *hunt.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background for Proposed Action

By statute, EFSEC has jurisdiction for managing the air program with respect to major energy facilities in the State of Washington. See Chapter 80.50 of the Revised Code of Washington (RCW). The EFSEC air quality regulations are contained in Chapter 463–78 Washington Administrative Code (WAC) *General and Operating Permit Regulations for Air Pollution Sources.* These EFSEC regulations rely primarily on the incorporation by reference of the corresponding Ecology general air quality regulations contained in Chapter 173–400 WAC *General Regulations for Air Pollution Sources.* On July 27, 2015, effective August 27, 2015, EFSEC updated its regulations to generally adopt by reference the version of Chapter 173–400 WAC approved into the SIP at that time.[1] On December 20, 2016, EFSEC, in cooperation with Ecology, requested that the EPA approve the updated EFSEC regulations consistent with our phased approval of Chapter 173–400 WAC. See 79 FR 59653 (October 3, 2014, approval of general provisions), 79 FR 66291 (November 7, 2014, approval of major source nonattainment new source review), and 80 FR 23721 (April 29, 2015, approval of PSD and visibility protection permitting programs).

[1] On October 6, 2016, the EPA approved minor revisions to Chapter 173–400 WAC, primarily updating the adoption by reference date of cited Federal regulations (81 FR 69385). Because EFSEC already modified its regulations to include an updated adoption by reference date for cited Federal regulations, this minor change to Chapter 173–400 WAC does not substantively affect EFSEC's submission.

II. Washington SIP Revisions

A. Revised EFSEC Regulations

The EPA last approved EFSEC's air quality regulations on May 23, 1996 (61 FR 25791). Aside from recodification from 463–39 to 463–78 WAC, grammatical changes, and minor clarifications, the EFSEC air quality regulations remain substantially unchanged since the EPA's last approval. The more substantive changes include EFSEC's modification of WAC 463–78–095 *Permit Issuance* to clarify that new permits, and modifications to existing permits, shall be conditioned upon compliance with all provisions of the federally-approved SIP. Other changes include updating citations in Chapter 463–78 WAC to better align with the associated provisions in Chapter 173–400 WAC. A full redline/strikeout comparison of the 1996 SIP-approved version of the EFSEC regulations to the submitted 2015 version is included in the docket for this action. We reviewed the revisions to the regulations and are proposing to determine that they meet the requirements of section 110 of the Clean Air Act (CAA).

The most substantive component of EFSEC's regulations is WAC 463–78–005 *Adoption by Reference,* which generally adopts by reference Chapter 173–400 WAC to match the EPA's October 3, 2014, November 7, 2014, and April 29, 2015 phased approval of Ecology's general air quality rules. We note that EFSEC's adoption by reference of Chapter 173–400 WAC is modified in three ways. First, references in Chapter 173–400 WAC regarding appeals are modified to reflect EFSEC's independent appeals process in WAC 463–78–140. Second, the cross references to fees under Chapter 173–455 WAC are modified to reflect EFSEC's independent fee structure set out in Chapter 80.50 RCW. Lastly, WAC 173–400–720 contains Ecology's adoption by reference of the federal PSD program regulations contained in 40 CFR 52.21, with some exceptions. EFSEC modified the adoption by reference of WAC 173–400–720 to reflect the most recent version of 40 CFR 52.21 available at that time (May 1, 2015).

We note two additional factors regarding EFSEC's incorporation by reference of Chapter 173–400 WAC. First, while EFSEC generally adopts most of the provisions of Chapter 173–400 WAC by reference, not all provisions are included. For example, consistent with the EPA's prior approval of the EFSEC regulations, EFSEC did not adopt by reference the enforcement and authority provisions contained in WAC 173–400–220 through 260. For these provisions, EFSEC relies on its own independent authorities, which are currently part of Washington's federally-approved SIP under WAC 463–39–135 through 230. In other cases, such as WAC 173–400–118 *Designation of Class I, II, and III Areas,* WAC 173–400–151 *Retrofit Requirements for Visibility Protection,* and parts of WAC 173–400–070 *Emission Standards for Certain Source Categories,* EFSEC did not adopt these Chapter 173–400 WAC provisions by reference because they pertain to source categories or authorities outside the scope of EFSEC's jurisdiction. The second factor is that many parts of Chapter 173–400 WAC contain provisions that are not related to the criteria pollutants regulated under title I of the CAA, not related to the requirements for SIPs under section 110 of the CAA, or have not been revised since last approved by the EPA. For this reason, EFSEC only submitted for SIP approval those parts of the incorporation by reference of Chapter 173–400 WAC consistent with the EPA's October 3, 2014, November 7, 2014, and April 29, 2015 phased approval. A full listing of the Chapter 173–400 WAC provisions submitted for approval is included in Section IV.

B. Personnel, Funding, and Authority

Section 110(a)(2)(E)(i) of the CAA requires that agencies have adequate personnel, funding, and authority under state law to carry out the SIP. EFSEC's authority under state law to carry out the air program for major energy facilities, including the PSD and visibility protection permitting programs, is derived from Chapter 80.50 RCW. With respect to personnel and funding, EFSEC has issued CAA PSD permits, in coordination with Ecology, under a partial delegation agreement with the EPA since 1993. These PSD permits include the visibility protection requirements of WAC 173–400–117 *Special Protection Requirements for Federal Class I Areas,* adopted by reference in EFSEC's regulations. As described in our April 29, 2015 final approval of WAC 173–400–117, these visibility protection requirements would also apply to visibility-related elements associated with permits issued under the major nonattainment new source review program under WAC 173–400–800 through 860, also adopted by reference in the EFSEC regulations (see 80 FR 23721, at page 23726). The staff

of engineers and air quality modelers at both EFSEC and Ecology, who supported issuance of permits under the delegation agreement with the EPA, will continue to support EFSEC's issuance of permits under a SIP-approved PSD and visibility protection program. Chapter 80.50 RCW also provides EFSEC the authority to charge fees for the coordinated EFSEC and Ecology review of any new or modified permits. The EPA therefore proposes to find that EFSEC has adequate personnel, funding, and authority to implement the PSD and visibility protection programs for facilities in its jurisdiction.

III. Effect of Court Decisions Vacating and Remanding Certain Federal Rules

A. Sierra Club v. *EPA*

The EPA's January 7, 2015 proposed approval of Ecology's PSD program included a discussion of the *Sierra Club* v. *EPA,* 703 F.3d 458 (D.C. Cir. 2013) decision which vacated certain provisions of the Federal PSD regulations related to fine particulate matter ($PM_{2.5}$). See 80 FR 838, at page 842. As discussed in the proposed approval, Ecology's regulations at that time in WAC 173–400–720(4)(a)(vi) generally incorporated by reference the Federal PSD permitting provisions in effect as of August 13, 2012, including the vacated provisions of 40 CFR 52.21(i) (relating to the significant monitoring concentration) and 40 CFR 52.21(k) (relating to the significant impact level). The EPA subsequently removed the vacated $PM_{2.5}$ SIL and SMC provisions from the Federal PSD regulations effective December 9, 2013 (78 FR 73698). Ecology resolved this issue by revising WAC 173–400–720(4)(a)(vi) to an updated version of 40 CFR 52.21 that did not contain the vacated provisions (81 FR 69385, October 6, 2016). Similarly, we are proposing to determine that EFSEC has resolved this issue by modifying its incorporation by reference of WAC 173–400–720(4)(a)(vi) to reflect the May 1, 2015 version of 40 CFR 52.21 that does not contain the vacated $PM_{2.5}$ SIL and SMC provisions.

B. Utility Air Regulatory Group v. *EPA*

On June 23, 2014, the U.S. Supreme Court issued a decision in *Utility Air Regulatory Group (UARG)* v. *EPA,* 134 S. Ct. 2427, addressing the application of stationary source permitting requirements to greenhouse gases (GHGs). The U.S. Supreme Court held that the EPA may not treat GHGs as an air pollutant for the specific purpose of determining whether a source is a major source (or a modification thereof) and thus required to obtain a PSD or title V permit. In response to the Supreme Court's decision, and the subsequent vacatur of 40 CFR 51.166(b)(48)(v) and 40 CFR 52.21(b)(49)(v) by the Court of Appeals for the District of Columbia Circuit, the EPA removed these requirements from the federal PSD regulations (80 FR 50199, August 19, 2015). Because the EPA's removal of the vacated provisions occurred after EFSEC's May 1, 2015 citation date incorporating 40 CFR 52.21, the EFSEC regulations adopted by reference in WAC 463–78–005 have not yet captured the EPA's update. In order to align with the Supreme Court decision and to prevent delay in the EPA's consideration of the EFSEC regulations, EFSEC clarified in the December 20, 2016 SIP submittal that it is not submitting the incorporation by reference of 40 CFR 52.21(b)(49)(v) for approval. EFSEC intends to incorporate by reference a more recent version of 40 CFR 52.21 that does not contain the vacated provisions, as soon as practicable.

EFSEC's SIP submittal does not discuss the fact that, because it adopted the EPA's PSD regulations as of May 1, 2015, its rules include the elements of the EPA's 2012 rule implementing Step 3 of the phase-in of PSD permitting requirements for GHGs described in the Tailoring Rule, which became effective on August 13, 2012 (77 FR 41051, July 12, 2012). The incorporation of the Step 3 rule provisions allows GHG-emitting sources to obtain plantwide applicability limits (PALs) for their GHG emissions on a carbon dioxide equivalent (CO_2e) basis. The Federal GHG PAL provisions, as currently written, include some provisions that may no longer be appropriate in light of the Supreme Court decision. Because the Supreme Court has determined that sources and modifications may not be defined as ''major'' solely on the basis of the level of greenhouse gases emitted or increased, PALs for greenhouse gases may no longer have value in some situations where a source might have triggered PSD based on GHG emissions alone. However, PALs for GHGs may still have a role in determining whether a modification that triggers PSD for a pollutant other than GHGs should also be subject to Best Available Control Technology (BACT) for GHGs. These provisions will likely be revised pending further legal action. However, these provisions do not add new requirements for sources or modifications that only emit or increase GHGs above the major source threshold or the 75,000 tons per year (tpy) GHG threshold in 40 CFR 52.21(b)(49)(iv). Rather, the PALs provisions provide increased flexibility to sources that choose to address their GHG emissions in a PAL. Because this flexibility may still be valuable to sources in at least one context described above, we believe that it is appropriate to approve these provisions into the Washington SIP at this point in time. The EPA is therefore proposing to determine that EFSEC's SIP revision meets the necessary PSD requirements at this time, consistent with the Supreme Court's decision.

IV. The EPA's Proposed Action

A. Regulations To Approve and Incorporate by Reference Into the SIP

The EPA proposes to approve and incorporate by reference into the Washington SIP at 40 CFR 52.2470(c)—*Table 3—Additional Regulations Approved for the Energy Facilities Site Evaluation Council (EFSEC) Jurisdiction,* the revised EFSEC regulations listed in Table 1 below.

TABLE 1—ENERGY FACILITIES SITE EVALUATION COUNCIL (EFSEC) REGULATIONS FOR PROPOSED APPROVAL AND INCORPORATION BY REFERENCE

State/local citation	Title/subject	State/local effective date	Explanation
Chapter 463–78 WAC, General and Operating Permit Regulations for Air Pollution Sources.			
78–005	Adoption by Reference	8/27/15	Except: (2), (3), (4), and (5). See table below for revised Chapter 173–400 WAC provisions incorporated by reference.
78–010	Purpose	8/27/15	
78–020	Applicability	11/11/04	

TABLE 1—ENERGY FACILITIES SITE EVALUATION COUNCIL (EFSEC) REGULATIONS FOR PROPOSED APPROVAL AND INCORPORATION BY REFERENCE—Continued

State/local citation	Title/subject	State/local effective date	Explanation
78–030	Additional Definitions	8/27/15	Except references to 173–401–200 and 173–406–101.
78–095	Permit Issuance	8/27/15	
78–120	Monitoring and Special Report	11/11/04	

TABLE 2—REVISED CHAPTER 173–400 WAC REGULATIONS INCORPORATED BY REFERENCE IN WAC 463–78–005 [2]

State citation	Title/subject	State effective date	Explanations
Washington Administrative Code, Chapter 173–400—General Regulations for Air Pollution Sources.			
173–400–030	Definitions	12/29/12	Except: 173–400–030(91).
173–400–036	Relocation of Portable Sources	12/29/12	
173–400–040	General Standards for Maximum Emissions	4/1/11	Except: 173–400–040(2)(c); 173–400–040(2)(d); 173–400–040(3); 173–400–040(5); 173–400–040(7), second paragraph.
173–400–050	Emission Standards for Combustion and Incineration Units.	12/29/12	Except: 173–400–050(2); 173–400–050(4); 173–400–050(5).
173–400–060	Emission Standards for General Process Units	2/10/05	
173–400–070	Emission Standards for Certain Source Categories.	12/29/12	Except: 173–400–070(1); 173–400–070(2); 173–400–070(3); 173–400–070(4); 173–400–070(6); 173–400–070(7); 173–400–070(8).
173–400–081	Startup and Shutdown	4/1/11	
173–400–091	Voluntary Limits on Emissions	4/1/11	
173–400–105	Records, Monitoring, and Reporting	12/29/12	
173–400–110	New Source Review (NSR) for Sources and Portable Sources.	12/29/12	Except: 173–400–110(1)(c)(ii)(C); 173–400–110(1)(e); 173–400–110(2)(d); The part of WAC 173–400–110(4)(b)(vi) that says, • ''not for use with materials containing toxic air pollutants, as listed in chapter 173–460 WAC,''; The part of 400–110 (4)(e)(iii) that says, • ''where toxic air pollutants as defined in chapter 173–460 WAC are not emitted''; The part of 400–110(4)(f)(i) that says, • ''that are not toxic air pollutants listed in chapter 173–460 WAC''; The part of 400–110 (4)(h)(xviii) that says, • '', to the extent that toxic air pollutant gases as defined in chapter 173–460 WAC are not emitted''; The part of 400–110 (4)(h)(xxxiii) that says, • ''where no toxic air pollutants as listed under chapter 173–460 WAC are emitted''; The part of 400–110(4)(h)(xxxiv) that says, • '', or ≤ 1% (by weight) toxic air pollutants as listed in chapter 173–460 WAC''; The part of 400–110(4)(h)(xxxv) that says, • ''or ≤ 1% (by weight) toxic air pollutants''; The part of 400–110(4)(h)(xxxvi) that says, • ''or ≤ 1% (by weight) toxic air pollutants as listed in chapter 173–460 WAC''; 400–110(4)(h)(xl), second sentence; The last row of the table in 173–400–110(5)(b) regarding exemption levels for Toxic Air Pollutants.
173–400–111	Processing Notice of Construction Applications for Sources, Stationary Sources and Portable Sources.	12/29/12	Except: 173–400–111(3)(h); 173–400–111 (5)(a) (last six words); 173–400–111 (6); The part of 173–400–111(8)(a)(v) that says, • ''and 173–460–040,''; 173–400–111(9).
173–400–112	Requirements for New Sources in Nonattainment Areas—Review for Compliance with Regulations.	12/29/12	
173–400–113	New Sources in Attainment or Unclassifiable Areas—Review for Compliance with Regulations.	12/29/12	Except: 173–400–113(3), second sentence.
173–400–116	Increment Protection	9/10/11	

TABLE 2—REVISED CHAPTER 173–400 WAC REGULATIONS INCORPORATED BY REFERENCE IN WAC 463–78–005 [2]—Continued

State citation	Title/subject	State effective date	Explanations
173–400–117	Special Protection Requirements for Federal Class I Areas	12/29/12	
173–400–131	Issuance of Emission Reduction Credits	4/1/11	
173–400–136	Use of Emission Reduction Credits (ERC)	4/1/11	
173–400–171	Public Notice and Opportunity for Public Comment.	12/29/12	Except: The part of 173–400–171(3)(b) that says, • ''or any increase in emissions of a toxic air pollutant above the acceptable source impact level for that toxic air pollutant as regulated under chapter 173–460 WAC'';173–400–171(12).
173–400–175	Public Information	2/10/05	
173–400–200	Creditable Stack Height and Dispersion Techniques.	2/10/05	
173–400–700	Review of Major Stationary Sources of Air Pollution.	4/1/11	
173–400–710	Definitions	12/29/12	
173–400–720	Prevention of Significant Deterioration (PSD)	12/29/12	Except: 173–400–720(4)(a)(i through iv); 173–400–720(4)(b)(iii)(C); and 173–400–720(4)(a)(vi) with respect to the incorporation by reference of the text in 40 CFR 52.21(b)(49)(v). * For the purpose of EFSEC's incorporation by reference of 40 CFR 52.21, the date in WAC 173–400–720 (4)(a)(vi) is May 1, 2015.
173–400–730	Prevention of Significant Deterioration Application Processing Procedures.	12/29/12	Except 173–400–730(4)
173–400–740	PSD Permitting Public Involvement Requirements	12/29/12	
173–400–750	Revisions to PSD Permits	12/29/12	Except: 173–400–750(2) second sentence.
173–400–800	Major Stationary Source and Major Modification in a Nonattainment Area	4/1/11	
173–400–810	Major Stationary Source and Major Modification Definitions.	12/29/12	
173–400–820	Determining if a New Stationary Source or Modification to a Stationary Source is Subject to these Requirements.	12/29/12	
173–400–830	Permitting Requirements	12/29/12	
173–400–840	Emission Offset Requirements	12/29/12	
173–400–850	Actual Emissions Plantwide Applicability Limitation (PAL).	12/29/12	
173–400–860	Public Involvement Procedures	4/1/11	

B. Regulations To Approve but Not Incorporate by Reference

In addition to the regulations proposed for approval and incorporation by reference above, the EPA reviews and approves state submissions to ensure they provide adequate enforcement authority and other general authority to implement and enforce the SIP. However, regulations describing state enforcement and other general authorities are generally not incorporated by reference, so as to avoid potential conflict with the EPA's independent authorities. The EPA has reviewed and is proposing to approve WAC 463–78–135 *Criminal Penalties,* WAC 463–78–140 *Appeals Procedure* (except subsections 3 and 4 which deal with permits outside the scope of CAA section 110), WAC 463–78–170 *Conflict of Interest,* and WAC 463–78–230 *Regulatory Actions,* as providing EFSEC with adequate enforcement and other general authority for purposes of implementing and enforcing its SIP, but is not incorporating these sections by reference into the SIP codified in 40 CFR 52.2470(c). Instead, the EPA is proposing to include these sections in 40 CFR 52.2470(e), *EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures,* as approved but not incorporated by reference regulatory provisions.

C. Regulations To Remove From the SIP

As discussed in our July 10, 2014 proposed approval of revisions to Chapter 173–400 WAC, Ecology formerly relied on the registration program under WAC 173–400–100 for determining the applicability of the new source review (NSR) permitting program (see 79 FR 39351 at page 39354). By statutory directive, this means of determining NSR applicability was replaced by revisions to WAC 173–400–110 which set de minimis emission unit, activity, and annual emission thresholds. In our October 3, 2014 final action, we approved WAC 173–400–110 as the means of determining NSR applicability, and at Ecology's request, removed WAC 173–400–100 from the SIP (79 FR 59653). Consistent with our proposed and final approval of revisions to Chapter 173–400 WAC, we are now

[2] Several of the provision of Chapter 173–400 WAC incorporated by reference remain unchanged since the EPA's last approval of EFSEC's regulations and were not resubmitted as part of the December 20, 2016 SIP revision.

proposing to remove, at EFSEC's request, WAC 463–39–100 *Registration* (recodified to WAC 463–78–100) from the SIP because it is no longer used as the means of determining NSR applicability.

As previously discussed, EFSEC adopted by reference most of the provisions in Chapter 173–400 WAC, but excluded certain provisions pertaining to authorities or source categories outside EFSEC's jurisdiction. WAC 173–400–151 *Retrofit Requirements for Visibility Protection* is one such provision. The EPA's May 23, 1996 approval of EFSEC's regulations included the incorporation by reference of WAC 173–400–151 (61 FR 25791). These regulations establish Best Available Retrofit Technology (BART) as part of the visibility protection program for an ''existing stationary facility.'' Under WAC 173–400–151 an ''existing stationary facility'' is defined, among other factors, as a facility not in operation prior to August 7, 1962, and also in existence on August 7, 1977. EFSEC has advised the EPA that there are no sources under EFSEC's jurisdiction that meet the definition of BART-eligible sources. The EPA is therefore proposing to grant EFSEC's request to remove the incorporation by reference of WAC 173–400–151 from the SIP.

D. Proposed Transfer of Existing EPA-Issued PSD Permits

As part of the SIP submittal, EFSEC requested approval to exercise its authority to fully administer the PSD program with respect to those sources under EFSEC's permitting jurisdiction that have existing PSD permits issued by the EPA. This includes authority to conduct general administration of these existing permits, authority to process and issue any and all subsequent PSD permit actions relating to such permits (*e.g.,* modifications, amendments, or revisions of any nature), and authority to enforce such permits. Since 1993, EFSEC has had partial delegation of the PSD permitting program under the FIP. Therefore, many of the EPA permits subject to proposed transfer were also issued under state authority. For those permits issued solely by the EPA prior to delegation, EFSEC, in coordination with Ecology, has demonstrated adequate authority to enforce and modify these permits. Concurrent with our approval of EFSEC's PSD program into the Washington SIP, we are proposing to transfer the EPA-issued permits to EFSEC for the Chehalis Generation Facility and Grays Harbor Energy Center facilities.

E. Scope of Proposed Action

The EPA is excluding from the scope of this proposed approval certain limitations as they relate to PSD requirements for carbon dioxide emissions from industrial combustion of biomass. As discussed in our April 29, 2015 approval of Ecology's PSD program, a Washington State statutory provision contained in RCW 70.235.020 *Greenhouse Gas Emissions Reductions—Reporting Requirements* states, ''Except for purposes of reporting, emissions of carbon dioxide from industrial combustion of biomass in the form of fuel wood, wood waste, wood by-products, and wood residuals shall not be considered a greenhouse gas as long as the region's silvicultural sequestration capacity is maintained or increased.'' See 80 FR 23721, at page 23722. As a result, consistent with our prior approval, the EPA is proposing to retain a FIP to issue partial PSD permits to ensure that major sources in Washington have a means to satisfy the CAA construction permit requirements for GHGs when CO_2 emissions from the industrial combustion of biomass in Washington are not being considered or regulated by EFSEC under its PSD rules.

If finalized, the EPA is proposing to revise the PSD FIP at 40 CFR 52.2497 and the visibility protection FIP at 40 CFR 52.2498 to reflect the approval of EFSEC's PSD and visibility permitting programs. Specifically, the EPA is proposing to delete paragraph (a)(1) of 40 CFR 52.2497 and paragraph (a)(1) of 40 CFR 52.2498, both of which address facilities subject to the jurisdiction of EFSEC in these FIPs.

F. The EPA's Oversight Role

In approving state NSR rules into SIPs, the EPA has a responsibility to ensure that all states properly implement their SIP-approved preconstruction permitting programs. The EPA's proposed approval of EFSEC's PSD rules does not divest the EPA of the responsibility to continue appropriate oversight to ensure that permits issued by EFSEC are consistent with the requirements of the CAA, Federal regulations, and the SIP. The EPA's authority to oversee permit program implementation is set forth in sections 113, 167, and 505(b) of the CAA. For example, section 167 provides that the EPA shall issue administrative orders, initiate civil actions, or take whatever other action may be necessary to prevent the construction or modification of a major stationary source that does not ''conform to the requirements of'' the PSD program. Similarly, section 113(a)(5) of the CAA provides for administrative orders and civil actions whenever the EPA finds that a state ''is not acting in compliance with'' any requirement or prohibition of the CAA regarding the construction of new sources or modification of existing sources. Likewise, section 113(a)(1) provides for a range of enforcement remedies whenever the EPA finds that a person is in violation of an applicable implementation plan.

In making judgments as to what constitutes compliance with the CAA and regulations issued thereunder, the EPA looks to (among other sources) its prior interpretations regarding those statutory and regulatory requirements and policies for implementing them. It follows that state actions implementing the Federal CAA that do not conform to the CAA may lead to potential oversight action by the EPA.

V. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to revise our incorporation by reference of 40 CFR 52.2470(c)—*Table 3—Additional Regulations Approved for the Energy Facilities Site Evaluation Council (EFSEC) Jurisdiction* to reflect the regulations shown in the tables in section IV.A. *Regulations to Approve and Incorporate by Reference into the SIP* and the rules proposed for removal from the SIP in section IV.C. *Regulations to Remove from the SIP.* The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735,

October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

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

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not impose substantial direct costs on tribal governments or preempt tribal law. As discussed above, the SIP is not approved to apply in Indian country located in the state, except for non-trust land within the exterior boundaries of the Puyallup Indian Reservation (also known as the 1873 Survey Area), or any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. Consistent with EPA policy, the EPA provided a consultation opportunity to the Puyallup Tribe in a letter dated July 1, 2016. The EPA did not receive a request for consultation.

List of Subjects in 40 CFR Part 52

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

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

Dated: March 10, 2017.

Nancy J. Lindsay,

Acting Regional Administrator, Region 10.

[FR Doc. 2017–05467 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0333; FRL–9959–06–Region 10]

Approval and Promulgation of Implementation Plans; Oregon: Permitting and General Rule Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve, and incorporate by reference, specific changes to Oregon's State Implementation Plan (SIP) submitted on April 22, 2015. The changes relate to the criteria pollutants for which the EPA has established national ambient air quality standards—carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide. Specifically, the changes account for new federal requirements for fine particulate matter, update the major and minor source pre-construction permitting programs, and add state-level air quality designations. The changes also address public notice procedures for informational meetings, and tighten emission standards for dust and smoke. In addition, Oregon reorganized rules in the SIP by consolidating definitions, removing duplicate provisions, correcting errors, and removing outdated provisions. We note that certain rule changes are not appropriate for SIP approval, or are inconsistent with Clean Air Act requirements. In those cases, we are not approving the revisions.

DATES: Comments must be received on or before April 21, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2015–0333, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kristin Hall, Air Planning Unit, Office of Air and Waste (OAW–150), Environmental Protection Agency—Region 10, 1200 Sixth Ave., Seattle, WA 98101; telephone number: (206) 553–6357; email address: *hall.kristin@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA.

Table of Contents

I. Background

Each state has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS) established by the EPA for the criteria pollutants (carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, sulfur dioxide). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring network, attainment demonstrations, and enforcement mechanisms. The SIP is a living compilation of these elements and is revised and updated by the state over time—to keep pace with federal requirements and to address changing air quality issues in the state.

On April 22, 2015, the Oregon Department of Environmental Quality (ODEQ) submitted significant revisions to the Oregon SIP. Oregon made changes to 26 Oregon Administrative Rule (OAR) divisions within Chapter 340, and two source sampling and monitoring manuals related to the rules. These changes, effective April 16, 2015, are part of Oregon's ongoing efforts to update state air quality rules and the SIP.

Oregon's April 22, 2015 submission documents the public notice and hearing process undertaken by the state, including the state's response to comments received. The submission requests EPA approval of the following changes to air quality rules in Oregon's federally-approved State Implementation Plan (SIP):

- Updates particulate matter emission standards;
- revises permitting requirements for emergency generators and small natural gas or oil-fired equipment;
- establishes two new state air quality area designations—sustainment and reattainment;
- revises the major and minor source pre-construction permitting programs;
- changes public processes for informational meetings;
- revises the state's woodstove replacement program for small commercial solid fuel boilers regulated under the permitting program;
- updates the Oregon Source Sampling Manual, Volumes I and II, and the Oregon Continuous Monitoring Manual; and
- removes annual reporting requirements for small gasoline dispensing facilities.

As part of the submission, Oregon included a staff report outlining the changes to the state air quality rules and how the revised rules have been designed to protect air quality standards. Oregon also developed a ''crosswalk'' document—a comprehensive list of the rule changes and why they were proposed. The submission, including the staff report, crosswalk document, public comments and responses, is located in the docket for this action.

We note that on November 14, 2016, Oregon submitted a letter to correct administrative errors in the original April 20, 2015, cover letter and attachment. In the letter of correction, Oregon identified several rules that were submitted to the EPA in error. These rules were not adopted by the Oregon Environmental Quality Commission (EQC) as part of the Oregon SIP, and should not have been submitted for SIP approval. Oregon also noted one provision that was adopted by the EQC and should have been submitted. Please see the November 14, 2016 letter of correction in the docket for this action.

Below, we discuss our review of the submitted changes to the Oregon SIP, and our proposed action. We have focused on the substantive rule revisions. We did not describe the many typographical corrections, minor edits, and renumbering changes. We also note this action does not address submitted revisions for small gasoline dispensing facilities because we approved the revisions on October 27, 2015 (80 FR 65655).

II. Evaluation of Revisions

A. Division 200: General Air Pollution Procedures and Definitions

Definitions

Division 200 contains definitions used throughout the air quality divisions of Chapter 340 of the OAR, as well as other generally-applicable rules. However, over time, terms and definitions have also been established throughout other divisions. In the submitted changes, Oregon re-organized and streamlined rules to move most air quality terms and definitions into Division 200. Oregon also moved procedural elements out of the definitions in Division 200, and into the specific divisions to which they apply. Duplicate and obsolete terms were removed. In this section of our evaluation, we discuss key changes to existing definitions and new terms used in multiple divisions. Substantive new terms, or revisions to definitions that are mostly used in a single division, are evaluated in Sections B through X below (in the discussion of the changes to the specific division).

To improve clarity, the state revised key definitions to consistently use certain terms—such as ''regulated pollutant,'' ''control device,'' ''major modification,'' ''major source,'' and ''unclassified,''—and removed variations on these terms that may have created confusion. Oregon also added new definitions to Division 200. ''Capture efficiency,'' ''control efficiency,'' ''destruction efficiency,'' and ''removal efficiency'' were added to differentiate amongst similar terms. The state defined the term ''internal combustion sources'' to clarify the universe of regulated fuel burning equipment under Oregon's rules.

Oregon also defined the term ''portable,'' as ''designed and capable of being carried or moved from one location to another.'' At the same time, the state revised the definition of ''stationary source'' to include portable sources required to have permits under Oregon's air contaminant discharge permitting (ACDP) program at Division 216. ''Wood fuel-fired device'' was used in multiple Oregon rules, but was never formally defined. The state added the term, defined as ''a device or appliance designed for wood fuel combustion, including cordwood stoves, woodstoves, and fireplace stove inserts, fireplaces, wood fuel-fired cook stoves, pellet stoves and combination fuel furnaces and boilers that burn wood fuels.'' The remainder of the new definitions established are common dictionary terms.

Oregon also made substantive changes to several definitions. The definition of ''adjacent'' at OAR 340–200–0020(4) was narrowed by limiting the use of this defined term (''interdependent facilities that are nearby to each other'') to its use in the ''major source'' definition at OAR 340–200–0020(91), and in the air contaminant discharge permit program (ACDP) at OAR 340–216–0070. In other places where the term ''adjacent'' is used, the ODEQ's response to comments document in the submission indicates that the ODEQ intends to use the dictionary definition.

Oregon revised the term ''categorically insignificant activities'' at OAR 340–200–0020(23) in several respects. In general, the revisions narrow when emissions may be excluded from consideration—in some aspects of Oregon's permitting program—as ''insignificant.'' For example, Oregon put a cap on the aggregate emissions from fuel burning equipment that may be considered categorically insignificant, and also restricted when emergency generators may be considered categorically insignificant (limiting the exemption to no more than 3,000 horsepower, in the aggregate). Oregon also narrowed when emissions from oil/water separators in effluent treatment systems may be considered categorically insignificant. We note that Oregon did create a *new* category of insignificant emissions—fuel burning equipment brought on site for six months or less for construction, maintenance, or similar purposes, provided the equipment performs the same function as the permanent equipment, and is operated within the source's existing plant site emission limit. Importantly, however, insignificant activity emissions must be included in determining whether a source is a ''federal major source'' (OAR 340–200–0020(66)) or a ''major modification'' (OAR 340–224–0025(2)(a)(B)) subject to federal major new source review (federal major NSR).[1] In addition, as specified in OAR 340–200–0020(23), categorically insignificant activities must still comply with all applicable requirements.

Oregon revised the definition of ''modification,'' at OAR 340–200–0020(93), to differentiate it from the terms ''major modification,'' ''permit modification,'' and ''title I modification,'' and to make clear that it applies to a change in a portion of a source, as well as a source in its entirety. The state also simplified the definition of ''ozone precursor'' at OAR 340–200–0020(107) to remove redundant language pointing to the reference method for measuring volatile organic compounds (VOCs). Oregon made the same type of change to the definition of ''particulate matter'' at OAR 340–200–0020(110). For consistency, at OAR 340–200–0020(119) and (120), the short-hand terms for coarse and fine particulate matter, ''PM_{10}'' and ''$PM_{2.5}$,'' were updated to reference the test method for measuring each pollutant. The definition of ''volatile organic compounds'' or ''VOC,'' at OAR 340–200–0020(190), was updated to take into account changes to the EPA's definition of VOC in the Code of Federal Regulations (CFR) at 40 CFR 51.100(s).

We have evaluated these changes, and the additional changes to definitions discussed in Sections B through X below, and propose to find that they are consistent with Clean Air Act (CAA) requirements and the EPA's implementing regulations. We therefore propose to approve the revised and added definitions into the Oregon SIP.

LRAPA Jurisdiction

A key aspect of the submitted revisions relates to jurisdiction. Oregon added new applicability language to Division 200, and throughout the air quality rules, to address the applicability of state rules in Lane County, the authority of the Lane Regional Air Protection Agency (LRAPA) to implement and enforce state rules in the county, and the authority of LRAPA to adopt local rules. The changes clarify that the ODEQ administers its rules in all areas, except where the Oregon Environmental Quality Commission (EQC) has designated the LRAPA to have primary jurisdiction in Lane County. The revisions also make clear that the LRAPA is authorized to implement state rules within Lane County, and may promulgate a local rule in lieu of a state rule provided: (1) It is as stringent as the state rule; and (2) it has been submitted to and approved by the EQC. We propose to approve the delegation of authority language in Division 200, and in all other divisions, because it is consistent with CAA section 110(a)(2)(E) requirements for state and local air agencies.

We note that the state also submitted the ODEQ–LRAPA Stringency Analysis and Directive, comparing the Oregon state rule revisions to the corollary rules generally applicable in Lane County. The analysis identifies which of the revised state rules are more stringent, and directs the LRAPA to implement them, until such time as the LRAPA revises its own rules to be at least as strict. Please see Section IV below for a listing of the submitted rule revisions that we propose to approve as also applying in Lane County. The ODEQ–LRAPA Stringency Analysis and Directive is in Attachment B of the submission, and may be found in the docket for this action.

Other Provisions

The submission also includes changes to the generally applicable sections in Division 200. Oregon submitted changes to OAR 340–200–0030 to clarify that woodstove emissions are regulated, and may also be used to create emissions reduction credits. In addition, Oregon added a general rule section at OAR 340–200–0035, listing updated versions of key reference materials for air quality requirements. We propose to approve and incorporate by reference these changes.

We note that this division contains rules on conflicts of interests at OAR 340–200–0100, 0110, and 0120. These rules were not substantively changed in the submittal and remain consistent with the CAA requirements for such rules at CAA sections 110(a)(2)(E) and 128. We propose to approve, but not incorporate by reference, OAR 340–200–0100, 0110, and 0120, to avoid the potential for confusion or potential conflict with the EPA's independent authorities. We note that, consistent with our 2003 action, we are not approving OAR 340–200–0050 because any compliance schedule established by Oregon under this provision must be submitted to, and approved by EPA, before it will be federally-enforceable or change the requirements of the EPA-approved SIP. 40 CFR 51.102(a)(2) and (c) and 260; 68 FR 2891, 2894 (Jan. 22, 2003).

B. Division 202: Ambient Air Quality Standards and PSD Increments

Division 202 contains Oregon's ambient air quality standards and Prevention of Significant Deterioration (PSD) increments. Oregon revised Division 202 by removing obsolete definitions and moving definitions used in more than one division to the general definitions in Division 200. At OAR 340–202–0050, Oregon added language expressly stating that no source may cause or contribute to a new violation of an ambient air quality standard or a PSD increment, even if the single source impact is less than the significant impact level. Oregon made this change to address a court decision vacating and remanding regulatory text for the $PM_{2.5}$ significant impact level. Please see Section L below for a more detailed discussion of the basis for our determination that this change, along with other related changes, adequately addresses the court decision.

At OAR 340–202–0210, the specific PSD increments were moved from a table to the text of the rule for readability. Oregon also clarified that PSD increments are compared to

[1] This includes both the prevention of significant deterioration (PSD) new source review permitting program that applies in attainment and unclassifiable areas (40 CFR 51.166) and the nonattainment major source new source review permitting program that applies in nonattainment areas (40 CFR 51.165).

aggregate increases in pollution concentrations from the new or modified source, over the baseline concentration. The state moved ambient air quality thresholds for pollutants from Division 224 to this division, to centralize ambient standards and thresholds. Finally, Oregon consolidated requirements for areas subject to an approved maintenance plan, moving ambient standards and thresholds from Division 224 into a new section, at OAR 340–202–0225. We propose to approve the submitted revisions to Division 202 as being consistent with CAA requirements.

C. Division 204: Designation of Air Quality Areas

This division contains provisions for the designation of air quality areas in Oregon. In the submission, the state removed a reference to ''Indian Governing Bodies'' at OAR 340–204–0060 because the ODEQ does not have authority or jurisdiction to regulate them. Oregon also replaced an expired oxygenated gasoline requirement at OAR 340–204–0090 with an updated reference to the applicable maintenance plan and its associated provisions.

A significant change in this division is the introduction of three new concepts: ''sustainment areas,'' ''reattainment areas,'' and ''priority'' sources. *See* OAR 340–204–0300 through 0320. Both sustainment and reattainment areas are new, state-level designations designed to add to federal requirements. Oregon has implemented a state-level designation in the past—specifically, the maintenance area designation. Now, Oregon has developed two new designations intended to help areas address air quality problems by further regulating emission increases from major and minor sources.

To designate an area as sustainment or reattainment, the ODEQ will undertake the same process as used in the past to designate a state maintenance area. The process includes public notice, a rule change, and approval by the EQC. Oregon asserts that the new designations and associated requirements are intended to help solve air quality issues, and do not change attainment planning requirements or federal requirements for major stationary sources.

The sustainment area designation at OAR 340–204–0300 is designed to apply to an area where monitored values exceed, or have the potential to exceed, ambient air quality standards, but has not been formally designated nonattainment by the EPA.[2] To construct or modify a major or minor source in a sustainment area, the owner or operator may need to offset new emissions with reductions from other sources, including the option of targeting ''priority'' sources, in that area. Priority sources are defined as sources causing or contributing to elevated emissions levels in the area. This is determined using local airshed information, such as emissions inventories and modeling results. A new major or minor stationary source seeking to construct in a sustainment area may obtain more favorable offsets from priority sources.

The reattainment area designation is designed to apply to an area that is formally designated nonattainment by the EPA, has an EPA-approved attainment plan, and also has three years of quality-assured/quality-controlled monitoring data showing the area is attaining the relevant standard. *See* OAR 340–204–0310. When an area has met attainment planning requirements and has attained the standard, the CAA requires that a state submit, and the EPA approve, a maintenance plan for the next ten years. The state may then request that the EPA redesignate the area to attainment. In the interim, Oregon may designate the area a reattainment area. The Oregon rules requires that all elements of the area's attainment plan continue to apply with a reattainment designation. However, minor sources will be subject to less stringent state new source review permitting requirements—unless the ODEQ has specifically identified a source as a significant contributor to air quality problems in the area, or has controlled the source and relied on the controls as part of the attainment plan. The federal requirements for redesignation remain in place and are unchanged.

We propose to approve the revisions to Division 204 because the added rules for state-level designations are consistent with CAA requirements and the EPA's implementing regulations for attainment planning and major source pre-construction permitting. The changes to Oregon's major and minor source permitting program—and our evaluation of those changes—are discussed in detail in Section L below.

D. Division 206: Air Pollution Emergencies

This division establishes criteria for identifying and declaring air pollution episodes at levels below the levels of significant harm. Oregon submitted minor changes to this division, such as updating references to the outdated total suspended particulate matter standard, and moving information from four tables into regulatory text. We propose to approve these revisions.

E. Division 208: Visible Emissions and Nuisance Requirements

Division 208 contains provisions regulating visible emissions, odor, nuisance, and fugitive emissions from sources. Oregon made substantive changes to the visible emission standards at OAR 340–208–0100 through 0110, supported by a demonstration of why the state believes the changes continue to protect air quality. For all point sources, the state changed visible emission standards from an aggregate exception of three minutes in a 60-minute period to a six-minute block average, aligning the form of and test method for Oregon's visible emission standards with federal New Source Performance Standards (NSPS). At the same time, Oregon made visible emission standards applicable to each individual stack or emission point, to preclude averaging across the source.

Oregon also made changes to phase out less stringent visible emission limits granted to certain older facilities in operation before 1970. These sources were required to meet a 40% visible emission limit. However, starting in 2020, these sources will be required to meet the state's standard 20% visible emissions limit. Wood-fired boilers constructed or installed before 1970, and not since modified, also will be held to the tighter 20% visible emissions limit starting in 2020, except for certain, limited situations.

Oregon asserted in its SIP submittal that a visible emissions standard based on a six-minute average is no more or less stringent than a standard based on an aggregate exception of three minutes in any hour. Oregon argued that, theoretically, either basis could be more stringent than the other, but practically, sources do not typically have intermittent puffs of smoke. Oregon also claimed that changing to a six-minute average is appropriate because a reference compliance method has not been developed for the three-minute standard; EPA Method 9 results are also reported as six-minute averages; and using a three-minute standard results in additional costs for sources that also monitor visible emissions with continuous opacity monitoring systems (COMS).

Many COMS are designed for six-minute averages, and must be modified to record and report data for a three-minute standard. Oregon stated in the

[2] As codified at 40 CFR part 81.

submittal that compliance with a six-minute average can be determined with 24 readings (six-minute observation period), while, compliance with a three-minute standard may require as many as 240 readings (60-minute observation period).

We have evaluated the visible emissions rule changes and Oregon's justification for the changes. We propose to approve the revised version of OAR 340–208–0110 and the removal of OAR 340–208–0100 because we agree that the changes will streamline visible emissions and related testing and monitoring requirements for sources, impose more stringent requirements on certain older sources, and are, overall, at least as protective of the ambient air quality standards as the existing SIP requirements.

The final changes made to this division revise fugitive emission requirements at OAR 340–208–0200 through 0210. The revised rules require sources to take reasonable precautions to prevent fugitive emissions, and may require a fugitive emissions control plan to prevent visible emissions from leaving a facility property for more than 18 seconds in a six-minute period. Compliance is based on EPA Method 22, Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares. Oregon also replaced the specific references to ''asphalt'' and ''oil'' in the lists of dust suppressants and control measures with the term ''other suitable chemicals,'' to discourage the use of oil and asphalt as dust suppressants.

We propose to approve the revised version of OAR 340–208–0210 and the repeal of OAR 340–208–0200 because we have determined that the fugitive emissions rule changes are consistent with CAA requirements and are expected to improve the effectiveness of controls and compliance with emission limits.

F. Division 209: Public Participation

Division 209 governs public participation in the review of proposed permit actions. Oregon revised this division to modernize and clarify public notice requirements. The Oregon SIP provides four different levels of public process, depending on the type of permitting action, with Category I having the least amount of public notice and opportunities for public participation and Category IV having the most. Most new source review permitting actions are subject to category III, for which the ODEQ provides public notice and an opportunity for a hearing at a reasonable time and place if requested, or if the ODEQ otherwise determines a public hearing is necessary. For the state's category IV public process, which applies to Major NSR permitting actions, the ODEQ provides an informational meeting that occurs before issuing a draft permit for public review and comment. The ODEQ has revised the requirements for informational meetings to provide at least a 14-day public notice, prior to the scheduled informational meeting. The revisions also make clear that although the ODEQ accepts, and will consider, comments from the public during the informational meeting, the ODEQ does not maintain an official record of the informational meeting, or respond in writing to comments provided at the informational meeting.

Oregon also revised this division to address permitting in new state-designated sustainment and reattainment areas, added email notification as an option, and specified where the public comment records would be made available. We note that revisions to the hearing procedures in OAR 340–209–0070 were reorganized, moving the notice and comment requirements for informational meetings to OAR 340–209–0030.

We have concluded that the submitted revisions to Oregon's public participation rules remain consistent with the CAA and federal requirements for public notice of new source review actions in 40 CFR 51.161 *Public availability of information,* 40 CFR 51.165 *Permit requirements,* and 40 CFR 51.166 *Prevention of significant deterioration of air quality,* and we propose to approve them. We also propose to approve the hearing procedures, but not incorporate them by reference, to avoid confusion or potential conflict with the EPA's independent authorities.

G. Division 210: Stationary Source Notification Requirements

Division 210 contains a registration program for sources not subject to one of Oregon's operating permit programs, as well as some of the requirements for the construction and modification of sources. In OAR 340–210–0010, Oregon broadened the applicability of this division so that it applies to ''air contaminant sources'' and to ''modifications of existing portable sources that are required to have permits under OAR 340 division 216''—in addition to stationary sources. Oregon also revised source registration requirements at OAR 340–210–0100 to specify in more detail the information an owner or operator must submit to register and re-register. In addition, at OAR 340–210–0205, Oregon made changes to clarify when a Notice of Construction application is required—with certain exceptions the state has specifically listed.

Oregon revised construction approval and approval to operate provisions at OAR 340–210–0240 and 0250 to spell out when sources may proceed with construction or modification, and that construction approval does not mean approval to operate the source, unless the source is not required to obtain an ACDP under Division 216.

We are proposing to approve the revisions to Division 210 because we have determined they are consistent with CAA requirements, and correct or clarify existing source notification requirements, to help ensure that changes to sources go through the appropriate approval process.

H. Division 212: Stationary Source Testing and Monitoring

This division contains general requirements for source testing and monitoring. Most of the revisions to this division were clarifications or updates. For example, Oregon revised Division 212 to clarify that the term ''stationary source'' in this division includes portable sources that require permits under Division 216. This change is consistent with the term as used in other divisions. Oregon also made clear that, with respect to stack height and dispersion technique requirements, the procedures referenced in 40 CFR 51.164 are the major and minor NSR review procedures used in Oregon, as applicable.

OAR 340–212–0140 of this division sets forth test methods, and requires that sampling, testing, or measurements performed pursuant to Division 212 conform to the methods in Oregon's *Source Sampling Manual, Volumes I and II,* and Oregon's *Continuous Monitoring Manual.* The manuals, revised as of 2015, have been submitted for approval. As discussed below in Section X, we have concluded that the revised manuals are consistent with the EPA's monitoring requirements for criteria pollutants and we propose to approve them for the purpose of the limits approved into the SIP.

A final change to this division is Oregon's request to remove rules that were approved into the Oregon SIP on January 22, 2003 (68 FR 2891). The specified rules, under the compliance assurance monitoring section, apply to title V sources only and implement the requirements of 40 CFR parts 64 and 70. We agree with Oregon that these rules are not necessary for SIP approval under section 110 of title I of the CAA, because

the rules implement provisions of title V. Therefore, we propose to approve Oregon's request to remove OAR 340–212–0200 through 0280 from the federally-approved Oregon SIP.

I. Division 214: Stationary Source Reporting Requirements

This division contains Oregon's provisions for reporting and recordkeeping, information requests (CAA section 114 authority), credible evidence, business confidentiality, emissions statements, and excess emissions. Oregon made substantive changes to several sections of this division. First, at OAR 340–214–0010, Oregon changed the definition of ''large source'' to align with a recent court decision on the regulation of GHG emissions from new and modified major stationary sources in attainment and unclassifiable areas, in addition to title V sources. Please see our discussion at Section L, below. Oregon also removed from the definition of ''large source,'' those sources subject to a National Emission Standard for Hazardous Air Pollutants (NESHAP). NESHAP reporting requirements are separate and independent of the SIP and CAA section 110 criteria pollutant requirements, and we propose to approve the revision.

Oregon revised OAR 340–214–0100 of this division to clarify that stationary sources include portable sources required to have ACDPs under Division 216. In addition, at OAR 340–214–0114(5), starting on July 1, 2015, owners and operators of specific sources must retain records of all required monitoring data and supporting information for five years. Oregon also revised the section on disclosure of information at OAR 340–214–0130, to spell out that emissions data cannot be exempted from disclosure as a trade secret. Under OAR 340–214–0200, with respect to emission statements for VOC and NO_X sources, Oregon clarified that ''actual emissions include, but are not limited, to routine process emissions, fugitive emissions, and excess emissions from maintenance, startups and shutdowns, equipment malfunction, and other activities.'' We propose to approve these revisions because they are consistent with CAA requirements.

Oregon made several revisions to the excess emissions and emergency provision requirements in Division 214, at OAR 340–214–0300 through 0360, that are currently in the SIP, and these revisions are included in the submittal that is the subject of this proposed action. First, in OAR 340–214–0300, the state clarified that ''emissions in excess of applicable standards are not excess emissions if the standard is in an NSPS or NESHAP and the NSPS or NESHAP exempts startups, shutdowns and malfunctions as defined in the applicable NSPS or NESHAP.'' By its terms, this provision only applies to standards in NSPS or NESHAPs, and Oregon's incorporation by reference of the federal NSPS and NESHAP standards are not included in the SIP. Because this addition relates solely to standards that are not in the SIP, the EPA is not approving this provision. The state also expanded the prohibition on planned startups, shutdowns, and scheduled maintenance—that may result in excess emissions during declared air quality alerts, warning or emergencies, or during times when residential wood burning is curtailed in PM_{10} nonattainment areas—to include sources in $PM_{2.5}$ nonattainment areas.

In addition, Oregon made changes to a provision in its SIP that contains criteria for determining whether Oregon will take an enforcement action for excess emissions (OAR 340–214–0350). In the context of the EPA's recent ''SSM SIP Action of 2015,'' the EPA evaluated the enforcement discretion provision of OAR 340–214–0350 (re-codified from OAR 340–028–1450) and found it to be consistent with CAA requirements and with the EPA's SSM policy as it applies to SIPs.[3] The EPA's SSM SIP Action of 2015 responded to a petition from the Sierra Club requesting that the EPA address concerns about specific provisions approved into 39 state SIPs. Sierra Club's petition alleged that specific provisions in these states' SIPs were inconsistent with the CAA. With respect to Oregon's SIP, the petitioner objected to OAR 340–028–1450 (recodified as OAR 340–214–0350) which specifies criteria to be considered by Oregon in determining whether to pursue enforcement action for excess emissions.

In the SSM SIP Action of 2015, we noted that Oregon's provision provides that ''[i]n determining whether to take enforcement action for excess emissions, DEQ considers, based upon information submitted by the owner or operator,'' a list of factors. As discussed in the SSM SIP Action of 2015, the EPA has interpreted the CAA to allow states to elect to have SIP provisions that pertain to the exercise of enforcement discretion by state personnel. *See* 80 FR 33839, 33980. We explained that the provision cited by the petitioners—OAR 340–028–1450 (recodified as OAR 340–214–0350)—is plainly a statement of enforcement discretion, delineating factors to be considered by the ODEQ in determining whether to pursue state enforcement for violations of the applicable SIP emission limits due to excess emissions. The EPA further concluded that there was no language in this Oregon regulation suggesting that Oregon's determination to forgo enforcement by the state against a source would in any way prevent the EPA or the public from demonstrating that violations occurred and taking enforcement action. The EPA therefore concluded that Oregon's regulation was consistent with the requirements of the CAA and denied the petitioner's request to require Oregon to revise its SIP provision. *See* 80 FR 33839, 33973 (final action); 78 FR 12459, 12537 (February 22, 2013) (proposed action).

In the submittal that is the subject of this proposed action, Oregon has added to OAR 340–214–0350 two criteria that the ODEQ considers in determining whether to take enforcement action: (1) Whether any federal NSPS or NESHAP apply to the source in question and whether the excess emission event caused a violation of the federal standard,[4] and (2) whether the excess emission event was due to an ''emergency.'' [5] Because OAR 340–214–0350 is a true enforcement discretion provision, rather than an affirmative defense, the addition of these criteria does not change the EPA's recent conclusion that this provision is approvable, consistent with EPA guidance in the SSM SIP Action of 2015 and CAA requirements for SIP provisions.

[3] State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's [Startup, Shutdown and Malfunction] SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction: Final Rule.'' (June 12, 2015, 80 FR 33839).

[4] Unlike the provision addressing NSPS and NESHAP added to OAR 340–214–0300 above, which by its terms applies only to NSPS and NESHAP, which are not part of the SIP, the provision here is not limited to NSPS and NESHAP standards. For example, a SIP provision and an NSPS could each have an opacity limit of 20% that applies to the same emission unit at a facility. The fact that the NSPS limit does not apply during startup of the emission unit could be a relevant factor for Oregon to consider in determining whether to take an enforcement action for emissions in excess of the SIP opacity limit during startup.

[5] ''Emergency'' is defined as any situation arising from sudden and reasonably unforeseen events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limit under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. *See* OAR 340–200–020(50).

Further, Oregon changed an affirmative defense provision for excess emissions (OAR 340–214–0360) that is in the current SIP. OAR 340–214–0360 provides, by its title and language, an affirmative defense to excess emissions due to an ''emergency.'' The language in this provision closely follows language in regulations that govern title V operating permit programs, and states are currently authorized under the 40 CFR part 70 regulations to include this provision in title V permits. *See* 40 CFR 70.6(g).[6] The EPA most recently approved this provision into the Oregon SIP on December 27, 2011 (76 FR 80747). Although this provision was not a subject of the SIP call, the SSM SIP Action of 2015 expressly concluded that affirmative defense provisions are inconsistent with CAA requirements for SIPs and cannot be approved. *See* 80 FR at 33852.

Oregon revised OAR 340–214–0360 so that it provides an affirmative defense available only in penalty actions due to noncompliance with technology-based emission limits in title V operating permits; as revised, the affirmative defense would no longer be available for violations of SIP requirements. Oregon's revision makes OAR 340–214–0360 consistent with current requirements for title V operating permit programs. Oregon has not submitted the revised version of section 0360 for approval into the SIP and instead, as part of the current submittal, has requested that the EPA remove the old version of OAR 340–214–0360 from the SIP. The removal of this affirmative defense provision from the SIP is consistent with EPA guidance in the SSM SIP Call and CAA requirements for SIP provisions. We are therefore proposing to approve the removal of this title V affirmative defense provision from the Oregon SIP.

We note that Oregon also repealed the sulfur dioxide emission inventory requirements at OAR 340–214–0400 through 0430. These provisions are not part of the federally-approved Oregon SIP. These provisions were repealed as a matter of state law because they were replaced with more stringent sulfur dioxide limits established as a part of the state's regional haze plan (July 5, 2011; 76 FR 38997).

[6] The EPA proposed changes to federal title V regulations on June 14, 2016 (81 FR 38645). The proposed changes would remove this affirmative defense from the title V rules. If finalized, states would be required to make changes to their title V programs, where applicable, to conform to the revised federal title V regulations.

J. Division 216: Air Contaminant Discharge Permits

Oregon's Air Contaminant Discharge Permit (ACDP) program is both Oregon's federally-enforceable non-title V state operating permit program, and also the administrative mechanism used to implement the notice of construction and new source review programs. There are six types of ACDPs under Oregon's rules: Construction, General, Short Term Activity, Basic, Simple, and Standard. The types of ACDPs have not changed, but the ODEQ has made some changes and clarifications to the criteria and requirements for the various ACDPs. Oregon also revised application requirements to set application renewal deadlines, and to clarify the required contents of applications.

The applicability section at OAR 340–216–0020 references the table of applicability criteria for the various types of permits in OAR 340–216–8010. The associated fees are listed at OAR 340–216–8020. Oregon made clarifying changes throughout the table in OAR 340–216–8010, and made some revisions to the type of ACDP (Basic, General, Simple, or Standard) each source category is required to obtain prior to construction and operation. Overall, Oregon slightly expanded the list of sources required to obtain Basic, General, Simple, or Standard ACDPs, with one exception. Oregon removed the requirement that GHG-only sources obtain a Standard ACDP, and pay the associated permitting fees, consistent with the federal court decision described below in Section L.

Oregon also made revisions, mostly clarifying, to the requirements for applying for and issuing certain types of permits, as well as the contents of the various permits. For Construction ACDPs at OAR 340–216–0052, Oregon added a qualifier to the rule that construction commence within 18 months after the permit is issued. This deadline now applies only if a source is subject to federal major NSR and certain state major NSR permitting (discussed in more detail below). Oregon also added language to the public notice requirements for a modified Construction ACDP, making clear when public notice as a Category I permit action is appropriate, as opposed to a Category II permit action under OAR 340 Division 209. Oregon spelled out that, although the construction permit itself expires, the requirements remain in effect and must be added to the subsequent operating permit (ACDP or Title V operating permit). *See* OAR 340–216–0082.

General ACDP requirements at OAR 340–216–0060 were updated to refer to the appropriate public notice procedures, reference the fee class for specific source categories, and confirm the procedures the ODEQ will use to rescind a source's General ACDP if the source no longer qualifies and must obtain a Simple or Standard ACDP instead. Oregon also changed the rule to make clear that the ODEQ may rescind an individual source's assignment to a General Permit. When the ODEQ notifies the source that the department intends to rescind the permit, the source has 60 days to submit an application for a Simple or Standard ACDP. Oregon also revised General ACDP Attachments to clarify public notice requirements and fees.

For Simple ACDPs at OAR 340–216–0064, it is now clear that the ODEQ may determine a source ineligible for a Simple ACDP with generic emission limits, and instead, require the source obtain a Standard ACDP with source-specific emission limits, as necessary. Oregon has also clarified the public notice requirements and fees for Simple ACDPs and removed redundant requirements from the Simple ACDP section that are also in the applicability and jurisdiction section.

The Standard ACDP requirements at OAR 340–216–0066 were updated to lay out the different application requirements for sources seeking this type of permit when they are subject to federal major versus minor NSR. Oregon also changed this section to allow sources with multiple activities or processes at a single site, covered by more than one General ACDP or that has multiple processes, to obtain a Standard ACDP.

With respect to processing permits, Oregon's provision at OAR 340–216–0082 now expressly provide that sources with expired ACDP permits may continue operating under the expired permit if they have submitted a timely and complete renewal application. Sources may also request a contested case hearing, if the ODEQ revokes a permit or denies a permit renewal. The ODEQ has clarified in a written supplement that department-initiated modifications at OAR 340–216–0084 follow the public notice procedures for the relevant ACDP permit type spelled out in Division 209. Based on the evaluation above and this clarification from the ODEQ, we propose to approve the revisions to Division 216.

K. Division 222: Stationary Source Plant Site Emission Limits

This division contains the Oregon program for managing airshed capacity

through a Plant Site Emission Limit (PSEL). PSELs are used to protect ambient air quality standards, prevent significant deterioration of air quality, and to ensure protection of visibility. Establishing such a limit is a mandatory step in the Oregon permitting process. A PSEL is designed to be set at the actual baseline emissions from a source plus approved emissions increases and minus required emissions reductions. This design is intended to maintain a more realistic emissions inventory. Oregon uses a fixed baseline year of 1977 or 1978 (or a prior year if more representative of normal operation) and factors in all approved emissions increases and required emissions decreases since baseline, to set the allowable emissions in the PSEL. Increases and decreases since the baseline year do not affect the baseline, but are included in the difference between baseline and allowable emissions.

''Netting basis'' is a concept in Oregon's program that defines both the baseline emissions from which increases are measured—to determine if changes are subject to review—as well as the process for re-establishing the baseline, after changes have been through the new source review permitting process.

As noted above, Oregon's PSEL program is used, in part, to implement NSR permitting. For major NSR, if a PSEL is calculated at a level greater than an established significant emission rate (SER) over the baseline actual emission rate, an evaluation of the air quality impact and major NSR permitting are required. If not, the PSEL is set without further review (a construction permit may also be required). For minor NSR (State NSR), a similar calculation is conducted. If the difference is greater than the SER, an air quality analysis is required to evaluate whether ambient air quality standards and increments are protected. The air quality analysis results may require the source to reduce the airshed impact and/or comply with a tighter emission limit.

Oregon submitted a number of changes to the PSEL requirements in this division. Many of the changes are organizational, centralizing requirements related to PSELs in Division 222. We propose to approve the organizational changes. Other submitted changes are substantive. Oregon revised the criteria for establishing PSELs at OAR 340–222–0035 through 0090 by consolidating requirements from other sections into these provisions, and revising them to take into account the differentiated major and State NSR requirements. Oregon also updated the source-specific annual PSEL provision, at OAR 340–222–0041, to account for $PM_{2.5}$ and major and State NSR requirements. We note that the current SIP-approved rule includes provisions at OAR 340–222–0041(3)(b) for PSEL increases that were not subject to New Source Review. The revised rule revokes those provisions and instead makes these PSEL increases subject to the new State New Source Review requirements in Division 224 (see new applicability provision in OAR 340–224–0010(2)(b)(B)). The comprehensive requirements for approval of such PSEL increases in sustainment, nonattainment, reattainment, maintenance, and attainment/unclassifiable areas are as stringent as the current requirements in OAR 340–222–0041(b)(A) through (D).

Oregon also revised the short-term PSEL requirements at OAR 340–222–0042 to spell out the process a source must follow to request an increase in a short-term PSEL—and when that source must obtain offsets, or an allocation, from an available growth allowance in the area.

At OAR 340–222–0046, Oregon clarified the process for setting the initial netting basis for $PM_{2.5}$ and how potential increases are limited. The state also made changes to spell out how a source's netting basis may be reduced—when a rule, order or permit condition requires the reductions—and how unassigned emissions and emissions reduction credits are to be addressed. In addition, Oregon clarified that a source may retain a netting basis if that source relocates to a different site, as opposed to an adjacent site. However, it is only allowed if the ODEQ determines the different site is within or affects the same airshed, and that the time span between operation at the old site and new sites is less than six months.

At OAR 340–222–0048, Oregon consolidated baseline period and baseline emission rate provisions, and indicated when a baseline emission rate may be recalculated—limited to circumstances when more accurate or reliable emission factor information becomes available or when regulatory changes require that additional emissions units be addressed. Changes were also made to OAR 340–222–0051, which addresses actual emissions, and how to appropriately calculate the mass emissions of a pollutant from an emissions source during a specified time period. The state revised this provision to account for the changes in the program that differentiate major NSR from State NSR.

We note that Oregon also clarified OAR 340–222–0055, which establishes how unassigned emissions are to be treated. The rule was revised to state that a source may not use emissions that are removed from the netting basis—including emission reductions required by rule, order or permit condition—for netting any future permit actions.

Oregon also revised OAR 340–222–0060, applicable to sources of hazardous air pollutants, and submitted it for approval. However, the provision is not appropriate for SIP approval because it is related to CAA section 112 and hazardous air pollutants, not CAA section 110 and the criteria pollutants. Oregon also updated OAR 340–222–0090, which addresses the impact on PSEL calculations and permitting requirements when sources combine, split, and change primary Standard Industrial Code. The changes make clear that sources must qualify to combine, and that it will impact the netting basis and SER, and trigger new source review and recordkeeping requirements, if applicable.

With the exception noted below, we are proposing to approve the submitted changes to Division 222 because we believe the revisions to the PSEL provisions are intended to clarify and strengthen the rules. We are not approving OAR 340–222–0060 because it is related to CAA section 112 and hazardous air pollutants, not CAA section 110 and the criteria pollutants.

L. Division 224: New Source Review

Parts C and D of title I of the CAA, 42 U.S.C. 7470–7515, set forth preconstruction review and permitting program requirements that apply to new and modified major stationary sources of air pollutants, known as major New Source Review (major NSR). The CAA major NSR programs include a combination of air quality planning and air pollution control technology program requirements. States adopt major NSR programs as part of their SIP. Part C is the Prevention of Significant Deterioration (PSD) program, which applies in areas that meet the NAAQS (attainment areas), as well as in areas for which there is insufficient information to determine whether the area meets the NAAQS (unclassifiable areas). Part D is the Nonattainment New Source Review (major nonattainment NSR) program, which applies in areas that are not in attainment of the NAAQS (nonattainment areas). The EPA regulations for SIPs implementing these programs are contained in 40 CFR 51.165 and 51.166, and appendix S to part 51. As discussed above, regulations addressing the EPA's minor new source review (NSR) requirements are set forth at 40 CFR 51.160 through 164. States

generally have more flexibility in designing minor NSR programs. Minor NSR programs, however, must still ensure that emissions from the construction or modification of a facility, building, structure, or installation (or any combination thereof) will not interfere with attainment and maintenance of the NAAQS, or violate an applicable portion of a control strategy approved into the SIP.

Oregon's major NSR program has long differed from the federal major NSR programs in several respects. Oregon's program does not subject the same sources and modifications to major NSR as would the EPA's rules. Oregon's program has had lower major source thresholds for sources in nonattainment and maintenance areas. The program also requires fugitive emissions to be included in applicability determinations for all new major sources and modifications to existing major sources. However, Oregon also utilizes a PSEL approach to defining ''major'' modifications, rather than the contemporaneous net emissions increase approach used in the EPA's main, non-PAL major NSR program. The EPA has previously determined that, over all, Oregon's major NSR program is at least as stringent as the EPA's major NSR program and meets the requirements of 40 CFR 51.165 and 51.166. *See* 76 FR 80747, 80748 (December 27, 2011) (final action); 76 FR 59090, 59094 (Sept. 23, 2011) (proposed action).

Under Oregon's SIP-approved program, to which the state has made changes, both federal major sources and large minor sources have been covered by this Division. The submitted changes to Division 224 revise this approach and establish distinct components within Division 224, referred to as Major New Source Review (Oregon Major NSR—sections 0045 through 0100) and State New Source Review (State NSR—sections 0245 through 0270) to help clarify the requirements that apply to federal major sources and larger minor sources. Pre-construction review and permitting of other minor sources continue to be covered in Division 210 *Stationary Source Notification Requirements,* Division 216 *Air Contaminant Discharge Permits,* and Division 222 *Plant Site Emission Limits.*

As discussed above, Oregon has also created two new state designations. Sustainment areas are state-designated areas that are violating or close to violating the NAAQS but which are not formally designated nonattainment by the EPA. Reattainment areas are state-designated areas that have been designated nonattainment by the EPA but that now have air quality data showing the area is attaining the NAAQS. Key changes to the Oregon Major NSR and State NSR programs are discussed below.

OAR 340–224–0010 Applicability, General Prohibitions, General Requirements, and Jurisdiction

Oregon has narrowed the scope of sources that are subject to Oregon Major NSR in nonattainment and maintenance areas by increasing the thresholds, from the significant emission rate (SER) to the major source thresholds in the CAA specified for the current nonattainment areas in Oregon. *See* OAR 340–200–0020(66)(d) and OAR 340–224–0010(b). At the same time, Oregon's State NSR requirements under Division 224 apply to the construction of new sources with emissions of a regulated air pollutant at or above the SER, as well as increases in emissions of a regulated pollutant from existing sources that equal or exceed the SER over the netting basis.

Oregon has divided its State NSR program into two parts: Type A, which generally applies in nonattainment, reattainment, and maintenance areas, and Type B, for attainment, unclassifiable, and sustainment areas. Sources subject to Type A State NSR remain subject to many of the same requirements that apply to such sources under Oregon's current SIP-approved program in nonattainment [7] and maintenance areas, whereas sources subject to Type B State NSR are subject to requirements equivalent to the minor NSR requirements under Oregon's PSEL rule at OAR 340–222–0041 in its current SIP.[8] Because Oregon's changes to the definition of ''federal major source'' in nonattainment areas are consistent with the federal definition of ''major stationary source'' at 40 CFR 51.165 for the designated areas in Oregon, and because Oregon has retained most of the characteristics of the Oregon's SIP-approved Major NSR permitting program for Type A State NSR, the EPA is proposing to approve these revisions.

The state also made revisions here, and in several other places in its rules, to be consistent with revisions to the federal PSD rules made in response to a Supreme Court decision [9] regarding the regulation of GHGs (May 7, 2015, 80 FR 26183). Specifically, Oregon revised definitions and procedures in Divisions 200, 214, 216, 222 and 224 to remove GHG-only sources from PSD applicability. Therefore, as required by the federal PSD program, a source is now subject to the Oregon Major NSR requirements for GHGs in attainment and unclassifiable areas only when the source is subject to Oregon Major NSR requirements anyway for one or more criteria pollutants. As specified in the federal PSD regulations, Oregon's rules continue to require that sources of GHGs subject to Oregon Major NSR in attainment and unclassifiable areas for a criteria pollutant, are also subject to Oregon Major NSR for GHGs.

Oregon also made clear in this section that a source is subject to Division 224 requirements for the designated area in which the source is located—for each regulated pollutant, including precursors. Finally, Oregon spelled out that sources subject to Division 224 must not begin actual construction, continue construction, or operate without complying with the requirements of Division 224 and obtaining an ACDP permit authorizing construction or operation.

OAR 340–224–0025 Major Modification

Importantly, Oregon moved the definition of ''major modification'' from Division 200 to Division 224, to reflect that the former definition was really a procedure for determining whether a major modification has or will occur, rather than a true definition. The revised definition and procedure are intended to better explain how emissions increases and decreases are tracked to determine whether a major modification has, or will, occur.

Oregon also specified that emissions from categorically insignificant activities, aggregate insignificant emissions, and fugitive emissions must be included in determining whether a major modification has occurred. In addition, the state clarified that major modifications for ozone precursors, or $PM_{2.5}$ precursors, also constitute major modifications for ozone and $PM_{2.5}$, respectively. Finally, Oregon added language stating that the PSEL, netting basis, and emissions changes must be recalculated when more accurate or reliable emissions information becomes available to determine whether a major modification has occurred.

OAR 340–224–0030 New Source Review Procedural Requirements

Oregon revised this section to account for differing Oregon Major NSR and State NSR procedures. These revisions include when the ODEQ will determine whether an application is complete, when a final determination will be made, when construction is permitted,

[7] Key changes are discussed below in the discussion of State NSR.

[8] Sources in sustainment areas subject to OAR 340–224–0245(2) are also subject to Type A NSR.

[9] *Utility Air Regulatory Group* v. *Environmental Protection Agency,* 134 S.Ct. 2427 (2014).

how to revise a permit and extend it, and when and how the ODEQ will terminate an NSR permit. With respect to the provision in the federal PSD regulations authorizing extensions to the 18-month construction time limitation in 40 CFR 52.21(r)(2) ''upon a satisfactory showing that an extension is justified,'' Oregon revised its extension provisions to be consistent with recent EPA guidance. This guidance set out the EPA's views on what constitutes an adequate justification for an extension of the 18-month timeframe under 40 CFR 52.21(r)(2) for commencing construction of a source that has been issued a PSD permit. *See* Memorandum from Stephen D. Page, Director of EPA's Office of Air Quality Planning and Standards, to Regional Air Division Directors, Region 1–10, entitled Guidance on Extension of Prevention of Significant Deterioration (PSD) Permits under 40 CFR 52.21(r)(2), dated January 31, 2014 (Extension Guidance). In addition, Oregon extended the time period for making a final determination on an Oregon Major NSR or Type A State NSR permit from six months to one year, to reflect the more complex nature of such permitting actions. The one-year time-frame for permit issuance is consistent with the EPA's requirements for major NSR permitting. *See* 40 CFR 52.21(q)(2).

OAR 340–224–0038 Fugitive and Secondary Emissions

This section was moved and amended to account for State NSR requirements. For sources subject to Oregon Major NSR and Type A State NSR, fugitive emissions are included in the calculation of emission rates and subject to the same control requirements and analyses required for emissions from identifiable stacks or vents. Secondary emissions are not included in potential to emit calculations for Oregon Major NSR or Type A State NSR, but once a source is subject to Oregon Major NSR or Type A State NSR, secondary emissions must be considered in the required air quality impact analysis under Divisions 224 and 225.

340–224–0045 to 340–224–0070 Major NSR

Oregon has specified Oregon Major NSR requirements for each of the following designations: Sustainment, nonattainment, reattainment, maintenance, and attainment/unclassifiable.

Major NSR in Sustainment Areas

New sources and modifications subject to Oregon Major NSR in sustainment areas (areas that are classified as attainment/unclassifiable by the EPA but have air quality either violating the NAAQS or just below the NAAQS) must meet PSD requirements for each sustainment pollutant, but must also satisfy additional requirements for obtaining offsets and demonstrating a net air quality benefit to address the air quality problems in the area, as discussed in more detail below. Because such areas are designated as attainment/unclassifiable by the EPA, requiring compliance with Oregon's PSD requirements meets federal requirements. The additional requirements for obtaining offsets and demonstrating a net air quality benefit go beyond CAA requirements for attainment/classifiable areas and are thus approvable.

Major NSR in Nonattainment Areas

For new sources and modifications subject to Oregon Major NSR in nonattainment areas, Oregon reorganized and clarified the requirements, including that they apply for each pollutant for which the area is designated nonattainment. Lowest Achievable Emission Rate (LAER) and offsets continue to be required for such sources and modifications. Oregon's submitted revisions tighten offsets required in nonattainment areas (except with respect to ozone). Oregon's rules now initially require 1.2:1 offsets to emissions in non-ozone areas. If offsets are obtained from priority sources in the area, the ratio may be reduced to 1:1, equivalent to the federal requirement in 40 CFR 51.165(a)(9)(i). Oregon's revisions also tighten requirements for sources seeking construction permit extensions, and limits extension requests to two 18-month periods, with certain additional review and re-evaluation steps. We note that beyond the federal rules, Oregon's rules extend BACT and offset requirements to new and modified minor sources in nonattainment areas.

The EPA is proposing limited, rather than full, approval of the Oregon Major NSR program for nonattainment areas because, although the submitted revisions strengthen the existing SIP-approved program, we cannot fully evaluate the program for the following reasons. On January 4, 2013, the U.S. Court of Appeals for the District of Columbia, in *Natural Resources Defense Council (NRDC)* v. *EPA,*[10] issued a decision that remanded the EPA's 2007 and 2008 rules implementing the 1997 $PM_{2.5}$ NAAQS. Relevant here, the EPA's 2008 implementation rule addressed by the court decision, ''Implementation of NSR Program for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$)'' (the 2008 NSR $PM_{2.5}$ Rule),[11] promulgated NSR requirements in both nonattainment areas (nonattainment NSR) and attainment/unclassifiable areas (PSD). The court concluded that the EPA had improperly based the implementation rule solely upon the requirements of part D, subpart I, of the CAA, and had failed to address the requirements of part D, subpart 4, which establishes additional provisions for particulate matter nonattainment areas. The court ordered the EPA to ''repromulgate these rules pursuant to subpart 4 consistent with this opinion.'' *Id.* at 437.

As a result of the court's decision, the EPA withdrew its guidance for implementing the 2006 $PM_{2.5}$ standard [12] because the guidance was based largely on the remanded rule promulgated to implement the 1997 $PM_{2.5}$ standard.[13] On June 2, 2014, the EPA promulgated the Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS) and 2006 $PM_{2.5}$ NAAQS (79 FR 31566). This rule promulgated classifications and deadlines under subpart 4, part D, title I of the CAA for 2006 $PM_{2.5}$ nonattainment areas, including two areas in Oregon, specifically the Klamath Falls and Oakridge $PM_{2.5}$ nonattainment areas. On August 24, 2016, the EPA finalized the Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements (81 FR 58010). The EPA has now set revised requirements for $PM_{2.5}$ nonattainment areas, including new rules for major new and modified sources. The EPA also stated its intent to provide states with guidance regarding precursor demonstrations to supplement the new rules. Because these changes only recently became effective on October 24, 2016, and the EPA's guidance is still forthcoming, we intend to work with Oregon to address the requirements of subpart 4 for $PM_{2.5}$ in a separate, future action. In this action, as stated above, we propose a limited approval of the revisions to the Oregon Major NSR program in nonattainment areas as

[10] 706 F.3d 428 (D.C. Cir.).

[11] 73 FR 28321 (May 16, 2008).

[12] Memorandum from Stephen D. Page, Implementation Guidance for the 2006 24-Hour Fine Particulate ($PM_{2.5}$) National Ambient Air Quality Standards (Mar. 2, 2012).

[13] Memorandum from Stephen D. Page, Withdrawal of Implementation Guidance for the 2006 24-Hour Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards (Jun. 6, 2013).

strengthening the current federally-approved program.

Major NSR in Reattainment Areas

In reattainment areas (areas meeting the NAAQS but not yet redesignated to attainment), new sources and modifications subject to Oregon Major NSR must continue to meet all nonattainment Oregon Major NSR requirements for the reattainment pollutant. In addition, to ensure air quality does not again deteriorate, Oregon now requires that sources subject to Oregon Major NSR also meet other requirements for each reattainment pollutant. Specifically, the owner or operator of the source must demonstrate the source will not cause or contribute to a new violation of the ambient air quality standard or PSD increment by conducting an air quality analysis as outlined in Division 225.

Major NSR in Maintenance Areas

In maintenance areas, as under Oregon's current federally-approved SIP, new sources and modifications subject to Oregon Major NSR must continue to comply with Oregon Major NSR requirements for attainment/unclassifiable areas (*i.e.,* PSD) and also conduct a demonstration or obtain allowances to ensure a net air quality benefit in the area. Rather than setting out the specific PSD requirements in this section, however, this section now simply references the PSD requirements at OAR 340–224–0070.

Major NSR in Attainment/Unclassifiable Areas (PSD)

For the construction of new sources and modifications subject to Oregon Major NSR in attainment or unclassifiable areas, Oregon revised its rules to address several court decisions impacting federal PSD rules. First, as discussed above, Oregon revised definitions and procedures in Divisions 200, 214, 216, 222 and 224 to remove GHG-only sources from PSD applicability. Therefore, as required under the EPA's federal PSD program, a source is now subject to the Oregon Major NSR requirements for GHGs only when the source also is subject to Oregon PSD requirements for one or more criteria pollutants. As required, Oregon's rules continue to require that sources of GHGs subject to Oregon's PSD rules for a criteria pollutant are also subject to PSD for GHGs.

Second, Oregon revised its requirements for preconstruction monitoring to address another court decision and resulting revisions to the EPA's PSD rules. On October 20, 2010, the EPA promulgated the 2010 PSD $PM_{2.5}$ Implementation Rule revising the federal significant monitoring concentration (SMC) and SILs for $PM_{2.5}$ (75 FR 64864). On January 22, 2013, the U.S. Court of Appeals for the District of Columbia, in *Sierra Club* v. *EPA,*[14] issued a judgment that, among other things, vacated the provisions adding the $PM_{2.5}$ SMC to the federal regulations at 40 CFR 51.166(i)(5)(i)(*c*) and 52.21(i)(5)(i)(*c*). In its decision, the court held that the EPA did not have the authority to use SMCs to exempt permit applicants from the statutory requirement in CAA section 165(e)(2) that ambient monitoring data for $PM_{2.5}$ be included in all PSD permit applications. Although the $PM_{2.5}$ SMC was not a required element, where a state program contained an SMC and applied it to allow new permits without requiring ambient $PM_{2.5}$ monitoring data, the provision would be inconsistent with the court's opinion and CAA section 165(e)(2).

At the EPA's request, the decision also vacated and remanded the portions of the 2010 PSD $PM_{2.5}$ Implementation Rule that revised 40 CFR 51.166 and 40 CFR 52.21 related to SILs for $PM_{2.5}$. The EPA requested this vacatur and remand of two of the three provisions in the EPA regulations that contain SILs for $PM_{2.5}$ because the wording of these two SIL provisions (40 CFR 51.166(k)(2) and 40 CFR 52.21(k)(2)) was inconsistent with the explanation of when and how SILs should be used by permitting authorities that we provided in the preamble to the **Federal Register** publication when we promulgated these provisions. Specifically, the EPA erred because the language promulgated in 2010 does not provide permitting authorities the discretion to require a cumulative impact analysis notwithstanding that the source's impact is below the SIL, where there is information that shows the proposed source would lead to a violation of the NAAQS or increments. The third SIL provision (40 CFR 51.165(b)(2)) was not vacated and remains in effect. On December 9, 2013, the EPA removed the vacated $PM_{2.5}$ SILs and SMC provisions from federal PSD regulations (78 FR 73698). The EPA is starting a rulemaking on the $PM_{2.5}$ SILs to address the court's remand. In the meantime, we advised states to remove the vacated provisions from state PSD regulations.

In response to the vacatur and remand, Oregon submitted revisions to several divisions, including Divisions 200, 202, 224 and 225. Oregon revised the $PM_{2.5}$ SMC to zero, as the EPA did, to address this issue in the federal PSD regulations. Oregon also revised the definition of ''significant impact levels'' or ''SIL'' in state rules, removed the vacated language and added text to make clear that ''no source may cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level.'' We are proposing to approve Oregon's revisions as consistent with the court decision.

Oregon also revised its PSD rules to address a court decision vacating provisions of EPA's 2011 biogenic deferral. In 2011, the EPA revised the definition of ''subject to regulation'' at 40 CFR 52.21(b)(49)(ii)(*a*) to defer PSD permitting requirements for carbon dioxide (CO_2) emissions from bioenergy and other biogenic sources for three years. *See* Deferral for CO_2 Emissions from Bioenergy and Other Biogenic Sources under the Prevention of Significant Deterioration (PSD) and Title V Programs; Final Rule (July 20, 2011, 76 FR 43490) (Biogenic CO_2 Deferral Rule)). On July 12, 2013, the U.S. Court of Appeals for the District of Columbia, in *Center for Biological Diversity* v. *EPA,*[15] vacated the provisions of the Biogenic CO_2 Deferral Rule. The deferral expired on July 21, 2014, and by its terms is no longer in effect. The current definition of ''greenhouse gases or GHGs'' in Division 200 states that CO_2 emissions from the combustion or decomposition of biomass is not included in the definition, except to the extent required by federal law. We are proposing to approve Oregon's rules as consistent with current federal law, under which CO_2 emissions from biogenic sources are regulated under Oregon's PSD program to the same extent as CO_2 emissions from any other source.

In addition to revisions addressing these three court decisions, Oregon also eliminated language that allowed the substitution of post-construction monitoring for preconstruction monitoring. Oregon added an exemption from the preconstruction ambient air monitoring requirement, with the ODEQ's approval, if representative or conservative background concentration data is available, and the source demonstrates that such data is adequate to determine that the source would not cause or contribute to a violation of an ambient air quality standard or any applicable PSD increment. These revisions, along with the other existing provisions regarding preconstruction monitoring in Oregon's PSD regulations,

[14] 703 F.3d 458 (D.C. Cir. 2013).

[15] 722 F.3d 401 (D.C. Cir. 2013).

are consistent with 40 CFR 51.166(m)(iii) and therefore approvable.

Finally, Oregon added the requirement to demonstrate a net air quality benefit for subject sources that will have a significant impact on air quality in a designated area other than the area in which the source is located. This demonstration of net air quality benefit is beyond federal PSD requirements, and will be discussed in more detail below.

OAR 340–224–0245 to 340–224–0270, State NSR

Division 224 now also specifies State NSR requirements for sustainment, nonattainment, reattainment, maintenance, and attainment/unclassifiable areas. For sources that emit between the SER and 100 tons per year in nonattainment and maintenance areas (Type A State NSR sources), Oregon has relaxed some of the requirements, as compared to its current SIP, that historically went beyond federal requirements. In nonattainment areas, if the increase in emissions from the source is the result of a major modification,[16] BACT rather than LAER is now required. In maintenance areas, Type A State NSR sources are no longer required to conduct preconstruction monitoring to support the ambient air impact analysis for the source. In addition, in both nonattainment and maintenance areas, Oregon's new State NSR rules allow a reduction of the offset ratio if some of the offsets come from sources that are contributing to air quality problems in the area (which historically have been woodstoves). In sustainment and reattainment areas, Oregon's new State NSR requirements go beyond CAA requirements for minor NSR programs by requiring a demonstration of a net air quality benefit (discussed below).

Because BACT, LAER, pre-construction monitoring, and offsets are not required components of a State's SIP-approved minor NSR program, and because the offset requirements now provide sources with incentives to obtain offsets from sources found to be specifically contributing to air quality problems in the area, the EPA proposes to find that Oregon's minor NSR program continues to meet CAA requirements for approval.

OAR 340–224–0500 to 340–224–0540, Net Air Quality Benefit Emission Offsets

Oregon moved the net air quality benefit emission offset rules from Division 225 to Division 224 to better consolidate new source review requirements. The CAA requires that, for major nonattainment NSR, the proposed major source or major modifications must obtain emissions reductions of the affected nonattainment pollutant from the same source or other sources in the area to offset the proposed emissions increase. *See* CAA section 173(c). Consistent with that requirement, the EPA's major nonattainment NSR regulations require that major sources and major modifications in nonattainment areas obtain emissions offsets at a ratio of at least 1 to 1 (1:1) from existing sources in the area to offset emissions from the new or modified source. 40 CFR 51.165(a)(9)(i).

Oregon revised the state's criteria for demonstrating a net air quality benefit. In addition to the incentives provided to sources subject to Type A State NSR in sustainment and reattainment areas to obtain offsets from priority sources discussed above, Oregon made an additional change. The state revised its rules to provide incentives for major sources to use priority source offsets for Oregon Major NSR sources in nonattainment and reattainment areas by increasing the required offset ratio for major sources to 1.2:1 from the current 1:1. If a source subject to Oregon Major NSR obtains offsets of some emissions increases from priority sources, the ratio may be reduced to no less than 1:1, the minimum offset level under the federal major nonattainment NSR program.

We most recently reviewed and took action on submitted changes to Division 225 on December 27, 2011 (76 FR 80747). Although Oregon adopted the EPA's recommended inter-pollutant offset ratios for $PM_{2.5}$ and submitted them to the EPA, we were unable to approve them in our 2011 action because, between the time that Oregon adopted the ratios and our 2011 action, the EPA granted a petition to reconsider the ratios and changed its policy. As a result, in 2011 we deferred action to give Oregon time to demonstrate that the ratios protected ambient air quality standards in Oregon, or otherwise revise the ratios—in line with the EPA's July 21, 2011, memorandum updating the inter-pollutant offset policy.[17] Oregon did revise its rules, moved these provisions to Division 224, at OAR 340–224–0510, and submitted the changes in the April 2015 submission evaluated in this action. Specifically, Oregon removed the state-wide $PM_{2.5}$ inter-pollutant offset ratios, and instead, added rule language to require that they be calculated on a case-by-case basis. However, the EPA's revised inter-pollutant offset policy states that a state should make a specific demonstration for set ratios in a SIP submittal.[18] Oregon's submittal does not include a demonstration for set ratios in specific areas. With the exception of OAR 340–224–0510(3), we are proposing to approve the revisions to Oregon's net air quality benefit emissions rules (OAR 340–224–0500 through 0540).

Summary

We are proposing to approve the revisions to Division 224, with the exceptions and limitations noted above, because we have determined that, in conjunction with other provisions in Divisions 200, 222, and 225, the revisions are consistent with the requirements of the EPA's PSD, major nonattainment NSR, and minor NSR permitting programs. *See* 40 CFR 51.160 through 161, 51.165, and 51.166.

M. Division 225: Air Quality Analysis Requirements

This division contains the air quality analysis requirements, which are primarily used in Oregon's NSR program. By its terms, it does not apply unless a rule in another division, primarily Division 224, refers to Division 225 or a rule in Division 225.

Substantive changes include revising the definition of ''allowable emissions'' at OAR 340–225–0020(1) to add ''40 CFR part 62'' to the list of referenced standards and clarifying the definition of ''baseline concentration year'' at OAR 340–225–0020(3) that varies depending on the pollutant for a particular designated area. Oregon revised the definitions of ''competing PSD increment consuming source impacts'' and ''competing NAAQS [national ambient air quality standards] source impacts,'' at OAR 340–225–0020(4) and (5) respectively, to broaden the reference to include all of Oregon's ambient air quality standards at Division 202 (which include the NAAQS)[19] and to specify that in calculating these concentrations, sources may factor in the distance from the new or modified source to other emission sources (range of influence or ROI), spatial distribution of existing emission sources, topography, and

[16] Oregon uses the term ''major modification'' for physical and operational changes that result in significant increases to both existing major and existing minor sources.

[17] Gina McCarthy, EPA Administrator. ''Revised Policy to Address Reconsideration of Inter-pollutant Trading Provisions for Fine Particles ($PM_{2.5}$),'' Memorandum to Regional Administrators, July 21, 2011.

[18] Ibid.

[19] Our approval of OAR 340–225–0020(4) and (5) would not extend to those ambient standards in Division 202 that we have excluded from our approval.

meteorology. Oregon also clarified and reorganized the defined ROI formula at OAR 340–225–0020(10). The ROI is the distance from the new or modified source or source impact area to other emission sources that could impact that area. The ROI and source impact area are used to predict the air quality impacts of a new or modified source. Oregon continues to limit the maximum ROI to 50 kilometers and has moved the constant values in the ROI formula from the table at the end of the division into the text of the rule.

Oregon revised the PSD requirements to align with the court decision vacating and remanding the $PM_{2.5}$ SIL. Please see Section L above for a discussion of the court decision. Division 225 now includes language stating that application of a SIL as a screening tool does not preclude the ODEQ from requiring additional analysis to evaluate whether a proposed source or modification will cause or contribute to a violation of an air quality standard or PSD increment.

The state also updated the PSD requirements for demonstrating compliance with air quality related values. Oregon made clear that, if applicable, the analysis applies to each emission unit that increases the actual emissions of a regulated pollutant above the portion of the netting basis attributable to that emission unit. The state also spelled out that the term ''air quality related values'' includes visibility, deposition, and ozone impacts. In addition, the state mandated a visibility analysis for sources impacting the Columbia River Gorge National Scenic Area (Gorge), instead of recommending sources also evaluate potential impacts on the Gorge. We propose to approve the revisions to Division 225 as meeting CAA requirements, including the EPA's major NSR permitting regulations at 40 CFR 51.165 and 51.166, and the regional haze requirements at 40 CFR part 51, subpart P.

As discussed above, Oregon repealed the *Requirements for Demonstrating a Net Air Quality Benefit* section at OAR 340–225–0090, after moving the requirements into the *Net Air Quality Benefit Emission Offsets* section in Division 224, which we described above. We propose to approve the repeal of OAR 340–225–0090.

N. Division 226: General Emission Standards

This division contains emission standards and requirements of general applicability, including requirements for highest and best practicable treatment and control, operating and maintenance, typically achievable control technology, additional requirements imposed on a permit by permit basis, alternative emission limits (bubbles), and particulate emission limits for process equipment and other sources (other than fuel or refuse burning equipment or fugitive emissions). In OAR 340–226–0120, Oregon clarified that pressure drop and ammonia slip are operational, maintenance and work practice requirements that the ODEQ may establish in a permit condition or notice of construction approval. Oregon also revised OAR 340–226–0130 *Typically Achievable Control Technology* by moving procedural requirements from the definitions at Division 200 to this division, and revising them to account for Oregon's changes to NSR, Major NSR and Type A State NSR.

Notably, the state made substantive revisions to the particulate emission limits under the *Grain Loading Standards* section starting at OAR 340–226–0200. Oregon's stated goal was to reduce emissions from certain sources built before June 1970. The rules phase in tighter standards for these older sources, based on typically available control technology, such as multiclones. The revisions generally tighten grain loading standards for existing sources from 0.2 grains per dry standard cubic foot (gr/dscf) to between 0.10 and 0.15 gr/dscf depending on whether there is existing source test data for the source and what that data shows. Oregon set timelines to achieve these rates depending on whether sources were built before or after June 1, 1970. Existing sources that operate equipment less frequently (less than 867 hours a year) must meet less stringent standards. For new sources, the ODEQ has increases the stringency of the grain loading standard by adding a significant digit, revising the standard from 0.1 gr/dscf to 0.10 gr/dscf. We propose to approve the revisions to Division 226 because they tighten particulate emission standards and strengthen the SIP.

O. Division 228: Requirements for Fuel Burning Equipment and Fuel Sulfur Content

These rules establish generally applicable requirements for fuel burning equipment, including limits on sulfur content and particulate matter. Oregon removed a coal space-heating exemption that expired in 1983 and clarified that sulfur dioxide emissions from recovery furnaces are not subject to this division but are instead regulated under the SO_2 emissions limits for wood products industries in Division 234.

Oregon revised Division 228 to tighten grain loading standards for fuel burning equipment in the same manner as in Division 226, discussed above. We propose to approve the revisions because they tighten particulate emission standards for fuel burning equipment and strengthen the SIP. We note that revisions to this division related to the federal Acid Rain Program (OAR 340–228–0300, and –0400 through –0530) were not submitted, but were included to show a complete record of the revisions. These rules are not a part of Oregon's federally-approved SIP.

P. Division 232: Emission Standards for VOC Point Sources

This division restricts emissions of VOC from new and existing listed source categories in the Portland and Medford Air Quality Maintenance Areas and in Salem-Keizer in the Salem-Keizer Area Transportation Study Area as well as any source in these areas with the potential to emit over 100 tons of VOC per year. Consistent with CAA requirements, Oregon has clarified that the determination of whether a source has a potential to emit over 100 tons of VOC per year is made before consideration of add-on controls.

Oregon expanded the section on marine tank vessels so that the marine vapor control requirements now apply to marine tank vessel loading of other volatile organic liquids in addition to gasoline, effective July 1, 2018. The loading of organic liquids stored in pressurized tanks, such as liquefied natural gas and propane, are not included in this expansion. Consistent with the change discussed above, the state also made clear that, in determining whether a course is subject to the rules on surface coating in manufacturing, determination of the source's potential to emit is made before consideration of add-on controls. Oregon also requires records under the surface coating in manufacturing rule to be retained for five years rather than two, consistent with title V. Finally, Oregon also clarified that determining potential to emit for rotogravure and flexographic printing sources subject to VOC requirements is made before consideration of add-on controls. We propose to approve the changes described above because they strengthen the SIP and are consistent with the CAA.

Q. Division 234: Emissions Standards for Wood Products Industries

Oregon repealed two sections of this division—the neutral sulfite semi-chemical section (OAR 340–234–0300

through 0360) and the sulfite pulp mill section (OAR 340–234–0400 through 0430)—because sources of this type no longer exist in the state. Any new sources constructed would be subject to new source review, as well as applicable NSPS and NESHAP requirements. As a result, Oregon removed terms no longer used in this division, including acid absorption tower, acid plant, average daily production, blow system, continual monitoring, continuous-flow conveying system, modified wigwam waste burner, neutral sulfite semi-chemical (NSSC) pulp mill, production, spent liquor incinerator, sulfite mill, and sulfur oxides.

In the *Kraft Pulp Mills* section at OAR 340–234–0200 through 0270, the state revised what was formerly referred to as ''significant upgrading'' of equipment for purposes of determining whether more restrictive standards apply. This change was intended to enhance the enforceability of the requirement to meet more restrictive emission standards based on changes to the source. This section was also revised to update the non-recovery furnace opacity limit averaging times to six minutes in lieu of the previous three-minute exception. In making this change, Oregon relied on the same rationale discussed in Section E. above.

Oregon also added source test methods for particulate matter and required demonstrations of oxygen concentrations in recovery furnace and lime kiln gases. Under the *Reporting* section at OAR 340–234–0250, the state removed the alternative sampling option where transmissometers are not feasible because all pulp mills in Oregon now have transmissometers.

Oregon made minor changes to OAR 340–234–0270, a provision authorizing the ODEQ to determine that upset conditions at a subject source are chronic and correctable by the installation of new or modified process or control equipment and requiring a program and schedule to effectively eliminate the deficiencies causing the upset conditions. This provision makes clear that such upsets causing emissions in excess of applicable limits may be subject to a civil penalty or other appropriate action. The EPA is proposing to reapprove this provision with these changes based on the understanding that it does not excuse excess emissions from enforcement action seeking penalties or injunctive relief.

Oregon moved the test method for the opacity limit for veneer and plywood manufacturing operations from the definitions into the requirement itself (OAR 340–234–0510(1)(b)(A)). The state also added test methods for moisture content to the emission standards for veneer and plywood manufacturing requirements. For hardboard tempering ovens, Oregon revised the emission requirements to require that alternative temperatures be approved using the procedures in the federal NESHAP for Plywood and Composite Wood Products, 40 CFR part 63, subpart DDDD. Because these rules did not include testing and monitoring requirements, Oregon added a new section, OAR 340–234–0540 *Testing and Monitoring.*

We propose to approve the changes to Division 234, except with respect to requirements regulating total reduced sulfur and odor, because they strengthen the SIP and are consistent with CAA requirements. Total reduced sulfur and odor requirements are not appropriate for SIP approval because they are not criteria pollutants under title I of the CAA. We therefore are excluding from approval into the Oregon SIP the references to total reduced sulfur and odor in definitions at OAR 340–234–0010(8) and (10), and in Kraft Pulp Mill rules at OAR 340–234–0210(1), OAR 340–234–0220(2), OAR 340–234–0240(1), and OAR 340–234–0250(1) and (2).

R. Division 236: Emissions Standards for Specific Industries

Under Division 236, Oregon repealed rules designed to regulate aluminum (OAR 340–236–0100 through 0150) and laterite ore production of ferronickel (OAR 340–236–0200 through 0230) because sources of this type no longer exist in the state. Any new facilities would be subject to new source review as well as applicable NSPS and NESHAP requirements. Oregon also made clear the appropriate test method to determine compliance with the hot mix asphalt plant rules at OAR 340–236–0410(1). In addition, the state added a requirement that hot mix asphalt plants must develop a fugitive emissions control plan if requested by the ODEQ. *See* OAR 340–236–0410(4).

We note that Oregon repealed OAR 340–236–0430 specific to portable hot mix asphalt plants, which addressed only permit requirements for such plants, because these plants are now regulated under general permits in Division 216. With the exception of the provisions regulating animal matter and municipal solid waste landfills, we propose to approve the revisions and repeals because they are consistent with CAA requirements. The provisions regulating animal matter and municipal solid waste landfills are not related to the criteria pollutants regulated under title I of the CAA, not essential for meeting and maintaining the NAAQS, nor related to the requirements for SIPs under section 110 of the CAA.

S. Division 240: Rules for Areas With Unique Air Quality Needs

In the submission, Oregon revised air quality control requirements for certain areas—these are generally areas that are, or have been, designated nonattainment by the EPA. At OAR 340–240–0050, the state clarified the appropriate test methods for determining compliance with emission standards in this division, improving the enforceability of the standards. In addition, visible emissions requirements, at OAR 340–240–0110, 0140, 0330, 0350, and 0510, were revised to update opacity testing averaging times from an aggregate three-minute exception in any one hour to a six-minute average. The state explained the basis for this change in its submission, and we describe, in Section E above, why we propose to approve this change.

Oregon also revised particulate control requirements for air conveying systems, at OAR 340–240–0350, setting removal efficiency standards designed to ensure that the pollution collected from a source is not ultimately discharged into the atmosphere. In making this change, the state regulated design removal efficiency rather than actual removal efficiency because of the challenges of testing for removal efficiency, which requires measuring emissions at the inlet and the outlet. Oregon updated the grain loading standard for air conveying systems in the La Grande Urban Growth Area emitting ten tons or less a year (from 0.1 to 0.10 grains per standard cubic foot) but allowed extensions of up to one year, if necessary to install controls to meet the revised standard. Oregon made the changes intending to better align the rules with federally-approved standards and testing methods.

Also in this division, Oregon repealed the charcoal producing plant rules at OAR 340–240–0170 because there are no longer any existing sources of this type in Oregon outside of Lane County (which is subject to rules in addition to, or in lieu of, these rules), and any new charcoal producing plants would be subject to new source review and any applicable NSPS and NESHAP requirements. In accord with changes to other divisions discussed above, the state removed the sanctioned use of asphalt and oil as dust suppressants. Oregon also repealed old, expired provisions in this division.

We note that Oregon's federally-approved SIP currently controls sources

in the Klamath Falls nonattainment area, and incentivizes sources in Klamath Falls to offset particulate emissions by decommissioning fireplaces, installing fireplace inserts, replacing old stoves with certified stoves, and replacing wood-fired heaters with alternatives like natural gas and electric baseboards. In this submission, Oregon updated requirements in Klamath Falls by removing an exception from the 20% opacity standard, and by uniformly applying the 6-minute averaging time to measure opacity, as described above in Section E.

Oregon also revised this section to expand offsets to the Lakeview sustainment area as well as other eligible areas. *See* OAR 340–240–0560. We propose to approve the revisions because they are consistent with the CAA and strengthen the SIP.

T. Division 242: Rules Applicable to the Portland Area

This division contains additional requirements that apply in the Portland area. The industrial emissions management program was updated to account for the changes to Oregon's Major NSR and State NSR programs. Oregon also moved the net air quality benefit provisions to Division 224 to consolidate NSR requirements. We note that we already approved the changes to the *Gasoline Vapors from Gasoline Transfer and Dispensing Operations* section at OAR 340–242–0500, 0510, and 0520 on October 27, 2015 (80 FR 65655), and are therefore not addressing them in this action.

Oregon repealed the *Spray Paint* rule sections at OAR 340–242–0700 through 0790 because the EPA has set national rules designed to be more stringent. The Oregon spray paint rules were originally a mass-based standard adopted in 1995 and projected to have a 15 percent reduction in VOCs in the 1996 Portland Ozone Maintenance Plan. On March 24, 2008, the EPA finalized national VOC rules (73 FR 15604). As described in the proposal for the EPA's rule, the EPA's reactivity-based standard would provide a 19 percent reduction in VOCs (July 16, 2007, 72 FR 38952). The EPA also cited the rule's projected 19 percent reduction of VOC in an EPA memo providing guidelines on emissions reduction credit.[20] In addition, California Air Resource Board developed a reactivity-based standard, approved by the EPA in September 2005 (70 FR 53930). We find the repeal to be approvable and propose to approve the submitted changes to Division 242 as consistent with CAA requirements.

U. Division 262: Heat Smart Program for Residential Woodstoves and Other Solid Fuel Heating Devices

Oregon submitted a change to the definitions section of this division, at OAR 340–262–0450. Oregon's rules now expressly exclude boilers providing process heat to a commercial, industrial, or institutional establishment (that obtain a construction approval from the ODEQ) from the definition of ''solid fuel burning device'' regulated under the Heat Smart Program. These units are currently exempt from the Heat Smart Program under Oregon's SIP and the revision to Oregon's rules continues that exemption. We propose to approve the change because as a matter of federal law, this revision results in no change to the Oregon SIP.

V. Division 264: Rules for Open Burning

The only substantive change to this division is the repeal of the forced air pit incinerators rule and associated references at OAR 340–264–0190. Forced air pit and air curtain incinerators are regulated under the EPA's rules for Commercial/Industrial Solid Waste Incinerators and are required to have title V operating permits. The ODEQ has therefore determined that such units should no longer be regulated under Oregon's rules for open burning. We propose to approve the repeal as consistent with the CAA.

W. Division 268: Emission Reduction Credits

In Division 268, Oregon submitted revisions to OAR 340–268–0030 to clarify when reductions in criteria pollutant emissions that are also hazardous air pollutant emissions are creditable. Emissions reductions required to meet federal NESHAP standards in 40 CFR part 61 or 63 are not creditable as emission reduction credits for purposes of Major NSR in nonattainment or reattainment areas in Oregon. However, criteria pollutant reductions that are in excess of, or incidental to, the required hazardous air pollutant reductions can potentially earn credits—as long as all conditions are met. Oregon also lowered the threshold for banking credits in the Klamath Falls and Lakeview areas from ten tons to one ton—to encourage trading activity. Finally, Oregon specified when such credits are considered used up, and when they expire. The revisions are consistent with the CAA and the EPA's implementing regulations and we propose to approve them.

X. Source Sampling Manual and Continuous Monitoring Manual

Oregon submitted the ODEQ Source Sampling Manual, Volumes I and II, and the ODEQ Continuous Monitoring Manual, revised as of April 2015. These manuals are key reference materials used in OAR Divisions 200 through 268. As noted above, Oregon added references to the April 2015 edition of both manuals in Division 200. Oregon incorporates changes to testing and monitoring requirements—spelled out in these manuals—into the permits of source owners and operators, as necessary.

The Source Sampling Manual addresses air emissions source sampling practices and procedures for projects in Oregon. Volume I of this manual was updated to account for changes to the EPA methods for measuring fine particulate matter, and other new and modernized methods. Volume II of this manual was revised to remove the annual reporting requirements for small gasoline dispensing facilities (throughput of less than 10,000 gallons of gasoline per month). The state determined that the annual reporting requirement was not needed to measure compliance because the ODEQ collected one-time throughput data from these facilities and is authorized to request additional information if needed.

Oregon extensively revised the Continuous Monitoring Manual, originally published in 1992. The manual includes federal monitoring requirements for the NSPS, NESHAP, and Acid Rain programs and was updated primarily to address continuous monitoring systems of all types. The changes affect commercial operations that are required to install and operate continuous monitoring systems, contractors that audit or certify the systems, and vendors that sell or design the systems. We reviewed the revised manuals, and we propose to approve the changes as consistent with 40 CFR part 51, subpart M, and part 60, subparts A and B, for purposes of the emission limits and requirements approved into the SIP.

IV. Proposed Action

We propose to approve, and incorporate by reference, specific rule revisions submitted by Oregon on May 21, 2015. As documented in the submission, we propose to approve certain of the state rule revisions to also apply in Lane County, because the Oregon EQC has determined those rule to be more stringent that the

[20] Stephen Page, ''Emission Reduction Credit for Three Federal Rules for Categories of Consumer and Commercial Products,'' Memo to Regional Administrators, 2007.

corresponding local rules. We also propose to approve, but not incorporate by reference, specific provisions that provide the ODEQ with authority needed for SIP approval.

In addition, we propose to remove repealed rules from Oregon's federally-approved SIP, as requested by the state, because they are obsolete or redundant. Finally, we are not approving certain rules that are inconsistent with CAA requirements, or that are inappropriate for SIP approval, because they are not related to the criteria pollutants regulated under title I of the CAA, not essential for meeting and maintaining the NAAQS, or not related to the requirements for SIPs under section 110 of the CAA.

A. Rules Approved and Incorporated by Reference

We propose to approve into the Oregon SIP, and incorporate by reference at 40 CFR part 52, subpart MM, the submitted revisions to Chapter 340 of the OAR listed below, state effective April 16, 2015:

- Division 200—General Air Pollution Procedures and Definitions (0010, 0020, 0025, 0030, 0035);
- Division 202—Ambient Air Quality Standards and PSD Increments (0010, 0020, 0050, 0070, 0100, 0130, 0200, 0210, 0220, 0225);
- Division 204—Designation of Air Quality Areas (0010, 0020, 0030, 0040, 0050, 0060, 0070, 0080, 0090, 0300, 0310, 0320);
- Division 206—Air Pollution Emergencies (0010, 0020, 0030, 0040, 0050, 0060, 0070, 8010, 8020, 8030, 8040);
- Division 208—Visible Emissions and Nuisance Requirements (0005, 0010, 0110, 0210);
- Division 209—Public Participation (0010, 0020, 0030, 0040, 0050, 0060, 0070, 0080);
- Division 210—Stationary Source Notification Requirements (0010, 0020, 0100, 0110, 0120, 0205, 0215, 0225, 0230, 0240, 0250);
- Division 212—Stationary Source Testing and Monitoring (0005, 0010, 0110, 0120, 0130, 0140, 0150);
- Division 214—Stationary Source Reporting Requirements (0005, 0010, 0100, 0110, 0114, 0130, 0200, 0210, 0220, 0300—except introductory sentence related to NSPS and NESHAPs, 0310, 0320, 0330, 0340, 0350);
- Division 216—Air Contaminant Discharge Permits (0010, 0020, 0025, 0030, 0040, 0052, 0054, 0060, 0062, 0064, 0066, 0068, 0070, 0082, 0084, 0090, 0094, 8010, 8020);
- Division 222—Stationary Source Plant Site Emission Limits (0010, 0020, 0030, 0035, 0040, 0041, 0042, 0046, 0048, 0051, 0055, 0080, 0090);
- Division 224—New Source Review (0010, 0020, 0025, 0030, 0034, 0038, 0040, 0045, 0050, 0055, 0060, 0070, 0245, 0250, 0255, 0260, 0270, 0500, 0510—except paragraph (3), 0520, 0530, 0540);
- Division 225—Air Quality Analysis Requirements (0010, 0020, 0030, 0040, 0045, 0050, 0060, 0070);
- Division 226—General Emissions Standards (0005, 0010, 0100, 0110, 0120, 0130, 0140, 0210, 0310, 0320, 0400, 8010);
- Division 228—Requirements for Fuel Burning Equipment and Fuel Sulfur Content (0010, 0020, 0100, 0110, 0120, 0130, 0200, 0210);
- Division 232—Emission Standards for VOC Point Sources (0010, 0020, 0030, 0040, 0050, 0060, 0080, 0085, 0090, 0100, 0110, 0120, 0130, 0140, 0150, 0160, 0170, 0180, 0190, 0200, 0210, 0220, 0230);
- Division 234—Emission Standards for Wood Products Industries (0005, 0010—except (8) and (10), 0100, 0140, 0200, 0210—except (1), 0220—except (2), 0240—except (1), 0250—except (1) and (2), 0270, 0500, 0510, 0520, 0530, 0540);
- Division 236—Emission Standards for Specific Industries (0005, 0010, 0400, 0410, 0420, 0440, 8010);
- Division 240—Rules for Areas with Unique Air Quality Needs (0010, 0020, 0030, 0050, 0100, 0110, 0120, 0130, 0140, 0150, 0160, 0180, 0190, 0210, 0220, 0250, 0300, 0320, 0330, 0340, 0350, 0360, 0400, 0410, 0420, 0430, 0440, 0510, 0550, 0560, 0610);
- Division 242—Rules Applicable to the Portland Area (0400, 0410, 0420, 0430, 0440, 0600, 0610, 0620, 0630);
- Division 262—Heat Smart Program for Residential Woodstoves and Other Solid Fuel Heating Devices (0450);
- Division 264—Rules for Open Burning (0010, 0020, 0030, 0040, 0050, 0060, 0070, 0075, 0078, 0080, 0100, 0110, 0120, 0130, 0140, 0150, 0160, 0170, 0175, 0180); and
- Division 268—Emission Reduction Credits (0010, 0020, 0030).

Rules Also Approved for Lane County

- Division 200—General Air Pollution Procedures and Definitions (0020);
- Division 202—Ambient Air Quality Standards and PSD Increments (0050);
- Division 204—Designation of Air Quality Areas (0300, 0310, 0320);
- Division 208—Visible Emissions and Nuisance Requirements (0110, 0210);
- Division 214—Stationary Source Reporting Requirements (0114) (5);
- Division 216—Air Contaminant Discharge Permits (0040, 8010);
- Division 222—Stationary Source Plant Site Emission Limits (0090);
- Division 224 –New Source Review (0030, 0530);
- Division 225—Air Quality Analysis Requirements (0010, 0020, 0030, 0040, 0045, 0050, 0060, 0070);
- Division 226—General Emissions Standards (0210); and
- Division 228—Requirements for Fuel Burning Equipment and Fuel Sulfur Content (0210).

B. Rules Approved but Not Incorporated by Reference

We propose to approve, but not incorporate by reference, the following provisions:

- ODEQ Source Sampling Manual, Volumes I and II, April 2015 (for purposes of the limits approved into the SIP);
- ODEQ Continuous Emissions Monitoring Manual, April 2015 (for purposes of the limits approved into the SIP);
- ODEQ–LRAPA Stringency Analysis and Directive, Attachment B; and
- Division 200—General Air Pollution Procedures and Definitions (0100, 0110, 0120).

C. Rules Removed

We propose to remove the following sections from the Oregon SIP because they have been repealed, replaced by rules noted in paragraph A above, or the state has asked that they be removed:

- Division 208—Visible Emissions and Fugitive Emissions Requirements (0100, 0200);
- Division 212—Compliance Assurance Monitoring (0200, 0210, 0220, 0230, 0240, 0250, 0260, 0270, 0280);
- Division 214—Stationary Source Reporting Requirements (0360);
- Division 222—Stationary Source Plant Site Emissions Limits (0043, 0045, 0070);
- Division 224—New Source Review (0080, 0100);
- Division 225—Air Quality Analysis Requirements (0090);
- Division 226—General Emission Standards (0200);
- Division 228—Requirements for Fuel Burning Equipment and Fuel Sulfur Content (0400, 0410, 0420, 0430, 0440, 0450, 0460, 0470, 0480, 0490, 0500, 0510, 0520, 0530);
- Division 234—Emission Standards for Wood Products Industries (0300, 0310, 0320, 0330, 0340, 0350, 0360, 0400, 0410, 0420, 0430);
- Division 236—Emission Standards for Specific Industries (0100, 0110,

0120, 0130, 0140, 0150, 0200, 0210, 0220, 0230, 0430);

- Division 240—Rules for Areas with Unique Air Quality Needs (0170, 0230, 0310);
- Division 242—Rules Applicable to the Portland Areas (0700, 0710, 0720, 0730, 0740, 0750, 0760, 0770, 0780, 0790); and
- Division 264—Rules for Open Burning (0190).

D. Rules Not Approved

For the reasons stated above, we are not approving the following revised provisions submitted by Oregon because they are inconsistent with CAA requirements, or because they are inappropriate for SIP approval under section 110, title I of the CAA:

- Division 200—General Air Pollution Procedures and Definitions (0050) (compliance schedules);
- Division 214—Stationary Source Reporting Requirements (0300 introductory sentence related to NSPS and NESHAPs);
- Division 222—Stationary Source Plant Site Emission Limits (0060) (hazardous air pollutants);
- Division 224—New Source Review (0510(3)) ($PM_{2.5}$ inter-pollutant offset ratios); and
- Division 234—Emission Standards for Wood Products Industries (0010(8) and (10), 0210(1), 0220(2), 0240(1), 0250 (1) and (2)) (total reduced sulfur and odor).

V. Incorporation by Reference

In this rule, we are proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, we are proposing to incorporate by reference the provisions described above in Section IV. Proposed Action. The EPA has made, and will continue to make, these documents generally available electronically through *http://www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

VI. Oregon Notice Provision

Oregon Revised Statute 468.126 prohibits the ODEQ from imposing a penalty for violation of an air, water or solid waste permit unless the source has been provided five days' advanced written notice of the violation and has not come into compliance or submitted a compliance schedule within that five-day period. By its terms, the statute does not apply to Oregon's title V program or to any program if application of the notice provision would disqualify the program from federal delegation. Oregon has previously confirmed that, because application of the notice provision would preclude EPA approval of the Oregon SIP, no advance notice is required for violation of SIP requirements.

VII. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: March 9, 2017.

Michelle L. Pirzadeh,

Acting Regional Administrator, EPA Region 10.

[FR Doc. 2017–05463 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2015–0248; FRL–9957–88–Region 4]

Air Plan Approval; Georgia; Atlanta; Requirements for the 2008 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the portion of a state implementation plan (SIP) revision submitted by the State of Georgia, through Georgia Environmental Protection Division on February 6, 2015, addressing the nonattainment new source review requirements for the 2008 8-hour ozone national ambient air quality standards for the Atlanta, Georgia 2008 8-hour ozone nonattainment area (hereinafter referred to as the ''Atlanta Area''). The Atlanta Area is comprised of 15 counties in Atlanta (Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale). This action is being taken pursuant to the Clean Air Act and its implementing regulations.

DATES: Written comments must be received on or before April 21, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2015–0248 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mrs. Sheckler can be reached by telephone at (404) 562–9222 or via electronic mail at *sheckler.kelly@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the NNSR portion of Georgia's February 6, 2015 SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all adverse comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

Dated: March 7, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

[FR Doc. 2017–05461 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 523, 531, 533, 536 and 537

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

Notice of Intention To Reconsider the Final Determination of the Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022–2025 Light Duty Vehicles

AGENCY: Environmental Protection Agency (EPA) and Department of Transportation's (DOT) National Highway Traffic Safety Administration (NHTSA).

ACTION: Notice of intent.

SUMMARY: EPA announces its intention to reconsider the Final Determination of the Mid-Term Evaluation of greenhouse gas (GHG) standards for model year (MY) 2022–2025 light-duty vehicles and to coordinate its reconsideration with the parallel process to be undertaken by the DOT's NHTSA regarding Corporate Average Fuel Economy (CAFE) standards for cars and light trucks for the same model years.

DATES: March 22, 2017.

FOR FURTHER INFORMATION CONTACT: William Charmley, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, Fuel Emissions Laboratory/OAR, 2565 Plymouth Road, Ann Arbor, MI 48105, telephone (734) 214–4466. Email: *charmley.william@epa.gov* and Rebecca Schade, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone: (202) 366–2992.

SUPPLEMENTARY INFORMATION: By this notice, EPA announces its intention to reconsider its Final Determination of the Mid-Term Evaluation of GHG standards for MY 2022–2025 light-duty vehicles. The EPA has inherent authority to reconsider past decisions and to revise, replace or repeal a decision to the extent permitted by law and supported by a reasoned explanation. *FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009). In 2012, EPA committed to continuing to coordinate development of its Clean Air Act (CAA) section 202(a)(1) (42 U.S.C. 7521(a)) emission standards with NHTSA's development of CAFE standards for light-duty vehicles, but did not do so in development and publication of EPA's January 12, 2017 Midterm Evaluation of standards conducted under 40 CFR 86.1818–12(h) of EPA's regulations. EPA now announces it will reconsider that determination in coordination with NHTSA.

The Mid-Term Evaluation was established to review standards set in a 2012 joint rulemaking by the EPA and NHTSA, which set federal GHG emissions and CAFE standards for MY 2017 and beyond for light-duty vehicles. 2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards, Final Rule, 77 FR 62624 (Oct. 15, 2012). These standards, codified for EPA at 40 CFR 86.1818–12, apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles (*i.e.,* sport utility vehicles, cross-over utility vehicles and light trucks), collectively referred to in this notice as light-duty vehicles.

The EPA and NHTSA finalized separate sets of standards under their respective statutory authorities. EPA set GHG standards (including standards for emissions of carbon dioxide (CO_2), nitrous oxide, methane and air conditioning refrigerants) for MY 2017–2025 passenger cars and light-trucks under section 202(a) of the CAA. NHTSA sets national CAFE standards under the Energy Policy and Conservation Act (EPCA), as amended by the Energy Independence and Security Act (EISA) of 2007 (49 U.S.C. 32902). NHTSA set final CAFE standards for MY 2017–2021 light-duty vehicles and issued augural standards for MYs 2022–2025.

The 2012 rulemaking establishing these standards included a regulatory requirement for the EPA to conduct a Mid-Term Evaluation of the GHG standards established for MYs 2022–2025. 77 FR 62625 (October 15, 2012), codified at 40 CFR 86.1818–12(h). In July 2016, EPA, NHTSA, and the California Air Resources Board (CARB) released for public comment a jointly prepared Draft Technical Assessment Report, which examined a range of issues relevant to GHG emissions and CAFE standards for MYs 2022–2025. 81 FR 49217 (July 27, 2016). In November, 2016, EPA issued a proposed determination for the Mid-Term Evaluation. 81 FR 87927 (Dec. 6, 2016). On January 12, 2017, the EPA

Administrator signed the Final Determination of the Mid-Term Evaluation of light-duty vehicle GHG emissions standards for MYs 2022–2025.

Under 40 CFR 86.1818–12(h), no later than April 1, 2018, the EPA Administrator must determine whether the GHG standards previously established under 40 CFR 86.1818–12(c) for MYs 2022–2025 are appropriate under section 202(a) of the CAA, in light of the record then before the Administrator. Given that CO_2 makes up the vast majority of the GHGs that EPA regulates under section 202(a), and given that the technologies available for regulating CO_2 emissions do so by improving fuel economy (which NHTSA regulates under EPCA/EISA), NHTSA's views with regard to what CAFE standards would be maximum feasible for those model years is an appropriate consideration in EPA's determining what GHG standards would be appropriate under the CAA. See 40 CFR 86.1818–12(h)(1)(vii) (listing as one of the factors EPA should consider in the Mid-Term Evaluation ''[t]he impact of the greenhouse gas emission standards on the Corporate Average Fuel Economy standards and a national harmonized program''). However, NHTSA has not yet considered what CAFE standards would be the maximum feasible standards for MYs 2022–2025. Accordingly, EPA has concluded that it is appropriate to reconsider its Final Determination in order to allow additional consultation and coordination with NHTSA in support of a national harmonized program.

For its part, NHTSA will continue to engage with stakeholders as it works to develop a Notice of Proposed Rulemaking to set CAFE standards for MYs 2022–2025. As explained in the 2012 final rule, this proposal will be part of ''a de novo rulemaking conducted . . . with fresh inputs and a fresh consideration and balancing of all relevant factors, based on the best and most current information before the agency at that time.'' 77 FR 62652. A final rule for MY 2022 is statutorily required to be issued by NHTSA by April 1, 2020.

In accord with the schedule set forth in EPA's regulations, the EPA intends to make a new Final Determination regarding the appropriateness of the MY 2022–2025 GHG standards no later than April 1, 2018.

Dated: March 3, 2017.

Elaine L. Chao,

Secretary, Department of Transportation.

Dated: March 3, 2017.

E. Scott Pruitt,

Administrator, Environmental Protection Agency.

[FR Doc. 2017–05316 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 82, No. 54
Wednesday, March 22, 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

Submission for OMB Review; Comment Request

March 17, 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 requested 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 April 21, 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.

Risk Management Agency

Title: Area Risk Protection Insurance.

OMB Control Number: 0563–0083.

Summary of Collection: The Federal Crop Insurance Corporation (FCIC) is a wholly-owned Government corporation created February 16, 1938 (7 U.S.C. 1501). The program was amended previously, but Public Law 96–365, dated September 26, 1980, provided for nationwide expansion of a comprehensive crop insurance program. The Federal Crop Insurance Act, as amended in later years further expanded this role of the crop insurance program to be the principal tool for risk management by producers of agricultural commodities. Barley, corn, cotton, forage production, grain sorghum, soybeans, oysters, popcorn, rice and wheat are crops insured under the Area Risk Protection Insurance (ARPI) policy.

Need and Use of the Information: ARPI includes three separate plans of insurance: (1) Area Revenue Protection which protects against price declines and automatically includes Upside Harvest Price Protection (UHPP) which protects against price increases; (2) ARP with the Harvest Price Exclusion, which excludes UHPP and protects against price declines but not against price increases; and (3) Area Yield Protection which only protects against loss of yield.

Using a wide range of data elements producers are required to report specific data when they apply for ARPI such as acreage and yields. Insurance companies accept applications; issue policies; establish and provide insurance coverage; compute liability, premium, subsidies, and losses; indemnify producers; and report specific data to FCIC as required in Appendix III/M13 Handbook.

If producers and insurance companies did not submit the required data at the specified time, accurate liabilities, premium, and subsidies may not be determined, errors may not be resolved timely, producers may not receive accurate indemnities, payments may be late, crop insurance may not be actuarially sound as mandated by the Act.

Description of Respondents: Producers and insurance companies.

Number of Respondents: 25,432.

Frequency of Responses: Weekly, monthly, quarterly, annually, semi-annually.

Total Burden Hours: 98,322.

Risk Management Agency

Title: Subpart U-Ineligibility for Programs under the Federal Crop Insurance Act.

OMB Control Number: 0563–0085.

Summary of Collection: The Federal Crop Insurance Corporation (FCIC) is a wholly-owned Government corporation created February 16, 1938 (7 U.S.C. 1501). The program was amended previously, but Public Law 96–365, dated September 26, 1980, provided for nationwide expansion of a comprehensive crop insurance program. The Federal Crop Insurance Act, as amended in later years further expanded this role of the crop insurance program to be the principal tool for risk management by producers of agricultural commodities.

Need and Use of the Information: The purpose of collecting the information is to ensure persons that are ineligible for benefits under the Federal crop insurance program are accurately identified as such and do not obtain benefits to which they are not eligible. Person can become ineligible for benefits for three reasons: (1) Debt on unpaid premium or overpaid indemnity (information provided by AIP; (2) Debt on unpaid CAT fee (information provided by AIP); and (3) Debarment/disqualification/suspension, including but not limited to judgement, civil fines, etc. The Federal Crop Insurance Corporation and AIPs use the information collected to determine whether person seeking to obtain Federal crop insurance coverage are ineligible for such coverage according to the statutory/regulatory mandates identified.

Description of Respondents: Business, or other for profit.

Number of Respondents: 18.

Frequency of Responses: Monthly, quarterly, on occasion.

Total Burden Hours: 1,841.

Charlene Parker,

Departmental Information Clearance Officer.

[FR Doc. 2017–05697 Filed 3–21–17; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Interagency Generic Clearance for Federal Land Management Agencies Collaborative Visitor Feedback Surveys on Recreation and Transportation Related Programs and Systems

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the renewal of an information collection, Federal Land Management Agencies (FLMAs) Collaborative Visitor Transportation Information Collections.

DATES: Comments must be received in writing on or before May 22, 2017 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Margaret Petrella, The Volpe Center (RVT–321), 55 Broadway Street, Cambridge, MA 02142. All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

Comments also may be submitted via facsimile to (617) 494–3522 or by email to: *Margaret.Petrella@dot.gov.*

The public may inspect comments received at 55 Broadway Street, Cambridge, MA 02142 in Room 3–67 during normal business hours. Visitors are encouraged to call ahead to 617–494–3582 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Margaret Petrella, Social Scientist, U.S. Department of Transportation, The Volpe Center, (617) 494–3582.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Interagency Generic Clearance for Federal Land Management Agencies Collaborative Visitor Feedback Surveys on Recreation and Transportation Related Programs and Systems.

OMB Number: 0596–0236.

Expiration Date of Approval: November 30, 2017.

Type of Request: Renewal and revision of currently approved collection.

Abstract: From time to time, individual or combined units or subunits of various Federal Land Management Agencies (FLMAs) and/or FLMA Research Station units need to acquire direct visitor and authorized user feedback about site- or area-specific services, facilities, road and/or travel systems, needs, programs, demographics, management of FLMA lands, and/or other quantitative information on FLMA lands in cross-jurisdictional landscapes. FLMAs include, but are not limited to: USDA-Forest Service; National Park Service; Bureau of Land Management; US Fish & Wildlife Service; US Geological Survey; US Army Corps of Engineers; Presidio Trust and Bureau of Reclamation. This direct feedback is vital to establish and/or revise goals and objectives for FLMA recreation-related transportation system programs to and within FLMA recreation sites/opportunities, to inform land management plans, and to facilitate interagency coordination across multijurisdictional landscapes, which will better meet the needs of the public and the resources under FLMA management.

The benefits of an FLMA interagency generic Information Collection (IC) would include significant public and agency time and cost savings. If multiple FLMAs in an area or landscape work jointly on one quantitative visitor feedback information collection under a generic clearance from OMB, there would be significant savings in government time and costs related to survey development and OMB survey approval, as well as savings in the costs of survey administration and data processing. In particular, the public burden would be diminished as the public would only need to respond to one jointly-sponsored survey, instead of to multiple similar surveys at multiple units in an area.

Under the following authorities, the participating FLMAs are obligated to actively solicit public input to improve public lands management to better serve the public:

1. Forest Service Administration Organic Act of 1897 [16 U.S.C. 473–478, 479–482, and 551] as amended by the Transfer Act of 1905 [16 U.S.C. 472, 524, 554];

2. Multiple Use Sustained Yield Act of 1960 [Pub. L. 86–15, § 3];

3. Forest and Rangeland Renewable Resources and Planning Act of 1974 [Pub. L. 93–378 § 3(2,3)] as amended;

4. National Forest Management Act of 1976 [Pub. L. 94–588, §§ 2(3), 6(d)], as amended;

5. Government Performance and Results Act of 1993 [Pub. L. 103–62] as amended;

6. Executive Order 12862 of September 11, 1993;

7. Executive Order 13571 of April 27, 2011;

8. Executive Act 12996 of March 25, 1996;

9. National Park Services Act of 1916;

10. National Wildlife Refuge System Administration Act;

11. National Wildlife Refuge System Centennial Act [Pub. L. 106–408];

12. The Federal Land Policy and Management Act (FLPMA) of 1976;

13. General Survey Act of 1824; and

14. National Environmental Policy Act of 1969.

Survey respondents would include visitors and potential visitors to FLMA units or subunits, and residents of communities in or near FLMA units. Since many of the FLMA surveys are similar in terms of the populations being surveyed, the types of questions being asked, the research methodologies being used, and the database structures and data being utilized, the FLMAs propose a generic Interagency Information Collections clearance from OMB to obtain quantitative and/or qualitative visitor/user feedback utilizing collection mechanisms such as surveys, focus groups, and/or interviews.

Information collection could occur at one location, several locations, across FLMA units, across regions, across the nation, and could be multi-jurisdictional at any of these levels. Information collection activities could occur once, could occur as iterative collections over a limited period of time, or could occur over long periods of time at some periodic, planned time interval. Direct visitor feedback could be collected through facilitated focus groups or through surveys or individual interviews (qualitative or quantitative), with either electronically-recorded or hand-written responses, via mail-back, or via internet, apps, or social media electronic surveys (*e.g.,* Quick Response (QR) codes on Smartphones). Survey or interview information could be collected at pertinent site(s) or access point(s) as visitors arrive or complete their visit(s) or are in the midst of their activities; and could be collected pre- or post-visit.

In general, questions will relate to visitor experience at one or more

specific locations or locales (one FLMA's lands or multi-jurisdictional) and could address one or more of the following key categories, identified as goal areas in FLMA planning documents:

- *Mobility and access* (for example, different modes used to access sites; satisfaction with transportation related services and facilities; use and satisfaction with traveler information; reasons for non-visitation)
- *System management* (for example, support for different management policies)
- *Safety* (for example, safety concerns prior or during trip, safety-related incidents that occurred)
- *Environment* (for example, visitor priorities with respect to natural and cultural resources; perceptions related to sound)
- *Economic development* (for example, amount visitors spend within the area)
- *Visitor/user demographics* (for example, home city and state, age group, gender, race, number of people/vehicles in party)
- *Trip characteristics* (for example, length of trip, trip purpose, activities and destinations)

To ensure anonymity, if any personally-identifiable information (PII) is collected, PII will not be stored with contact information at any time, and contact information will be purged from researchers' files once data collections are complete.

Participation in surveys will be strictly voluntary. The information could be collected by FLMA personnel, or by private contractors, other government agency partners, or universities or other educational institutions conducting the information collection on behalf of the FLMAs. The data collected would provide managers with reliable information to better serve the public, by better-informing strategic planning; allocations of physical, fiscal, or human resources; modification or refinement of various program management goals and objectives or management plan revisions; and future planning efforts focused on developing more effective and efficient delivery of program services, whether on one or several unit(s) or at an interagency, cross-jurisdictional scope. FLMAs may also get requests for this kind of information from the general public and/or a variety of organizations including Congressional staffs, newspapers, magazines, and transportation and/or recreational trade organizations.

Primary analysis of the information could be conducted by FLMA staff or by one or more research station(s), or by private contractors, other government agency partners, or universities or other educational institutions doing the analyses on behalf of the FLMA. All results will be aggregated so specific responses cannot be correlated to specific respondents.

The information collected, including approved survey instruments, final reports, and data will be archived in a shared database that can be accessed by all FLMAs. In this way, FLMAs will be kept informed about the survey efforts of their partner agencies and can use the results to inform the development of their own surveys, thus reducing the duplication of effort and public burden. In addition, analyzed data could be shared among other agencies, stakeholders, educational institutions, interested parties, or the public through written or electronic reports. FLMA units will use this information to inform strategic planning, allocation of resources, revisions of management program goals and objectives, revisions of Land Management Plans, and long-range planning with statistically-reliable, visitor input data necessary to help FLMA units provide their customers with better service and coordinate more effectively across jurisdictions.

Without these joint, coordinated information collections, the FLMAs will continue to lack the information necessary to identify and implement feasible and publicly-accepted transportation and other facility and service improvements to help protect public land resources and enhance visitor experience. These joint information collections will become ever more important as FLMA budgets continue to shrink and demand for access to FLMA recreation sites and opportunities continue to grow. These information collections will directly impact FLMA resources and visitor experience quality, and help the FLMAs meet their various resource, recreation, and transportation management mandates.

Estimate of Annual Burden: Under a generic IC, the number of respondents will differ for each individual survey, depending on the purpose and design of each information collection. Therefore, the number of respondents is necessarily an estimate. The number of responses can be estimated as approximately 70% of the number of respondents approached, based on previous administrations of similar surveys in various FLMA units. Respondents will be asked to respond only one time. Overall, we assume 1200 respondents per survey effort, 10 respondents per focus group effort, 50 respondents per interview effort, and 500 comment cards per comment card effort. The burden of time to respond one time will vary, depending on the methodology employed. Surveys are estimated at approximately 15 minutes per person, based on previous administrations of similar surveys in various FLMA units; focus groups are estimated at 90 minutes per person; interviews are estimated at 30 minutes each; and comment cards are estimated at 3 minutes per person.

Type of Respondents: Visitors or potential visitors to, or residents near, lands managed by one FLMA or by multiple FLMAs in cross-jurisdictional landscapes (*e.g.,* Bureau of Land Management, U.S. Fish and Wildlife Service, National Park Service).

Estimated Annual Number of Respondents: 23,300.

Estimated Annual Number of Responses per Respondent: One.

Estimated Burden per Response: 15 minutes (survey); 90 minutes (focus group); 30 minutes (interview); 3 minutes (comment card)

Estimated Total Annual Burden on Respondents: 5,085 hours.

Comment Is Invited

Comment is invited on:

(1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the FLMAs, including whether the information will have practical or scientific utility;

(2) the accuracy of the FLMAs' estimate of the burden of the collection of information, including the validity of the 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 respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Dated: February 24, 2017.

Lenise Lago,

Deputy Chief, Business Operations.

[FR Doc. 2017–05653 Filed 3–21–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in the Grand Forks, North Dakota, Area; Request for Comments on the Official Agency Servicing This Area

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: The designation of the official agency listed below will end on March 31, 2017. We are asking persons or governmental agencies interested in providing official services in the areas presently served by this agency to submit an application for designation. In addition, we are asking for comments on the quality of services provided by the following designated agency: Northern Plains Grain Inspection Service, Inc. (Northern Plains).

DATES: Applications and comments must be received by April 21, 2017.

ADDRESSES: Submit applications and comments concerning this notice using any of the following methods:

- Applying for Designation on the Internet: Use FGISonline (*https://fgis.gipsa.usda.gov/default_home_FGIS.aspx*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISonline customer number and USDA eAuthentication username and password prior to applying.
- *Submit Comments Using the Internet:* Go to *Regulations.gov*. (*http://www.regulations.gov*). Instructions for submitting and reading comments are detailed on the site.
- *Mail, Courier or Hand Delivery:* Mark Wooden, Compliance Officer, USDA, GIPSA, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153.
- *Fax:* Mark Wooden, 816–872–1257.
- *Email: FGIS.QACD@usda.gov.*

Read Applications and Comments: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

FOR FURTHER INFORMATION CONTACT: Mark Wooden, 816–659–8413 or *FGIS.QACD@usda.gov.*

SUPPLEMENTARY INFORMATION: Section 79(f) of the United States Grain Standards Act (USGSA) authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79 (f)). Under section 79(g) of the USGSA, designations of official agencies are effective for no longer than five years, unless terminated by the Secretary, and may be renewed according to the criteria and procedures prescribed in section 79(f) of the USGSA.

Areas Open for Designation:

Northern Plains

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area in the States of Minnesota and North Dakota is assigned to this official agency.

In Minnesota

Kittson, Roseau, Lake of the Woods, Marshall, Beltrami, Polk, Pennington, Red Lake, and Clearwater Counties.

In North Dakota

Bounded on the north by the North Dakota State line; bounded on the east by the North Dakota State line south to the southern Grand Forks County line; bounded on the south by the southern Grand Forks and Nelson County lines west to the western Nelson County line; the western Nelson County line north to the southern Benson County line, the southern Benson and Pierce County lines west to State Route 3; and bounded on the west by State Route 3 north to the southern Rolette County line; the southern Rolette County line west to the western Rolette County line to the north to the North Dakota State line.

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic areas specified above under the provisions of section 79(f) of the USGSA and 7 CFR 800.196. Designation in the specified geographic areas in Minnesota and North Dakota is for the period beginning April 1, 2017, to March 31, 2022. To apply for designation or to request more information, contact Mark Wooden at the address listed above.

Request for Comments

We are publishing this notice to provide interested persons the opportunity to comment on the quality of services provided by the Northern Plains official agency. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicant. Submit all comments to Mark Wooden at the above address or at *http://www.regulations.gov.*

We consider applications, comments, and other available information when determining which applicants will be designated.

Authority: 7 U.S.C. 71–87k.

Randall D. Jones,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–05618 Filed 3–21–17; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration (GIPSA)

Opportunity for Designation in the Owensboro, Kentucky, Area; Request for Comments on the Official Agency Servicing This Area

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: The designation of the official agency listed below will end on March 31, 2017. We are asking persons or governmental agencies interested in providing official services in the areas presently served by this agency to submit an application for designation. In addition, we are asking for comments on the quality of services provided by the following designated agency: J.W. Barton Grain Inspection Service, Inc. (Barton).

DATES: Applications and comments must be received by April 21, 2017.

ADDRESSES: Submit applications and comments concerning this notice using any of the following methods:

- *Applying for Designation on the Internet:* Use FGISonline (*https://fgis.gipsa.usda.gov/default_home_FGIS.aspx*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISonline customer number and USDA eAuthentication username and password prior to applying.
- *Submit Comments Using the Internet:* Go to *Regulations.gov* (*http://www.regulations.gov*). Instructions for submitting and reading comments are detailed on the site.
- *Mail, Courier or Hand Delivery:* Mark Wooden, Compliance Officer, USDA, GIPSA, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153.
- *Fax:* Mark Wooden, 816–872–1257.
- *Email: FGIS.QACD@usda.gov.*

All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

FOR FURTHER INFORMATION CONTACT: Mark Wooden, 816–659–8413 or *FGIS.QACD@usda.gov*.

SUPPLEMENTARY INFORMATION: Section 79(f) of the United States Grain Standards Act (USGSA) authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79(f)). Under section 79(g) of the USGSA, designations of official agencies are effective for no longer than five years, unless terminated by the Secretary, and may be renewed according to the criteria and procedures prescribed in section 79(f) of the USGSA.

Areas Open for Designation

Barton

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area in the States of Indiana, Kentucky, and Tennessee is assigned to this official agency.

In Indiana

Clark, Crawford, Floyd, Harrison, Jackson, Jennings, Jefferson, Lawrence, Martin, Orange, Perry, Scott, Spencer, and Washington Counties.

In Kentucky

Bounded on the north by the northern Daviess, Hancock, Breckinridge, Meade, Hardin, Jefferson, Oldham, Trimble, and Carroll County lines; bounded on the east by the eastern Carroll, Henry, Franklin, Scott, Fayette, Jessamine, Woodford, Anderson, Nelson, Larue, Hart, Barren, and Allen County lines; bounded on the south by the southern Allen and Simpson County lines; and bounded on the west by the western Simpson and Warren County lines; the southern Butler and Muhlenberg County lines; the Muhlenberg County line west to the Western Kentucky Parkway; the Western Kentucky Parkway west to State Route 109; State Route 109 north to State Route 814; State Route 814 north to U.S. Route Alternate 41; U.S. Route Alternate 41 north to the Webster County line; the northern Webster County line; the western McLean and Daviess County lines.

In Tennessee

Bounded on the north by the northern Tennessee State line from Sumner County east; bounded on the east by the eastern Tennessee State line southwest; bounded on the south by the southern Tennessee State line west to the western Giles County line; and bounded on the west by the western Giles, Maury, and Williamson County lines North; the northern Williamson County line east; the western Rutherford, Wilson, and Sumner County lines north.

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic areas specified above under the provisions of section 79(f) of the USGSA and 7 CFR 800.196. Designation in the specified geographic areas in Indiana, Kentucky, and Tennessee is for the period beginning April 1, 2017, to March 31, 2022. To apply for designation or to request more information, contact Mark Wooden at the address listed above.

Request for Comments

We are publishing this notice to provide interested persons the opportunity to comment on the quality of services provided by the Barton official agency. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicant. Submit all comments to Mark Wooden at the above address or at *http://www.regulations.gov.*

We consider applications, comments, and other available information when determining which applicants will be designated.

Authority: 7 U.S.C. 71–87k.

Randall D. Jones,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–05616 Filed 3–21–17; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in the Sioux City, Iowa, Area; Request for Comments on the Official Agency Servicing This Area

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: The designation of the official agency listed below will end on March 31, 2017. We are asking persons or governmental agencies interested in providing official services in the areas presently served by this agency to submit an application for designation. In addition, we are asking for comments on the quality of services provided by the following designated agency: Sioux City Inspection and Weighing Service Company (Sioux City).

DATES: Applications and comments must be received by April 21, 2017.

ADDRESSES: Submit applications and comments concerning this notice using any of the following methods:

- *Applying for Designation on the Internet:* Use FGISonline (*https://fgis.gipsa.usda.gov/default_home_FGIS.aspx*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISonline customer number and USDA eAuthentication username and password prior to applying.
- *Submit Comments Using the Internet:* Go to *Regulations.gov.*
- (*http://www.regulations.gov*). Instructions for submitting and reading comments are detailed on the site.
- *Mail, Courier or Hand Delivery:* Jacob Thein, Compliance Officer, USDA, GIPSA, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153
- *Fax:* Jacob Thein, 816–872–1257
- *Email: FGIS.QACD@usda.gov.*

READ APPLICATIONS AND COMMENTS:

All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

FOR FURTHER INFORMATION CONTACT: Jacob Thein, 816–866–2223 or *FGIS.QACD@usda.gov*

SUPPLEMENTARY INFORMATION: Section 79(f) of the United States Grain Standards Act (USGSA) authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79 (f)). Under section 79(g) of the USGSA, designations of official agencies are effective for no longer than five years, unless terminated by the Secretary, and may be renewed according to the criteria and procedures prescribed in section 79(f) of the USGSA.

Areas Open for Designation

Sioux City

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area in the States of Iowa, Minnesota, Nebraska, and South Dakota is assigned to this official agency.

In Iowa

Bounded on the north by the northern Iowa State line from the Big Sioux River east to U. S. Route 169; bounded on the

east by U.S. Route 169 south to State Route 9; State Route 9 west to U.S. Route 169; U.S. Route 169 south to the northern Humboldt County line; the Humboldt County line east to State Route 17; State Route 17 south to C54; C54 east to U.S. Route 69; U.S. Route 69 south to the northern Hamilton County line; northern Hamilton County line east to Interstate 35; Interstate 35 northeast to C55; C55 east to S41; S41 north to State Route 3; State Route 3 to east U.S. Route 65; U.S. Route 65 north to C25; C25 east to S56; S56 north to C23; C23 east to T47; T47 south to C33; C33 east to T64; T64 north to B60; B60 east to U.S. Route 218; U.S. Route 218 north to Chickasaw County; the western Chickasaw County line; and the western and northern Howard County lines. Bounded on the East by the Eastern Howard and Chickasaw County lines; the eastern and southern Bremer County lines; V49 south to D38; D38 west to State Route 21; State Route 21 south to State Route 8; State Route 8 west to U.S. Route 63; U.S. Route 63 south to Interstate 80; Interstate 80 east to the Poweshiek County line; the eastern Poweshiek, Mahaska, Monroe, and Appanoose County lines; bounded on the south by the southern Appanoose, Wayne, Decatur, Ringgold, and Taylor County lines; bounded on the west by the western Taylor County line; the southern Montgomery County line west to State Route 48; State Route 48 north to M47; M47 north to the Montgomery County line; the northern Montgomery County line; the western Cass and Audubon County Lines; the northern Audubon County line east to U.S. Route 71; U.S. Route 71 north to the southern Sac and Ida County lines; the eastern Monona County line south to State Route 37; State Route 37 west to State Route 175; State Route 175 west to the Missouri River; and bounded on the west by the Missouri River north to the Big Sioux River; the Big Sioux River north to the northern Iowa State line.

In Minnesota

Yellow Medicine, Renville, Lincoln, Lyon, Redwood, Pipestone, Murray, Cottonwood, Rock, Nobles, Jackson, and Martin Counties.

In Nebraska

Cedar, Dakota, Dixon, Pierce (north of U.S. Route 20), and Thurston Counties.

In South Dakota

Bounded on the North by State Route 44 (U.S. 18) east to State Route 11; State Route 11 south to A54B; A54B east to the Big Sioux River; bounded on the east by the Big Sioux River; and bounded on the south and west by the Missouri River. The following grain elevators are part of this geographic area assignment. In D. R. Schaal Agency's area: Maxyield Coop, Algona, Kossuth County; Stateline Coop, Burt, Kossuth County; Gold-Eagle, Goldfield, Wright County; and North Central Coop, Holmes, Wright County, Iowa; Agvantage F.S., Chapin, Franklin County and Five Star Coop, Rockwell, Cerro Gordo County, Iowa.

The following grain elevators are not part of this geographic area assignment and are assigned to: Omaha Grain Inspection Service, Inc.: Scoular Elevator, Elliot, Montgomery County and two Scoular elevators, Griswold, Cass County, Iowa.

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic areas specified above under the provisions of section 79(f) of the USGSA and 7 CFR 800.196. Designation in the specified geographic areas in Iowa, Minnesota, Nebraska, and South Dakota is for the period beginning April 1, 2017, to March 31, 2022. To apply for designation or to request more information, contact Jacob Thein at the address listed above.

Request for Comments

We are publishing this notice to provide interested persons the opportunity to comment on the quality of services provided by the Sioux City official agency. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicant. Submit all comments to Jacob Thein at the above address or at *http://www.regulations.gov.*

We consider applications, comments, and other available information when determining which applicants will be designated.

Authority: 7 U.S.C. 71–87k.

Randall D. Jones,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–05617 Filed 3–21–17; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration (GIPSA)

Opportunity for Designation in the Bloomington, Illinois, Area; Request for Comments on the Official Agency Servicing This Area

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: The designation of the official agency listed below will end on March 31, 2017. We are asking persons or governmental agencies interested in providing official services in the areas presently served by this agency to submit an application for designation. In addition, we are asking for comments on the quality of services provided by the following designated agency: Central Illinois Grain Inspection, Inc. (Central Illinois).

DATES: Applications and comments must be received by April 21, 2017.

ADDRESSES: Submit applications and comments concerning this notice using any of the following methods:

- *Applying for Designation on the Internet*: Use FGISonline (*https://fgis.gipsa.usda.gov/default_home_FGIS.aspx*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISonline customer number and USDA eAuthentication username and password prior to applying.
- *Submit Comments Using the Internet:* Go to *Regulations.gov* (*http://www.regulations.gov*). Instructions for submitting and reading comments are detailed on the site.
- *Mail, Courier or Hand Delivery:* Sharon Lathrop, Compliance Officer, USDA, GIPSA, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153.
- *Fax*: Sharon Lathrop, 816–872–1257.
- *Email: FGIS.QACD@usda.gov*.

All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

FOR FURTHER INFORMATION CONTACT: Sharon Lathrop, 816–891–0415 or *FGIS.QACD@usda.gov*.

SUPPLEMENTARY INFORMATION: Section 79(f) of the United States Grain Standards Act (USGSA) authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any

other applicant to provide such official services (7 U.S.C. 79(f)). Under section 79(g) of the USGSA, designations of official agencies are effective for no longer than five years, unless terminated by the Secretary, and may be renewed according to the criteria and procedures prescribed in section 79(f) of the USGSA.

Areas Open for Designation

Central Illinois

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area in the State of Illinois is assigned to this official agency.

In Illinois

Bounded on the north by State Route 18 east to U.S. Route 51; U.S. Route 51 south to State Route 17; State Route 17 east to Livingston County; and the Livingston County line east to State Route 47; bounded on the east by State Route 47 south to State Route 116; State Route 116 west to Pontiac, which intersects with a straight line running north and south through Arrowsmith to the southern McLean County line; the southern McLean County line east to the eastern DeWitt County line; the eastern DeWitt County Line; the eastern Macon County line south to Interstate 72; Interstate 72 northeast to the eastern Piatt County line; the eastern Piatt, Moultrie, and Shelby County lines; bounded on the south by the southern Shelby County line; and a straight line running along the southern Montgomery County line west to State Route 16 to a point approximately one mile northeast of Irving; and bounded on the west by a straight line from this point northeast to Stonington on State Route 48; a straight line from Stonington northwest to Elkhart on Interstate 55; a straight line from Elkhart northeast to the west side of Beason on State Route 10; State Route 10 west to the Logan County line; the western Logan County line; the southern Tazewell County line; the western Tazewell County line; the western Peoria County line north to Interstate 74; Interstate 74 southeast to State Route 116; State Route 116 north to State Route 26; and State Route 26 north to State Route 18.

The following grain elevators are not part of this geographic area assignment and are assigned to: Champaign-Danville Grain Inspection Departments, Inc.: East Lincoln Farmers Grain Co., Lincoln, Logan County, Illinois; Okaw Cooperative, Cadwell, Moultrie County; ADM (3 elevators), Farmer City, Dewitt County; and Topflight Grain Company, Monticello, Piatt County, Illinois.

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic areas specified above under the provisions of section 79(f) of the USGSA and 7 CFR 800.196. Designation in the specified geographic areas in Illinois is for the period beginning April 1, 2017, to March 31, 2022. To apply for designation or to request more information, contact Sharon Lathrop at the address listed above.

Request for Comments

We are publishing this notice to provide interested persons the opportunity to comment on the quality of services provided by the Central Illinois official agency. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicant. Submit all comments to Sharon Lathrop at the above address or at *http://www.regulations.gov.*

We consider applications, comments, and other available information when determining which applicants will be designated.

Authority: 7 U.S.C. 71–87k.

Randall D. Jones,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–05619 Filed 3–21–17; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in the Plainview, Texas, Area; Request for Comments on the Official Agency Servicing This Area

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: The designation of the official agency listed below will end on March 31, 2017. We are asking persons or governmental agencies interested in providing official services in the areas presently served by this agency to submit an application for designation. In addition, we are asking for comments on the quality of services provided by the following designated agency: Plainview Grain Inspection and Weighing Service, Inc. (Plainview).

DATES: Applications and comments must be received by April 21, 2017.

ADDRESSES: Submit applications and comments concerning this notice using any of the following methods:

- *Applying for Designation on the Internet:* Use FGISonline (*https://fgis.gipsa.usda.gov/default_home_FGIS.aspx*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISonline customer number and USDA eAuthentication username and password prior to applying.
- *Submit Comments Using the Internet:* Go to *Regulations.gov* (*http://www.regulations.gov*). Instructions for submitting and reading comments are detailed on the site.
- *Mail, Courier or Hand Delivery:* Jacob Thein, Compliance Officer, USDA, GIPSA, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153.
- *Fax:* Jacob Thein, 816–872–1257.
- *Email: FGIS.QACD@usda.gov.*

All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

FOR FURTHER INFORMATION CONTACT: Jacob Thein, 816–866–2223 or *FGIS.QACD@usda.gov.*

SUPPLEMENTARY INFORMATION: Section 79(f) of the United States Grain Standards Act (USGSA) authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79 (f)). Under section 79(g) of the USGSA, designations of official agencies are effective for no longer than five years, unless terminated by the Secretary, and may be renewed according to the criteria and procedures prescribed in section 79(f) of the USGSA.

Areas Open for Designation

Plainview

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area in the State of Texas is assigned to this official agency.

In Texas

Bounded on the north by the northern Deaf Smith County line east to U.S. Route 385; U.S. Route 385 south to FM 1062; FM 1062 east to State Route 217; State Route 217 east to Prairie Dog Town Fork of the Red River; Prairie Dog Town Fork of the Red River southeast to the Briscoe County line; the northern Briscoe County line; the northern Hall County line east to U.S. Route 287; U.S. Route 287 southeast to the eastern Hall

County line south to the northern Cottle County line; the northern Cottle County line east to the northern Hardeman County line; bounded on the east by the eastern Hardeman and Fourd County lines to the northern Baylor and Archer County lines to the eastern Archer, Throckmorton, Shacklelford, and Callahan County lines; bounded on the south by the southern Calahan, Taylor, Nolan, Mitchell, Howard, Martin, and Andrews County lines; and bounded on the west by the western Andrews, Gaines, and Yoakum County lines; the northern Yoakum and Terry county lines; the western Lubbock County line; the western Hale County line north to FM 37; FM 37 west to U.S. Route 84; U.S. Route 84 northwest to FM 303; FM 303 north to U.S. Route 70; U.S. Route 70 west to the Lamb County line; the western and northern Lamb County lines; the western Castro County line; the southern Deaf Smith County line west to State Route 214; State Route 214 north to the northern Deaf Smith County line.

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic areas specified above under the provisions of section 79(f) of the USGSA and 7 CFR 800.196. Designation in the specified geographic area in Texas is for the period beginning April 1, 2017 to March 31, 2022. To apply for designation or to request more information, contact Jacob Thein at the address listed above.

Request for Comments

We are publishing this notice to provide interested persons the opportunity to comment on the quality of services provided by the Plainview official agency. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicant. Submit all comments to Jacob Thein at the above address or at *http://www.regulations.gov.*

We consider applications, comments, and other available information when determining which applicants will be designated.

Authority: 7 U.S.C. 71–87k.

Randall D. Jones,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–05620 Filed 3–21–17; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Inviting Applications for Rural Cooperative Development Grants

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces that the Rural Business-Cooperative Service (Agency) is accepting fiscal year (FY) 2017 applications for the Rural Cooperative Development Grant (RCDG) program. This Notice is being issued prior to enactment of a full year appropriation act for Fiscal Year (FY) 2017. The RCDG program is authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (CONACT) as amended by the Agricultural Act of 2014. The purpose of announcing the RCDG program prior to the enactment of full year appropriations is to provide applicants sufficient time to prepare and submit their applications in response to this solicitation and to provide the Agency time to process applications within FY 2017. Expenses incurred in developing applications will be at the applicant's risk.

The purpose of this program is to provide financial assistance to improve the economic condition of rural areas through cooperative development. Eligible applicants include a non-profit corporation or an institution of higher education.

DATES: Completed applications must be submitted on paper or electronically according to the following deadlines:

Paper applications must be postmarked and mailed, shipped, or sent overnight no later than June 2, 2017. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. Late applications are not eligible for funding under this Notice and will not be evaluated.

Electronic applications must be received by May 26, 2017, to be eligible for grant funding. Please review the *Grants.gov* Web site at *http://grants.gov/applicants/organization_registration.jsp.* For instructions on the process of registering your organization as soon as possible to ensure you are able to meet the electronic application deadline. Late applications are not eligible for funding under this Notice and will not be evaluated.

ADDRESSES: You should contact a USDA Rural Development State Office (State Office) if you have questions. You are encouraged to contact your State Office well in advance of the application deadline to discuss your project and ask any questions about the application process. Contact information for State Offices can be found at *http://www.rd.usda.gov/contact-us/state-offices.*

Program guidance as well as application and matching funds templates may be obtained at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.* If you want to submit an electronic application, follow the instructions for the RCDG funding announcement located at *http://www.grants.gov.* If you want to submit a paper application, send it to the State Office located in the State where you are headquartered. If you are headquartered in Washington, DC please contact the Grants Division, Cooperative Programs, Rural Business-Cooperative Service, at (202) 690–1374 for guidance on where to submit your application.

FOR FURTHER INFORMATION CONTACT: Grants Division, Cooperative Programs, Rural Business-Cooperative Service, United States Department of Agriculture, 1400 Independence Avenue, SW., Mail Stop-3253, Room 4208-South, Washington, DC 20250–3253, (202) 690–1374.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Business-Cooperative Service.

Funding Opportunity Title: Rural Cooperative Development Grants.

Announcement Type: Initial Notice.

Catalog of Federal Domestic Assistance Number: 10.771.

Date: Application Deadline. Paper applications must be postmarked, mailed, shipped, or sent overnight no later than June 2, 2017, or it will not be considered for funding. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. Electronic applications must be received by *http://www.grants.gov* no later than midnight Eastern Time May 26, 2017, or it will not be considered for funding.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act, the paperwork burden associated with this Notice has been approved by the Office of Management and Budget (OMB) under OMB Control Number 0570–0006.

A. Program Description

The RCDG program is authorized under section 310B(e) of the

Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. 1932 (e)) as amended by the Agricultural Act of 2014 (Pub. L. 113–79). You are required to comply with the regulations for this program published at 7 CFR part 4284, subparts A and F, which are incorporated by reference in this Notice. Therefore, you should become familiar with these regulations. The primary objective of the RCDG program is to improve the economic condition of rural areas through cooperative development. Grants are awarded on a competitive basis. The maximum award amount per grant is $200,000. Grants are available for non-profit corporations or higher education institutions only. Grant funds may be used to pay for up to 75 percent of the cost of establishing and operating centers for rural cooperative development. Grant funds may be used to pay for 95 percent of the cost of establishing and operating centers for rural cooperative development, when the applicant is a 1994 Institution as defined by 7 U.S.C. 301. The 1994 Institutions are commonly known as Tribal Land Grant Institutions. Centers may have the expertise on staff or they can contract out for the expertise, to assist individuals or entities in the startup, expansion or operational improvement of rural businesses, especially cooperative or mutually-owned businesses.

Definitions

The terms you need to understand are defined and published at 7 CFR 4284.3 and 7 CFR 4284.504. In addition, the terms ''rural'' and ''rural area,'' defined at section 343(a) (13) of the CONACT (7 U.S.C. 1991(a)), are incorporated by reference, and will be used for this program instead of those terms currently published at 7 CFR 4284.3. The term ''you'' referenced throughout this Notice should be understood to mean ''you'' the applicant. Finally, there has been some confusion on the Agency's meaning of the terms ''conflict of interest'' and ''mutually-owned business,'' because they are not defined in the CONACT or in the regulations used for the program. Therefore, the terms are clarified and should be understood as follows.

Conflict of interest—A situation in which a person or entity has competing personal, professional, or financial interests that make it difficult for the person or business to act impartially. Regarding use of both grant and matching funds, Federal procurement standards prohibit transactions that involve a real or apparent conflict of interest for owners, employees, officers, agents, or their immediate family members having a financial or other interest in the outcome of the project; or that restrict open and free competition for unrestrained trade. Specifically, project funds may not be used for services or goods going to, or coming from, a person or entity with a real or apparent conflict of interest, including, but not limited to, owner(s) and their immediate family members. An example of conflict of interest occurs when the grantee's employees, board of directors, or the immediate family of either, have the appearance of a professional or personal financial interest in the recipients receiving the benefits or services of the grant.

Mutually-owned business—An organization owned and governed by members who either are its consumers, producers, employees, or suppliers.

B. Federal Award Information

Type of Award: Competitive Grant.
Fiscal Year Funds: FY 2017.
Total Funding: To be determined.
Maximum Award: $200,000.
Anticipated Award Date: September 29, 2017.

C. Eligibility Information

Applicants must meet all of the following eligibility requirements. Applications which fail to meet any of these requirements by the application deadline will be deemed ineligible and will not be evaluated further.

1. Eligible Applicants

You must be a nonprofit corporation or an institution of higher education to apply for this program. Public bodies and individuals cannot apply for this program. See 7 CFR 4284.507. You must also meet the following requirements:

a. An applicant is ineligible if they have been debarred or suspended or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, ''Debarment and Suspension.'' The Agency will check the System for Award Management (SAM) to determine if the applicant has been debarred or suspended. In addition, an applicant will be considered ineligible for a grant due to an outstanding judgment obtained by the U.S. in a Federal Court (other than U.S. Tax Court), is delinquent on the payment of Federal income taxes, or is delinquent on Federal debt. See 7 CFR 4284.6. The applicant must certify as part of the application that they do not have an outstanding judgment against them. The Agency will check the Credit Alert Interactive Voice Response System (CAIVRS) to verify this.

b. Any corporation that has been convicted of a felony criminal violation under any Federal law within the past 24 months or that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, is not eligible for financial assistance provided with funds appropriated by the Consolidated Appropriations Act, 2016 (Pub. L. 114–113), unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government. Applicants will be required to complete Form AD–3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' if you are a corporation.

c. Applications will be deemed ineligible if the application includes any funding restrictions identified under Section D.6. a and b. Inclusion of funding restrictions outlined in Section D.6. a. and b. precludes the agency from making a federal award.

d. Applications will be deemed ineligible if the application is not complete in accordance with the requirements stated in Section C.3.e., and will not be reviewed.

2. Cost Sharing or Matching

Your matching funds requirement is 25 percent of the total project cost (5 percent for 1994 Institutions). See 7 CFR 4284.508. When you calculate your matching funds requirement, please round up or down to whole dollars as appropriate. An example of how to calculate your matching funds is as follows:

a. Take the amount of grant funds you are requesting and divide it by .75. This will give you your total project cost.

Example: $200,000 (grant amount)÷.75 (percentage for use of grant funds) = $266,667 (total project cost).

b. Subtract the amount of grant funds you are requesting from your total project cost. This will give you your matching funds requirement.

Example: $266,667 (total project cost) − $200,000 (grant amount) = $66,667 (matching funds requirement).

c. A quick way to double check that you have the correct amount of matching funds is to take your total project cost and multiply it by .25.

Example: $266,667 (total project cost) × .25 (maximum percentage of matching

funds requirement) = $66,667 (matching funds requirement).

You must verify that all matching funds are available during the grant period and provide this documentation with your application in accordance with requirements identified in Section D.2.e.8. If you are awarded a grant, additional verification documentation may be required to confirm the availability of matching funds.

Other rules for matching funds that you must follow are listed below.

- They must be spent on eligible expenses during the grant period.
- They must be from eligible sources.
- They must be spent in advance or as a pro-rata portion of grant funds being spent.
- They must be provided by either the applicant or a third party in the form of cash or an in-kind contribution.
- They cannot include board/advisory council members' time.
- They cannot include other Federal grants unless provided by authorizing legislation.
- They cannot include cash or in-kind contributions donated outside the grant period.
- They cannot include over-valued, in-kind contributions.
- They cannot include any project costs that are ineligible under the RCDG program.
- They cannot include any project costs that are unallowable under the applicable grant ''Cost Principles,'' including 2 CFR part 200, subpart E, and the Federal Acquisition Regulation (for-profits) or successor regulation.
- They can include loan funds from a Federal source.
- They can include travel and incidentals for board/advisory council members if you have established written policies explaining how these costs are normally reimbursed, including rates. You must include an explanation of this policy in your application or the contributions will not be considered as eligible matching funds.
- You must be able to document and verify the number of hours worked and the value associated with any in-kind contribution being used to meet a matching funds requirement.
- In-kind contributions provided by individuals, businesses, or cooperatives which are being assisted by you cannot be provided for the direct benefit of their own projects as USDA Rural Development considers this to be a conflict of interest or the appearance of a conflict of interest.

3. Other Eligibility Requirements

a. Purpose Eligibility

Your application must propose the establishment or continuation of a cooperative development center concept. You must use project funds, including grant and matching funds for eligible purposes only (see 7 CFR 4284.508). In addition, project funds may be used for programs providing for the coordination of services and sharing of information among the centers (see 7 U.S.C. 1932(e) (4) (C) (vi)).

b. Project Eligibility

All project activities must be for the benefit of a rural area.

c. Multiple Application Eligibility

Only one application can be submitted per applicant. If two applications are submitted (regardless of the applicant name) that include the same Executive Director and/or advisory boards or committees of an existing center, both applications will be determined not eligible for funding.

d. Grant Period

Your application must include a one-year grant period or it will not be considered for funding. The grant period should begin no earlier than October 1, 2017, and no later than January 1, 2018. Prior approval is needed from the Agency if you are awarded a grant and desire the grant period to begin earlier or later than previously discussed. Projects must be completed within a one-year timeframe. The Agency may approve requests to extend the grant period for up to an additional 12 months at its discretion. Further guidance on grant period extensions will be provided in the award document.

e. Completeness

Your application will not be considered for funding if it fails to meet an eligibility criterion by time of application deadline and does not provide sufficient information to determine eligibility and scoring. In particular, you must include all of the forms and proposal elements as discussed in the regulation and as clarified further in this Notice. Incomplete applications will not be reviewed by the Agency. For more information on what is required for an application, see 7 CFR 4284.510.

f. Satisfactory Performance

If you have an existing RCDG award, you must discuss the status of your existing RCDG award at application time under the Eligibility Discussion. You must be performing satisfactorily to be considered eligible for a new award. Satisfactory performance includes being up-to-date on all financial and performance reports and being current on all tasks as approved in the work plan. The Agency will use its discretion to make this determination. In addition, if you have an existing award from the Socially-Disadvantaged Groups Grant (SDGG) program, you must discuss the status of your existing SDGG award at application time under Eligibility Discussion and be performing satisfactorily to be considered for a new RCDG award.

g. Indirect Costs

Your negotiated indirect cost rate approval does not need to be included in your application, but you will be required to provide it if a grant is awarded. Approval for indirect costs that are requested in an application without an approved indirect cost rate agreement is at the discretion of the Agency.

D. Application and Submission Information

1. Address To Request Application Package

For further information, you should contact your State Office at *http://www.rd.usda.gov/contact-us/state-offices.* Program materials may also be obtained at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.* You may also obtain a copy by calling 202–690–1374.

2. Content and Form of Application Submission

You may submit your application in paper form or electronically through *Grants.gov*. If you submit in paper form, any forms requiring signatures must include an original signature.

a. Electronic Submission

To submit an application electronically, you must use the *Grants.gov* Web site at *http://www.Grants.gov*. You may not submit an application electronically in any way other than through *Grants.gov*.

You can locate the *Grants.gov* downloadable application package for this program by using a keyword, the program name, or the Catalog of Federal Domestic Assistance Number for this program.

When you enter the *Grants.gov* Web site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

To use *Grants.gov*, you must already have a DUNS number and you must also be registered and maintain registration in SAM. We strongly recommend that you do not wait until the application deadline date to begin the application process through *Grants.gov*.

You must submit all of your application documents electronically through *Grants.gov*. Applications must include electronic signatures. Original signatures may be required if funds are awarded.

After electronically submitting an application through *Grants.gov*, you will receive an automatic acknowledgement from *Grants.gov* that contains a *Grants.gov* tracking number.

b. Paper Submission

If you want to submit a paper application, send it to the State Office located in the State where your project will primarily take place. You can find State Office Contact information at: *http://www.rd.usda.gov/contact-us/state-offices.* An optional-use Agency application template is available online at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.*

c. Supplemental Information

Your application must contain all of the required forms and proposal elements described in 7 CFR 4284.510 and as otherwise clarified in this Notice. Specifically, your application must include: (1) The required forms as described in 7 CFR 4284.510(b) and (2) the required proposal elements as described in 7 CFR 4284.510(c). If your application is incomplete, it is ineligible to compete for funds. Applications lacking sufficient information to determine eligibility and scoring will be considered ineligible. Information submitted after the application deadline will not be accepted. You are encouraged, but not required to utilize the application template found at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.*

d. Clarifications on Forms

• Standard Form (SF) 424—Your DUNS number should be identified in the ''Organizational DUNS'' field on SF 424, ''Application for Federal Assistance.'' Since there are no specific fields for a Commercial and Government Entity (CAGE) code and expiration date, you may identify them anywhere you want to on Form SF 424. In addition, you should provide the DUNS number and the CAGE code and expiration date under the applicant eligibility discussion in your proposal narrative. If you do not include the CAGE code and expiration date and the DUNS number in your application, it will not be considered for funding.

• Form AD–3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' if you are a corporation. A corporation is any entity that has filed articles of incorporation in one of the 50 States, the District of Columbia, the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands, or the various territories of the United States including American Samoa, Guam, Midway Islands, the Commonwealth of the Northern Mariana Islands, Puerto Rico, or the U.S. Virgin Islands. Corporations include both for profit and non-profit entities.

• You can voluntarily fill out and submit the ''Survey on Ensuring Equal Opportunity for Applicants,'' as part of your application if you are a nonprofit organization.

e. Clarifications on Proposal Elements

1. You must include the title of the project as well as any other relevant identifying information on the Title Page.

2. You must include a Table of Contents with page numbers for each component of the application to facilitate review.

3. Your Executive Summary must include the items in 7 CFR 4284.510(c)(3), and also discuss the percentage of work that will be performed among organizational staff, consultants, or other contractors. It should not exceed two pages.

4. Your Eligibility Discussion must not exceed two pages and cover how you meet the eligibility requirements for applicant, matching funds, other eligibility requirements and grant period. If you have an existing RCDG or the Socially-Disadvantaged Groups Grant (SDGG) program, you must discuss the current status of those award(s) under grant period eligibility.

5. Your Proposal Narrative must not exceed 40 pages and should describe the essential aspects of the project.

i. You are only required to have one title page for the proposal.

ii. If you list the evaluation criteria on the Table of Contents and specifically and individually address each criterion in narrative form, then it is not necessary for you to include an Information Sheet. Otherwise, the Information Sheet is required under 7 CFR 4284.510(c)(ii).

iii. You should include the following under Goals of the Project:

A. A statement that substantiates that the Center will effectively serve rural areas in the United States;

B. A statement that the primary objective of the Center will be to improve the economic condition of rural areas through cooperative development;

C. A description of the contributions that the proposed activities are likely to make to the improvement of the economic conditions of the rural areas for which the Center will provide services. Expected economic impacts should be tied to tasks included in the work plan and budget; and

D. A statement that the Center, in carrying out its activities, will seek, where appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal government, and State and local governments.

iv. The Agency has established annual performance evaluation measures to evaluate the RCDG program. You must provide estimates on the following performance evaluation measures.

• Number of groups who are not legal entities assisted.
• Number of businesses that are not cooperatives assisted.
• Number of cooperatives assisted.
• Number of businesses incorporated that are not cooperatives.
• Number of cooperatives incorporated.
• Total number of jobs created as a result of assistance.
• Total number of jobs saved as a result of assistance.
• Number of jobs created for the Center as a result of RCDG funding.
• Number of jobs saved for the Center as a result of RCDG funding.

It is permissible to have a zero in a performance element. When you calculate jobs created, estimates should be based upon actual jobs to be created by your organization as a result of the RCDG funding or actual jobs to be created by cooperative businesses or other businesses as a result of assistance from your organization. When you calculate jobs saved, estimates should be based only on actual jobs that would have been lost if your organization did not receive RCDG funding or actual jobs that would have been lost without assistance from your organization.

v. You can also suggest additional performance elements for example where job creation or jobs saved may not be a relevant indicator (*e.g.* housing). These additional criteria should be specific, measurable performance elements that could be included in an award document.

vi. You must describe in the application how you will undertake to

do each of the following. We would prefer if you described these undertakings within proposal evaluation criteria to reduce duplication in your application. The specific proposal evaluation criterion where you should address each undertaking is noted below.

A. Take all practicable steps to develop continuing sources of financial support for the Center, particularly from sources in the private sector (should be presented under proposal evaluation criterion j., utilizing the specific requirements of Section E.1.j.);

B. Make arrangements for the Center's activities to be monitored and evaluated (should be addressed under proposal evaluation criterion number h. utilizing the specific requirements of Section E.1.h.); and

C. Provide an accounting for the money received by the grantee in accordance with 7 CFR part 4284, subpart F. This should be addressed under proposal evaluation criterion number a., utilizing the specific requirements of Section E.1.a.

vii. You should present the Work Plan and Budget proposal element under proposal evaluation criterion number h., utilizing the specific requirements of Section E.1.h. of this Notice to reduce duplication in your application.

viii. You should present the Delivery of Cooperative development assistance proposal element under proposal evaluation criterion number b., utilizing the specific requirements of Section E.1.b. of this Notice.

ix. You should present the Qualifications of Personnel proposal element under proposal evaluation criterion number i., utilizing the specific requirements of Section E.1.i. of this Notice.

x. You should present the Local Support and Future Support proposal elements under proposal evaluation criterion number j., utilizing the requirements of Section E.1.j. of this Notice.

xi. Your application will not be considered for funding if you do not address all of the proposal evaluation criteria. See Section E.1. of this Notice for a description of the proposal evaluation criteria.

xii. Only appendices A–C will be considered when evaluating your application. You must not include resumes of staff or consultants in the application.

6. You must certify that there are no current outstanding Federal judgments against your property and that you will not use grant funds to pay for any judgment obtained by the United States. To satisfy the Certification requirement, you should include this statement in your application: ''[INSERT NAME OF APPLICANT] certifies that the United States has not obtained an unsatisfied judgment against its property, is not delinquent on the payment of Federal income taxes, or any Federal debt, and will not use grant funds to pay any judgments obtained by the United States.'' A separate signature is not required.

7. You must certify that matching funds will be available at the same time grant funds are anticipated to be spent and that expenditures of matching funds are pro-rated or spent in advance of grant funding, such that for every dollar of the total project cost, not less than the required amount of matching funds will be expended. Please note that this Certification is a separate requirement from the Verification of Matching Funds requirement. To satisfy the Certification requirement, you should include this statement in your application: ''[INSERT NAME OF APPLICANT] certifies that matching funds will be available at the same time grant funds are anticipated to be spent and that expenditures of matching funds shall be pro-rated or spent in advance of grant funding, such that for every dollar of the total project cost, at least 25 cents (5 cents for 1994 Institutions) of matching funds will be expended.'' A separate signature is not required.

8. You must provide documentation in your application to verify all of your proposed matching funds. The documentation must be included in Appendix A of your application and will not count towards the 40-page limitation. Template letters are available for each type of matching funds contribution at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.*

a. If matching funds are to be provided in cash, you must meet the following requirements.

- *You:* The application must include a statement verifying (1) the amount of the cash and (2) the source of the cash. You may also provide a bank statement dated 30 days or less from the application deadline date to verify your cash match.
- *Third-party:* The application must include a signed letter from the third party verifying (1) how much cash will be donated and (2) that it will be available corresponding to the proposed grant period or donated on a specific date within the grant period.

b. If matching funds are to be provided by an in-kind donation, you must meet the following requirements.

- *You:* The application must include a signed letter from you or your authorized representative verifying (1) the nature of the goods and/or services to be donated and how they will be used, (2) when the goods and/or services will be donated (*i.e.,* corresponding to the proposed grant period or to specific dates within the grant period), and (3) the value of the goods and/or services. Please note that most applicant contributions for the RCDG program are considered applicant cash match in accordance with this Notice. If you are unsure, please contact your State Office because identifying your matching funds improperly can affect your scoring.
- *Third-Party:* The application must include a signed letter from the third party verifying (1) the nature of the goods and/or services to be donated and how they will be used, (2) when the goods and/or services will be donated (*i.e.,* corresponding to the proposed grant period or to specific dates within the grant period), and (3) the value of the goods and/or services.

To ensure that you are identifying and verifying your matching funds appropriately, please note the following:

- If you are paying for goods and/or services as part of the matching funds requirement, the expenditure is considered a cash match, and you must verify it as such. Universities must verify the goods and services they are providing to the project as a cash match and the verification must be approved by the appropriate approval official (*i.e.,* sponsored programs office or equivalent).
- If you have already received cash from a third-party (*i.e.,* Foundation) before the start of your proposed grant period, you must verify this as your own cash match and not as a third-party cash match. If you are receiving cash from a third-party during the grant period, then you must be verifying the cash as a third-party cash match.
- Board resolutions for a cash match must be approved at the time of application.
- You can only consider goods or services for which no expenditure is made as an in-kind contribution.
- If a non-profit or another organization contributes the services of affiliated volunteers, they must follow the third-party, in-kind donation verification requirement for each individual volunteer.
- Expected program income may not be used to fulfill your matching funds requirement at the time you submit your application. However, if you have a contract to provide services in place at the time you submit your application, you can verify the amount of the contract as a cash match.

• The valuation process you use for in-kind contributions does not need to be included in your application, but you must be able to demonstrate how the valuation was derived if you are awarded a grant. The grant award may be withdrawn or the amount of the grant reduced if you cannot demonstrate how the valuation was derived.

Successful applicants must comply with requirements identified in Section F, Federal Award Administration.

3. Dun and Bradstreet Data Universal Numbering System (DUNS) and System for Awards Management (SAM)

In order to be eligible (unless you are excepted under 2 CFR 25.110(b), (c) or (d), you are required to:

(a) Provide a valid DUNS number in your application, which can be obtained at no cost via a toll-free request line at (866) 705–5711;

(b) Register in SAM before submitting your application. You may register in SAM at no cost at *https://www.sam.gov/portal/public/SAM/.* You must provide your SAM Cage Code and expiration date or evidence that you have begun the SAM registration process at time of application, and

(c) Continue to maintain an active SAM registration with current information at all times during which you have an active Federal award or an application or plan under consideration by a Federal awarding agency.

If you have not fully complied with all applicable DUNS and SAM requirements, the Agency may determine that the applicant is not qualified to receive a Federal award and the Agency may use that determination as a basis for making an award to another applicant. Please refer to Section F.2 for additional submission requirements that apply to grantees selected for this program.

4. Submission Dates and Times

Application Deadline Date: June 2, 2017.

Explanation of Deadlines: Complete applications must be submitted on paper or electronically according to the following deadlines:

Paper applications must be postmarked and mailed, shipped, or sent overnight no later than June 2, 2017, to be eligible for grant funding. The Agency will determine whether your application is late based on the date shown on the postmark or shipping invoice. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. If the due date falls on a Saturday, Sunday, or Federal holiday, the reporting package is due the next business day. Late applications will automatically be deemed ineligible.

Electronic applications must be received by *http://www.grants.gov* no later than midnight Eastern Time May 26, 2017, to be eligible for grant funding. Please review the *Grants.gov* Web site at *http://grants.gov/applicants/organization_registration.jsp* for instructions on the process of registering your organization as soon as possible to ensure you are able to meet the electronic application deadline. *Grants.gov* will not accept applications submitted after the deadline.

5. Intergovernmental Review of Applications

Executive Order (E.O.) 12372, ''Intergovernmental Review of Federal Programs,'' applies to this program. This E.O. requires that Federal agencies provide opportunities for consultation on proposed assistance with State and local governments. Many States have established a Single Point of Contact (SPOC) to facilitate this consultation. For a list of States that maintain a SPOC, please see the White House Web site: *http://www.whitehouse.gov/omb/grants_spoc.* If your State has a SPOC, you may submit a copy of the application directly for review. Any comments obtained through the SPOC must be provided to your State Office for consideration as part of your application. If your State has not established a SPOC, or if you do not want to submit a copy of the application, our State Offices will submit your application to the SPOC or other appropriate agency or agencies.

6. Funding Restrictions

a. Project funds, including grant and matching funds, cannot be used for ineligible grant purposes (see 7 CFR 4284.10). Also, you shall not use project funds for the following:

• To purchase, rent, or install laboratory equipment or processing machinery;

• To pay for the operating costs of any entity receiving assistance from the Center;

• To pay costs of the project where a conflict of interest exists;

• To fund any activities prohibited by 2 CFR part 200; or

• To fund any activities considered unallowable by 2 CFR part 200, subpart E, ''Cost Principles,'' and the Federal Acquisition Regulation (for-profits) or successor regulations.

b. In addition, your application will not be considered for funding if it does any of the following:

• Focuses assistance on only one cooperative or mutually-owned business;

• Requests more than the maximum grant amount; or

• Proposes ineligible costs that equal more than 10 percent of total project costs. The ineligible costs will NOT be removed at this stage to proceed with application processing. For purposes of this determination, the grant amount requested plus the matching funds amount constitutes the total project costs.

We will consider your application for funding if it includes ineligible costs of 10 percent or less of total project costs, as long as the remaining costs are determined eligible otherwise. However, if your application is successful, those ineligible costs must be removed and replaced with eligible costs before the Agency will make the grant award, or the amount of the grant award will be reduced accordingly. If we cannot determine the percentage of ineligible costs, your application will not be considered for funding.

7. Other Submission Requirements

a. You should not submit your application in more than one format. You must choose whether to submit your application in hard copy or electronically. Applications submitted in hard copy should be mailed or hand-delivered to the State Office located in the State where you are headquartered. You can find State Office contact information at: *http://www.rd.usda.gov/contact-us/state-offices.* To submit an application electronically, you must follow the instruction for this funding announcement at *http://www.grants.gov.* A password is not required to access the Web site.

b. National Environmental Policy Act.

All recipients under this Notice are subject to the requirements of 7 CFR part 1970. However, technical assistance awards under this Notice are classified as a Categorical Exclusion according to 7 CFR 1970.53(b), and usually do not require any additional documentation.

The Agency will review each grant application to determine its compliance with 7 CFR part 1970. The applicant may be asked to provide additional information or documentation to assist the Agency with this determination.

c. Civil Rights Compliance Requirements.

All grants made under this Notice are subject to Title VI of the Civil Rights Act of 1964 as required by the USDA (7 CFR part 15, subpart A) and Section 504 of the Rehabilitation Act of 1973.

E. Application Review Information

The State Offices will review applications to determine if they are eligible for assistance based on requirements in 7 CFR part 4284, subparts A and F, this Notice, and other applicable Federal regulations. If determined eligible, your application will be scored by a panel of USDA employees in accordance with the point allocation specified in this Notice. A recommendation will be submitted to the Administrator to fund applications in highest ranking order. Applications that cannot be fully funded may be offered partial funding at the Agency's discretion.

1. Scoring Criteria

Scoring criteria will follow criteria published at 7 CFR 4284.513 as supplemented below including any amendments made by the Section 6013 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–234), which is incorporated by reference in this Notice. The regulatory and statutory criteria are clarified and supplemented below. You should also include information as described in Section D.2.e.5.vi. if you choose to address these items under the scoring criteria. Evaluators will base scores only on the information provided or cross-referenced by page number in each individual evaluation criterion. The maximum amount of points available is 100. Newly established or proposed Centers that do not yet have a track record on which to evaluate the following criteria should refer to the expertise and track records of staff or consultants expected to perform tasks related to the respective criteria. Proposed or newly established Centers must be organized well-enough at time of application to address its capabilities for meeting these criteria.

a. Administrative capabilities (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated track record in carrying out activities in support of development assistance to cooperatively and mutually owned businesses. At a minimum, you must discuss the following administrative capabilities:

1. Financial systems and audit controls;

2. Personnel and program administration performance measures;

3. Clear written rules of governance; and

4. Experience administering Federal grant funding no later than the last 5 years, including but not limited to past RCDGs. Please list the name of the Federal grant program(s) and the amount(s) of funding received.

You will score higher on this criterion if you can demonstrate that the Center has independent governance. For applicants that are universities or parent organizations, you should demonstrate that there is a separate board of directors for the Center.

b. Technical assistance and other services (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated expertise no later than the last 5 years in providing technical assistance and accomplishing effective outcomes in rural areas to promote and assist the development of cooperatively and mutually owned businesses. You must discuss at least:

1. Your potential for delivering effective technical assistance;

2. The types of assistance provided;

3. The expected effects of that assistance;

4. The sustainability of organizations receiving the assistance; and

5. The transferability of your cooperative development strategies and focus to other areas of the U.S.

A chart or table showing the outcomes of your demonstrated expertise based upon the performance elements listed in Section D.2.e.5.iv. or as identified in your award document on previous RCDG awards. At a minimum, please provide information for FY 2013—FY 2015 awards. We prefer that you provide one chart or table separating out award years. The intention here is for you to provide actual performance numbers based upon award years even though your grant period for the award was for the next calendar or fiscal year. Please provide a narrative explanation if you have not received a RCDG award.

You will score higher on this criterion if you provide more than 3 years of outcomes and can demonstrate that the organizations you assisted within the last 5 years are sustainable. Additional outcome information should be provided on RCDG grants awarded before FY 2013. Please describe specific project(s) when addressing a-e of this paragraph.

c. Economic development (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated ability to facilitate:

1. Establishment of cooperatives or mutually owned businesses;

2. New cooperative approaches (*i.e.,* organizing cooperatives among underserved individuals or communities; an innovative market approach; a type of cooperative currently not in your service area; a new cooperative structure; novel ways to raise member equity or community capitalization; conversion of an existing business to cooperative ownership); and

3. Retention of businesses, generation of employment opportunities or other factors, as applicable, that will otherwise improve the economic conditions of rural areas.

You will score higher on this criterion if you provide economic statistics showing the impacts of your past development projects no later than 5 years old and identify your role in the economic development outcomes.

d. Past performance in establishing legal business entities (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated past performance in establishing legal cooperative business entities and other legal business entities during January 1, 2014–December 31, 2016. Provide the name of the organization(s) established, the date of formation and your role in assisting with the incorporation(s) under this criterion. In addition, documentation verifying the establishment of legal business entities must be included in Appendix C of your application and will not count against the 40-page limit for the narrative. The documentation must include proof that organizational documents were filed with the Secretary of State's Office (*i.e.* Certificate of Incorporation or information from the State's official Web site naming the entity established and the date of establishment); or if the business entity is not required to register with the Secretary of State, a certification from the business entity that a legal business entity has been established and when. Please note that you are not required to submit articles of incorporation to receive points under this criterion. You will score higher on this criterion if you have established legal cooperative businesses.

e. Networking and regional focus (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated commitment to:

1. Networking with other cooperative development centers, and other organizations involved in rural economic development efforts, and

2. Developing multi-organization and multi-state approaches to addressing the economic development and cooperative needs of rural areas.

You will score higher on this criterion if you can demonstrate the outcomes of your multi-organizational and multi-state approaches. Please describe the project(s), partners and the outcome(s) that resulted from the approach.

f. Commitment (maximum score of 10 points). A panel of USDA employees will evaluate your commitment to providing technical assistance and other services to under-served and

economically distressed areas in rural areas of the United States. You will score higher on this criterion if you define and describe the underserved and economically distressed areas within your service area, provide statistics, and identify projects within or affecting these areas, as appropriate.

g. Matching Funds (maximum score of 10 points). A panel of USDA employees will evaluate your commitment for the 25 percent (5 percent for 1994 Institutions) matching funds requirement. A chart or table should be provided to describe all matching funds being committed to the project. However, formal documentation to verify all of the matching funds must be included in Appendix A of your application. You will be scored on how you identify your matching funds.

1. If you met the 25 percent (5 percent for 1994 Institutions) matching requirement, points will be assigned as follows:

- In-kind only—1 point,
- Mix of in-kind and cash—3–4 points (maximum points will be awarded if the ratio of cash to in-kind is 30 percent and above of matching funds), or
- Cash only—5 points.

2. If you exceeded the 25 percent (5 percent for 1994 Institutions) matching requirement, points will be assigned as follows:

- In-kind only—2 points,
- Mix of in-kind and cash—6–7 points (maximum points will be awarded if the ratio of cash to in-kind is 30 percent and above of matching funds), or
- Cash only—10 points.

h. Work Plan/Budget (maximum score of 10 points). A panel of USDA employees will evaluate your work plan for detailed actions and an accompanying timetable for implementing the proposal. The budget must present a breakdown of the estimated costs associated with cooperative and business development activities as well as the operation of the Center and allocate these costs to each of the tasks to be undertaken. Matching funds as well as grant funds must be accounted for in the budget.

You must discuss at a minimum:

1. Specific tasks (whether it be by type of service or specific project) to be completed using grant and matching funds;
2. How customers will be identified;
3. Key personnel; and
4. The evaluation methods to be used to determine the success of specific tasks and overall objectives of Center operations. Please provide qualitative methods of evaluation. For example, evaluation methods should go beyond quantitative measurements of completing surveys or number of evaluations.

You will score higher on this criterion if you present a clear, logical, realistic, and efficient work plan and budget.

i. Qualifications of those Performing the Tasks (maximum score of 10 points). A panel of USDA employees will evaluate your application to determine if the personnel expected to perform key tasks have a track record of:

1. Positive solutions for complex cooperative development and/or marketing problems; or
2. A successful record of conducting accurate feasibility studies, business plans, marketing analysis, or other activities relevant to your success as determined by the tasks identified in the work plan; and
3. Whether the personnel expected to perform the tasks are full/part-time employees of your organization or are contract personnel.

You will score higher on this criterion if you demonstrate commitment and availability of qualified personnel expected to perform the tasks.

j. Local and Future Support (maximum score of 10 points). A panel of USDA employees will evaluate your application for local and future support. Support should be discussed directly within the response to this criterion.

1. Discussion on local support should include previous and/or expected local support and plans for coordinating with other developmental organizations in the proposed service area or with state and local government institutions. You will score higher if you demonstrate strong support from potential beneficiaries and formal evidence of intent to coordinate with other developmental organizations. You may also submit a maximum of 10 letters of support or intent to coordinate with the application to verify your discussion. These letters should be included in Appendix B of your application and will not count against the 40-page limit for the narrative.

2. Discussion on future support will include your vision for funding operations in future years. You should document:

(i) New and existing funding sources that support your goals;

(ii) Alternative funding sources that reduce reliance on Federal, State, and local grants; and

(iii) The use of in-house personnel for providing services versus contracting out for that expertise. Please discuss your strategy for building in-house technical assistance capacity.

You will score higher if you can demonstrate that your future support will result in long-term sustainability of the Center.

2. Review and Selection Process

The State Offices will review applications to determine if they are eligible for assistance based on requirements in 7 CFR part 4284, subparts A and F, this Notice, and other applicable Federal regulations. If determined eligible, your application will be scored by a panel of USDA employees in accordance with the point allocation specified in this Notice. A recommendation will be submitted to the Administrator to fund applications in highest ranking order. Applications that cannot be fully funded may be offered partial funding at the Agency's discretion. If your application is evaluated, but not funded, it will not be carried forward into the next competition.

F. Federal Award Administration Information

1. Federal Award Notices

If you are selected for funding, you will receive a signed notice of Federal award by postal mail from the State Office where your application was submitted, containing instructions on requirements necessary to proceed with execution and performance of the award.

If you are not selected for funding, you will be notified in writing via postal mail and informed of any review and appeal rights. You must comply with all applicable statutes, regulations, and notice requirements before the grant award will be approved. There will be no available funds for successful appellants once all FY 2017 funds are awarded and obligated. See 7 CFR part 11 for USDA National Appeals Division procedures.

2. Administrative and National Policy Requirements

Additional requirements that apply to grantees selected for this program can be found in 7 CFR part 4284, subpart F; the Grants and Agreements regulations of the Department of Agriculture codified in 2 CFR parts 180, 400, 415, 417, 418, 421; 2 CFR parts 25 and 170; and 48 CFR 31.2, and successor regulations to these parts.

In addition, all recipients of Federal financial assistance are required to report information about first-tier subawards and executive compensation (see 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the

Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282) reporting requirements (see 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)).

The following additional requirements apply to grantees selected for this program:

- Agency-approved Grant Agreement.
- Letter of Conditions.
- Form RD 1940–1, ''Request for Obligation of Funds.''
- Form RD 1942–46, ''Letter of Intent to Meet Conditions.''
- Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions.''
- Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions.''
- Form AD–1049, ''Certification Regarding Drug-Free Workplace Requirements (Grants).''
- Form RD 400–4, ''Assurance Agreement.''
- SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.
- Form AD–3031, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.'' Must be signed by corporate applicants who receive an award under this Notice.

3. Reporting

After grant approval and through grant completion, you will be required to provide the following:

a. A SF–425, ''Federal Financial Report,'' and a project performance report will be required on a semiannual basis (due 30 working days after end of the semiannual period). The project performance reports shall include the following: A comparison of actual accomplishments to the objectives established for that period;

b. Reasons why established objectives were not met, if applicable;

c. Reasons for any problems, delays, or adverse conditions, if any, which have affected or will affect attainment of overall project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular objectives during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation; and

d. Objectives and timetable established for the next reporting period.

e. Provide a final project and financial status report within 90 days after the expiration or termination of the grant.

f. Provide outcome project performance reports and final deliverables.

G. Agency Contacts

If you have questions about this Notice, please contact the appropriate State Office at *http://www.rd.usda.gov/contact-us/state-offices.* Program guidance as well as application and matching funds templates may be obtained at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.* If you want to submit an electronic application, follow the instructions for the RCDG funding announcement located at *http://www.grants.gov.* You may also contact National Office staff: Natalie Melton, RCDG Program Lead, *natalie.melton@wdc.usda.gov,* or call the main line at 202–690–1374.

H. Nondiscrimination 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, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html* 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.*

Dated: March 15, 2017.

Mark Brodziski,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2017–05600 Filed 3–21–17; 8:45 am]

BILLING CODE 3410–XY–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Virginia Advisory Committee To Discuss Potential Projects of Study

AGENCY: 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 (FACA), that a planning meeting of the Virginia Advisory Committee to the Commission will convene by conference call at 12:00 p.m. (EDT) on Thursday, April 6, 2017. The purpose of the meeting is to begin discussion of a project proposal on hate crime in Virginia.

DATES: The meeting will be held on Thursday, April 6, 2017, at 12:00 p.m. EST.

Public Call Information: Dial: 888–601–3861, Conference ID: 417838.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis, at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–888–601–3861 and conference ID: 417838. Please be advised that before being placed into the conference call, you will be prompted to provide your name, organizational affiliation (if any), and email address (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and 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 conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–977–8339 and providing the operator with the toll-free conference

call-in number: 1–888–601–3861 and conference call ID: 417838.

Members of the public are invited to submit written comments; the comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *http://facadatabase.gov/committee/meetings.aspx?cid=279;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone numbers, email or street address.

Agenda

I. Welcome and Introductions
—Rollcall
II. Planning Meeting
—Discuss Hate Crime project concept
III. Other Business
IV. Adjournment

Dated: March 16, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–05562 Filed 3–21–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the District of Columbia Advisory Committee

AGENCY: 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 (FACA), that a planning meeting of the District of Columbia Advisory Committee to the Commission will convene at 11:30 a.m. (EDT) Tuesday, April 4, 2017 at the offices of the U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue NW., Suite 1150, Washington, DC 20425. The purpose of the planning meeting is to discuss and select the topic for the committee's civil rights project.

DATES: The meeting will be held on Tuesday, April 4, 2017, at 11:30 a.m. EDT.

ADDRESSES: 1331 Pennsylvania Avenue NW., Suite 1150, Washington, DC 20425.

FOR FURTHER INFORMATION CONTACT: Ivy Davis, DFO, at *ero@usccr.gov* or 202–376–7533.

SUPPLEMENTARY INFORMATION: Members of the public are entitled to attend the meeting or to submit written comments. The comments must be received in the regional office by Tuesday, May 2, 2017. Comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425 or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons with accessibility needs should contact the Eastern Regional Office no later than 10 working days before the scheduled meeting by sending an email to the following email address at *ero@usccr.gov.*

Records and documents discussed during the meeting will be available for public viewing as they become available at *http://facadatabase.gov/committee/meetings.aspx?cid=241;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone numbers, email or street address.

Agenda

I. Welcome and Introductions
—Rollcall
II. Planning Meeting
—Discuss Mental Health Project and Other Topics for Civil Right Project
III. Other Business
Adjournment

Dated: March 16, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–05561 Filed 3–21–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Wyoming Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

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 (FACA), that a planning meeting of the Wyoming Advisory Committee to the Commission will convene at 11:00 a.m. (MDT) on Thursday, March 30, 2017, via teleconference. The purpose of the meeting is to receive additional information on hate crimes legislation, update on progress of education bill, and select a topic for study.

DATES: Thursday, March 30, 2017, at 11 a.m. (MDT)

ADDRESSES: To be held via teleconference: Conference Call Toll-Free Number: 1–888–339–3503, Conference ID: 1496942.

FOR FURTHER INFORMATION CONTACT: Malee V. Craft, DFO, *mcraft@usccr.gov,* (303) 866–1040.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussion by dialing the following Conference Call Toll-Free Number: 1–888–339–3503, Conference ID: 1496942. Please be advised that before being placed into the conference call, the operator will ask callers to provide their names, their organizational affiliations (if any), and an email address (if available) prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and 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 phone number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service (FRS) at 1–800–977–8339 and provide the FRS operator with the Conference Call Toll-Free Number: 1–888–339–3503, Conference ID: 1496942. Members of the public are invited to submit written comments; the comments must be received in the regional office by Monday, May 1, 2017. Written comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 1961 Stout Street, Suite 13–201, Denver, CO 80294, faxed to (303) 866–1050, or emailed to Evelyn Bohor at *ebohor@usccr.gov.* Persons who desire additional information may contact the Rocky

Mountain Regional Office at (303) 866–1040.

Records and documents discussed during the meeting will be available for public viewing as they become available at *http://www.facadatabase.gov/committee/meetings.aspx?cid=283* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Rocky Mountain Regional Office at the above phone number, email or street address.

Agenda

Welcome and Roll-call
  Malee V. Craft, Regional Director, Rocky Mountain Regional Office (RMRO)
Chair Comments
  Anetra D.E. Parks, Chair, Wyoming State Advisory Committee
Discussion
  Hate Crimes Legislation
  American Indian Education Bill
  Selection of Topic to Study
Next Steps

Dated: March 16, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–05565 Filed 3–21–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of the Census

National Advisory Committee on Racial, Ethnic and Other Populations

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public virtual meeting.

SUMMARY: The Bureau of the Census (Census Bureau) is giving notice of a virtual meeting of the National Advisory Committee on Racial, Ethnic and Other Populations (NAC). The Committee will address the U.S. Census Bureau's release of the 2015 National Content Test Race and Ethnicity Analysis Report, which presents findings to the Census Bureau Director and executive staff on the optimal design elements of the race/ethnicity question(s) as preparations continue for the 2020 Census. The 2015 National Content Test is part of the research and development cycle leading up to a re-engineered 2020 Census. The test was designed to compare different questionnaire design strategies for race and ethnicity.

The NAC will meet virtually on Wednesday, April 5, 2017. Last minute changes to the schedule are possible, which could prevent giving advance public notice of schedule adjustments. Please visit the Census Advisory Committees Web site for the most current meeting agenda at: *https://www.census.gov/about/cac/nac.html.*

DATES: Wednesday, April 5, 2017. The virtual meeting will begin at approximately 1:00 p.m. ET and end at approximately 4:00 p.m. ET.

ADDRESSES: The meeting will be held via WebEx at the following URL link: *https://census.webex.com/census/j.php?MTID=m9ac9810e9f4eb0eb26bcb85ba8345731.* For audio please call the following phone number: 800–857–5160. When prompted, please use the following Participant Code: 2017451.

FOR FURTHER INFORMATION CONTACT: Tara Dunlop Jackson, Advisory Committee Branch Chief, Customer Liaison and Marketing Services Office, *tara.t.dunlop@census.gov*, Department of Commerce, U.S. Census Bureau, Room 8H177, 4600 Silver Hill Road, Washington, DC 20233, telephone 301–763–5222. For TTY callers, please use the Federal Relay Service 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The NAC was established in March 2012 and operates in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10). NAC members are appointed by the Director, U.S. Census Bureau, and consider topics such as hard to reach populations, race and ethnicity, language, aging populations, American Indian and Alaska Native tribal considerations, new immigrant populations, populations affected by natural disasters, highly mobile and migrant populations, complex households, rural populations, and population segments with limited access to technology. The Committee also advises on data privacy and confidentiality, among other issues.

All meetings are open to the public. A brief period will be set aside at the meeting for public comment on April 5. Individuals with extensive questions or statements must submit them in writing to: *Census.national.advisory.committee@census.gov* (subject line ''April 5 NAC Virtual Meeting Public Comment''), or by letter submission to the Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 8H179, 4600 Silver Hill Road, Washington, DC 20233.

Dated: March 16, 2017.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2017–05649 Filed 3–21–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews: Notice of Completion of Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of Completion of Panel Review of the Determination on Remand made by the United States International Trade Commission in the matter of Steel Concrete Reinforcing Bar from Mexico (Secretariat File No. USA–MEX–2014–1904–02).

SUMMARY: Pursuant to the Final Panel Decision of the Binational Panel dated February 2, 2017, affirming the Determination on Remand described above, the Panel Review was completed on March 16, 2017.

FOR FURTHER INFORMATION CONTACT: Paul E. Morris, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW., Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: On February 2, 2017, the Binational Panel issued a Final Panel Decision affirming the U.S. International Trade Commission's Determination on Remand in the matter of Steel Concrete Reinforcing Bar from Mexico. As a result, the NAFTA Secretariat was instructed to issue a Notice of Completion of Panel Review on the 31st day following the issuance of the Notice of Final Panel Action, if no request for an Extraordinary Challenge Committee was filed. No such request was filed. Therefore, on the basis of the Final Panel Decision and Rule 80 of the *NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews,* the Panel Review was completed and the panelists were discharged from their duties effective March 16, 2017.

Dated: March 16, 2017.

Paul E. Morris,

United States Secretary.

[FR Doc. 2017–05630 Filed 3–21–17; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–970, C–570–971]

Multilayered Wood Flooring From the People's Republic of China: Final Results of Changed Circumstances Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On February 7, 2017, the Department of Commerce (the ''Department'') published its notice of initiation and preliminary results of changed circumstances reviews (''CCR'') of the antidumping duty (''AD'') and countervailing duty (''CVD'') orders on multilayered wood flooring from the People's Republic of China (''PRC'') (*Preliminary Results*). The Department preliminarily determined that Yihua Lifestyle Technology Co., Ltd. (''Yihua Tech'') is the successor-in-interest to Guangdong Yihua Timber Industry Co., Ltd. (''Yihua Timber'') for purposes of the AD and CVD orders on wood flooring from the PRC and, as such, is entitled to Yihua Timber's AD and CVD cash deposit rates with respect to entries of subject merchandise. We invited interested parties to comment on the *Preliminary Results.* As no parties submitted comments, and there is no other information or evidence on the record calling into question our *Preliminary Results,* the Department is making no changes to the *Preliminary Results.* For these final results, the Department continues to find that Yihua Tech is the successor-in-interest to Yihua Timber.

DATES: Effective March 22, 2017.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3518.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 2011, the Department published the AD and CVD orders on multilayered wood flooring from the PRC.[1] On July 28, 2016, Yihua Tech requested that the Department initiate expedited CCRs and determine that it is the successor-in-interest to Yihua Timber for purposes of determining AD and CVD liabilities.[2] On February 7, 2017, the Department initiated CCRs and made preliminary findings that Yihua Tech is the successor-in-interest to Yihua Timber and is entitled to Yihua Timber's AD and CVD cash deposit rates with respect to entries of subject merchandise.[3] We provided interested parties 14 days from the date of publication of the *Preliminary Results* to submit case briefs. No interested parties submitted case briefs or requested a hearing.

Scope of the Order

The merchandise covered by the orders includes wood flooring, subject to certain exceptions. Imports of the subject merchandise are provided for under the following subheadings of the Harmonized Tariff Schedule of the United States (''HTSUS''): 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.2510; 4412.31.2520; 4412.31.3175; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.4075; 4412.31.4080; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.5175; 4412.31.6000; 4412.31.9100; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.0565; 4412.32.0570; 4412.32.2510; 4412.32.2520; 4412.32.2525; 4412.32.2530; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.5600; 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3131; 4412.94.3141; 4412.94.3160; 4412.94.3171; 4412.94.4100; 4412.94.5100; 4412.94.6000; 4412.94.7000; 4412.94.8000; 4412.94.9000; 4412.94.9500; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5105; 4412.99.5115; 4412.99.5710; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 4418.71.2000; 4418.71.9000; 4418.72.2000; 4418.72.9500; and 9801.00.2500.

While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.[4]

Final Results of Changed Circumstances Reviews

Because the record contains no information or evidence that calls into question the *Preliminary Results,* for the reasons stated in the *Preliminary Results,* the Department continues to find that Yihua Tech is the successor-in-interest to Yihua Timber, and is entitled to Yihua Timber's AD and CVD cash deposit rates with respect to entries of subject merchandise.[5]

Instructions to U.S. Customs and Border Protection

Based on these final results, we will instruct U.S. Customs and Border Protection to collect estimated AD and CVD duties for all shipments of subject merchandise exported by Yihua Tech and entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register** at the current AD and CVD cash deposit rates for Yihua Timber (*i.e.,* 17.37 percent and 1.38 percent, respectively).[6] These cash deposit requirements shall remain in effect until further notice.

Notification to Interested Parties

This notice serves as a final reminder to parties subject to administrative

[1] *See Multilayered Wood Flooring from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 76 FR 76690 (December 8, 2011); *see also Multilayered Wood Flooring from the People's Republic of China: Countervailing Duty Order,* 76 FR 76692 (December 8, 2011, as amended, *Multilayered Wood Flooring from the People's Republic of China: Amended Antidumping and Countervailing Duty Orders,* 77 FR 5484 (February 3, 2012) (''*Orders*'').

[2] *See* Letter from Yihua Tech to the Secretary of Commerce ''Wooden Bedroom Furniture from the People's Republic of China (AD) and Multilayered Wood Flooring from the People's Republic of China (AD/CVD); Request for Changed Circumstances Review,'' dated July 28, 2016 (''CCR Request'').

[3] *See Multilayered Wood Flooring from the People's Republic of China: Initiation and Preliminary Results of Antidumping and Countervailing Duty Changed Circumstances Reviews;* 82 FR 9561 (February 7, 2017) (''*Preliminary Results*'') and accompanying Preliminary Decision Memorandum.

[4] For a complete description of the Scope of the Orders, please *see Preliminary Results* and accompanying Preliminary Decision Memorandum.

[5] For a complete discussion of the Department's findings, which remain unchanged in these final results and which are herein incorporated by reference and adopted by this notice, *see generally* the Preliminary Decision Memorandum accompanying the *Preliminary Results.*

[6] *See Multilayered Wood Flooring from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013–2014,* 81 FR 46899 (July 19, 2016); *see also Multilayered Wood Flooring from the People's Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2013,* 81 FR 32291 (May 23, 2016).

protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/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 sanctionable violation.

We are issuing and publishing this final results notice in accordance with sections 751(b) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.216 and 351.221(c)(3).

Dated: March 16, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–05666 Filed 3–21–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture From the People's Republic of China: Final Results of Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On February 7, 2017, the Department of Commerce (the ''Department'') published its notice of initiation and preliminary results of a changed circumstances review (''CCR'') of the antidumping duty (''AD'') order on wooden bedroom furniture (''WBF'') from the People's Republic of China (''PRC'') (*Preliminary Results*). The Department preliminarily determined that Yihua Lifestyle Technology Co., Ltd. (''Yihua Tech'') is the successor-in-interest to Guangdong Yihua Timber Industry Co., Ltd. (''Yihua Timber'') for purposes of the AD order on WBF from the PRC and, as such, is entitled to Yihua Timber's AD cash deposit rate with respect to entries of subject merchandise. We invited interested parties to comment on the *Preliminary Results.* As no parties submitted comments, and there is no other information or evidence on the record calling into question our *Preliminary Results,* the Department is making no changes to the *Preliminary Results.* For these final results, the Department continues to find that Yihua Tech is the successor-in-interest to Yihua Timber.

DATES: Effective March 22, 2017.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3518.

SUPPLEMENTARY INFORMATION:

Background

On January 5, 2005, the Department published the AD order on WBF from the PRC.[1] On July 28, 2016, Yihua Tech requested that the Department initiate an expedited CCR and determine that it is the successor-in-interest to Yihua Timber for purposes of determining AD liabilities.[2] On February 7, 2017, the Department initiated a CCR and made a preliminary finding that Yihua Tech is the successor-in-interest to Yihua Timber and is entitled to Yihua Timber's AD cash deposit rate with respect to entries of subject merchandise.[3] We provided interested parties 14 days from the date of publication of the *Preliminary Results* to submit case briefs. No interested parties submitted case briefs or requested a hearing.

Scope of the Order

The product covered by the order is wooden bedroom furniture, subject to certain exceptions.[4] Imports of subject merchandise are classified under the Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings: 9403.50.9042, 9403.50.9045, 9403.50.9041, 9403.60.8081, 9403.20.0018, 9403.90.8041, 7009.92.1000, or 7009.92.5000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description in the *Order* remains dispositive.[5]

Final Results of Changed Circumstances Review

Because the record contains no information or evidence that calls into question the *Preliminary Results,* for the reasons stated in the *Preliminary Results,* the Department continues to find that Yihua Tech is the successor-in-interest to Yihua Timber, and is entitled to Yihua Timber's AD cash deposit rate with respect to entries of subject merchandise.[6]

Instructions to U.S. Customs and Border Protection

Based on these final results, we will instruct U.S. Customs and Border Protection to collect estimated AD duties for all shipments of subject merchandise exported by Yihua Tech and entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register** at the current AD cash deposit rate for Yihua Timber (*i.e.,* 21.53 percent).[7] These cash deposit requirements shall remain in effect until further notice.

Notification to Interested Parties

This notice serves as a final reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/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 sanctionable violation.

We are issuing and publishing this final results notice in accordance with sections 751(b) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.216 and 351.221(c)(3).

Dated: March 14, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–05667 Filed 3–21–17; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture from the People's Republic of China,* 70 FR 329 (January 4, 2005) (''*Order*'').

[2] *See* Letter from Yihua Tech to the Secretary of Commerce ''Wooden Bedroom Furniture from the People's Republic of China (AD) and Multilayered Wood Flooring from the People's Republic of China (AD/CVD); Request for Changed Circumstances Review,'' dated July 28, 2016 (''CCR Request'').

[3] *See Wooden Bedroom Furniture From the People's Republic of China:* Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review; 82 FR 9560 (February 7, 2017) (''*Preliminary Results*'') and accompanying Preliminary Decision Memorandum.

[4] *See Order,* 70 FR at 332–33.

[5] For a complete description of the Scope of the Order, please *see Preliminary Results* and accompanying Preliminary Decision Memorandum.

[6] For a complete discussion of the Department's findings, which remain unchanged in these final results and which are herein incorporated by reference and adopted by this notice, *see generally* the Preliminary Decision Memorandum accompanying the *Preliminary Results.*

[7] *See Wooden Bedroom Furniture from the People's Republic of China: Notice of Court Decision Not in Harmony with Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review Pursuant to Court Decision,* 79 FR 68410 (November 17, 2014).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Marine Recreational Fishing Expenditure Survey (MRFES).

OMB Control Number: 0648–0693.

Form Number(s): None.

Type of Request: Regular (revision and extension of a currently approved information collection).

Number of Respondents: 83,426.

Average Hours per Response: Durable goods survey, 15 minutes; trip expenditure surveys, 5 to 8 minutes.

Burden Hours: 3,142.

Needs and Uses: This request is for revision and extension of an existing data collection.

The objective of the survey is to collect information on both trip expenditures and annual durable good expenditures made by marine recreational anglers. The survey will be conducted in two parts. One part will ask anglers about the expenses incurred on their most recent marine recreational fishing trip. The other part of the survey will ask anglers about their purchases of durable goods such as fishing gear, boats, vehicles, and second homes. As specified in the Magnuson-Stevenson Fishery Conservation and Management Act of 1996 (and reauthorized in 2007), NMFS is required to enumerate the economic impacts of the policies it implements on fishing participants and coastal communities. The expenditure data collected in this survey will be used to estimate the economic contributions and impacts of marine recreational fishing to each coastal state and nationwide. Slight revisions will be made to the existing trip expenditure questions to clarify certain types of expenditures, and two questions on the trip expenditure instrument will be dropped.

Affected Public: Individuals or households.

Frequency: Every three years.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–05693 Filed 3–21–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF302

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings of the South Atlantic Fishery Management Council's (Council) Snapper Grouper, Mackerel Cobia and Cobia Sub-Panel, and Dolphin Wahoo Advisory Panels (AP).

SUMMARY: The Council will hold meetings of its Snapper Grouper AP, Mackerel Cobia and Cobia Subpanel AP and Dolphin Wahoo AP from April 17–21, 2017 in Charleston, SC. See **SUPPLEMENTARY INFORMATION**.

DATES: The Snapper Grouper AP meeting will be held on Monday, April 17, 2017, from 1:30 p.m. until 5 p.m., Tuesday, April 18, 2017, from 9 a.m. until 5 p.m., and Wednesday, April 19, 2017, from 9 a.m. until 12 p.m.

The Mackerel Cobia and Cobia Sub-Panel AP meeting will be held Wednesday, April 19, 2017, from 1:30 p.m. until 5 p.m. and Thursday, April 20, 2017, from 9 a.m. until 5 p.m.

The Dolphin Wahoo AP meeting will be held Friday, April 21, 2017, from 9 a.m. until 2:30 p.m.

ADDRESSES:

Meeting address: The meetings will be held at the Crowne Plaza Hotel, 4831 Tanger Outlet Blvd., North Charleston, SC 29418.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; phone: (843) 571–4366 or toll free (866) SAFMC–10; fax: (843) 769–4520; email*: kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION:

Snapper Grouper Advisory Panel

The Snapper Grouper AP will receive an update on the status of amendments to the Snapper Grouper Fishery Management Plan (FMP) recently approved by the Council and submitted for Secretarial review. In addition, the AP members will review and provide recommendations on actions in draft Amendment 43 to the Snapper Grouper Fishery Management Plan (FMP) addressing management measures for red snapper and recreational reporting, Vision Blueprint Regulatory Amendment 26 (Recreational measures), and Vision Blueprint Regulatory Amendment 27 (Commercial measures). The Vision Blueprint amendments are being developed to address management needs identified in the Council's 2016–2020 Vision Blueprint for the snapper grouper fishery.

Other discussion items include a review of the Council's Research Priorities and updates on on-going projects/programs including the Southeast Data, Assessment and Review (SEDAR) stock assessment program, socio-economic characterization of the commercial snapper grouper fishery, the Council's Citizen Science Program and the Charter Vessel Reporting Pilot Project. The AP will provide recommendations for Council consideration as appropriate.

Mackerel Cobia Advisory Panel and Cobia Sub-Panel

The Mackerel Cobia AP and Cobia Sub-Panel will meet jointly. The AP and Cobia Sub-Panel will receive updates and discuss management issues pertaining to cobia including Atlantic cobia recreational fishing seasons, ongoing cobia research, permit requirements for commercial harvest of cobia in the Mid-Atlantic and South Atlantic (including the east coast of Florida), cobia bag limits for the east coast of Florida, and input on fishery performance. The AP and Sub-Panel will also receive updates and discuss management measures relative to king and Spanish mackerel including limited entry for federal commercial permits for Spanish mackerel and possible gear endorsements and modifications to gill net size for the Spanish mackerel fishery. The AP and Sub-Panel will discuss latent permits in the commercial king mackerel fishery and trip limits for king mackerel on Spanish mackerel gillnet trips. The AP and Sub-Panel will provide recommendations as appropriate.

Dolphin Wahoo Advisory Panel

The Dolphin Wahoo AP will receive a presentation on recent findings from the Dolphinfish Research Program and updates on recent Council actions relative to Amendment 10 to the Dolphin Wahoo Fishery Management Plan. The amendment includes actions to address Optimum Yield for the dolphin fishery, revise the recreational Annual Catch Target for dolphin, establish a commercial Annual Catch Target for dolphin, allow adaptive management of sector annual catch limits for dolphin, revise accountability measures for dolphin, revise the acceptable biological catch control rule for dolphin and wahoo, allow vessels with gear onboard that are not authorized for use in the dolphin fishery to possess dolphin or wahoo, and removes the Operator Card requirement. The AP will also discuss potential items to include in future amendments to the Dolphin Wahoo Fishery Management Plan. The AP will provide recommendations as appropriate.

Special Accommodations

These meetings are accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 17, 2017.

Jeffrey N. Lonergan,

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

[FR Doc. 2017–05678 Filed 3–21–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF263

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Notice of Intent To Prepare an Environmental Impact Statement; Scoping Process; Notification of Scoping Meetings; Request for Comments

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

ACTION: Notice; intent to prepare an environmental impact statement; scoping process; notification of scoping meetings; requests for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council announces its intent to prepare, in cooperation with NMFS, an environmental impact statement in accordance with the National Environmental Policy Act. An environmental impact statement may be necessary to assess potential effects on the human environment of an amendment to manage Atlantic chub mackerel (*Scomber colias*) as a stock in the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. This notice announces a public process for determining the scope of issues to be addressed and for identifying significant issues related to Council management of Atlantic chub mackerel, including setting annual catch limits, accountability measures, and other conservation and management measures required by the Magnuson-Stevens Fishery Conservation and Management Act for stocks in the fishery.

DATES: Written comments must be received on or before May 31, 2017.

ADDRESSES: Written comments may be sent by any of the following methods:

- Email to the following address: *nmfs.gar.chubmackerel@noaa.gov;*
- Mail to Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, Delaware 19901. Mark the outside of the envelope ''Chub Mackerel Amendment Scoping Comments'';
- Fax to (302) 674–5399; or
- Verbally or in writing at six public scoping meetings.

More information on this amendment is available at *http://www.mafmc.org/actions/chub-mackerel-amendment.* A scoping document will be posted to this site on or around April 18, 2017.

FOR FURTHER INFORMATION CONTACT: Dr. Christopher M. Moore, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901, (telephone 302–674–2331).

SUPPLEMENTARY INFORMATION:

Background

The Mid-Atlantic Fishery Management Council manages Atlantic mackerel, longfin squid and *Illex* squid throughout the U.S. east coast from Maine through Florida and butterfish from Maine through Cape Hatteras, North Carolina, under the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP). Current measures include limited entry, permit and reporting requirements, catch limits, possession limits, and gear restrictions, among others.

A targeted commercial chub mackerel fishery developed in the Mid-Atlantic and Southern New England in recent years, averaging 2.86 million lb of landings over 2013–2015. In August 2016, the Council approved an annual landings limit and a possession limit for chub mackerel as part of the Unmanaged Forage Fish Omnibus Amendment. Rulemaking to implement these measures is currently being developed by NMFS. These measures would be the first regulations for chub mackerel fisheries off the U.S. Atlantic coast, if approved by the Secretary of Commerce. As proposed, these measures are temporary, and would expire three years after implementation. This is because the Council intends to develop alternatives for longer-term management of chub mackerel fisheries by integrating this species into the Atlantic Mackerel, Squid, and Butterfish FMP.

The Council initiated an amendment to consider managing Atlantic chub mackerel as a ''stock in the fishery'' under the Atlantic Mackerel, Squid, and Butterfish FMP in December 2016 when they approved their 2017 Implementation Plan. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) lists several required provisions of FMPs for stocks that are in the fishery, including:

- Annual catch limits (ACLs) specified in relation to acceptable biological catch limits recommended by the Council's Scientific and Statistical Committee;
- Accountability measures for when the ACLs are exceeded;
- Essential fish habitat designations; and
- Definition of the management unit.

The Council may also consider management measures not explicitly required by the Magnuson-Stevens Act, but which may be necessary to prevent overfishing and promote long-term stability of Atlantic chub mackerel fisheries. These measures could include, but are not limited to:

- Permit requirements;
- Limited access;
- Commercial and/or recreational annual catch targets;
- Commercial quotas;
- Recreational harvest limits;
- Possession limits;
- Commercial and/or recreational minimum fish size restrictions;
- Gear restrictions;
- Reporting requirements; and
- Commercial and/or recreational fishing seasons.

This amendment will affect targeted commercial chub mackerel fisheries

and, depending on the management measures considered, may also affect fisheries that catch chub mackerel incidentally (*e.g.,* the *Illex* squid fishery) and recreational chub mackerel fisheries.

Public Comment

The Council seeks comments on the scope of alternatives to be considered in this amendment, as well as general comments or concerns relating to Council management of Atlantic chub mackerel. In addition to the public comment period provided for in this announcement, the Council will also hold multiple public scoping hearings on this amendment. The dates and locations of these hearings are listed below. The public will have the opportunity to provide additional comments during these hearings. After the scoping process is completed, the Council will begin development of alternatives for chub mackerel management measures, and may prepare an environmental impact statement (EIS) to analyze the impacts of the range of alternatives. If NMFS determines that the management alternatives under consideration are not expected to have significant impacts on the human environment, the Council and NMFS may prepare an environmental assessment (EA) in place of an EIS. This determination will depend on the scope of issues raised and the alternatives developed. Information obtained during the scoping process will be used to develop either an EIS or an EA as appropriate. If an EIS is developed to support this action, the Council will hold future public hearings to receive comment on the draft amendment and on the analysis of its impacts presented in the Draft EIS.

Scoping Hearings

Six scoping meetings to facilitate public comment will be held on the following dates and locations:

1. Thursday, May 4, 2017. 7:00–9:00 p.m. Kingsborough Community College, Room V–219. 2001 Oriental Boulevard, Brooklyn, NY 11235. Telephone: 718–368–5000.

2. Monday, May 15, 2017. 6:00–7:30 p.m. Virginia Marine Resources Commission 4th Floor Meeting Room. 2600 Washington Avenue, Newport News, VA 23607. Telephone: 757–247–2200.

3. Tuesday, May 16, 2017. 6:30–8:00 p.m. Princess Royale Oceanfront Resort & Conference Center. 9100 Coastal Highway, Ocean City, Maryland 21842. Telephone: 410–524–7777.

4. Tuesday, May 23, 2017. 6:30–8:00 p.m. Congress Hall Hotel. 200 Congress Place, Cape May, NJ 08204. Telephone: 888–944–1816.

5. Wednesday, May 24, 2017. 6:30–8:00 p.m. 215 South Ferry Road, Narragansett, RI 02882. Telephone: 401–874–6222.

6. Wednesday, May 25, 2017. 6:00–7:30 p.m. Webinar. Audio and visual access available at *http://mafmc.adobeconnect.com/chubscoping/.* The webinar can be accessed via phone only by calling 1–800–832–0736, Room #5068871.

The scoping hearings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders (302–674–2331, ext. 18) at least 5 days prior to the meeting date.

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

Dated: March 16, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–05601 Filed 3–21–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

U.S. Integrated Ocean Observing System (IOOS®) Advisory Committee

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: Notice is hereby given of a meeting of the U.S. Integrated Ocean Observing System (IOOS®) Advisory Committee (Committee) in Washington, DC.

DATES: The meeting will be held on Wednesday, April 19, 2017, from 8:30 a.m. to 5:00 p.m. and Thursday, April 20, 2017, from 8:30 a.m. to 3:00 p.m. These times and the agenda topics described below are subject to change. Refer to the Web page listed below for the most up-to-date meeting agenda.

ADDRESSES: On Wednesday, April 19, 2017, the meeting will be held in the Conference Room, 11th Floor, Consortium for Ocean Leadership, 1201 New York Avenue NW., Washington, DC 20005. On Thursday, April 20, 2017, the meeting will be held in the Conference Room, 4th Floor, Consortium for Ocean Leadership, 1201 New York Avenue NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Carl Gouldman, Designated Federal Official, U.S. IOOS Advisory Committee, U.S. IOOS Program, 1315 East-West Highway, Second Floor, Silver Spring, MD 20910; Phone (240) 533–9456; Fax (301) 713–3281; Email *carl.gouldman@noaa.gov* or visit the U.S. IOOS Advisory Committee Web site at *http://ioos.noaa.gov/community/u-s-ioos-advisory-committee/.*

SUPPLEMENTARY INFORMATION: The Committee was established by the NOAA Administrator as directed by Section 12304 of the Integrated Coastal and Ocean Observation System Act, part of the Omnibus Public Land Management Act of 2009 (Pub. L. 111–11). The Committee advises the NOAA Administrator and the Interagency Ocean Observation Committee (IOOC) on matters related to the responsibilities and authorities set forth in section 12302 of the Integrated Coastal and Ocean Observation System Act of 2009 and other appropriate matters as the Under Secretary refers to the Committee for review and advice. The Committee will provide advice on:

(a) Administration, operation, management, and maintenance of the System;

(b) Expansion and periodic modernization and upgrade of technology components of the System;

(c) Identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in dissemination information to end-user communities and to the general public; and

(d) Any other purpose identified by the Under Secretary of Commerce for Oceans and Atmosphere or the Interagency Ocean Observation Committee.

The meeting will be open to public participation with a 15-minute public comment period on April 19, 2017, from 4:35 p.m. to 4:50 p.m. and on April 20, 2017, from 2:30 p.m. to 2:45 p.m. (check agenda on Web site to confirm time.) The Committee expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three (3) minutes. The Designated Federal Official should receive written comments by April 18, 2017, to provide sufficient time for Committee review. Written comments received after April 18, 2017, will be distributed to the Committee, but may not be reviewed prior to the meeting date. Seats will be available on a first-come, first-served basis.

Matters to be Considered: The meeting will focus on ongoing committee priorities, including discussions on the integration challenges of the IOOC, expanding on the big data topic, and developing the next set of recommendations. The latest version will be posted at *http://ioos.noaa.gov/community/u-s-ioos-advisory-committee/.*

Special Accommodations: These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Carl Gouldman, Designated Federal Official at (240) 533–9456 by April 14, 2017.

Dated: March 13, 2017.

Carl Gouldman,

Director, U.S. IOOS Program, National Ocean Service.

[FR Doc. 2017–05640 Filed 3–21–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF301

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Assessment Webinars for Atlantic Blueline Tilefish; Public Meeting

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

ACTION: Notice of SEDAR 50 Assessment Webinars 1 and 2.

SUMMARY: The SEDAR 50 assessment of the Atlantic stock of Blueline Tilefish will consist of a series of workshops and webinars: Stock ID Work Group Meeting; Data Workshop; Assessment Workshop and Webinars; and a Review Workshop.

DATES: The SEDAR 50 Assessment Webinars 1 and 2 will be held on Thursday, April 20, 2017, from 1 p.m. to 5 p.m. and Monday, May 8, 2017, from 9 a.m. to 1 p.m. Additional Assessment Webinars, Assessment Workshop, and Review Workshop dates and times will publish in a subsequent issue in the **Federal Register**.

ADDRESSES: The meetings will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julia Byrd at SEDAR (see **FOR FURTHER INFORMATION CONTACT** below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Julia Byrd, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366; email: *julia.byrd@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing a workshop and/or webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the Assessment webinars are as follows:

Participants will discuss any remaining data issues and provide modeling advice to prepare for the Assessment Workshop.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 17, 2017.

Jeffrey N. Lonergan,

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

[FR Doc. 2017–05677 Filed 3–21–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Trademark and Trial Appeal Board (TTAB) Actions

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO) as required by the Paperwork Reduction Act of 1995 invites public comments about the proposed extension of an existing information collection: Trademark and Trial Appeal Board (TTAB) Actions.

DATES: Written comments must be submitted on or before May 22, 2017.

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

- *Email: InformationCollection@uspto.gov.* Include ''0651–0040 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Marcie Lovett, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to LaToya Brown,

United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–4283; or by email to *LaToya.Brown@uspto.gov* with ''0651–0040 comment'' in the subject line. Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information is required by the Trademark Act of 1946, Sections 13, 14, and 20, 15 U.S.C. 1063, 1064, and 1070, respectively. Under the Trademark Act, any individual or entity that adopts a trademark or service mark to identify its goods or services may apply to federally register its mark. Section 14 of the Trademark Act allows individuals and entities to file a petition to cancel a registration of a mark, while Section 13 allows individuals and entities who believe that they would be damaged by the registration of a mark to file an opposition, or an extension of time to file an opposition, to the registration of a mark. Section 20 of the Trademark Act allows individuals and entities to file an appeal from any final decision of the Trademark Examining Attorney assigned to review an application for registration of a mark.

The USPTO administers the Trademark Act pursuant to 37 CFR part 2, which contains the various rules that govern the filing of petitions to cancel the registration of a mark, notices of opposition to the registration of a mark, extensions of time to file an opposition, appeals, and other submissions filed in connection with inter partes and ex parte proceedings. These petitions, notices, extensions, and additional papers are filed with the Trademark Trial and Appeal Board (TTAB), an administrative tribunal empowered to determine the right to register and subsequently determine the validity of a trademark.

The information in this collection must be submitted electronically through the Electronic System for Trademark Trials and Appeals (ESTTA). There are no paper forms associated with this collection. If applicants or entities wish to submit the petitions, notices, extensions, and additional papers in inter partes and ex parte cases, they must use the forms provided through ESTTA. This collection contains nine electronic forms.

The additional submissions filed in inter partes and ex parte proceedings must be filed electronically. Submissions filed in paper form are permitted only when ESTTA is unavailable due to technical problems, or when extraordinary circumstances are present.

The information in this collection is a matter of public record, and is used by the public for a variety of private business purposes related to establishing and enforcing trademark rights. This information is important to the public, as both common law trademark owners and federal trademark registrants must actively protect their own rights.

II. Method of Collection

The method of collection is by electronic submission through ESTTA when a party files a petition to cancel a trademark registration, an opposition to the registration of a trademark, a request to extend the time to file an opposition, a notice of appeal, or additional papers for inter partes and ex parte proceedings with the USPTO. Submissions filed in paper form via mail or hand delivery are permitted only when ESTTA is unavailable due to technical problems, or when extraordinary circumstances are present. Certain submissions in paper must also be accompanied by a Petition to the Director. That petition is being added to collection 0651–0054 (Substantive Submissions).

III. Data

OMB Number: 0651–0040.

IC Instruments and Forms: PTO 2120, 2151, 2153, 2188, 2189, and 2190.

Type of Review: Extension of a Previously Existing Information Collection.

Affected Public: Businesses or other for-profits; not-for-profit institutions.

Estimated Number of Respondents: 78,000 responses per year. Of this total, the USPTO estimates that approximately 99% (77,220) will be filed electronically.

Estimated Time per Response: The USPTO estimates that it will take the public from 10 to 30 minutes (0.17 to 0.50 hours), depending on the complexity of the situation, to gather the necessary information, prepare the appropriate documents, and submit the information required for this collection.

Estimated Total Annual Respondent Burden Hours: 15,991.67 hours.

Estimated Total Annual Respondent (Hourly) Cost Burden: $4,405,704.17. The USPTO estimates that it will take a combined effort by attorneys and paraprofessional/paralegals to complete the requirements in this collection. The hourly rate for attorneys is $410, while the hourly rate for paraprofessional/paralegals is $141. After calculating the average of these rates, the USPTO estimates that the hourly rate for completing the petitions, notices, requests, and other papers will be $275.50. Using this hourly rate, the USPTO estimates that the total respondent cost burden for this collection will be $4,405,704.17 per year.

Number	Item	Estimated time for response (hours) (a)	Estimated annual responses (b)	Estimated annual burden hours (a) × (b)/60 = (c)	Rate ($/hr)
1	Petition to Cancel	0.5	5	2.5	$275.50
1	Electronic Petition to Cancel	0.5	1,895	947.5	275.50
2	Notice of Opposition	0.5	5	2.5	275.50
2	Electronic Notice of Opposition	0.5	6,195	3,097.5	275.50
3	Request for Extension of Time to File an Opposition	0.17	10	1.67	275.50
3	Electronic Request for Extension of Time to File an Opposition	0.17	18,900	3,150	275.50
4	Papers in Inter Partes Cases • Answers. • Amendments to Pleadings. • Amendment of Application or Registration During Proceeding. • Motions (such as consent motions, motions to extend, motions to suspend, etc.). • Evidence. • Briefs. • Surrender of Registration. • Abandonment of Application.	0.17	750	125	275.50

Number	Item	Estimated time for response (hours) (a)	Estimated annual responses (b)	Estimated annual burden hours (a) × (b)/60 = (c)	Rate ($/hr)
	• Documents Related to Concurrent Use Applications. • Notice of Intent to Appeal a TTAB decision.				
4	Electronic Submissions in Inter Partes Cases • Answers. • Amendments to Pleadings. • Amendment of Application or Registration During Proceeding. • Motions (such as consent motions, motions to extend, motions to suspend, etc.). • Evidence. • Briefs. • Surrender of Registration. • Abandonment of Application. • Documents Related to Concurrent Use Applications. • Notice of Intent to Appeal a TTAB decision.	0.17	40,740	6,790	275.50
5	Notice of Appeal	0.25	5	1.25	275.50
5	Electronic Notice of Appeal	0.25	3,495	873.75	275.50
6	Miscellaneous Ex Parte Papers	0.17	5	0.83	275.50
6	Electronic Miscellaneous Ex Parte Submissions	0.17	5,995	999.17	275.50
Total			78,000	15,991.67	

Estimated Total Annual (Non-hour) Respondent Cost Burden: $5,744,000.00. There are no capital start-up, maintenance, or record keeping costs associated with this information collection. However, some filings in this collection have filing fees. The petitions to cancel, the notices of opposition, the notices of appeal, the extensions of time to file an opposition, and the additional papers filed in inter partes and ex parte cases must be submitted to the USPTO electronically or served on other parties by email. Express or first-class mail through the United States Postal Service or hand delivery to the TTAB is only available under extraordinary circumstances. There are also filing fees associated with this collection. This includes new fees as well as fees being returned from collection 0651–0072, which has been discontinued. These fees are listed in the accompanying table below.

Number	Item	Estimated annual responses (a)	Filing fee ($) (b)	Total non-hour cost burden ($) (a) × (b) = (c)
1	Petition to Cancel	5	$500.00	$2,500.00
1	Electronic Petition to Cancel	1,895	400.00	758,000.00
2	Notice of Opposition	5	500.00	2,500.00
2	Electronic Notice of Opposition	6,195	400.00	2,478,000.00
3	Ex Parte Appeal to the Trademark Trial and Appeal Board Filed on Paper	5	300.00	1,500.00
3	Electronic Ex Parte Appeal to the Trademark Trial and Appeal Board	3,495	200.00	699,000.00
4	Request for Extension of Time to File an Opposition under § 2.102(c)(3)	5	200.00	1,000.00
4	Electronic Request for Extension of Time to File an Opposition under § 2.102(c)(3)	9,600	100.00	960,000.00
5	Request for Extension of Time to File an Opposition under § 2.102(c)(1)(ii) or (c)(2)	5	300.00	1,500.00
5	Electronic Request for Extension of Time to File an Opposition § 2.102(c)(1)(ii) or (c)(2)	4,200	200.00	840,000.00
Total		25,410		5,744,000.00

Therefore, the USPTO estimates that the total annual (non-hour) cost burden for this collection, in the form of filing fees, is $5,744,000.00 per year.

IV. Request for Comments

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;

(c) ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) ways to minimize the burden of the collection of information on respondents, *e.g.,* the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 10, 2017.

Marcie Lovett,

Records and Information Governance Division Director, OCTO United States Patent and Trademark Office.

[FR Doc. 2017–05574 Filed 3–21–17; 8:45 am]

BILLING CODE 1650–15–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Submission for OMB Review; Comment Request; Native American Tribal Insignia Database

The United States Patent and Trademark Office (USPTO) will submit

to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Patent and Trademark Office, Commerce.

Title: Native American Tribal Insignia Database.

OMB Control Number: 0651–0048.

Form Number(s): None.

Type of Request: Extension of a currently approved collection.

Number of Respondents: 4 responses per year.

Average Hours per Response: The USPTO estimates that a recognized Native American tribe will require an average of 1 hour to complete a request to record an official insignia, including time to prepare the appropriate documents and submit the completed request to the USPTO.

Burden Hours: 4 hours.

Cost Burden: $4.80.

Needs and Uses: The Trademark Law Treaty Implementation Act of 1998 (Pub. L. 105–330, sec. 302, 112 Stat. 3071) required the USPTO to study issues surrounding the protection of the official insignia of federally and state-recognized Native American tribes under trademark law. At the direction of Congress, the USPTO created a database containing the official insignia of recognized Native American tribes.

The USPTO database of official tribal insignias provides evidence of what a federally or state-recognized Native American tribe considers to be its official insignia. The database thereby assists trademark examining attorneys in their examination of applications for trademark registration by serving as a reference for determining the registrability of a mark that may falsely suggest a connection to the official insignia of a Native American tribe. The entry of an official insignia into the database does not confer any rights to the tribe that submitted the insignia, and entry is not the legal equivalent of registering the insignia as a trademark under 15 U.S.C. 1051 *et seq.*

This information collection is used by the USPTO to enter an official insignia submitted by a federally or state-recognized Native American tribe into the database. There are no forms associated with this collection.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A._Fraser@omb.eop.gov.*

Once submitted, the request will be publicly available in electronic format through *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Further information can be obtained by:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0048 copy request'' in the subject line of the message.
- *Mail:* Marcie Lovett, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before April 21, 2017 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A._Fraser@omb.eop.gov,* or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Dated: March 10, 2017.

Marcie Lovett,

Director, Records and Information Governance Division, Office of the Chief Technology Officer, Office of the Chief Information Officer, United States Patent and Trademark Office.

[FR Doc. 2017–05575 Filed 3–21–17; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Board of Visitors of the U.S. Air Force Academy; Notice of Meeting

AGENCY: U.S. Air Force Academy Board of Visitors, DOD.

ACTION: Meeting notice.

In accordance with 10 U.S.C. Section 9355, the U.S. Air Force Academy (USAFA) Board of Visitors (BoV) will hold a meeting at Polaris Hall, U.S. Air Force Academy, Colorado Springs, CO on Thursday, 6 April and Friday, 7 April, 2017. The meeting for 6 April is for BoV members only. The meeting on 7 April will begin at 0900 and conclude at 1345. The purpose of this meeting is to review morale and discipline, social climate, strategic communication, infrastructure, and other matters relating to the Academy. Specific topics for this meeting include a Superintendent's Update; Capital Projects and Construction Update; Status of Discipline; Graduate Assessment Update. Public attendance at this USAFA BoV meeting shall be accommodated on a first-come, first-served basis up to the reasonable and safe capacity of the meeting room. In addition, any member of the public wishing to provide input to the USAFA BoV should submit a written statement in accordance with 41 CFR Section 102–3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act and the procedures described in this paragraph. Written statements must address the following details: The issue, discussion, and a recommended course of action. Supporting documentation may also be included as needed to establish the appropriate historical context and provide any necessary background information. Written statements can be submitted to the Designated Federal Officer (DFO) at the Air Force address detailed below at any time. However, if a written statement is not received at least 10 calendar days before the first day of the meeting which is the subject of this notice, then it may not be provided to or considered by the BoV until its next open meeting. The DFO will review all timely submissions with the BoV Chairman and ensure they are provided to members of the BoV before the meeting that is the subject of this notice. If after review of timely submitted written comments and the BoV Chairman and DFO deem appropriate, they may choose to invite the submitter of the written comments to orally present the issue during an open portion of the BoV meeting that is the subject of this notice. Members of the BoV may also petition the Chairman to allow specific personnel to make oral presentations before the BoV. In accordance with 41 CFR Section 102–3.140(d), any oral presentations before the BoV shall be in accordance with agency guidelines provided pursuant to a written invitation and this paragraph. Direct questioning of BoV members or meeting participants by the public is not permitted except with the approval of the DFO and Chairman. For the benefit of the public, rosters that list the names of BoV members and any releasable materials presented during the open portions of this BoV meeting shall be made available upon request.

Contact Information: For additional information or to attend this BoV meeting, contact Major James Kuchta, Accessions and Training Division, AF/A1PT, 1040 Air Force Pentagon, Washington, DC 20330, (703) 695–4066, *James.L.Kuchta.mil@mail.mil.*

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2017–05625 Filed 3–21–17; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–41]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107 or Kathy Valadez, (703) 697–9217; DSCA/SA&E–RAN.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–41 with attached Policy Justification and Sensitivity of Technology.

Dated: March 17, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

MAR 0 2 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

On December 20, 2016, a Section 36(b)(1) notification for the Government of Kuwait was forwarded to your office under Transmittal No. 16-40. As we have since learned that Transmittal No. 16-40 had previously been used, the Kuwait notification's number has been changed to 16-41, as of the above date, and will be referred to as such in all future documentation, to include publishing in the Federal Register.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

DEC 13 2016

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-40, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost $37 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 5001–06–C

Transmittal No. 16–40

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Kuwait

(ii) *Total Estimated Value:*

Major Defense Equipment *	$36 million
Other	$ 1 million
Total	$37 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Two hundred and fifty (250) Joint Direct Attack Munition (JDAM) Tail Kits for 500-pound bombs

Two hundred and fifty (250) JDAM Tail Kits for 1,000-pound bombs

Two hundred and fifty (250) JDAM Tail Kits for 2,000-pound bombs

Non-MDE includes:

Two (2) 500-pound and two (2) 2,000-pound load Build Trainers, spares, support equipment, repair and return, and other associated logistical support.

(iv) *Military Department:* Air Force, KU–D–YAC (A3)

(v) *Prior Related Cases, if any:* KU–D–YAB (A2), 15 Jun 2015 ($7.6M)

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex attached.

(viii) *Date Report Delivered to Congress:* December 20, 2016

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kuwait—Joint Direct Attack Munition (JDAM) Tail Kits

The Government of Kuwait has requested a possible total sale of seven hundred and fifty (750) JDAM Tail Kits (two hundred and fifty (250) for 500-pound bombs, two hundred and fifty (250) kits for 1,000-pound bombs, and two hundred and fifty (250) kits for 2,000-pound bombs). Sale also includes two (2) 500-pounds and two (2) 2,000-pounds JDAM Load Build Trainers spares, support equipment, repair and return, and other associated logistical support. The estimated cost is $37 million.

This proposed sale contributes to the foreign policy and national security of the United States by improving the security of a Major Non-NATO Ally which continues to be an important force for political stability and economic progress in the Middle East. Kuwait plays a large role in U.S. efforts to advance stability in the Middle East, providing basing, access, and transit for U.S. forces in the region.

This proposed sale improves Kuwait's capability to deter regional threats and strengthens its homeland defense. Kuwait will be able to absorb this additional equipment and support into its armed forces.

The proposed sale of this equipment and support does not alter the basic military balance in the region.

The proposed sale does not require the assignment of any additional U.S. Government or contractor representatives to Kuwait.

The sole-source contractor is the original equipment manufacturer, Boeing, Chicago, Illinois. There are no known offset agreements proposed in connection with this potential sale.

There is no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 16–40

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) *Sensitivity of Technology:*

1. Joint Direct Attack Munition (JDAM) is a guidance tail kit that converts unguided free-fall bombs into accurate, adverse weather ''smart'' munitions. With the addition of a new tail section that contains an inertial navigational system and a global positioning system guidance control unit, JDAM improves the accuracy of unguided, general-purpose bombs in any weather condition. JDAM can be launched from very low to very high altitudes in a dive, toss and loft, or in straight and level flight with an on-axis or off-axis delivery. JDAM enables multiple weapons to be directed against single or multiple targets on a single pass. The JDAM All Up Round and all of its components are UNCLASSIFIED; technical data for JDAM is classified up to SECRET.

2. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification. The benefits to be derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Kuwait.

[FR Doc. 2017–05689 Filed 3–21–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–02]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107 or Kathy Valadez, (703) 697–9217; DSCA/SA&E–RAN.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–02 with attached Policy Justification and Sensitivity of Technology.

Dated: March 17, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

MAR 16 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-02, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of the United Kingdom for defense articles and services estimated to cost $150 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 17–02

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* United Kingdom

(ii) *Total Estimated Value:*

Major Defense Equipment *	$135.0 million
Other	$ 15.0 million
Total	$150.0 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE): One thousand (1,000) AGM–114–R1/R2 Hellfire II Semi-Active Laser (SAL) Missiles

Non-MDE: Logistics support services and other related program support

(iv) *Military Department:* Air Force (YAI)

(v) *Prior Related Cases, if any:* UK–D–YAC—$22M—May 2008; UK–D–YAF—$21M—Mar 2011; UK–D–YAY—$134M—Aug 2013

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* March 16, 2017

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Kingdom—Hellfire Missiles

The Government of the United Kingdom (UK) requested a possible sale of 1,000 AGM–114–R1/R2 Hellfire II Semi-Active Laser (SAL) Missiles with logistics support services and other related program support. The estimated cost is $150 million.

This proposed sale directly contributes to the foreign policy and national security policies of the United States by enhancing the close air support capability of the UK in support of NATO and other coalition operations. Commonality between close air support capabilities greatly increases interoperability between our two countries' military and peacekeeping forces and allows for greater burden sharing.

The proposed sale improves the UK's capability to meet current and future threats by providing close air support to counter enemy attacks on coalition ground forces in the U.S. Central Command area of responsibility (AOR) and other areas, as needed. The UK already has Hellfire missiles in its inventory and will have no difficulty absorbing these additional missiles.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

There is no principal contractor for this sale as the missiles are coming from U.S. stock.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the UK.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–02

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex Item No. vii

(vii) *Sensitivity of Technology:*

1. AGM–114–R1/R2 Hellfire. The AGM–114–R1/R2 Hellfire II Semi-Active Laser (SAL) Missiles are rail-launched guided missiles developed and produced by Lockheed Martin. The guidance system employs a SAL seeker. The SAL missile homes in on the laser energy reflected off a target that has been illuminated by a laser designator. The laser can be on either the launch platform or another platform that can be separated from it by several kilometers. The target sets are armor, bunkers, caves, enclosures, boats, and enemy personnel. The weapon system hardware, as an ''All Up Round,'' is UNCLASSIFIED. The highest level of classified information to be disclosed regarding the AGM–114–R1/R2 Hellfire II missile software is SECRET. The highest level of classified information that could be disclosed by a proposed sale or by testing of the end item is SECRET and the highest level that must be disclosed for production, maintenance, or training is CONFIDENTIAL.

The AGM–114 R1/R2 Hellfire II missiles use pulse-coded laser illumination. The R2 variant includes a Height-of-Burst (HOB)/proximity sensor. The AGM–114–R1/R2 missiles each have a multi-purpose selectable warhead and inertial measurement unit (IMU)-Aided Trajectories. The missiles United Kingdom operators employ are only handled by USAF personnel. The United Kingdom does not take possession of, or store the missile, and this policy has been in place since 2008.

2. If a technologically advanced adversary obtained knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the United Kingdom can provide substantially the same degree of protection for the AGM–114–R1/R2 Hellfire II missiles as the U.S. Government. Transfer of these missiles to the UK is necessary in the furtherance of U.S. foreign policy and national security objectives.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the United Kingdom.

[FR Doc. 2017–05646 Filed 3–21–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Strategic Command Strategic Advisory Group; Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Chairman Joint Chiefs of Staff, U.S. Strategic Command Strategic Advisory Group, 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 U.S. Strategic Command Strategic Advisory Group will take place.

DATES: Day 1—Closed to the public Tuesday, April 18, 2017, from 8:00 a.m. to 4:00 p.m. and Day 2—Closed to the public Wednesday, April 19, 2017, from 8:00 a.m. to 12:00 p.m.

ADDRESSES: Dougherty Conference Center, Building 432, 906 SAC Boulevard, Offutt AFB, Nebraska 68113.

FOR FURTHER INFORMATION CONTACT: Mr. John Trefz, Jr., Designated Federal Officer, (402) 294–4102 (Voice), (402) 294–3128 (Facsimile), *john.l.trefz.civ@mail.mil* (Email). Mailing address is 901 SAC Boulevard, Suite 1 F7, Offutt AFB, NE 68113–6030.

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. This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix), the Government in Sunshine Act of 1976 (5 U.S.C. 552b), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to provide advice on scientific, technical, intelligence, and policy-related issues to the Commander, U.S. Strategic Command, during the development of the Nation's strategic war plans.

Agenda: Topics include: Policy Issues, Space Operations, Nuclear Weapons Stockpile Assessment, Weapons of Mass Destruction, Intelligence Operations, Cyber Operations, Global Strike, Command and Control, Science and Technology, Missile Defense.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, and 41 CFR 102–3.155, the Department of Defense has determined that the meeting shall be closed to the public. Per delegated authority by the Chairman, Joint Chiefs of Staff, General John E. Hyten, Commander, U.S. Strategic Command, in consultation with his legal advisor, has determined in writing that the public interest requires that all sessions of this meeting be closed to the public because they will be concerned with matters listed in 5 U.S.C. 552b(c)(l).

Written Statements: Pursuant to 41 CFR 102–3.140(c), the public or interested organizations may submit written statements to the membership of the Strategic Advisory Group at any time or in response to the stated agenda of a planned meeting. Written statements should be submitted to the Strategic Advisory Group's Designated Federal Officer; the Designated Federal Officer's contact information can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.* Written statements that do not pertain to a scheduled meeting of the Strategic Advisory Group may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than five business days prior to the meeting in question. The Designated Federal Officer will review all submitted written statements and provide copies to all the committee members.

Dated: March 17, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–05715 Filed 3–21–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0038]

Agency Information Collection Activities; Comment Request; Protection and Advocacy of Individual Rights (PAIR)

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 an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 22, 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–0038. 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 Samuel Pierre, 202–245–6488.

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: Protection and Advocacy of Individual Rights (PAIR).

OMB Control Number: 1820–0627.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 57.

Total Estimated Number of Annual Burden Hours: 912.

Abstract: The Annual Protection and Advocacy of Individual Rights (PAIR) Program Performance Report (Form RSA–509) will be used to analyze and evaluate the effectiveness of eligible systems within individual states in meeting annual priorities and objectives. These systems provide services to eligible individuals with disabilities to protect their legal and human rights. Rehabilitation Services Administration (RSA) uses the form to meet specific data collection requirements of Section 509 of the Rehabilitation Act of 1973, as amended (the act), and its implementing federal regulations at 34 CFR part 381. PAIR programs must report annually using the form, which is due on or before December 30 each year. Form RSA–509 has enabled RSA to furnish the President and Congress with data on the provision of protection and advocacy services and has helped to establish a sound basis for future funding requests. These data also have been used to indicate trends in the provision of services from year-to-year.

Dated: March 16, 2017.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–05573 Filed 3–21–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2016–ICCD–0104]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Measures and Methods for the National Reporting System for Adult Education

AGENCY: Office of Career, Technical, and Adult Education (OCTAE), 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 April 21, 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–2016–ICCD–0104. 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 John LeMaster, 202–245–6218.

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: Measures and Methods for the National Reporting System for Adult Education.

OMB Control Number: 1830–0027.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 57.

Total Estimated Number of Annual Burden Hours: 5,700.

Abstract: Title II of the Workforce Innovation and Opportunity Act of 2014 (WIOA—P.L. 113–128), entitled the Adult Education and Family Literacy Act (AEFLA), was enacted on July 22, 2014. AEFLA creates a partnership among the Federal government, States, and localities to provide, on a voluntary basis, adult education and literacy services. Section 116 of WIOA requires States and Local Areas that operate the six core programs of the workforce development system to comply with common performance accountability requirements for those programs. In addition to the WIOA Joint Performance ICR, ED's Office of Career, Technical, and Adult Education (OCTAE) has modified its previously-approved ICR, used by States for performance reporting under the Workforce Investment Act of 1998 (WIA) through the National Reporting System for Adult Education (NRS ICR), to conform to the new requirements under WIOA. The NRS ICR obtains aggregate data annually from States using a set of data tables developed by ED (OMB Control No. 1830–0027).

Through this proposal, the Department is submitting a revised NRS ICR to include additional data collection elements consistent with the WIOA performance accountability requirements for the AEFLA program. These new requirements will become effective July 1, 2017. Thus, for purposes of the AEFLA program, States will be required to complete and submit annually to OCTAE the WIOA Annual Statewide Performance Report Template (in the Joint Performance ICR) and the aggregate data tables in the revised NRS ICR under OMB Control No. 1830–0027.

This revised NRS ICR contains 17 tables, two of which are required only for States that offer distance education; one optional table; two financial reports; one narrative report; and one data quality checklist. These tables and report forms are included in the document titled ''Adult Education and Family Literacy Act (AEFLA) Reporting Tables.'' States include in the tables all participants in programs (1) that meet the purposes of AEFLA, and (2) for which expenditures are reported on the Federal Financial Report. In June 2016, OMB approved the data collection required by AEFLA (OMB 1830–0027) by approving non-substantive changes that conformed to the performance accountability requirements in WIOA section 116. OCTAE is requesting an extension of this approval, with proposed minor changes in order to obtain a more accurate reporting of participants served in the various AEFLA activities, services, and programs that support the purposes of AEFLA. These minor enhancements will increase the efficiency of the data collection process and ensure the quality of the data that States report.

Dated: March 16, 2017.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–05571 Filed 3–21–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0037

Agency Information Collection Activities; Comment Request; Annual Client Assistance Program (CAP) Report

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 an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 22, 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–0037. 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 Jim Doyle, 202–245–6630.

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: Annual Client Assistance Program (CAP) Report.

OMB Control Number: 1820–0528.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 57.

Total Estimated Number of Annual Burden Hours: 912.

Abstract: Form RSA 227 is used to meet specific data collection requirements contained in Section 112 of the Rehabilitation Act of 1973, as amended, and its implementing Federal Regulations at 34 CFR part 370. Data from the form have been used to evaluate individual programs. These data also have been used to indicate trends in the provision of services from year-to-year. In addition, Form RSA–227 is used to analyze and evaluate the effectiveness of individual Client Assistance Program (CAP) grantees. These agencies provide services to individuals seeking or receiving services from programs and projects authorized by the Rehabilitation Act of 1973, as amended. Form RSA–227 has enabled RSA to furnish the President and Congress with data on the provision of advocacy services and has helped to establish a sound basis for future funding requests.

Dated: March 16, 2017.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–05572 Filed 3–21–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP17–66–000; CP17–67–000; PF15–27–000]

Venture Global Plaquemines LNG, LLC and Venture Global Gator Express, LLC; Notice of Application

Take notice that on February 28, 2017, Venture Global Plaquemines LNG, LLC (Plaquemines LNG) and Venture Global Gator Express, LLC (Gator Express Pipeline), 2200 Pennsylvania Ave. NW., Suite 600 West, Washington, DC 20037, filed an application pursuant to sections 3 and 7(c) of the Natural Gas Act (NGA) and Parts 157 and 284 of the Commission's Regulations requesting authority to construct a liquefied natural gas (LNG) export terminal and pipeline facilities located in Plaquemines Parish, Louisiana. Together the proposals are referred to as the Plaquemines LNG and Gator Express Pipeline Project or Project. Specifically, Plaquemines LNG and Gator Express Pipeline request Commission authorization to construct and operate a new LNG export terminal and associated facilities along the west bank of the Mississippi River in Plaquemines Parish, Louisiana (Terminal) and to construct and operate two new 42-inch-diameter natural gas pipeline laterals that will connect the Terminal to the pipeline facilities of Tennessee Gas Pipeline Company and Texas Eastern Transmission. The two parallel and adjacent laterals (11.7 and 15.1 miles long) would be operated at an MAOP of 1,200 pounds per square inch and will be designed to provide firm transportation capacity of approximately 1,970,000 Dt/d to the Terminal. Total cost of the pipeline portion of the project is estimated to be approximately 284 million dollars.

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 Fory Musser, Senior Vice President, Development, Venture Global LNG, Inc., 2200 Pennsylvania Ave. NW., Suite 600 West, Washington, DC 20037, telephone: (202) 759–6738, facsimile: (202) 331–5054 or email: *fmusser@ventureglobalIng.com.*

On July 2, 2015 the Commission granted Plaquemines LNG's request to utilize the Pre-Filing Process and assigned Docket No. PF15–27–000 to staff activities involved in the Project. Now, as of the filing of the March 1 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP17–66–000 and CP17–67–000 as noted in the caption of this 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 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 April 3, 2017.

Dated: March 13, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05671 Filed 3–21–17; 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: EC17–91–000.

Applicants: Kingfisher Wind, LLC, Comanche Solar PV, LLC, BlackRock, Inc.

Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Action of Kingfisher Wind, LLC, et al.

Filed Date: 3/15/17.

Accession Number: 20170315–5188.

Comments Due: 5 p.m. ET 4/5/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2633–031; ER10–2570–031; ER10–2717–031; ER10–3140–031; ER13–55–021.

Applicants: Birchwood Power Partners, L.P., Shady Hills Power Company, L.L.C., EFS Parlin Holdings, LLC, Inland Empire Energy Center, LLC, Homer City Generation, L.P.

Description: Notice of Non-Material Change in Status of the GE Companies.

Filed Date: 3/15/17.

Accession Number: 20170315–5187.

Comments Due: 5 p.m. ET 4/5/17.

Docket Numbers: ER16–1036–001.

Applicants: Wolverine Power Supply Cooperative, Inc.

Description: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.19a(b): Refund Report to be effective N/A.

Filed Date: 3/14/17.

Accession Number: 20170314–5188.

Comments Due: 5 p.m. ET 4/4/17.

Docket Numbers: ER17–923–001.

Applicants: Ashley Energy LLC.

Description: Tariff Amendment: Amendment to Application for MBR to be effective 2/20/2017.

Filed Date: 3/16/17.

Accession Number: 20170316–5130.

Comments Due: 5 p.m. ET 4/6/17.

Docket Numbers: ER17–1191–000.

Applicants: Otter Tail Power Company.

Description: § 205(d) Rate Filing: Supplements to Rate Schedule No. 151 to be effective 7/30/2010.

Filed Date: 3/15/17.

Accession Number: 20170315–5166.

Comments Due: 5 p.m. ET 4/5/17.

Docket Numbers: ER17–1192–000.

Applicants: Otter Tail Power Company.

Description: § 205(d) Rate Filing: Supplements to Rate Schedule No. 168 to be effective 7/30/2010.

Filed Date: 3/15/17.

Accession Number: 20170315–5168.

Comments Due: 5 p.m. ET 4/5/17.

Docket Numbers: ER17–1193–000.

Applicants: Otter Tail Power Company.

Description: § 205(d) Rate Filing: Filing Related to CASOT Service Agreements to be effective 7/30/2010.

Filed Date: 3/15/17.

Accession Number: 20170315–5169.

Comments Due: 5 p.m. ET 4/5/17.

Docket Numbers: ER17–1194–000.

Applicants: Puget Sound Energy, Inc.

Description: Tariff Cancellation: Intel Cancellation of NITSA, NOA, and IA to be effective 3/1/2017.

Filed Date: 3/16/17.

Accession Number: 20170316–5005.

Comments Due: 5 p.m. ET 4/6/17.

Docket Numbers: ER17–1199–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: § 205(d) Rate Filing: 2017–03–16 NSP Addendum No. 1—JPZ Agrmt—304 to be effective 1/1/2015.

Filed Date: 3/16/17.

Accession Number: 20170316–5047.

Comments Due: 5 p.m. ET 4/6/17.

Docket Numbers: ER17–1200–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: § 205(d) Rate Filing: NSPM Addendum No 1 to the JPZ Agrmt 304 0.0.0 to be effective 4/16/2016.

Filed Date: 3/16/17.

Accession Number: 20170316–5048.

Comments Due: 5 p.m. ET 4/6/17.

Docket Numbers: ER17–1201–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Cancellation of WMPA SA No. 3580; Queue No. Y1–071 to be effective 5/8/2017.

Filed Date: 3/16/17.

Accession Number: 20170316–5049.

Comments Due: 5 p.m. ET 4/6/17.

Docket Numbers: ER17–1204–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of SA No. 3329; Queue No. X1–049 to be effective 5/12/2017.

Filed Date: 3/16/17.

Accession Number: 20170316–5072.

Comments Due: 5 p.m. ET 4/6/17.

Docket Numbers: ER17–1205–000.

Applicants: Norwalk Power LLC.

Description: Tariff Cancellation: Notice of Cancellation to be effective 3/17/2017.

Filed Date: 3/16/17.

Accession Number: 20170316–5073.

Comments Due: 5 p.m. ET 4/6/17.

Docket Numbers: ER17–1213–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: ISA Service Agreement No. 4634, Queue Position AB1–135 to be effective 2/15/2017.

Filed Date: 3/16/17.

Accession Number: 20170316–5098.

Comments Due: 5 p.m. ET 4/6/17.

Docket Numbers: ER17–1214–000.

Applicants: Coso Geothermal Power Holdings, LLC.

Description: § 205(d) Rate Filing: CIS & 819 Tariff Revisions to be effective 3/17/2017.

Filed Date: 3/16/17.

Accession Number: 20170316–5124.

Comments Due: 5 p.m. ET 4/6/17.

Docket Numbers: ER17–1215–000.

Applicants: Otter Tail Power Company.

Description: § 205(d) Rate Filing: Notice of Termination of Ainsworth CASOT Service Agreement to be effective 7/30/2010.

Filed Date: 3/16/17.

Accession Number: 20170316–5125.

Comments Due: 5 p.m. ET 4/6/17.

Docket Numbers: ER17–1216–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA SA No. 3246; Queue No. W1–119 to be effective 4/30/2014.

Filed Date: 3/16/17.

Accession Number: 20170316–5126.

Comments Due: 5 p.m. ET 4/6/17.

Docket Numbers: ER17–1217–000.

Applicants: Total Gas & Power North America, Inc.

Description: Baseline eTariff Filing: FERC MBR Application to be effective 4/6/2017.

Filed Date: 3/16/17.

Accession Number: 20170316–5128.

Comments Due: 5 p.m. ET 4/6/17.

Docket Numbers: ER17–1218–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA SA No. 3247; Queue No. W1–120 to be effective 4/30/2014.

Filed Date: 3/16/17.

Accession Number: 20170316–5129.

Comments Due: 5 p.m. ET 4/6/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 16, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05670 Filed 3–21–17; 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: ER14–1656–010.

Applicants: CSOLAR IV West, LLC.

Description: Notification of Change in Status of CSOLAR IV West, LLC.

Filed Date: 3/9/17.

Accession Number: 20170309–5116.

Comments Due: 5 p.m. ET 3/30/17.

Docket Numbers: ER17–756–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2017–03–07_SA 2884 Amendment of Otter Tail-Crowned Ridge GIA (G736) to be effective 1/7/2017.

Filed Date: 3/7/17.

Accession Number: 20170307–5155.

Comments Due: 5 p.m. ET 3/28/17.

Docket Numbers: ER17–1123–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to Service Agreements re: MAIT Assignment—Partially Executed Consents to be effective 7/17/2008.

Filed Date: 3/8/17.

Accession Number: 20170308–5174.

Comments Due: 5 p.m. ET 3/29/17.

Docket Numbers: ER17–1124–000.

Applicants: Consumers Energy Company.

Description: Compliance filing: Compliance with Letter Order to be effective 10/7/2016.

Filed Date: 3/9/17.

Accession Number: 20170309–5078.

Comments Due: 5 p.m. ET 3/30/17.

Docket Numbers: ER17–1125–000.

Applicants: The Order of St. Benedict of New Hampshire.

Description: § 205(d) Rate Filing: Notice of Name Change to be effective 12/31/9998.

Filed Date: 3/9/17.

Accession Number: 20170309–5082.

Comments Due: 5 p.m. ET 3/30/17.

Docket Numbers: ER17–1127–000.

Applicants: Public Service Company of Oklahoma.

Description: § 205(d) Rate Filing: PSO–OGE Cemetery Road Delivery Point Agreement to be effective 2/22/2017.

Filed Date: 3/9/17.

Accession Number: 20170309–5147.

Comments Due: 5 p.m. ET 3/30/17.

Docket Numbers: ER17–1128–000.

Applicants: AEP Texas North Company.

Description: § 205(d) Rate Filing: TNC-White Camp Solar PDA Cancellation to be effective 3/1/2017.

Filed Date: 3/9/17.

Accession Number: 20170309–5148.

Comments Due: 5 p.m. ET 3/30/17.

Docket Numbers: ER17–1129–000.

Applicants: Duke Energy Progress, LLC, Duke Energy Florida, LLC, Duke Energy Carolinas, LLC.

Description: § 205(d) Rate Filing: OATT Attachment C–1 Intra-Day Amendment to be effective 6/1/2017.

Filed Date: 3/9/17.

Accession Number: 20170309–5154.

Comments Due: 5 p.m. ET 3/30/17.

Docket Numbers: ER17–1130–000.

Applicants: AEP Texas Central Company.

Description: § 205(d) Rate Filing: TCC-Petronila Wind Farm PDA Cancellation to be effective 3/1/2017.

Filed Date: 3/9/17.

Accession Number: 20170309–5158.

Comments Due: 5 p.m. ET 3/30/17.

Docket Numbers: ER17–1131–000.

Applicants: AEP Texas Central Company.

Description: § 205(d) Rate Filing: TCC-Midway Farms Wind PDA Cancellation to be effective 3/1/2017.

Filed Date: 3/9/17.

Accession Number: 20170309–5165.

Comments Due: 5 p.m. ET 3/30/17.

Docket Numbers: ER17–1132–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2017–03–09 Tariff Clarifications Amendment to be effective 3/10/2017.

Filed Date: 3/9/17.

Accession Number: 20170309–5169.

Comments Due: 5 p.m. ET 3/30/17.

Docket Numbers: ER17–1133–000.

Applicants: AEP Texas Central Company.

Description: § 205(d) Rate Filing: TCC-Javelina Wind Energy SUA Cancellation to be effective 3/1/2017.

Filed Date: 3/9/17.

Accession Number: 20170309–5171.

Comments Due: 5 p.m. ET 3/30/17.

Docket Numbers: ER17–1134–000.

Applicants: AEP Texas Central Company.

Description: § 205(d) Rate Filing: TCC–EC&R Development PDA Cancellation to be effective 3/1/2017.

Filed Date: 3/9/17.

Accession Number: 20170309–5176.

Comments Due: 5 p.m. ET 3/30/17.

Docket Numbers: ER17–1135–000.

Applicants: AEP Texas Central Company.

Description: § 205(d) Rate Filing: TCC-Anacacho Wind SUA Cancellation to be effective 3/1/2017.

Filed Date: 3/9/17.

Accession Number: 20170309–5180.

Comments Due: 5 p.m. ET 3/30/17.

Docket Numbers: ER17–1136–000.

Applicants: AEP Texas North Company.

Description: § 205(d) Rate Filing: TNC-Blue Summit Wind SUA Cancellation to be effective 3/1/2017.

Filed Date: 3/9/17.

Accession Number: 20170309–5187.

Comments Due: 5 p.m. ET 3/30/17.

Take notice that the Commission received the following electric reliability filings.

Docket Numbers: RD17–4–000.

Applicants: North American Electric Reliability Corporation.

Description: Petition of the North American Electric Reliability Corporation for Approval of Proposed Reliability Standards IRO–002–5 and TOP–001–4.

Filed Date: 3/6/17.

Accession Number: 20170306–5233.

Comments Due: 5 p.m. ET 4/5/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 9, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05698 Filed 3–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meetings related to the transmission planning activities of Tucson Electric Power Company, UNS Electric, Inc., Public Service Company of New Mexico, Arizona Public Service Company, El Paso Electric Company, Black Hills Power, Inc., Black Hills Colorado Electric Utility Company, LP, Cheyenne Light, Fuel, & Power Company, NV Energy, Inc.; and Xcel Energy Services, Inc. on behalf of Public Service Company of Colorado:

Planning Management Committee Meeting

March 15, 2017, 9 a.m.–3 p.m. (MST)

Planning Management Committee Meeting

April 19, 2017, 9 a.m.– 3 p.m. (MST)

The March 15, 2017 Planning Management Committee Meeting will be held at:

Energy Strategies, 215 State St. #200, Salt Lake City, UT 84111

The April 19, 2017 Planning Management Committee Meeting will be held at:

Xcel Energy, 1800 Larimer St., Denver, CO 80202

The above-referenced meetings will be available via web conference and teleconference.

The above-referenced meetings are open to stakeholders.

Further information may be found at *http://www.westconnect.com/.*

The discussions at the meetings described above may address matters at issue in the following proceeding:

ER13–75, *Public Service Company of New Mexico; El Paso Electric Company*

For more information contact Nicole Cramer, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–6775 or *nicole.cramer@ferc.gov.*

Dated: March 13, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05673 Filed 3–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC17–4–000]

Commission Information Collection Activities (FERC–521); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on FERC–521 (Payments for Benefits from Headwater Improvements) and will be submitting FERC–521 to the Office of Management and Budget (OMB) for review of the information collection requirements.

DATES: Comments on the collection of information are due May 22, 2017.

ADDRESSES: You may submit comments identified by Docket No. IC17–4–000 by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–521, Payments for Benefits from Headwater Improvements

OMB Control No.: 1902–0087.

Type of Request: Three-year extension of the FERC–521 information collection requirements with no changes to the reporting requirements.

Abstract: The information collected under the requirements of FERC–521 is

used by the Commission to implement the statutory provisions of Section 10(f) of the Federal Power Act (FPA).[1] The FPA authorizes the Commission to determine headwater benefits received by downstream hydropower project owners. Headwater benefits are the additional energy production possible at a downstream hydropower project resulting from the regulation of river flows by an upstream storage reservoir.

When the Commission completes a study of a river basin, it determines headwater benefits charges that will be apportioned among the various downstream beneficiaries. A headwater benefits charge and the cost incurred by the Commission to complete an evaluation are paid by downstream hydropower project owners. In essence, the owners of non-federal hydropower projects that directly benefit from a headwater improvement must pay an equitable portion of the annual charges for interest, maintenance, and depreciation of the headwater project to the U.S. Treasury. The regulations provide for apportionment of these costs between the headwater project and downstream projects based on downstream energy gains and propose equitable apportionment methodology that can be applied to all river basins in which headwater improvements are built. The Commission requires owners of non-federal hydropower projects to file data for determining annual charges as outlined in 18 Code of Federal Regulations (CFR) Part 11.

Type of Respondents: There are two types of entities that respond, Federal and Non-Federal hydropower project owners. The Federal entities that typically respond are the U.S. Army Corps of Engineers and the U.S. Department of Interior Bureau of Reclamation. The Non-Federal entities may consist of any Municipal or Non-Municipal hydropower project owner.

Estimate of Annual Burden:[2] The Commission estimates the total Public Reporting Burden for this information collection as:

The estimates for cost per response are derived using the 2017 FERC average salary plus benefits of $158,754/year (or $76.50/hour). Commission staff finds that the work done for this information collection is typically done by wage categories similar to those at FERC.

FERC–521—Payments for Benefits From Headwater Improvements

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Federal and Non-Federal hydropower project owners.	3	1	3	40 hrs.; $3,060	120 hrs.; $9,180	$3,060
Total cost	.....	.....	.....	.....	120 hrs.; $9,180	$3,060

The total estimated annual cost burden to each respondent is $3,060 [40 hours * $76.50/hour = $3,060].

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: March 13, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05672 Filed 3–21–17; 8:45 am]

BILLING CODE 6717–01–P

[1] 16 U.S.C. 803.

[2] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2302–085]

Brookfield White Pine Hydro LLC; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Proceeding:* Amendment of License.

b. *Project No.:* 2302–085.

c. *Date Filed:* February 24, 2017.

d. *Licensee:* Brookfield White Pine Hydro LLC.

e. *Name of Project:* Lewiston Falls Project.

f. *Location:* The project is located on the Androscoggin River in the town of Lewiston, Androscoggin County, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Licensee Contact:* Mr. Nate Stevens, Brookfield White Pine Hydro LLC, 150 Main Street, Lewiston, ME 99156, (207) 755–5610, *Nathan.Stevens@brookfieldrenewable.com.*

i. *FERC Contact:* Ms. Rebecca Martin, (202) 502–6012, *Rebecca.martin@ferc.gov.*

j. Deadline for filing comments, interventions, and protests is April 13, 2017. The Commission strongly encourages electronic filing. Please file motions to intervene, protests and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866)

208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2302–085.

k. *Description of Request:* The licensee requests to remove the Canal System and its four non-operating canal generating facilities from the Lewiston Falls Project and convey the canals and the conveyance facilities to the City of Lewiston for non-hydropower redevelopment and public use. This would reduce the project's installed capacity from 35.6 MW to 28 MW, but the operation of the project would remain unchanged.

l. This filing may be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction in the Commission's Public Reference Room located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .212 and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license amendment. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: March 13, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05674 Filed 3–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD17–8–000]

Town of Carbondale, Colorado; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On March 9, 2017, the Town of Carbondale, Colorado, filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed Town of Carbondale Nettle Creek WTP Hydro Project would have an installed capacity of 28 kilowatts (kW), and would be located along an existing raw water pipeline adjacent to the applicant's water treatment plant. The project would be located near the Town of Carbondale in Pitkin County, Colorado.

Applicant Contact: Mark O'Meara, Utility Director, Town of Carbondale, 511 Colorado Avenue, Carbondale, CO 81623 Phone No. (970) 963–3140.

FERC Contact: Christopher Chaney, Phone No. (202) 502–6778, email: *Christopher.Chaney@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) An new pressure reduction valve vault containing one turbine/generating unit with an installed capacity of 28 kW; (2) a short, 10-inch-diameter penstock teeing off the existing raw water pipeline; (3) a short, 10-inch-diameter discharge pipe returning water to the existing raw water pipeline; and (4) appurtenant facilities. The proposed project would have an estimated annual generating capacity of 190,000 kilowatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A), as amended by HREA ..	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i), as amended by HREA	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii), as amended by HREA.	The facility has an installed capacity that does not exceed 5 megawatts	Y

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY—Continued

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(C)(iii), as amended by HREA.	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: The proposed addition of the hydroelectric project along the existing raw water pipeline will not alter its primary purpose. Therefore, based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions To Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the ''COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY'' or ''MOTION TO INTERVENE,'' as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the ''eLibrary'' link. Enter the docket number (*i.e.,* CD17–8) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: March 13, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05669 Filed 3–21–17; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.2001–2005 (2016).

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2015–0765; FRL–9960–04–ORD]

Board of Scientific Counselors Homeland Security Subcommittee; Notification of Public Teleconference and Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of public meeting and public comment.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, the U.S. Environmental Protection Agency hereby provides notice that the Board of Scientific Counselors (BOSC) Homeland Security Subcommittee (HSS) will host a public teleconference. The meeting will be held on Tuesday, March 28, 2017 from 11:00 a.m. to 12:30 p.m. All times noted are Eastern Time and are approximate. The primary discussions will focus on finalizing the draft report on the effective and efficient tools, strategies and methods to characterize and assess exposure and decontamination following a biological contamination incident. There will be a public comment period at 11:15 a.m. For information on registering to participate on the call or to provide public comment, please see the **SUPPLEMENTARY INFORMATION** section below. Due to unforeseen administrative circumstances, EPA is announcing this meeting with less than fifteen calendar days' notice.

DATES: The BOSC HSS meeting will be held on Tuesday, March 28, 2017 from 11:00 a.m. to 12:30 p.m. All times noted are Eastern Time and are approximate.

FOR FURTHER INFORMATION CONTACT: Questions or correspondence concerning the meeting should be directed to Tom Tracy, Designated Federal Officer, Environmental Protection Agency, by mail at 1200 Pennsylvania Avenue NW., (MC 8104 R), Washington, DC 20460; by telephone at 202–564–6518; fax at 202–565–2911; or via email at *tracy.tom@epa.gov.*

SUPPLEMENTARY INFORMATION: The Charter of the BOSC states that the advisory committee shall provide independent advice to the Administrator on technical and management aspects of the ORD's research program. Additional information about the BOSC is available at: *http://www2.epa.gov/bosc.*

Registration: In order to participate in the meeting, you must register at the following site: *https://us-epa-2017-bosc-hs-subcommittee-teleconference.eventbrite.com.* Once you have completed the online registration, you will be contacted and provided with the meeting information. Registration will close on March 27, 2017.

Oral Statements: Members of the public who wish to provide oral comment during the meeting must preregister. Individuals or groups making remarks during the public comment period will be limited to five

(5) minutes. To accommodate the number of people who want to address the BOSC HSS, only one representative of a particular community, organization, or group will be allowed to speak.

Written Statements: Written comments for the public meeting must be received by Monday, March 27, 2017, and will be included in the materials distributed to the BOSC HSS prior to the meeting. Written comments should be sent to Tom Tracy, Environmental Protection Agency, via email at *tracy.tom@epa.gov* or by mail to 1200 Pennsylvania Avenue NW., (MC 8104 R), Washington, DC 20460, or submitted through *regulations.gov,* Docket ID No. EPA–HQ–ORD–2015–0765. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted online at *regulations.gov.*

Information about Services for Individuals with Disabilities: For information about services for individuals with disabilities, please contact Tom Tracy, at 202–564–6518 or via email at *tracy.tom@epa.gov.* To request special accommodations, please contact Tom Tracy no later than March 23, 2017, to give the Environmental Protection Agency sufficient time to process your request. All requests should be sent to the address, email, or phone number listed in the **FOR FURTHER INFORMATION CONTACT** section above.

Dated: March 7, 2017.

Fred S. Hauchman,

Director, Office of Science Policy.

[FR Doc. 2017–05709 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–0563; FRL–9959–73–OAR]

Proposed Information Collection Request; Comment Request; National Volatile Organic Compound Emission Standards for Consumer Products (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''National Volatile Organic Compound Emission Standards for Consumer Products (40 CFR part 59, subpart C) (Renewal), OMB Control No. 2060–0348, EPA ICR No. 1764.07,'' to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through June 30, 2017. 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.

DATES: Comments must be submitted on or before May 22, 2017.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2007–0563 online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

The EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Dr. Tina Ndoh, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Minerals and Manufacturing Group (D243–04), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: 919–541–2750; fax number: 919–541–5450; email address: *ndoh.tina@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about the EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The information collection includes initial reports and periodic recordkeeping necessary for the EPA to ensure compliance with Federal standards for volatile organic compounds in consumer products. Respondents are manufacturers, distributors, and importers of consumer products. All information submitted to the EPA for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in 40 CFR part 2, subpart B, Confidentiality of Business Information.

Form Numbers: None.

Respondents/Affected Entities: Manufacturers, distributors, and importers of consumer products.

Respondent's Obligation To Respond: Responses to the collection are mandatory under 40 CFR part 59, subpart C, National Volatile Organic Compound Emission Standards for Consumer Products.

Estimated Number of Respondents: 300 (total).

Frequency of Response: On occasion.

Total Estimated Burden: 16,126 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total Estimated Cost: $1,765,427 (per year), includes $0 annualized capital or operation and maintenance costs.

Changes in Estimates: There is a decrease of 13,487 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to adjustments to the estimated hours for each level of review. These adjustments are consistent with the assumptions used routinely in ICR renewals, and are discussed in the supporting statements for this action.

Dated: February 24, 2017.

Peter Tsirigotis,

Director, Sector Policies and Programs Division.

[FR Doc. 2017–05662 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0009; FRL–9959–45]

Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use of pesticides as listed in this notice. The exemptions were granted during the period October 1, 2016 to December 31, 2016 to control unforeseen pest outbreaks.

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed at the end of the emergency exemption.

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–OPP–2017–0009, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Background

EPA has granted emergency exemptions to the following State and Federal agencies. The emergency exemptions may take the following form: Crisis, public health, quarantine, or specific.

Under FIFRA section 18 (7 U.S.C. 136p), EPA can authorize the use of a pesticide when emergency conditions exist. Authorizations (commonly called emergency exemptions) are granted to State and Federal agencies and are of four types:

1. A ''specific exemption'' authorizes use of a pesticide against specific pests on a limited acreage in a particular State. Most emergency exemptions are specific exemptions.

2. ''Quarantine'' and ''public health'' exemptions are emergency exemptions issued for quarantine or public health purposes. These are rarely requested.

3. A ''crisis exemption'' is initiated by a State or Federal agency (and is confirmed by EPA) when there is insufficient time to request and obtain EPA permission for use of a pesticide in an emergency.

EPA may deny an emergency exemption: If the State or Federal agency cannot demonstrate that an emergency exists, if the use poses unacceptable risks to the environment, or if EPA cannot reach a conclusion that the proposed pesticide use is likely to result in ''a reasonable certainty of no harm'' to human health, including exposure of residues of the pesticide to infants and children.

If the emergency use of the pesticide on a food or feed commodity would result in pesticide chemical residues, EPA establishes a time-limited tolerance meeting the ''reasonable certainty of no harm standard'' of the Federal Food, Drug, and Cosmetic Act (FFDCA).

In this document: EPA identifies the State or Federal agency granted the exemption, the type of exemption, the pesticide authorized and the pests, the crop or use for which authorized, number of acres (if applicable), and the duration of the exemption. EPA also gives the **Federal Register** citation for the time-limited tolerance, if any.

III. Emergency Exemptions

A. U.S. States and Territories

California

Department of Pesticide Regulation

Specific exemption: EPA authorized the use of bifenthrin on a maximum of 18,000 acres of pomegranates to control leaf footed plant bug. A time-limited tolerance in connection with this action was established in 40 CFR 180.442(b); Effective October 6, 2016 to December 31, 2016.

Florida

Department of Agriculture and Consumer Services

Specific exemption: EPA authorized the use of clothianidin on a maximum of 125,376 acres of immature (3 to 5 years old) citrus trees to manage the transmission of Huanglongbing (HLB) disease vectored by the Asian citrus psyllid. A time-limited tolerance in connection with this action was established in 40 CFR 180.668(b); Effective March 1, 2017 to October 31, 2017.

Mississippi

Department of Agriculture and Commerce

Specific exemptions: EPA authorized the use of sulfoxaflor on a maximum of 337,500 acres of cotton to control tarnished plant bug. Tolerances in connection with a previous action have been established in 40 CFR 180.668(a); Effective December 23, 2016 to October 31, 2017.

EPA authorized the use of sulfoxaflor on a maximum of 115,000 acres of sorghum (grain and forage) to control sugarcane aphid. A time-limited tolerance in connection with this action has been established in 40 CFR 180.668(b); Effective May 1, 2017 to October 31, 2017.

North Carolina

Department of Agriculture and Consumer Services

Specific exemption: EPA authorized the use of thiabendazole for postharvest use on 80,000 acres of sweet potatoes to control black rot disease. A time-limited tolerance in connection with this action has been established in 40 CFR 180.680(b); Effective January 1, 2017 to December 31, 2017.

Pennsylvania

Department of Agriculture

Specific exemption: EPA authorized the use of etofenprox for use in mushroom cultivation on up to 16 million square feet (equivalent to 2,000 mushroom houses) to control Sciarid and Phorid fly species. Tolerances in connection with a previous action have been established in 40 CFR 180.620(a), to cover any residues as a result of this emergency exemption use; Effective December 21, 2016 to December 20, 2017.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 1, 2017.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2017–05722 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9960–06–OA]

Notification of Two Public Teleconferences of the Science Advisory Board Chemical Assessment Advisory Committee Augmented for the Review of EPA's Draft Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) Assessment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office announces two public teleconferences of the SAB Chemical Assessment Advisory Committee Augmented for the Review of the Draft Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) Assessment (CAAC–RDX Panel) to peer review EPA's draft Integrated Risk Information System (IRIS) *Toxicological Review of Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) (External Review Draft—September 2016).*

DATES: The public teleconferences will be held on Thursday April 13, 2017, and Monday April 17, 2017. The teleconferences will be held from 1:00 p.m. to 5:00 p.m. (Eastern Time) on both days.

ADDRESSES: *Location:* The public teleconference will be conducted by telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information concerning the teleconferences may contact Dr. Diana Wong, Designated Federal Officer (DFO), SAB Staff Office, by telephone at (202) 564–2049; or at *wong.diana-m@epa.gov.* General information concerning the EPA Science Advisory Board can be found at the EPA SAB Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

Background: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDAA) codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the SAB CAAC—RDX Panel will hold two public teleconferences to discuss its draft report regarding the draft IRIS *Toxicological Review of Hexahydro-1,3,5-trinitro-1,3,5-triazine (External Review Draft—September 2016).* The Panel will provide advice to the Administrator through the chartered SAB regarding this IRIS assessment.

The SAB CAAC—RDX Panel held a public meeting on December 12–14, 2016. The purpose of that meeting was to develop responses to the peer review charge on the agency's draft IRIS *Toxicological Review of Hexahydro-1,3,5-trinitro-1,3,5-triazine (External Review Draft—September 2016).* The purpose of these public teleconferences is for the Panel to discuss these responses and draft report. The two public teleconferences will be conducted as one complete meeting, beginning on April 13, 2017, and if necessary, will continue on April 17, 2017.

Availability of Meeting Materials: Additional background on this SAB activity, the teleconference agenda, draft report, and other materials for the teleconferences will be posted on the SAB Web site at *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/IRIS%20RDX?OpenDocument.*

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Members of the public can submit relevant comments pertaining to the meeting materials or the group conducting this SAB activity. Input from the public to the SAB will have the most impact if it consists of comments that provide specific scientific or technical information or analysis for SAB committees and panels to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should contact the DFO directly.

Oral Statements: In general, individuals or groups requesting an oral presentation on a public teleconference will be limited to three minutes per speaker. Interested parties wishing to provide comments should contact Dr. Diana Wong, DFO (preferably via email), at the contact information noted above, by April 6, 2017, to be placed on the list of public speakers for the teleconference.

Written Statements: Written statements will be accepted throughout the advisory process; however, for timely consideration by Panel members, statements should be should be supplied to the DFO (preferably via email) at the contact information noted above by April 6, 2017. It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Diana Wong at (202) 564–2049 or *wong.diana-m@epa.gov.* To request accommodation of a disability, please contact Dr. Wong preferably at least ten days prior to the teleconferences, to give EPA as much time as possible to process your request.

Dated: March 8, 2017.

Khanna Johnston,

Acting Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2017–05702 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0014; FRL–9958–52]

Product Cancellation Order for Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 of Unit II., pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows an August 20, 2014 **Federal Register** (79 FR 49311) (FRL–9914–46) Notice of Receipt of Requests from the registrants listed in Table 2 of Unit II. to voluntarily cancel these product registrations. In the August 20, 2014 notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 180-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency did not receive any comments on the notice. Further, the registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations are effective March 22, 2017.

FOR FURTHER INFORMATION CONTACT: Michael Yanchulis, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 347–0237; email address: *yanchulis.michael@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

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–OPP–2010–0014, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave., NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the Agency taking?

This notice announces the cancellation, as requested by registrants, of products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by registration number in Table 1 of this unit. The following registration numbers that were listed in the **Federal Register** of August 14, 2014 have already been cancelled in a previous **Federal Register** notices: 042750–00259 on June 3, 2015 (80 FR 31596) (FRL–9926–88) and AR–130001 on March 17, 2015 (80 FR 13846) (FRL–9923–29).

TABLE 1—PRODUCT CANCELLATIONS

EPA registration No.	Product name	Chemical name
MI–030002	Velocity Herbicide	Bispyribac-sodium.
PR–090001	Du Pont Coragen Insect Control	Chlorantraniliprole.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANTS OF CANCELLED PRODUCTS

EPA company No.	Company name and address
59639 (MI–030002)	Valent U.S.A. Corporation, 1600 Riviera Avenue, Suite 200, Walnut Creek, CA 94596.
352 (PR–090001)	E. I. Du Pont de Nemours and Company, Chestnut Run Plaza, 974 Centre Road, Wilmington, DE 19805.

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the August 20, 2014 **Federal Register** notice announcing the Agency's receipt of the requests for voluntary cancellations of products listed in Table 1 of Unit II.

IV. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)), EPA hereby approves the requested cancellations of the registrations identified in Table 1 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Table 1 of Unit II. are canceled. The effective date of the cancellations that are the subject of this notice is March 22, 2017. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit II. in a manner inconsistent with any of the provisions for disposition of existing stocks set

forth in Unit VI. will be a violation of FIFRA.

V. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of August 14, 2014. The comment period closed on February 17, 2015.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The existing stocks provisions for the products subject to this order are as follows.

The registrants may continue to sell and distribute existing stocks of products listed in Table 1 of Unit II. until March 22, 2018, which is 1-year after the publication of the Cancellation Order in the **Federal Register**. Thereafter, the registrants are prohibited from selling or distributing products listed in Table 1, except for export in accordance with FIFRA section 17 (7 U.S.C. 136o), or proper disposal. Persons other than the registrants may sell, distribute, or use existing stocks of products listed in Table 1 of Unit II. until existing stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 31, 2017,

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2017–05710 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2016–0345; FRL–9958–51]

Product Cancellation Order for Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 of Unit II., pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows a July 12, 2016 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 2 of Unit II. to voluntarily cancel these product registrations.

DATES: The cancellations are effective March 22, 2017.

FOR FURTHER INFORMATION CONTACT: Michael Yanchulis, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–0237; email address: *yanchulis.michael@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

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–OPP–2015–0321, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the Agency taking?

In the July 12, 2016 notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 180-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency did not receive any comments on this notice. The registration numbers below were listed in the July 12, 2016 notice and already have been canceled by other FR notices so are not listed in this notice. The products are listed by their cancellation FR notice: (1) **Federal Register** of June 30, 2016 (81 FR 42702; FRL–9947–16): 100–1249, 524–314, 524–316, 524–329, 524–344, 524–418 and 524–523; and (2) **Federal Register** of September 21, 2016 (81 FR 64897; FRL–9951–71): 498–197, 1677–205, 1677–206, 1839–85, 1839–102, 1839–128, 1839–138, 1839–188, 4822–554, 5813–28, 5813–33, 5813–36, 5813–41, 5813–54, 5813–56, 5813–83, 6836–18, 6836–19, 6836–28, 6836–30, 6836–41, 6836–48, 6836–68, 6836–74, 6836–87, 6836–89, 6836–108, 6836–163, 6836–167, 6836–204, 6836–205, 6836–206, 6836–231, 6836–267, 6836–268, 6836–269, 47371–47, 47371–52, 47371–53, 47371–59, 47371–71, 47371–87, 67619–15 and 67619–19. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

This notice announces the cancellation, as requested by registrant, of products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by registration number in Table 1 of this unit.

TABLE 1—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Chemical name
100–1004	100	Demon EC Insecticide	Cypermethrin.
100–1006	100	Probuild TC Termiticide	Cypermethrin.

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Chemical name
100–1051	100	Talon-G Rodenticide Bait Pack Pellets with Bitrex	Brodifacoum.
100–1057	100	Talon-G Rodenticide Mini-Pellets with Bitrex	Brodifacoum.
100–1170	100	Optigard ZT Insecticide	Thiamethoxam.
100–1209	100	Abamectin Granular Fire Ant Killer	Abamectin.
100–1302	100	Cypermethrin ME 2.0% Concentrate	Cypermethrin.
100–1303	100	Cypermethrin ME 0.2% RTU	Cypermethrin.
100–1393	100	Hurricane WDG	Metalaxyl-M; Fludioxonil.
100–1512	100	Econem	Pasteuria Usgae—BL1.
228–380	228	Riverdale 565 Selective Herbicide	Cloransulam-methyl.
264–652	264	Rely Herbicide	Glufosinate.
264–663	264	Remove Herbicide	Glufosinate.
264–932	264	Gustafson Lorsban 30 Flowable	Chlorpyrifos.
432–887	432	Chipco Ronstar 50 WP	Oxadiazon.
432–891	432	Chipco 26019 WDG Fungicide	Iprodione.
432–894	432	Chipco Aliette WSP Brand Fungicide	Fosetyl-Al.
432–898	432	Chipco Ronstar G T/L Herbicide	Oxadiazon.
432–1222	432	Prostar 50WP	Flutolanil.
432–1326	432	Dylox 80 SP Nursery Insecticide	Trichlorfon.
432–1336	432	Bayleton 1% Granular Turf and Sod Production Fungicide	Triadimefon.
432–1340	432	Merit 0.3 G Lawn and Garden Insecticide	Imidacloprid.
432–1341	432	Merit 0.15 G Lawn and Garden Insecticide	Imidacloprid.
432–1342	432	Merit 0.25 G Lawn and Garden Insecticide	Imidacloprid.
432–1343	432	Merit 0.35 G Lawn and Garden Insecticide	Imidacloprid.
432–1420	432	Topchoice Select Insecticide	Fipronil.
432–1423	432	Topchoice 0.0143 Plus Turf Fertilizer Insecticide	Fipronil.
432–1425	432	Topchoice 0.00953 Plus Turf Fertilizer Insecticide	Fipronil.
432–1432	432	Compass G Fungicide	Trifloxystrobin.
432–4877	432	Triticonazole 70 WDG Fungicide	Triticonazole.
498–195	498	Champion Sprayon Fire Ant Killer Dust	Deltamethrin.
499–497	499	Whitmire Micro-Gen TC 232	D-Limonene.
499–519	499	TC 232 W&HH	D-Limonene.
499–20204	499	Babolna Insect Attractant Trap	2-Cyclopenten-1-one, 2-hydroxy-3-methyl-.
1448–172	1448	M–5–2	2-(Thiocyanomethylthio)benzothiazole; Methylene bis(thiocyanate).
1677–196	1677	Eco 2000–XP Freshbait	Boric acid.
1839–49	1839	CD 3.2 Detergent/Disinfectant	Quaternary ammonium compounds.
1839–50	1839	CD 1.6 Detergent/Disinfectant	Quaternary ammonium compounds.
3525–71	3525	Utikem Black Algae Killer	Busan 77.
3525–91	3525	Coastal Mint Disinfectant	Quaternary ammonium compounds.
3525–96	3525	Jolt Pool Shock Treatment for Control of Algae	Lithium hypochlorite.
3525–109	3525	Algaecide & Pool Conditioner	Busan 77.
5383–176	5383	Fungitrol 400SE Fungicide	Carbamic acid, butyl-, 3-iodo-2-propynyl ester.
5383–188	5383	Nuosept 515RX Preservative	2-Methyl-3(2H)-isothiazolone; 5-Chloro-2-methyl-3(2H)-isothiazolone.
5383–189	5383	Nuosept 220 Preservative	2,2-Dibromo-3-nitrilopropionamide.
5813–107	5813	Sonic	Sodium hypochlorite.
6836–25	6836	Barquat 4250	Quaternary ammonium compounds.
6836–180	6836	Lonza Rd-10 Disinfectant Sanitizer Deodorant	Quaternary ammonium compounds.
6836–201	6836	Barquat MM–55I	Quaternary ammonium compounds.
6836–284	6836	Lonza Formula LNZ–64	Quaternary ammonium compounds; 1,3-Propanediamine, N-(3-aminopropyl)-N-dodecyl-.
7173–293	7173	Chlorophacinone Refillable Bait Station	Chlorophacinone.
10807–162	10807	Misty Fog Plus Fogger	Pyrethrins; Permethrin; Piperonyl butoxide.
10807–200	10807	Misty Repco Kill IV	Bromacil; 2,4–D, 2-ethylhexyl ester.
10807–201	10807	Misty Repco Kill VF	Bromacil; 2,4–D, 2-ethylhexyl ester.
10807–439	10807	R Value's Roach Kil	Boric acid.
10807–440	10807	Mop Up	Boron sodium oxide (B8Na2O13), tetrahydrate (12280–03–4).
10807–441	10807	Borid Sewer Treatment	Borax.
10807–452	10807	Drax Roach D-Stroy Mix	Boric acid.
10807–453	10807	Drax Roach Assault PGF	Boric acid.
10807–455	10807	Borid Barrier with Boric Acid	Boric acid.
10807–456	10807	Impede Roach Bait with Growth Inhibitor Kills and Controls Cockroaches.	Pyriproxyfen.
10807–457	10807	Invader II with Propoxur	Propoxur.
10807–458	10807	Drax Liquid Ant Killer—SWT	Boric acid.
10807–459	10807	Drax Liquid Ant Killer with Nylar and Boric Acid	Pyriproxyfen; Boric acid.
10807–460	10807	Drax Ant Kill Gel RBA	Boric acid.
10807–461	10807	Drax Ant Kil Gel 2X RBA	Boric acid.
10807–463	10807	Drax Granular Bait with Boric Acid	Boric acid.
10807–464	10807	Drax 2X Granular Bait with Boric Acid	Boric acid.
10807–465	10807	Drax 2X Granular Bait with Boric Acid & Nylar	Pyriproxyfen; Boric acid.
10807–468	10807	Country Vet Roach Kil	Boric acid.
10807–470	10807	Country Vet Fogger with IGR	Prallethrin; Esfenvalerate, Pyriproxyfen.
10807–471	10807	Country Vet Fogger with Pyrethrins	Pyrethrins; MGK 264; Piperonyl butoxide.
35935–68	35935	Oxadiazon Technical	Oxadiazon.
35935–97	35935	Flumioxazin Technical	Flumioxazin.
40849–59	40849	Enforcer Next Day Grass & Weed Killer Concentrate	Diquat dibromide.
66222–32	66222	Mana Cotoran 4l	Fluometuron.
66222–65	66222	Apollo 42% Ovicide/Miticide	Clofentezine.
66330–260	66330	Flomet 4L	Fluometuron.

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Chemical name
69681–30	69681	Clor Mor Spa Essence Tabs	Sodium dichloro-s-triazinetrione.
70596–12	70596	Mecoprop-P Technical Acid	Mecoprop-P.
81880–13	81880	NC–398 WG	Halosulfuron-methyl; Dicamba, sodium salt.
81880–14	81880	Achiva Herbicide	Halosulfuron-methyl.
81880–17	81880	NC–319 75WG T	Halosulfuron-methyl.
81880–19	81880	MON 12037 Herbicide	Halosulfuron-methyl.
81880–21	81880	MON 12000 Herbicide	Halosulfuron-methyl.
81880–22	81880	Sempra CA Herbicide	Halosulfuron-methyl.
81880–23	81880	GWN–9843	Halosulfuron-methyl.
81927–15	81927	Alligare Picloram + D RTU	Picloram, triisopropanolamine salt; 2,4–D, triisopropanolamine salt.
81927–17	81927	Alligare Picloram K	Picloram-potassium.
81927–21	81927	Alligare Quinclorac 75 WDG	Quinclorac.
90924–6	90924	Bactron K–55W Microbiocide	Formaldehyde.
AL080004	59639	Sumagic Plant Growth Regulator	Uniconazole P.
AR030011	100	Dual Magnum Herbicide	S-Metolachlor.
AR050006	66222	Bifenthrin Nursery G	Acephate.
AR130007	100	Halex GT Herbicide	Mesotrione; Glyphosate; S-Metolachlor.
AR140001	87290	Willowood Clomazone 3ME	Clomazone.
AR830015	400	Comite Agricultural Miticide	Propargite.
AR930004	59639	Select 2EC Herbicide	Clethodim.
CA030012	100	Clinch Ant Bait	Abamectin.
CA040004	62719	Lorsban 50W Insecticide In Water Soluble Packets	Chlorpyrifos.
CA040024	8033	Topsin M WSB	Thiophanate-methyl.
CA050015	62719	GF–120 NF Naturalyte Fruit Fly Bait	Spinosad.
CA050020	8033	Topsin M 70WP	Thiophanate-methyl.
CA060008	2935	Wilbur-Ellis Dusting Sulfur	Sulfur.
CA060013	62719	Intrepid 2F	Methoxyfenozide.
CA070013	21164	Akta Klor 25	Sodium chlorite.
CA140001	70506	Manzate Pro-Stick Fungicide	Mancozeb.
CA140003	70506	Penncozeb 4FL Flowable Fungicide	Mancozeb.
CA960027	50534	Bravo 720	Chlorothalonil.
CA990010	62719	Transline	Clopyralid, monoethanolamine salt.
CO100005	59639	Chateau Herbicide WDG	Flumioxazin.
CT070001	62719	Dithane DF Rainshield	Mancozeb.
CT070002	62719	Goal 2XL	Oxyfluorfen.
DE090001	2724	Zoecon Altosid Liquid Larvicide Concentrate	S-Methoprene.
DE100001	62719	Starane Ultra	Fluroxypyr 1-methylheptyl ester.
FL030002	59639	Regiment Herbicide	Bispyribac-sodium.
FL110001	59639	Arena 50 WDG Insecticide	Clothianidin.
FL140008	100	Revus Fungicide	Mandipropamide Technical.
GA020006	59639	Regiment Herbicide	Bispyribac-sodium.
GA940004	62719	Dithane DF Agricultural Fungicide	Mancozeb.
HI080003	61842	Lime-Sulfur Solution	Lime sulfur.
ID020006	8033	Topsin M WSB	Thiophanate-methyl.
ID080003	71711	Moncut 70 DF Fungicide	Flutolanil.
ID090009	66222	Abba 0.15EC	Abamectin.
ID100002	59639	Chateau WDG Herbicide	Flumioxazin.
ID150007	62719	Transform WG	Sulfoxaflor.
ID980010	2935	Supreme Oil	Mineral oil.
IL110002	89459	Prentox Synpren-Fish Toxicant	Piperonyl butoxide; Rotenone; Cube Resins other than rotenone.
IN080002	70506	Dupont Manzate Pro-Stick Fungicide	Mancozeb.
IN960003	62719	Dithane DF Agricultural Fungicide	Mancozeb.
KS050007	34704	Atrazine 4L Herbicide	Atrazine.
KS150001	100	Halex GT Herbicide	Mesotrione; Glyphosate; S-Metolachlor.
KY030002	62719	Dithane DF Rainshield	Gas cartRidge; Mancozeb.
KY080001	70506	Dupont Manzate Pro-Stick Fungicide	Mancozeb.
LA070007	62719	Goal 2XL	Oxyfluorfen.
LA070008	62719	Goal 2XL	Oxyfluorfen.
LA110001	66222	Galigan 2E	Oxyfluorfen.
LA130001	100	Halex GT Herbicide	Mesotrione; Glyphosate; S-Metolachlor.
LA140003	87290	Willowood Clomazone 3ME	Clomazone.
LA150003	100	Halex GT Herbicide	Mesotrione; Glyphosate; S-Metolachlor.
LA990012	59639	Select 2EC Herbicide	Clethodim.
MA020003	62719	Dithane DF Rainshield	Mancozeb.
MA080001	70506	Dupont Manzate Pro-Stick Fungicide	Mancozeb.
MD090004	2724	Zoecon Altosid Liquid Larvicide Concentrate	S-Methoprene.
MD950002	62719	Dithane DF Rainshield	Mancozeb.
ME130004	81880	GWN–1715	Pyridaben.
MN000004	100	Aatrex 4L Herbicide	Atrazine.
MN080004	8033	Topsin M WSB	Thiophanate-methyl.
MN080011	59639	Sureguard Herbicide	Flumioxazin.
MO100004	89459	Prentox Prenfish Toxicant	Rotenone; Cube Resins other than rotenone.
MO140003	87290	Willowood Clomazone 3ME	Clomazone.
MO150002	100	Halex GT Herbicide	Mesotrione; Glyphosate; S-Metolachlor.
MO950004	62719	Dithane DF Rainshield	Mancozeb.
MO970003	59639	Select 2EC Herbicide	Clethodim.
MS020016	62719	Goal 2XL Herbicide	Oxyfluorfen.
MS140004	87290	Willowood Clomazone 3ME	Clomazone.
MS830024	400	Comite Agricultural Miticide	Propargite.

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Chemical name
MS930008	59639	Select 2EC Herbicide	Clethodim.
MT070002	10163	Onager Miticide	Hexythiazox.
NC020002	62719	Goal 2XL Herbicide	Oxyfluorfen.
NC020005	62719	Dithane DF Rainshield	Mancozeb.
NC020006	59639	Select 2EC Herbicide	Clethodim.
NC120007	100	Gramoxone SL 2.0	Paraquat dichloride.
NV020003	62719	Goal 2XL Herbicide	Oxyfluorfen.
NV070001	10163	Onager Miticide	Hexythiazox.
NV100002	59639	Chateau Herbicide WDG	Flumioxazin.
NY050001	100	Dual Magnum	S-Metolachlor.
NY070002	8033	Topsin M WSB	Thiophanate-methyl.
NY090001	61842	Whitecap SC Aquatic Herbicide	Fluridone.
NY090004	100	Dual Magnum Herbicide	S-Metolachlor.
NY140002	352	Dupont Aproach Fungicide	Picoxystrobin.
OK100001	8033	F4688 50 WSP Insecticide Termiticide	Acetamiprid; Bifenthrin.
OK150004	100	Halex GT Herbicide	Mesotrione; Glyphosate; S-Metolachlor.
OR020024	62719	Goal 2XL Herbicide	Oxyfluorfen.
OR020025	62719	Goal 2XL Herbicide	Oxyfluorfen.
OR020026	62719	Goal 2XL Herbicide	Oxyfluorfen.
OR070008	10163	Onager Miticide	Hexythiazox.
OR070023	71512	Beleaf 50SG Insecticide	Flonicamid.
OR080021	66222	Abba 0.15EC	Abamectin.
OR080035	100	Callisto Herbicide	Mesotrione.
OR090023	66222	Prometryn 4L	Prometryn.
OR100010	100	Callisto Herbicide	Mesotrione.
OR110001	87290	Willowood Pronamide 50 WSP	Propyzamide.
OR110002	87290	Willowood Pronamide 50 WSP	Propyzamide.
OR110010	87290	Willowood Oxyflo 2 EC	Oxyfluorfen.
OR110011	87290	Willowood Oxyflo 2 EC	Oxyfluorfen.
OR150010	62719	Transform WG	Sulfoxaflor.
OR990006	62719	Goal 2XL Herbicide	Oxyfluorfen.
OR990010	2935	Supreme Oil	Mineral oil.
OR990036	62719	Goal 2XL Herbicide	Oxyfluorfen.
PA950005	62719	Dithane DF Rainshield	Mancozeb.
PA960005	62719	Goal 2XL Herbicide	Oxyfluorfen.
SC030001	59639	Velocity Herbicide	Bispyribac-sodium.
SC030002	62719	Dithane DF Rainshield	Mancozeb.
SC050004	100	Caparol 4L	Prometryn.
SC070001	70506	Clopyr AG Herbicide	Clopyralid, monoethanolamine salt.
SC130002	66222	Mana Atrazine 90DF	Atrazine.
SC960008	62719	Goal 2XL Herbicide	Oxyfluorfen.
SD090003	241	Pendulum 0.86% Plus Fertilizer	Pendimethalin.
SD090009	100	Princep 4L	Simazine.
SD090010	100	Princep Caliber 90 Herbicide	Simazine.
SD100001	7969	Sharpen Herbicide	Saflufenacil.
SD110001	7969	Integrity Powered By Kixor Herbicide	Saflufenacil; Dimethenamide-P.
TN050007	100	Caparol 4L	Prometryn.
TX030014	59639	Velocity Herbicide	Bispyribac-sodium.
TX090008	39039	4-Poster-Tickicide	Permethrin.
TX100019	70506	Devrinol 50–DF Selective Herbicide	Napropamide.
TX140001	87290	Willowood Clomazone 3ME	Clomazone.
TX830028	400	Comite Agricultural Miticide	Propargite.
UT040001	89459	Prentox Perm-X UL 4–4	Permethrin; Piperonyl butoxide.
UT050003	89459	Prentox Perm-X UL 30–30	Permethrin; Piperonyl butoxide.
VA080003	8033	Topsin M WSB	Thiophanate-methyl.
VA940001	62719	Dithane DF Agricultural Fungicide	Mancozeb.
WA020027	62719	Goal 2XL Herbicide	Oxyfluorfen.
WA040036	62719	Goal 2XL	Oxyfluorfen.
WA060009	8033	Tristar 30 SG Insecticide	Acetamiprid.
WA060015	62719	Accord Concentrate	Glyphosate-isopropylammonium.
WA060021	10163	Onager 1E	Hexythiazox.
WA070005	59639	Chateau Herbicide WDG	Flumioxazin.
WA080004	66222	Abba 0.15EC	Abamectin.
WA080008	62719	Starane Ultra	Fluroxypyr 1-methylheptyl ester.
WA080010	62719	Rally 40WSP	Myclobutanil.
WA090018	66222	Prometryn 4L	Prometryn.
WA980023	2935	Supreme Oil	Mineral oil.
WI070009	8033	Topsin M WSB	Thiophanate-methyl.
WY040003	7969	Basagran Herbicide	Sodium bentazon.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANTS OF CANCELED PRODUCTS

EPA company No.	Company name and address
100	Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419.
228	Nufarm Americas, Inc., 4020 Aerial Center Parkway, Suite 101, Morrisville, NC 27560.
241	BASF Corporation, P.O. Box 13528, Research Triangle Park, NC 27709.
264	Bayer Cropscience LP, P.O. Box 12014, Research Triangle Park, NC 27709.
352	E. I. Du Pont de Nemours and Company, Chestnut Run Plaza, 974 Centre Road, Wilmington, DE 19805.
400	MacDermid Agricultural Solutions, Inc., 245 Freight Street, Waterbury, CT 06702.
432	Bayer Environmental Science, A Division of Bayer Cropscience LP, P.O. Box 12014, Research Triangle Park, NC 27709.
498	Chase Products Co., P.O. Box 70, Maywood, IL 60153.
499	BASF Corporation, P.O. Box 13528, Research Triangle Park, NC 27709.
1448	Buckman Laboratories Inc., 1256 North McLean Blvd., Memphis, TN 38108.
1677	Ecolab, Inc., 370 North Wabasha Street, St. Paul, MN 55102.
1839	Stepan Company, 22 W. Frontage Road, Northfield, IL 60093.
2724	Wellmark International, 1501 E. Woodfield Road, Suite 200 West, Schaumburg, IL 60173.
2935	Wilbur-Ellis Company, 2903 S. Cedar Avenue, Fresno, CA 93725.
3525	Qualco Inc., 225 Passaic Street, Passaic, NJ 07055.
5383	Troy Chemical Corp., 8 Vreeland Road, Florham Park, NJ 07932.
5813	The Clorox Co., c/o PS&RC, P.O. Box 493, Pleasanton, CA 94566.
6836	Lonza Inc., 90 Boroline Road, Allendale, NJ 07401.
7173	Liphatech, Inc., 3600 W. Elm Street, Milwaukee, WI 53209.
7969	BASF Corporation, Agricultural Products, P.O. Box 13528, Research Triangle Park, NC 27709.
8033	Nisso America, Inc., Agent for Nippon Soda Co., Ltd., 88 Pine Street, 14th Floor, New York, NY 10005.
10163	Gowan Company, P.O. Box 5569, Yuma, AZ 85366.
10807	ZEP, Inc., c/o Compliance Services, Agent for AMREP, Inc., 1529 Seaboard Industrial Blvd. NW., Atlanta, GA 30318.
21164	Basic Chemicals Company, LLC, 5005 LBJ Freeway, Dallas, TX 75244.
34704	Loveland Products, Inc., P.O. Box 1286, Greeley, CO 80632.
35935	Nufarm Americas Inc., 4020 Aerial Center Parkway, Suite 101, Morrisville, NC 27560.
39039	Y-Tex Corporation, 1825 Big Horn Avenue, Cody, WY 82414.
40849	ZEP, Inc., c/o Compliance Services, Agent for ZEP Commerical Sales & Service, 1529 Seaboard Industrial Blvd. NW, Atlanta, GA 30318.
50534	GB Biosciences Corporation, P.O. Box 18300, Greensboro, NC 27419.
59639	Valent U.S.A. Corporation, 1600 Riviera Avenue, Suite 200, Walnut Creek, CA 94596.
61842	Pyxis Regulatory Consulting, Inc., Agent for Tessenderlo Kerley, Inc., 4110 136th Street CT NW, Gig Harbor, WA 98332.
62719	Dow Agrosciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268.
66222	Makhteshim Agan of North America, Inc., D/B/A Adama, 3120 Highwoods Blvd., Suite 100, Raleigh, NC 27604.
66330	Arysta Lifescience North America, LLC, 15401 Weston Parkway, Suite 150, Cary, NC 27513.
69681	Allchem Performance Products, Inc., 6010 NW First Place, Gainesville, FL 32607.
70506	United Phosphorus, Inc., 630 Freedom Business Center, Suite 402, King Of Prussia, PA 19406.
70596	Nufarm Americas, Inc., 4020 Aerial Center Parkway, Suite 101, Morrisville, NC 27560.
71512	ISK Biosciences Corporation, 7470 Auburn Road, Suite A, Concord, OH 44077.
71711	Nichino America, Inc., 4550 New Linden Hill Road, Suite 501, Wilmington, DE 19808.
81880	Canyon Group LLC, c/o Gowan Company, 370 S. Main Street, Yuma, AZ 85364.
81927	Pyxis Regulatory Consulting, Inc., Agent for Alligare, LLC, 4110 136th Street CT NW, Gig Harbor, WA 98332.
87290	Wagner Regulatory Associates, Inc., Agent for Willowood, LLC, P.O. Box 640, Hockessin, DE 19707.
89459	Central Garden & Pet Company, 1501 E. Woodfield Road, Suite 200 West, Schaumburg, IL 60173.
90924	Ecolab, Inc., Agent for Nalco Champion, 370 North Wabasha Street, St. Paul, MN 55102.

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the July 12, 2016 **Federal Register** notice announcing the Agency's receipt of the requests for voluntary cancellations of products listed in Table 1 of Unit II.

IV. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)), EPA hereby approves the requested cancellations of the registrations identified in Table 1 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Table 1 of Unit II. are canceled. The effective date of the cancellations that are the subject of this notice is March 22, 2017. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit II. in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI. will be a violation of FIFRA.

V. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of July 12, 2016 (81 FR 45153) (FRL–9948–04). The comment period closed on January 9, 2017.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The existing stocks provisions for the products subject to this order are as follows.

The registrants may continue to sell and distribute existing stocks of products listed in Table 1 of Unit II. until January 15, 2016 or the date of publication of this FR notice, whichever is later. Thereafter, the registrants are prohibited from selling or distributing products listed in Table 1, except for export in accordance with FIFRA section 17 (7 U.S.C. 136o), or proper disposal. Persons other than the registrants may sell, distribute, or use existing stocks of products listed in Table 1 of Unit II. until existing stocks are exhausted, provided that such sale,

distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 31, 2017.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2017–05717 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9959–97–OARM]

National and Governmental Advisory Committees

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public advisory committee meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the National Advisory Committee and the Governmental Advisory Committee will hold a public meeting on Tuesday, March 28 and Wednesday, March 29, 2017 in Washington, DC. The meeting is open to the public. Due to unforeseen administrative circumstances, EPA is announcing this meeting with less than 15 calendar days notice.

DATES: The National and Governmental Advisory Committees will hold an open meeting on Tuesday, March 28, 2017 from 9:00 a.m. to 5:30 p.m., and Wednesday, March 29, 2017 from 9:00 a.m. until 3:00 p.m.

Purpose of Meeting: The purpose of the meeting is to provide advice on the draft CEC 2017–18 Operational Plan and to discuss other trade and environment issues in North America. The meeting will also include a public comment session.

ADDRESSES: The meeting will be held at the U.S. EPA, Conference Room 2138, located in the William Jefferson Clinton South Building, 1200 Pennsylvania Ave. NW., Washington, DC 20004. Telephone: 202–564–2294. The meeting is open to the public, with limited seating on a first-come, first-served basis.

General Information: The agenda, meeting materials, and general information about the NAC and GAC will be available at *http://www2.epa.gov/faca/nac-gac.* If you wish to make oral comments or submit written comments to the NAC/GAC please contact Oscar Carrillo at least five days prior to the meeting at *carrillo.oscar@epa.gov.*

Meeting Access: For information on access or services for individuals with disabilities, please contact Oscar Carrillo at 202–564–0347 or *carrillo.oscar@epa.gov.* To request accommodation of a disability, please contact Oscar Carrillo, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: February 28, 2017.

Oscar Carrillo,

Designated Federal Officer.

[FR Doc. 2017–05719 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9959–79–OA]

Notification of a Public Teleconference of the Chartered Science Advisory Board (SAB)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public teleconference of the Chartered SAB to discuss the draft *SAB Review of Lake Erie Nutrient Load Reduction Models and Targets (February, 2017)* and conduct a quality review. Due to unforeseen administrative circumstances, EPA is announcing this meeting with less than 15 calendar days' notice.

DATES: The teleconference will be held on Thursday, March 30, 2017, from 1:00 p.m. to 2:30 p.m. (Eastern Time).

Location: The public teleconference will be held by telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain information concerning the public teleconference may contact Mr. Thomas Carpenter, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; by telephone/voice mail at (202) 564–4885 or at *carpenter.thomas@epa.gov.* General information about the SAB, as well as any updates concerning the meeting announced in this notice, may be found on the EPA Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the Administrator on the scientific and technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the SAB will hold a public meeting to discuss and deliberate on the topics below.

The Chartered SAB will conduct a quality review of the Lake Erie Phosphorus Objective Review Panel draft report before it is transmitted to the EPA Administrator. The SAB quality review process ensures that all draft reports developed by SAB panels, committees or workgroups are reviewed and approved by the Chartered SAB before being finalized and transmitted to the EPA Administrator. These reviews are conducted in a public meeting as required by FACA.

EPA Region 5 has asked the SAB to provide advice on further modeling, monitoring, and analyses needed to support implementation and evaluation of the nutrient reduction goals as part of an ongoing, adaptive management approach. Background on the Lake Erie Nutrient Targets and Adaptive Management activity is available on the SAB Web site at: *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/GLWQA%20Annex%204?OpenDocument.*

Pursuant to FACA and EPA policy, notice is hereby given that the Chartered SAB will hold a public teleconference to discuss the *SAB Review of Lake Erie Nutrient Load Reduction Models and Targets (February 2017).* The Chartered SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Technical Contacts: Any technical questions concerning the documents reviewed by the SAB should be directed to Ms. Santina Wortman, Water Division, U.S. EPA Region 5, 77 West Jackson Boulevard (WW–15J), Chicago, Illinois 60604, phone (312) 353–8319 or via email at *wortman.santina@epa.gov.*

Availability of Meeting Materials: Prior to the meeting, the review documents, agenda and other materials will be accessible on the SAB Web site at *http://www.epa.gov/sab/.*

Procedures for Providing Public Input: Public comment for consideration by the EPA's federal advisory committees and panels has a different purpose from public comment provided to the EPA program offices. Therefore, the process for submitting comments to a federal

advisory committee is different from the process used to submit comments to an EPA program office.

Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Members of the public can submit comments for a federal advisory committee to consider as it develops advice for the EPA. Interested members of the public may submit relevant written or oral information on the topic of this advisory activity, and/or the group conducting the activity, for the SAB to consider during the advisory process. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for SAB to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should follow the instructions below to submit comments. *Oral Statements:* In general, individuals or groups requesting an oral presentation on a public teleconference will be limited to three 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 contact Mr. Thomas Carpenter, DFO, in writing (preferably via email) at the contact information noted above by March 23, 2017, to be placed on the list of public speakers. *Written Statements:* Written statements should be supplied to the DFO via email at the contact information noted above by March 23, 2017, so that the information may be made available to the SAB members for their consideration. It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Thomas Carpenter at the contact information provided above. To request accommodation of a disability, please contact Mr. Carpenter preferably at least ten days prior to each meeting to give the EPA as much time as possible to process your request.

Dated: February 16, 2017.

Khanna Johnston,

Acting Deputy Director, EPA Science Advisory Staff Office.

[FR Doc. 2017–05718 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0042; FRL–9958–85]

Pesticide Program Dialogue Committee; Request for Nominations to the Pesticide Program Dialogue Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA's Office of Pesticide Programs is inviting nominations from a diverse range of qualified candidates to be considered for appointment to the Pesticide Program Dialogue Committee (PPDC). The PPDC is chartered to provide advice and recommendations to the EPA Administrator on a broad range of issues concerning pesticide regulatory development and reform initiatives, evolving public policy and program implementation issues, and science issues associated with evaluating and reducing risks from pesticide use. To maintain the representation outlined by the charter, nominees will be selected to represent: Environmental/public interest and animal rights groups; farm worker organizations; pesticide industry and trade associations; pesticide user, grower, and commodity groups; federal/state/local and tribal governments; academia; and public health organizations. Vacancies are expected to be filled by July 2017. Sources in addition to this **Federal Register** Notice may be utilized in the solicitation of nominees.

DATES: Nominations should be submitted no later than April 21, 2017.

ADDRESSES: Submit nominations electronically with the subject line ''PPDC Membership 2017'' to *zimmerman.dea@epa.gov.* You may also submit nominations by mail to: Dea Zimmerman (LC–8J), PPDC Designated Federal Officer, Office of Pesticide Programs, U.S. Environmental Protection Agency, 77 W. Jackson Blvd., Chicago, IL 60604. Non-electronic submissions must follow the same format and contain the same information.

FOR FURTHER INFORMATION CONTACT: Dea Zimmerman, Designated Federal Officer for the PPDC, telephone number: (312) 353–6344; email address: *zimmerman.dea@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of particular interest to persons who work in agricultural settings or persons who are concerned about implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Federal Food, Drug, and Cosmetic Act (FFDCA); and the amendments to both of these major pesticide laws by the Food Quality Protection Act (FQPA) of 1996; and the Pesticide Registration Improvement Act. Potentially affected entities may include, but are not limited to: Agricultural workers and farmers; pesticide industry and trade associations; environmental, consumer, and farmworker groups; pesticide users and growers; animal rights groups; pest consultants; State, local and Tribal governments; academia; public health organizations; and the public. If you have questions regarding the applicability of this action to a particular entity, consult the 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–OPP–2017–0042, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Background

The PPDC is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), Public Law 92–463. EPA established the PPDC in September 1995 to provide advice and recommendations to the EPA Administrator on issues associated with pesticide regulatory development and reform initiatives, evolving public policy and program implementation

issues, and science issues associated with evaluating and reducing risks from use of pesticides. The following sectors are represented on the current PPDC: Environmental/public interest and animal rights groups; farm worker organizations; pesticide industry and trade associations; pesticide user, grower, and commodity groups; federal and state/local/tribal governments; the general public; academia; and public health organizations.

The PPDC usually meets face-to-face twice a year, generally in the spring and the fall. Additionally, members may be asked serve on work groups to develop recommendations to address specific policy issues. The average workload for members is approximately 4 to 6 hours per month. PPDC members may receive travel and per diem allowances where appropriate and according to applicable federal travel regulations.

III. Nominations

The EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, the agency encourages nominations of women and men of all racial and ethnic groups. All nominations will be fully considered, but applicants need to be aware of the specific representation sought as outlined in the Summary above. Any interested person or organization may nominate qualified persons to be considered for appointment to this advisory committee. Individuals may self-nominate. Nominations may be submitted in electronic format (preferred) or mailed to Dea Zimmerman at the address listed under **ADDRESSES**.

To be considered, all nominations should include:

- Current contact information for the nominee, including the nominee's name, organization (and position within that organization), current business address, email address, and daytime telephone number;
- Brief Statement describing the nominee's interest and availability in serving on the PPDC;
- Résumé and a short biography (no more than 2 paragraphs) describing the professional and educational qualifications of the nominee, including a list of relevant activities, or any current or previous experience on advisory committees; and
- Letter(s) of recommendation from a third party supporting the nomination. The letter should describe how the nominee's experience and knowledge will bring value to the work of the PPDC.

Other sources, in addition to this **Federal Register** notice, may also be utilized in the solicitation of nominees.

Authority: 7 U.S.C. 136 *et seq.*

Dated: February 1, 2017.

Jack Housenger,

Director, Office of Pesticide Programs.

[FR Doc. 2017–05706 Filed 3–21–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1008]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before May 22, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–1008.

Title: Section 27.50, Power and Antenna Height Limits; Section 27.602, Guard Band Manager Agreements.

Form No.: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, and State, Local or Tribal Government.

Number of Respondents and Responses: 148 respondents and 208 responses.

Estimated Time per Response: 1 hour up to 6 hours.

Frequency of Response: Recordkeeping requirement, On occasion reporting requirement and Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 151, 154(i), 157 and 309(j), as amended.

Total Annual Burden: 553 hours.

Annual Cost Burden: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The information gathered in this collection will be used to support the development of new services in the Lower 700 MHz Band. Further, Guard Band Managers are required to enter into written agreements with other licensees who plan on using their licensed spectrum by others, subject to certain conditions outlined in the rules. They must retain these records for at least two years after the date such agreement expire. Such records need to be kept current and be made available upon request for inspection by the Commission or its representatives.

Federal Communications Commission.

Katura Howard,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–05682 Filed 3–21–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate the Receivership of 10332, Evergreen State Bank, Stoughton, Wisconsin

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Evergreen State Bank, Stoughton, Wisconsin (the ''Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Evergreen State Bank on January 28, 2011. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: March 16, 2017.

Valerie J. Best,

Assistant Executive Secretary, Federal Deposit Insurance Corporation.

[FR Doc. 2017–05611 Filed 3–21–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate the Receivership of 10464, Citizens First National Bank, Princeton, Illinois

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Citizens First National Bank, Princeton, Illinois (the ''Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Citizens First National Bank on November 2, 2012. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: March 16, 2017.

Federal Deposit Insurance Corporation,

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2017–05612 Filed 3–21–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request (3064–0189)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995, the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. On November 25, 2016, (81 FR 85223), the FDIC requested comment for 60 days on a proposal to revise the information collection described below. The comment period for the November 25, 2016 notice ended on January 24, 2017 and no comments were received. The FDIC hereby gives notice that it has sent the collection of information revision to OMB for review.

DATES: Comments must be received by April 21, 2017.

ADDRESSES: You may submit written comments, which should refer to ''Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $50 Billion or More'' by any of the following methods:

- *Agency Web site: https://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the FDIC's Web site.
- *Federal eRulemaking Portal: http://www.FDIC.gov/regulations/laws/federal/notices.html.* Follow the instructions for submitting comments.
- *Email: comments@fdic.gov.* Include ''Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $50 Billion or More'' in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Counsel, Attn: Comments Room MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery/Courier:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.
- *Public Inspection:* All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/* including any personal information provided. Paper copies of public comments may be requested from the FDIC Public Information Center by telephone at (877) 275–3342 or (703) 562–2200.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503; by fax to (202) 395–6974; or by email to *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: You can request additional information from Manny Cabeza, Counsel, (202) 898–3767, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., MB–3016, Washington, DC 20429. In addition, copies of the templates referenced in this notice can be found on the FDIC's Web site (*http://www.fdic.gov/regulations/laws/federal/*).

SUPPLEMENTARY INFORMATION: The FDIC is requesting comment on the following changes to the information collection:

Title: Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $50 Billion or More under the Dodd-Frank

Wall Street Reform and Consumer Protection Act.

OMB Control Number: 3064–0189.

Description: Section 165(i)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act [1] (''Dodd-Frank Act'') requires certain financial companies, including state nonmember banks and state savings associations, to conduct annual stress tests [2] and requires the primary financial regulatory agency [3] of those financial companies to issue regulations implementing the stress test requirements.[4] A state nonmember bank or state savings association is a ''covered bank'' and therefore subject to the stress test requirements if its total consolidated assets are more than $10 billion. Under section 165(i)(2), a covered bank is required to submit to the Board of Governors of the Federal Reserve System (''Board'') and to its primary financial regulatory agency a report at such time, in such form, and containing such information as the primary financial regulatory agency shall require.[5]

On October 15, 2012, the FDIC published in the **Federal Register** a final rule implementing the section 165(i)(2) annual stress test requirement.[6] The final rule requires covered banks to meet specific reporting requirements under section 165(i)(2). In 2012, the FDIC first implemented the reporting templates for covered banks with total consolidated assets of $50 billion or more and provided instructions for completing the reports.[7] This information collection notice describes revisions by the FDIC to the relevant reporting templates and related instructions as well as required information. The information contained in these information collections may be given confidential treatment to the extent allowed by law (5 U.S.C. 552(b)(4)).

Consistent with past practice, the FDIC intends to use the data collected to assess the reasonableness of the stress test results of covered banks and to provide forward-looking information to the FDIC regarding a covered institution's capital adequacy. The FDIC also may use the results of the stress tests to determine whether additional analytical techniques and exercises could be appropriate to identify, measure, and monitor risks at the covered bank. The stress test results are expected to support ongoing improvement in a covered bank's stress testing practices with respect to its internal assessments of capital adequacy and overall capital planning.

The FDIC recognizes that many covered banks with total consolidated assets of $50 billion or more are required to submit reports using the Board's Comprehensive Capital Analysis and Review (''CCAR'') reporting form, FR Y–14A. The FDIC also recognizes the Board has modified the FR Y–14A, and the FDIC will keep its reporting requirements as similar as possible with the Board's FR Y–14A in order to minimize burden on affected institutions. Therefore, the FDIC is revising its reporting requirements to remain consistent with the Board's FR Y–14A for covered banks with total consolidated assets of $50 billion or more. Because these revisions primarily involve removal of items not reported by FDIC-supervised institutions, there is no change in burden associated with the revisions.

Proposed Revisions to Reporting Templates for Institutions With $50 Billion or More in Assets

The proposed revisions to the DFAST–14A reporting templates consist of clarifying instructions, adding and removing schedules, adding, deleting, and modifying existing data items, and altering the as-of dates. These proposed changes would increase consistency between the DFAST–14A with the FR Y–14A and CALL Report. The revised reporting templates can be viewed at *https://www.fdic.gov/regulations/reform/dfast/.*

Summary Schedule, Standardized RWA Worksheet

The proposed revision includes multiple line items changes intended to promote consistency with the FR Y–14A and ensure the collection of accurate information.

Summary Schedule, Capital Worksheet

Covered institutions would be required to estimate their supplementary leverage ratio for the planning horizon beginning on January 1, 2018. The FDIC proposes adding two items to the Summary Schedule: Supplementary Leverage Ratio Exposure (SLR Exposure) and Supplementary Leverage Ratio (the SLR). The SLR would be a derived field.

In addition, to collect more precise information regarding deferred tax assets (DTAs), the FDIC proposes modifying one existing item on the Capital—DFAST worksheet of the Summary schedule as-of December 31, 2016. The FDIC proposes changing existing item 112 on the Capital—DFAST worksheet of the Summary schedule, ''Deferred tax assets arising from temporary differences that could not be realized through net operating loss carrybacks, net of DTLs, but before related valuation allowances'', to ''Deferred tax assets arising from temporary differences, net of DTLs.'' A covered institution in a net deferred tax liability (DTL) position would report this item as a negative number. This modification would provide more specific information about the components of the ''DTAs arising from temporary differences that could not be realized through net operating loss carrybacks, net of related valuation allowances and net of DTLs'' subject to the common equity tier 1 capital deduction threshold.

The proposed revisions would also remove certain items that pertained to the capital regulations in place before the adoption of the Basel III final rule.

Summary Schedule, Retail Balances and Loss Worksheet

The FDIC proposes to remove the Retail Balances and Loss Worksheet.

Summary Schedule, Retail Repurchase Worksheet

The FDIC proposes to remove the Retail Repurchase Worksheet.

Summary Schedule, High-Level OTTI Methodology and Assumptions for AFS and HTM Securities by Portfolio Worksheet

The FDIC proposes to remove the High-Level OTTI Methodology and Assumptions for AFS and HTM Securities by Portfolio Worksheet.

Summary Schedule, Projected OTTI for AFS Securities and HTM Securities Worksheet

The FDIC proposes to remove the Projected OTTI for AFS Securities and HTM Securities Worksheet.

Summary Schedule, Actual AFS and HTM Fair Market Value Sources by Portfolio Worksheet

The FDIC proposes to remove the Actual AFS and HTM Fair Market Value Sources by Portfolio Worksheet.

Summary Schedule, Trading Worksheet

The FDIC proposes to remove the Trading Worksheet.

Summary Schedule, Counterparty Credit Risk Worksheet

The FDIC proposes to remove the Counterparty Credit Risk Worksheet.

[1] Public Law 111–203, 124 Stat. 1376 (July 21, 2010).

[2] 12 U.S.C. 5365(i)(2)(A).

[3] 12 U.S.C. 5301(12).

[4] 12 U.S.C. 5365(i)(2)(C).

[5] 12 U.S.C. 5365(i)(2)(B).

[6] 77 FR 62417 (October 15, 2012).

[7] 77 FR 52719 (August 30, 2012) and 77 FR 70435 (November 26, 2012).

Summary Schedule, PPNR Metrics Worksheet

The FDIC proposes to remove the PPNR Metrics Worksheet.

Regulatory Capital Instruments Schedule

The FDIC proposes to remove the Regulatory Capital Instruments Schedule.

Regulatory Capital Transitions Schedule

The FDIC proposes to remove the Regulatory Capital Transitions Schedule.

Operational Risk Schedule

The FDIC proposes to remove the Operational Risk Schedule.

Burden Estimates

The FDIC estimates that the proposed revisions will not affect the burden estimates of this information collection. The vast majority of the deleted schedules are applicable only to institutions with total assets greater than $250 billion or with foreign exposure greater than $10 billion. The FDIC does not supervise any state nonmember banks or state savings associations that meet that definition. Accordingly, in the case of the FDIC, the majority of the deleted schedules were not being used and the burden will remain as follows:

Number of Respondents:[8] 5.

Annual Burden per Respondent: 1,114.

Total Annual Burden: 5,570.

The FDIC recognizes that the Board requires bank holding companies to prepare the templates for the FR Y–14A. The FDIC believes that the systems covered institutions use to prepare the FR Y–14A reporting templates will also be used to prepare the reporting templates described in this notice.

Request for Comment

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the FDIC, including whether the information has practical utility;

(b) The accuracy of the FDIC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection 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 at Washington, DC, this 17th day of March 2017.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2017–05688 Filed 3–21–17; 8:45 am]

BILLING CODE 6714–01–P

[8] The total number of respondents increased by one due to one covered institution growing above $50 billion in total assets.

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov*.

Agreement No.: 012146–001.

Title: HLAG/HSDG USWC-Mediterranean Vessel Sharing Agreement.

Parties: Hapag-Lloyd AG and Hamburg Sud.

Filing Party: Wayne Rohde, Cozen O'Connor; 1200 19th Street NW., Washington, DC 20036.

Synopsis: The amendment adds Guatemala to the geographic scope of the Agreement.

Agreement No.: 012473.

Title: CMA CGM/COSCO SHIPPING Slot Exchange Agreement, China-U.S. West Coast.

Parties: CMA CGM S.A. and COSCO SHIPPING Lines Co., Ltd.

Filing Party: Draughn Arbona; CMA CGM (America) LLC; 5701 Lake Wright Drive; Norfolk, VA 23502.

Synopsis: This agreement authorizes CMA CGM S.A. and COSCO SHIPPING Lines Co. Ltd. to charter space to each other in the trade between China (including Hong Kong) and the West Coast of the United States.

Agreement No.: 012474.

Title: NYK/ELJSA Space Charter Agreement.

Parties: Nippon Yusen Kaisha and the Evergreen Line Joint Service Agreement.

Filing Party: Joshua Stein; Cozen O'Connor; 1200 19th Street NW., Washington, DC 20036.

Synopsis: The Agreement authorizes NYK to charter space to ELJSA in the trade between the U.S. and Japan and also authorizes the parties to enter into arrangements related to the chartering of such space.

By Order of the Federal Maritime Commission.

Dated: March 17, 2017.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017–05711 Filed 3–21–17; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 14, 2017.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Minier Financial, Inc. Employee Stock Ownership Plan with 401(k) provisions,* Minier, Illinois; to acquire an additional 9.8 percent, for a total of 51 percent, of Minier Financial, Inc., Minier, Illinois, and thereby increase its indirect ownership of First Farmers State Bank, Minier, Illinois.

2. *WB Bancorp, Inc.,* New Berlin, Illinois; to merge with MC Bancorp, Inc.

and thereby indirectly acquire Bank of Modesto, both of Modesto, Illinois.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Madison County Financial, Inc.;* to become a bank holding company by acquiring Madison County Bank, both in Madison County, Nebraska.

C. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *A.N.B. Holding Company, Ltd.,* Terrell, Texas; to acquire additional shares, up to 38 percent, of The ANB Corporation, Terrell, Texas, and thereby indirectly acquire The American National Bank of Texas, Terrell, Texas, and Lakeside Bancshares, Inc., Rockwall, Texas, and thereby indirectly acquire Lakeside National Bank, Rockwall, Texas.

D. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *Columbia Banking System, Inc.,* Tacoma, Washington; to acquire Pacific Continental Corporation and thereby indirectly acquire Pacific Continental Bank, both of Eugene, Oregon.

Board of Governors of the Federal Reserve System, March 16, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–05567 Filed 3–21–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 17, 2017.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Clayton HC, Inc., Knoxville, Tennessee;* to acquire approximately 19.6 percent of FB Financial Corporation, and thereby acquire shares of FirstBank, both of Nashville, Tennessee, in connection with the sale by Clayton HC of 100 percent of Clayton Bank and Trust, Knoxville, Tennessee, and American City Bank of Tullahoma, Tullahoma, Tennessee, to FirstBank.

Board of Governors of the Federal Reserve System, March 17, 2017.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2017–05683 Filed 3–21–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the HOLA (12 U.S.C. 1467a(e)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 14, 2017.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org*:

1. *Heritage NOLA Bancorp, Inc.;* to become a savings and loan holding company by acquiring 100 percent of the outstanding shares of Heritage Bank of St. Tammany, both of Covington, Louisiana, in connection with the mutual-to-stock conversion of Heritage Bank of St. Tammany.

Board of Governors of the Federal Reserve System, March 16, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–05566 Filed 3–21–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Docket 2016–0053; Sequence 41; OMB Control No. 9000–0138]

Submission for OMB Review; Contract Financing

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension to a previously approved information collection requirement concerning contract financing. A notice was published in the **Federal Register** on

October 12, 2016. No comments were received.

DATES: Submit comments on or before April 21, 2017.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0138. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0138, Contract Financing''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0138, Contract Financing'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Sosa/IC 9000–0138.

Instructions: Please submit comments only and cite Information Collection 9000–0138, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Camara Francis, Procurement Analyst, Acquisition Policy Division, at 202–501–1448 or email *camara.francis@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The Federal Acquisition Streamlining Act (FASA) of 1994, Public Law 103–355, provided authorities that streamlined the acquisition process and minimize burdensome Government-unique requirements. Sections 2001 and 2051 of FASA substantially changed the statutory authorities for Government financing of contracts. Sections 2001(f) and 2051(e) provide specific authority for Government financing of purchases of commercial items; here, contract financing is permitted with certain limitations. Likewise, sections 2001(b) and 2051(b) substantially revised the authority for Government financing of purchases of non-commercial items, by permitting contract financing on the basis of certain classes of measures of performance.

To implement these changes, DOD, NASA, and GSA amended the FAR by revising Subparts 32.0, 32.1, and 32.5; by adding new Subparts 32.2 and 32.10; and by adding new clauses to 52.232.

The coverage enables the Government to provide financing to assist in the performance of contracts for commercial items and provide financing for non-commercial items based on contractor performance.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average 2 hours per request for commercial financing and 2 hours per request for performance-based financing, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden for commercial financing is estimated as follows:

Respondents: 1,000.
Responses per Respondent: 5.
Total Responses: 5,000.
Hours per Response: 2.
Total Burden Hours: 10,000.

The annual reporting burden for performance-based financing is estimated as follows:

Respondents: 500.
Responses per Respondent: 12.
Total Responses: 6,000.
Hours per Response: 2.
Total Burden Hours: 12,000.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0138, Contract Financing, in all correspondence.

Dated: March 16, 2017.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2017–05570 Filed 3–21–17; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting of the National Advisory Council for Healthcare Research and Quality

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of public meeting cancellation.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, this notice announces the cancellation of a meeting of the National Advisory Council for Healthcare Research and Quality.

DATES: The meeting would have been held on Friday, March 24, 2017, from 8:30 a.m. to 2:45 p.m.

ADDRESSES: The meeting would have been held at the Hubert H. Humphrey Building, Room 800, 200 Independence Avenue SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Jaime Zimmerman, Designated Management Official, at the Agency for Healthcare Research and Quality, 5600 Fishers Lane, Mail Stop 06E37A, Rockville, Maryland, 20857, (301) 427–1456. For press-related information, please contact Alison Hunt at (301) 427–1244 or *Alison.Hunt@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Purpose

The National Advisory Council for Healthcare Research and Quality is authorized by Section 941 of the Public Health Service Act, 42 U.S.C. 299c. In accordance with its statutory mandate, the Council is to advise the Secretary of the Department of Health and Human Services and the Director of AHRQ on matters related to AHRQ's conduct of its mission including providing guidance on (A) priorities for health care research, (B) the field of health care research

including training needs and information dissemination on health care quality and (C) the role of the Agency in light of private sector activity and opportunities for public private partnerships. The Council is composed of members of the public, appointed by the Secretary, and Federal ex-officio members specified in the authorizing legislation. The Council did not have a quorum for the meeting scheduled for March 24th. Therefore, AHRQ is cancelling the meeting. The next meeting of the NAC is planned for July 26th.

Sharon B. Arnold,

Acting Director.

[FR Doc. 2017–05588 Filed 3–21–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[60-Day–17–17XR; Docket No. CDC–2017–0027]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the donor registration form in support of the project titled ''Acquisition of Freshly Drawn Whole Blood/Blood Products for Reference Diagnostic and Research Use.''

DATES: Written comments must be received on or before May 22, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0027 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. 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.

Proposed Project

Acquisition of Freshly-Drawn Whole Blood/Blood Products for Reference Diagnostic and Research Use—Existing Information Collection in Use Without an OMB Control Number—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The CDC seeks a three-year OMB approval to collect information in support of fresh blood/blood products for laboratory programs.

The CDC regularly requires freshly drawn whole blood, serum, plasma, mononuclear white cell and platelet concentrates for research purposes, for reagents, and as ''normal'' control materials. To enhance the safety of CDC personnel handling these materials, the blood/blood products, or the donors thereof, must be screened for evidence of possible infections by specific testing. At the same time, donor confidentiality must be assured and adequate counseling must be available, in case any specimens or donors test positive for certain transmissible infections.

The donor registration form referenced by this request is a brief, 11-question form that establishes the availability of volunteer donors to participate in the donor program to fill this need for fresh blood/blood products for CDC. The registration form captures donors' availability to donate, interest in various types of donations, smoking history, exercise background, alcohol consumption, measles vaccination history, cholesterol test history, and medications background.

Donors required to maintain the CDC donor pool are recruited by contract program managers often by referral of current donors, directed outreach for new donors by email, occasional posting of notices in areas frequented by CDC personnel, or at local universities for possible student populations.

All donor information is collected and protected by medical professionals with donor/patient confidentiality protected. Information from this form is only used to determine donor eligibility for blood product requests to be used by CDC laboratory programs. Approximately 25 volunteer donors are enrolled annually.

There is no cost to respondents other than the time to participate. Authorizing legislation comes from Section 301 of the Public Health Service Act (42 U.S.C. 241).

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in hrs.)	Total burden (in hrs.)
General public	Registration	25	1	15/60	7
Total					7

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–05699 Filed 3–21–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number NIOSH–294]

World Trade Center Health Program; Request for Nominations of Scientific Peer Reviewers of Proposed Additions to the List of WTC-Related Health Conditions

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 scientific peer reviewers.

SUMMARY: The CDC is soliciting nominations, including self-nominations, for scientific peer reviewers of proposed additions of conditions to the List of World Trade Center (WTC)-Related Health Conditions (List).

Title I of the James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111–347 (Jan. 2, 2011), amended by Public Law 114–113 (Dec. 18, 2015), added Title XXXIII to the Public Health Service Act (PHS Act), establishing the WTC Health Program within HHS (42 U.S.C. 300mm to 300mm–61). When the Administrator proposes to add a condition to the List, he must publish the proposed rule in accordance with the Administrative Procedure Act (5 U.S.C. 553). Additionally, as required by the James Zadroga 9/11 Health and Compensation Reauthorization Act in section 3312(a)(6)(F), prior to issuing a final rule to add a health condition to the List, the Administrator must provide for an independent peer review of the scientific and technical evidence that would be the basis for issuing such final rule.

Table of Contents:

DATES: Nominations must be submitted (postmarked or electronically received) by February 1, 2019.

ADDRESSES: You may submit a nomination identified by NIOSH Docket 294, by any of the following methods.

- Electronic nominations, including attachments to *nioshdocket@cdc.gov.*
- *Regular, Express, or Overnight Mail:* Written nominations may be submitted (one original and two copies) to the following address only: NIOSH Docket 294, c/o Kiana Harper, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Patriots Plaza 1, 95 E Street SW., Suite 9200, Washington, DC 20201. Telephone and facsimile submissions cannot be accepted.

FOR FURTHER INFORMATION CONTACT: Paul Middendorf, Ph.D., Deputy Associate Director for Science, 1600 Clifton Rd. NE., MS: E–20, Atlanta, GA 30329; telephone (404)498–2500 (this is not a toll-free number); email *pmiddendorf@cdc.gov.*

Instructions: Nominations of peer reviewers must be accompanied by:

- Name
- Occupation
- Employer
- Contact information including mailing address, email, and phone number
- Listing of scientific credentials including academic degrees and specialized training
- Area of competencies (*e.g.,* medical, epidemiology, exposure assessment, industrial hygiene)
- Area of specialty (*e.g.,* Cardiovascular, Integumentary, Gastrointestinal, Endocrine, Urinary, Immune, Lymphatic, Muscular, Nervous, Reproductive, Respiratory, Skeletal) Publication list
- Other materials to support the nominee's ability to perform scientific peer review
- For third-party nominations, affirmation from the nominee that they are aware of and agree to the nomination

A *Curriculum vitae* that includes all of the above information may alternatively be submitted.

SUPPLEMENTARY INFORMATION: The James Zadroga 9/11 Health and Compensation Reauthorization Act in section 3312(a)(6)(F) requires the Administrator to provide for an independent peer review of the scientific and technical evidence that would be the basis for issuing a final rule to add a health condition to the List prior to issuing the final rule. To assist in accomplishing independent peer review in a timely manner, the Administrator has determined that he will develop a standing pool of persons with the scientific, technical, and medical background to potentially serve in this role to provide their individual input to the Administrator based on the health condition in the proposed rule under consideration. The peer reviewers will not meet as a group, provide consensus advice or recommendations to the Administrator, or produce a collective work product(s). Therefore, the Administrator is requesting nominations of persons to serve as scientific peer reviewers.

All persons who have the necessary minimum qualifications will be included in the standing pool of potential peer reviewers. These persons will be included in the standing pool of potential peer reviewers for 3 years unless they request in writing to be removed. After 3 years persons may be nominated again and will be required to update their information.

The Administrator will select peer reviewers for any proposed rule by matching the nature of the proposed

addition to the List and the nominee's background and expertise, as well as any potential conflict of interest. In selecting peer reviewers, the WTC Program Administrator will consider individuals nominated in response to this **Federal Register** notice, as well as other qualified individuals.

Dated: March 17, 2017.

John Howard,

Administrator, World Trade Center Health Program and Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services.

[FR Doc. 2017–05623 Filed 3–21–17; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2017–0019]

Notice of Availability of the Draft Environmental Assessment and Public Meeting

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Notice of availability.

SUMMARY: The Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services (HHS), announces the availability of the Draft Environmental Assessment (Draft EA) for the CDC Chamblee Campus 2025 Master Plan for public review and comment. This notice also announces the date, location and time for the public meeting. The Draft EA analyzes the potential impacts associated with the implementation of the CDC Chamblee Campus 2025 Master Plan (Master Plan) for HHS/CDC's Chamblee Campus located at 4770 Buford Highway, Chamblee, Georgia. This announcement follows the requirements of the National Environmental Policy Act of 1969 (NEPA) as implemented by the Council on Environmental Quality (CEQ) Regulations (40 CFR parts 1500–1508); and, the Department of Health and Human Services (HHS) General Administration Manual Part 30 Environmental Procedures, dated February 25, 2000.

DATES: A public meeting will be held on Wednesday, April 19, 2017 at 2400 Century Center, Century Pkwy. NE., Atlanta, Georgia 30345. The public meeting will consist of an Open House from 6:00 p.m. EST to 8:00 p.m. EST. The meeting will be an open house where attendees can learn more about the Master Plan and Draft EA, ask questions, and submit comments.

Written comments must be received on or before May 22, 2017.

Deadline for Requests for Special Accommodations: Persons wishing to participate in the public meeting who need special accommodations should contact Angela Wagner (*amso@cdc.gov* or (770) 488–8170) by April 5, 2017.

ADDRESSES: Requests for information on the Draft EA or for a paper/electronic copy should be directed to: Angela Wagner, Portfolio Manager, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–K96, Atlanta, Georgia 30329. Telephone: (770) 488–8170 or email: *amso@cdc.gov.*

The Draft EA will be available on the *Federal eRulemaking Portal: http://www.regulations.gov,* identified by Docket No. CDC–2017–0019. Hard copies of the Draft EA are also available at locations listed in the Availability of the Draft EA under **SUPPLEMENTARY INFORMATION.**

You may submit comments identified by Docket No. CDC–2017–0019, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Comments submitted by mail should be sent to Angela Wagner, Portfolio Manager, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–K96, Atlanta, Georgia 30329, Attn: Docket No. CDC–2017–0019.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. For access to the docket, to read background documents or comments received, go to *www.regulations.gov.*

Written comments on the Draft EA will also be accepted during the public meeting scheduled for April 19, 2017, at 2400 Century Center, Century Pkwy. NE., Atlanta, Georgia 30345. Please be advised that the meeting is being held in a location considered a Federal government building; therefore, Federal security measures are applicable. In planning your arrival time, please take into account the need to park and clear security. 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 present a valid passport, visa, Permanent Resident Card, or other type of work authorization document. All persons entering the building must pass through a metal detector. All items brought to CDC are subject to inspection.

FOR FURTHER INFORMATION CONTACT: Angela Wagner, Portfolio Manager, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–K96, Atlanta, Georgia 30329, Telephone: (770) 488–8170 or Email: *amso@cdc.gov.*

SUPPLEMENTARY INFORMATION: The Centers for Disease Control and Prevention (CDC) within the U.S. Department of Health and Human Services (HHS), has prepared a Draft Environmental Assessment (Draft EA) to assess the potential impacts associated with the implementation of the CDC Chamblee Campus 2025 Master Plan (Master Plan) for HHS/CDC's Chamblee Campus located at 4770 Buford Highway, Chamblee, Georgia. An update to the previous Master Plan was prepared to guide the future development of the Chamblee Campus for the planning horizon of 2017 to 2025, corresponding to the growing research needs in support of HHS/CDC's mission, and the specific requirements of its component organizations.

HHS/CDC analyzed two alternatives in the Draft EA: The Proposed Action and the No Build Alternative. The Proposed Action assessed in the Draft EA is the implementation of the CDC Chamblee Campus 2025 Master Plan (Master Plan). The Master Plan provides a framework for future growth on the Chamblee Campus in order to ensure that the campus can support HHS/CDC's mission and to guide strategic decisions about the allocation of Federal resources. The Master Plan identifies a number of potential improvements to be completed through the 2025 timeframe, and establishes design and planning guidelines. Improvements proposed under the Master Plan include new laboratory construction, new office building construction, parking expansion, off-campus office consolidation and additional infrastructure upgrades.

The No Build Alternative represents continued operation of the existing facilities at the Chamblee Campus without any new construction or major building additions over the planning period from 2017 to 2025. Under the No Build Alternative, two existing buildings and three trailers on the campus would be demolished. The employee population at the Chamblee Campus is projected to increase by approximately 367 new occupants under the No Build Alternative due to potential background growth of existing Campus programs.

The Draft EA evaluates the potential environmental impacts that may result from the Proposed Action (referred to as the Build Alternative) and the No Build Alternative on the natural and built environment. Potential impacts of each alternative are evaluated on the following resource categories: Socioeconomics; land use; zoning; public policy; community facilities; transportation; air quality; noise; cultural resources; urban design and visual resources; natural resources; utilities; waste; and greenhouse gases and sustainability. The Draft EA identifies measures to mitigate potential adverse impacts.

Availability of the Draft EA: Copies of the Draft EA have been distributed to Federal, State, and local agencies and organizations. The Draft EA is available online in the *Federal eRulemaking Portal* at *www.regulations.gov,* identified by Docket No. CDC–2017–0019. Copies of the Draft EA are also available at:

- Chamblee Public Library, 4115 Clairmont Road, Chamblee GA 30341, Telephone: (770) 936–1380.
- Doraville Public Library, 3748 Central Ave, Doraville, GA 30340, Telephone: (770) 936–3852.
- Brookhaven Branch Public Library, 1242 N. Druid Hills Rd NE., Atlanta, GA 30319, Telephone: (404) 848–7140.
- Chamblee City Hall, 5468 Peachtree Road, Chamblee, GA 30341, Telephone: (770) 986–5010.

Paper and electronic copies can also be requested as instructed in the **ADDRESSES** section of this document.

Public Meeting: A public meeting will be held on Wednesday, April 19, 2017 at 2400 Century Center, Century Pkwy. NE., Atlanta, Georgia 30345. The public meeting will consist of an Open House from 6:00 p.m. to 8:00 p.m. EDT. The meeting will be an open house where attendees can learn more about the Master Plan and Draft EA, ask questions, and submit comments in writing.

Dated: March 15, 2017.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2017–05624 Filed 3–21–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0001]

Food and Drug Administration Center for Drug Evaluation and Research Small Business and Industry Assistance Regulatory Education for Industry Generic Drugs Forum; Public Conference

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public conference.

SUMMARY: The Food and Drug Administration (FDA) Center for Drug Evaluation and Research (CDER) is sponsoring a 2-day public conference entitled ''FDA CDER Small Business and Industry Assistance (SBIA) Regulatory Education for Industry (REdI) Generic Drugs Forum.'' The goal of this public conference is to provide direct, relevant, and helpful information on the key aspects of the generic drug development process. Our primary audience is that of small manufacturers within the generic drug industry. However, anyone involved in the pharmaceutical industry may attend.

DATES: The public conference will be held April 4–5, 2017, from 8:30 a.m. to 4:30 p.m. See the **SUPPLEMENTARY INFORMATION** section for registration information.

ADDRESSES: The public conference will be held in the Pinnacle Ballroom located on the 2nd floor of DoubleTree by Hilton Hotel, 8727 Colesville Rd., Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Brenda Stodart, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–6707, email: *cdersbia@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing a public conference entitled ''FDA CDER Small Business and Industry Assistance Regulatory Education for Industry Generic Drugs Forum.'' This public conference is intended to increase the generic drug industry's awareness of applicable FDA regulations.

II. Topics for Discussion at the Public Conference

This 2-day, FDA-led forum offers the opportunity to interact with FDA subject matter experts from across CDER involved in the Generic Drug Review Program. It will provide up-to-date information on program progress and current initiatives and present a high-level regulatory overview of the complete ANDA review pathway.

III. Participating in the Public Conference

Registration: There is no fee to attend the public conference. Space is limited, and registration will be on a first-come, first-served basis. To register, please complete registration online at: *https://www.fda.gov/Drugs/DevelopmentApprovalProcess/SmallBusinessAssistance/ucm540969.htm?utm_source=FRN&utm_campaign=GDF2017.* Early registration is recommended. Registrants will receive email confirmation when they have been accepted, and reminder emails will be sent to registrants 2 days before the conference. If time and space permit, onsite registration will be available beginning at 7:30 a.m. on each day of the public conference.

If you need special accommodations due to disability, please contact *info@sbiaevents.com* at least 7 days in advance.

Streaming Webcast of the Public Conference: This public conference will also be webcast. Persons interested in viewing the webcast must register to receive a confirmation email with the webcast link.

If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *https://www.adobe.com/go/connectpro_overview.* FDA has verified the Web site addresses in this document, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

Transcripts: Transcripts will not be available.

Dated: March 16, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–05602 Filed 3–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: 0955–0009–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). The ICR is for extending the use of the approved information collection assigned OMB control number 0955–0009 which expires on May 31, 2017. Prior to submitting the ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before May 22, 2017.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–5683.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier 0955–0009–60D for reference.

Information Collection Request Title: Customer Relationship Management (CRM) Tool.

OMB No.: 0955–0009.

Abstract: The Customer Relationship Management (CRM) application is a nimble business intelligence tool being used by more than 1,500 users at ONC partner organizations and grantees. The CRM collects data from a large number of users throughout the United States who are ''on the ground'' helping healthcare providers adopt and optimize their IT systems, it provides near real-time data about the adoption, utilization, and meaningful use of EHR technology. Approximately half of all Primary Care Providers in the nation are represented in the CRM tool; data points include provider location, credential, specialty, whether live on an EHR and what system, whether they've reached MU, the time between these, and narrative barriers experienced by many of these.

Need and Proposed Use of the Information: The CRM tool supplements and is regularly merged with other data sources both within and outside of HHS and tracks program performance and progress towards milestones. Combined with ONC's internal analytical capacity, this data provides feedback that goes beyond anecdotal evidence and can be turned into tangible lessons learned that are used to focus policy and program efforts and ultimately achieve concrete outcomes.

Likely Respondents: HITECH Grantees.

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	Average burden per response (in hours)	Total burden hours
CRM Tool—Workforce	7	125	1.5	1,313
CRM Tool—Advance Interoperable HIE Program	24	24	1.5	864
CRM Tool—CHP/Academy Health	1	12	1.5	18
Total	32	161	4.5	2,195

OS 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.

Terry S. Clark,

Asst. Information Collection Clearance Officer.

[FR Doc. 2017–05627 Filed 3–21–17; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Chronic Fatigue Syndrome Advisory Committee

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Services (DHHS) is hereby giving notice that a webinar meeting of the Chronic Fatigue Syndrome Advisory Committee (CFSAC) will take place and will be open to the general public to listen in via a toll free number.

DATES: The CFSAC webinar will be held on Thursday, June 29, 2017, from 12 p.m. until 5 p.m. (EST) and on Friday, June 30, 2017 from 9 a.m. to 5 p.m.

ADDRESSES: This meeting will be broadcasted to the public as a webinar. A webinar is a virtual meeting. Registration is not required for the webinar.

FOR FURTHER INFORMATION CONTACT: Gustavo Seinos, MPH, Designated Federal Officer, Chronic Fatigue Syndrome Advisory Committee, Department of Health and Human Services, 200 Independence Avenue SW., Room 728F.6, Washington, DC 20201. Please direct all inquiries to *cfsac@hhs.gov.*

SUPPLEMENTARY INFORMATION: The CFSAC is authorized under 42 U.S.C.217a, Section 222 of the Public Health Service Act, as amended. The purpose of the CFSAC is to provide advice and recommendations to the Secretary of Health and Human Services (HHS), through the Assistant Secretary for Health (ASH), on issues related to myalgic encephalomyelitis/chronic fatigue syndrome (ME/CFS). The issues can include factors affecting access and care for persons with ME/CFS; the science and definition of ME/CFS; and broader public health, clinical, research, and educational issues related to ME/CFS.

The agenda for this meeting, call-in information and location will be posted on the CFSAC Web site *http://www.hhs.gov/ash/advisory-committees/cfsac/meetings/index.html.*

A half hour of public comment via telephone will be scheduled for the first half day of the webinar and an entire hour for the second day of the webinar. Individuals will have five minutes to present their comments. Priority will be given to individuals who have not provided public comment within the previous year. We are unable to place international calls for public comments. To request a time slot for public comment, please send an email to *cfsac@hhs.gov* by June 1, 2017. The email should contain the speaker's

name and the phone number that will be used for public comment.

Individuals who would like for their testimony to be provided to the Committee members should submit a copy of the testimony prior to the meeting. It is preferred, but not required, that the submitted testimony be prepared in digital format and typed using a 12-pitch font. Copies of the written comment must not exceed 5 single-space pages, and it is preferred, but not required that the document be prepared in the MS Word format. Please note that PDF files, handwritten notes, charts, and photographs cannot be accepted. Materials submitted should not include sensitive personal information, such as social security number, birthdates, driver's license number, passport number, financial account number, or credit or debit card number. If you wish to remain anonymous the document must specify this.

The Committee welcomes input on any topic related to ME/CFS.

Dated: March 2, 2017.

Gustavo Seinos,

Commander, USPHS, Designated Federal Officer.

[FR Doc. 2017–05641 Filed 3–21–17; 8:45 am]

BILLING CODE 4150–42–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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 Allergy and Infectious Diseases Special Emphasis Panel; Limited Interaction Targeted Epidemiology (LITE) to Advance HIV Prevention (UG3/UH3).

Date: April 19–20, 2017.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Audrey Oi-ting Lau, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC–9823, Rockville, MD 20852, 240–669–2081.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID; Peer Review Meeting.

Date: April 20, 2017.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Dharmendar Rathore, Ph.D., Senior Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G30, National Institutes of Health/NIAID, 5601 Fishers Lane, Drive, MSC 9823, Bethesda, MD 20892–9823, 240–669–5058, *rathored@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 16, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–05586 Filed 3–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, March 28, 2017, 08:00 a.m. to March 29, 2017, 01:00 p.m., Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814 which was published in the **Federal Register** on December 13, 2016, 81 FR 89954.

The meeting notice is amended to change the meeting dates to May 1–2, 2017. The location and time will remain the same. The meeting is closed to the public.

Dated: March 16, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–05584 Filed 3–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel Member Conflict: Molecular Probes and Tools for Studying the Nervous System.

Date: March 30, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Peter B Guthrie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7850, Bethesda, MD 20892, (301) 435–1239, *guthriep@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Member Conflict: Topics in Nephrology.

Date: April 3, 2017.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jonathan K Ivins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040A, MSC 7806, Bethesda, MD 20892, (301) 594–1245, *ivinsj@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Member Conflict: Topics in Hepatology.

Date: April 4, 2017.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jonathan K Ivins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040A, MSC 7806, Bethesda, MD 20892, (301) 594–1245, *ivinsj@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Member Conflict: Topics in Toxicology.

Date: April 11, 2017.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jonathan K Ivins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040A, MSC 7806, Bethesda, MD 20892, (301) 594–1245, *ivinsj@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846– 93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 16, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–05583 Filed 3–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID; Clinical Trial Planning Grants (R34).

Date: April 17, 2017.

Time: 1:30 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Nancy Vazquez-Maldonado, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3F52B, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892–9834, (240) 669–5044, *nvazquez@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 16, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–05585 Filed 3–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning a Gearmotor

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (''CBP'') has issued a final determination concerning the country of origin of certain gearmotors known as the R47DRE90M4 gearmotors. Based upon the facts presented, CBP has concluded that the country of origin of the R47DRE90M4 gearmotor is the United States for purposes of U.S. Government procurement.

DATES: The final determination was issued on March 16, 2017. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within April 21, 2017.

FOR FURTHER INFORMATION CONTACT: Antonio J. Rivera, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade, at (202) 325–0226.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on March 16, 2017, pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of a certain gearmotor known as the R47DRE90M4 gearmotor, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ H282391, was issued under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP concluded that imported components that are used to manufacture the R47DRE90M4 gearmotor are substantially transformed as a result of the assembly operations performed in the United States. Therefore, for purposes of U.S. Government procurement, the United States is the country of origin of the R47DRE90M4 gearmotor.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: March 16, 2017.

Alice A. Kipel,

Executive Director, Regulations and Rulings, Office of Trade.

Attachment

HQ H282391

March 16, 2017

OT:RR:CTF:VS H282391 AJR

Mr. C. Alexander Cable
SEW-Eurodrive
1275 Old Spartanburg Hwy
Lyman, SC 29365

RE: U.S. Government Procurement; Final Determination; Country of Origin; Gearmotors

Dear Mr. Cable:

This is in response to your letter, dated July 18, 2016, requesting a final determination on behalf of SEW-Eurodrive, Inc. (''SEW USA''), pursuant to subpart B of Part 177, Customs and Border Protection (''CBP'') Regulations (19 CFR 177.21 *et seq.*). Under these regulations, which implement Title III of the Trade Agreements Act of 1979 (''TAA''), as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the

purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of the R47DRE90M4 gearmotor (''R47DRE90M4''). We note that SEW USA is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this final determination.

FACTS:

SEW-Eurodrive is a group of worldwide companies that provide drive solutions for various applications in the automotive, building materials, and metal processing industry, among others. SEW-Eurodrive Gmbh & Co. KG (''SEW Germany'') is the parent company of SEW USA and other SEW-Eurodrive manufacturing plants around the world. SEW USA produces drive solution products, such as gearmotors, in the United States, incorporating SEW-Eurodrive-produced parts acquired from SEW Germany and other parts acquired from third-party vendors.

Gearmotors, such as the R47DRE90M4, are mainly comprised of two subassemblies: A gear box and a motor. Because SEW-Eurodrive applies a modular design to its products, certain components are interchangeable and customizable as necessary to meet specifications. As a result, SEW-Eurodrive gearmotors have over 2.1 million configurations, with the average gearmotor consisting of approximately 100 to 120 individual unique components, such as gears, shafts, housings, stators, rotors, and end-shields.

SEW USA seeks to sell the R47DRE90M4 to the U.S. Government. According to SEW USA, because the configurations may vary, it provides the following representative illustration of the R47DRE90M4 production process.[1]

Procurement of Materials:

SEW USA uses over 100 separate parts to assemble the R47DRE90M4. According to SEW USA, many of these parts are acquired from SEW Germany (''SEW Parts''). These parts include gears, housings, stators, rotors, shafts, and end shields that are produced at SEW-Eurodrive manufacturing plants in Brazil, China, France, Germany, and the United States, among other designated and non-designated countries. SEW USA states while the majority of the SEW Parts are produced in countries designated and approved pursuant to the TAA, SEW-Eurodrive's ''current system of inventory distribution to assembly centers makes it impossible to determine with specificity the country of origin for all component parts.'' For this reason, many of these SEW Parts are shipped to SEW Germany as inventory and then redistributed according to need.

Additionally, SEW USA acquires other parts from third-party vendors (''Other Parts''). These parts include screws, nuts, bolts, shims, and rings. SEW USA considers the SEW Parts ''essential'' because they are the parts that SEW-Eurodrive must produce themselves, while the Other Parts are ubiquitous and can be purchased on the open market.

For the gear box subassembly, SEW USA procures the following materials: One pinion; three gears (three types); two pinion shafts (two types); three output shafts (three types); six keys (six types); three oil seals (three types); at least six deep groove ball bearings (six types); eight circlips (eight types); two space tubes (two types); two breather valves (two types); one gear housing; one supporting disc; one eye bolt; one sealing compound; one cylindrical roller bearing; five screw plugs (one type); one gearcase cover; six hex head screws (one type); one gasket; two closing caps (two types); and, at least seven shims (seven types).

For the motor subassembly, SEW USA procures the following materials: One rotor; one snap ring; five retaining rings (five types); four keys (four types); seven flanges (seven types); seven screw plugs (six types); two deep groove ball bearings (two types); eight machine screws (two types); one stator; four hex head screws (one type); four oil seals (four types); four fan guards (four types); two fans (two types); two aluminum fans (two types); one high inertia flywheel; one equalizing ring; one B-side bearing end shield; 20 hexagon nuts (five types); 28 studs (seven types); one oil flinger; one nameplate; two grooved pins (one type); one gasket for lower part; two terminal boxes for lower part (two types); ten screws (four types); one terminal block; three terminal clips (two types); one lock washer; one gasket for cover; one terminal box cover; one identification; one gasket; one drain hole plug; one protection canopy; four distance supports (one type); four pan head screws (one type); synthetic grease (quantity as needed); two bed plate kits (two types); and, one earth/ground terminal kit.

Assembly of the Gearmotor

Once SEW USA receives the materials for the R47DRE90M assembly, the parts are placed into stock locations at the facility in the United States. From there, the parts needed to build the motor subassembly are gathered and taken to the assembly cell. SEW USA then assembles the motor subassembly in accordance with the following standard:

(1) the A-side end shield is heated;

(2) the rotor is cleared and inspected;

(3) two bearings are pressed onto the rotor shaft, and secured with hardware;

(4) an oil drain is screwed into the A-side end shield;

(5) the rotor is pressed into the A-side end shield;

(6) the stator is placed on top of the rotor and into the end shield;

(7) the B-side end shield is added along with the mounting hardware;

(8) the two end shields and the stator are bolted together;

(9) an oil seal is installed around the shaft and into the B-side end shield;

(10) a fan is attached to the rotor shaft extension on the B-side and secured with hardware;

(11) a fan cover is placed over the fan and secured to the stator;

(12) a terminal box is assembled and attached to the stator with hardware;

(13) an oil seal is placed in the A-side end shield;

(14) an oil flinger is placed on the A-side shaft extension; and,

(15) a pinion gear is placed onto the shaft with hardware to hold it in place.

The completed motor subassembly is visually inspected, and then it is moved to the next assembly location in SEW USA's facility, along with the remaining parts needed to build the gear box subassembly. SEW USA then assembles the gear box subassembly in accordance with the following standard:

(1) the pinion shaft has a bearing pressed onto it and hardware is then used to ensure accurate placement;

(2) a spacer is added and then a key;

(3) the shaft is placed into the housing along with the gear wheel that mates to the motor pinion;

(4) another bearing is added and the whole input assembly is pressed together in the gear housing;

(5) the output oil seal is prepared for further assembly;

(6) the output shaft has a bearing pressed onto it;

(7) a bearing is pressed into the housing and the output gear wheel is placed on top of it, with hardware holding both parts in place;

(8) the output shaft is slid into the wheel, bearing, and housing and is then pressed into place;

(9) hardware and shims are added to both the pinion and output shafts to ensure proper placement within the housing;

[1] SEW USA notes that other models and combinations are assembled similarly to this representative process.

(10) the seals are assembled into the housing;

(11) the oil plugs are added to the housing; and,

(12) the inspection cover is placed onto the housing with an eye for moving the unit.

The completed gear box subassembly is then mated together with the motor subassembly to form the R47DRE90M4 gearmotor. The gearmotor is tested to ensure that it runs in the proper manner, and then oil is added per customer specifications and in accordance with the mounting position. Afterwards, the unit is hung and painted. Once dried, the unit is packed with any additional accompanying parts, and shipped to the customer.

According to SEW USA, the entire assembly requires approximately two hours. SEW USA states that this includes several quality checks throughout the process, and that each major action, such as the motor assembly or unit testing, must be signed off to ensure uniform quality of the product. SEW USA indicates that the process requires several skilled workers, who have previous experience or training in mechanics or gearing assembly. Particularly, the workers must have experience and expertise in assembly processes, which require operating presses, proper heating techniques for various tolerance fits, and use of assembly tooling. SEW USA notes the workers are trained until they reach the required proficiency in the operations, and this training process can take several weeks to a few months depending on the complexity of the assembly unit and experience of the worker.

ISSUE:

What is the country of origin of the R47DRE90M4 for the purpose of U.S. government procurement?

LAW AND ANALYSIS:

Pursuant to subpart B of Part 177, 19 CFR 177.21 *et seq.,* which implements the TAA, as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Under the rule of origin set forth under 19 U.S.C. 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also, 19 CFR 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. government procurement, CBP applies the provisions of subpart B of Part 177 consistent with the Federal Acquisition Regulations. *See* 19 CFR 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. *See* 48 CFR 25.403(c)(1). The Federal Acquisition Regulations define ''U.S.-made end product'' as:

. . . an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.

48 CFR § 25.003.

In determining whether the combining of parts or materials constitutes a substantial transformation, the determinative issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *Belcrest Linens* v. *United States,* 573 F. Supp. 1149 (Ct. Int'l Trade 1983), *aff'd,* 741 F.2d 1368 (Fed. Cir. 1984). Assembly operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation. Factors which may be relevant in this evaluation may include the nature of the operation (including the number of components assembled), the number of different operations involved, and whether a significant period of time, skill, detail, and quality control are necessary for the assembly operation. *See* C.S.D. 80–111, C.S.D. 85–25, C.S.D. 89–110, C.S.D. 89–118, C.S.D. 90–51, and C.S.D. 90–97. If the manufacturing or combining process is a minor one which leaves the identity of the article intact, a substantial transformation has not occurred. *Uniroyal, Inc.* v. *United States,* 3 CIT 220, 542 F. Supp. 1026 (1982), *aff'd* 702 F. 2d 1022 (Fed. Cir. 1983).

In order to determine whether a substantial transformation occurs when components of various origin are assembled into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. The country of origin of the item's components, extent of the processing that occurs within a country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, factors such as the resources expended on product design and development, extent and nature of post-assembly inspection and testing procedures, and the degree of skill required during the actual manufacturing process may be relevant when determining whether a substantial transformation has occurred. No one factor is determinative.

In a number of rulings (*e.g.,* Headquarters Ruling Letter (''HRL'') 735608, dated April 27, 1995, and HRL 559089, dated August 24, 1995), CBP has stated: ''in our experience these inquiries are highly fact and product specific; generalizations are troublesome and potentially misleading. The determination is in this instance 'a mixed question of technology and Customs law, mostly the latter.''' *Texas Instruments, Inc.* v. *United States,* 681 F.2d 778, 783 (CCPA 1982).

SEW USA contends that the various components, imported into the United States for assembly of the R47DRE90M4, are substantially transformed during the processing which occurs in the United States. SEW USA notes that the assembly process is complex, requiring skilled workers, and that the various components cannot function until assembled into the completed gearmotor. In support, SEW USA cites to HRL 563236, dated July 6, 2005; HRL 557208, dated July 24, 1993; HRL 734979, dated September 3, 1993; HRL 73046, dated May 10, 1991; HRL 734560, dated July 20, 1992; HRL 559067, dated September 19, 2995; and, New York Ruling (''NY'') 872132, dated April 9, 1992.

While the cases cited by SEW USA consider whether imported parts were substantially transformed due to assembly operations in the United States, the assembled products in these cited cases were telephones, except for NY 872132 (holding that Japanese gear boxes were substantially transformed in the United States when assembled with electronic motors to create a gearmotor). Similar to NY 872132, we note the following rulings, which we find are more analogous to the situation in this case.

In HRL 559703, dated August 23, 1996, numerous parts were sourced from vendors located in the United States and/or other countries. These parts were then assembled into various

subassemblies, and then these subassemblies were assembled into aircraft engines, ultimately involving thousands of individual parts and a complex operation requiring specialized skill and expertise. It was held that these parts were substantially transformed as a result of the operations performed in the United States, leading to the production of an aircraft engine.

In HRL H022169, dated May 2, 2008, a glider (consisting of a frame, finished cab, axels, and wheels) was imported into the United States and assembled with approximately 87 different component parts (including the essential parts: A motor, controller, and charger of Canadian origin; a gear box and axel of U.S. origin; and brakes of Indian origin) into an electric mini-truck. The process consisted of eight assembly work stations involving attachment and installation operations, as well as quality control and testing of the product. It was held that the imported glider and other foreign components were substantially transformed into an electric mini-truck by the assembly operations that took place in the United States. *See also* HRL 558919, dated March 20, 1995 (holding that an extruder subassembly manufactured in England was substantially transformed in the United States when it was wired and combined with U.S. components (motor, electrical controls and extruder screw) to create a vertical extruder, particularly noting that the imported extruder and U.S. components were functionally necessary to the operation of the vertical extruder); HRL H075667, dated January 21, 2010 (holding that 53 components were substantially transformed into an alternator by the assembly operations in the United States, noting the 169 minute, 31 step process involving skilled workers and the U.S.-origin of the regulator component); and, HRL 734292, dated May 26, 1992 (holding that imported components and subassemblies were substantially transformed into electronic motors in the United States, noting the U.S. origin of the stator component because of the extensive experience required for production of the stator).

In this case, we find that the imported parts are substantially transformed as a result of the assembly operations in the United States. We note that building the R47DRE90M4 in the United States consists of assembling together 131 unique parts, and at least a total of 200 parts. Similarly to HRL 559703 and HRL H022169, production of the R47DRE90M4 requires importing numerous parts of various origins, which are used to first assemble the gear box and motor subassemblies, and then to assemble the complete gearmotor, through a complex operation with specialized skill and expertise. As noted in HRL H075667 and HRL 734292, the complex operation in this case involves at least 27 steps that take approximately two hours. We note that SEW USA's workers are hired with previous experience in mechanical fields, and undergo additional training by SEW USA, which may endure several weeks to a few months, in order to reach the proficiency in the assembly operations that is required by the company. Under the described assembly process, the foreign components lose their individual identities and become an integral part of a new article, the R47DRE90M4, possessing a new name, character and use. Based upon the information before us, we find that the components that are used to manufacture the R47DRE90M4 are substantially transformed as a result of the assembly operations performed in the United States, and that the country of origin of the R47DRE90M4 for government procurement purposes is the United States.

HOLDING:

The components that are used to manufacture the R47DRE90M4 are substantially transformed as a result of the assembly operations performed in the United States. Therefore, the country of origin of the R47DRE90M4 for government procurement purposes is the United States.

Notice of this final determination will be given in the **Federal Register**, as required by 19 CFR 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 CFR 177.30, any party-at-interest may, within 30 days of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Alice A. Kipel,

Executive Director, Regulations and Rulings, Office of Trade.

[FR Doc. 2017–05647 Filed 3–21–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2016–0025; OMB No. 1660–0026]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; State Administrative Plan for the Hazard Mitigation Grant Program

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before April 21, 2017.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street SW., Washington, DC 20472–3100, or email address *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on November 29, 2016, at 81 FR 85995, with a 60 day public comment period. One comment was submitted through *Regulations.gov* that was not related to this information collection. FEMA also received requests for copies of the information collection and provided the information to the requesters. This 30 day notice includes revisions to the estimates provided in the 60 day notice. FEMA updated the

estimated number of respondents and refined the estimated total annual burden hours and estimated cost accordingly. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Administrative Plan for the Hazard Mitigation Grant Program.

Type of information collection: Reinstatement, with change, of a previously approved information collection for which approval has expired.

OMB Number: 1660–0026.

Form Titles and Numbers: None.

Abstract: FEMA regulation 44 CFR 206.437 requires development and update of the Administrative Plan by grant Recipients as condition of receiving Hazard Mitigation Grant Program (HMGP) funding under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988. Update is required after each disaster declaration to meet any policy guidance or administration changes. FEMA is responsible for review/approval of Administrative Plans for compliance with 44 CFR 206.437.

Affected Public: State, local or Tribal government.

Estimated Number of Respondents: 35.

Estimated Total Annual Burden Hours: 560.

Estimated Cost: $22,173.

Dated: March 13, 2017.

Tammi Hines,

Acting, Records Management Branch Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–05580 Filed 3–21–17; 8:45 am]

BILLING CODE 9110–13–P

DEPARTMENT OF THE INTERIOR

[Docket No. FWS–HQ–IA–2017–0013; FXIA16710900000–178–FF09A30000]

Endangered Species; Wild Bird Conservation; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before April 21, 2017.

ADDRESSES: *Submitting Comments:* You may submit comments by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–IA–2017–0013.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2017–0013; U.S. Fish and Wildlife Service Headquarters, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

When submitting comments, please indicate the name of the applicant and the PRT# you are commenting on. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

Viewing Comments: Comments and materials we receive will be available for public inspection on *http://www.regulations.gov,* or by appointment, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays, at the U.S. Fish and Wildlife Service, Division of Management Authority, 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2095.

FOR FURTHER INFORMATION CONTACT:

Endangered Species Applications: Joyce Russell, Government Information Specialist, Division of Management Authority, U.S. Fish and Wildlife Service Headquarters, MS: IA; 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2104; facsimile 703–358–2280.

Wild Bird Conservation Act Applications: Craig Hoover, Chief, Division of Management Authority, U.S. Fish and Wildlife Service Headquarters, MS: IA; 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2095; facsimile 703–358–2298.

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see DATES) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads

of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; Jan. 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Permit Applications

A. Endangered Species

Applicant: Ruth Linsky, Ellensburg, WA; PRT–15011C

The applicant requests a permit to import saliva samples obtained noninvasively from wild Bornean orangutans (*Pongo pygmaeus*) within Cape Leaky, Tanjung Puting National Park for the purpose of enhancement of the survival of the species through scientific research.

Applicant: Alex Cisneros, Graham, TX; PRT–07645C

The applicant requests a permit to import a shoulder mount and skin of a cape mountain zebra (*Equus zebra zebra*) for the purpose of enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Adalgisa Caccone, New Haven, CT; PRT–209142

The applicant requests a permit to import biological samples from wild giant Galapagos tortoise (*Geochelone nigra*), for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Jack Phillips, Gladewater, TX; PRT–195823

The applicant requests a permit to renew his application for red lechwe (*Kobus leche*), for the enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Turtle Back Zoo, West Orange, NJ; PRT–09742C

The applicant requests a permit to import one female captive-bred amur leopard (*Panthera pardus orientalis*) from the Parken Zoo, Sweden, for the purpose of enhancement of the survival of the species.

Applicant: Jude Lagarde, Baton Rouge, LA; PRT–04151C

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the Great green macaw (*Ara ambiguus*), to enhance species propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Dr. Frank Paladino, Indiana-Purdue University Fort Wayne, IN; PRT–06369C

The applicant requests a permit to collect skin, scute, and blood samples from hawksbill sea turtles (*Eretmochelys imbricata*) for the purpose of enhancement of the survival of the species/scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Multiple Applicants

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Ronald Price, Mesa, AZ; PRT–15386C

Applicant: Gary Cooper, Oakwood, OH; PRT–16709C

Applicant: John Watson, Richardson, TX; PRT–11484C

B. Wild Bird Conservation Act

The public is invited to comment on the following applications for approval to conduct certain activities with bird species covered under the Wild Bird Conservation Act of 1992 (16 U.S.C. 4901–4916). This notice is provided pursuant to section 112(4) of the Wild Bird Conservation Act of 1992 (50 CFR 15.26(c)).

Applicant: Vernon Brett Padgett, Atlanta, GA; PRT–12087C

The applicant wishes to establish a cooperative breeding program for Papuan hornbill (*Rhyticeros plicatus*), knobbed hornbill (*Aceros cassidix*), wreathed hornbill (*Rhyticeros undulatus*), wrinkled hornbill (*Aceros corrugatus*), writhed hornbill (*Aceros leucocephalus*), Asian pied hornbill (*Anthracoceros albirostris*), Palawan hornbill (*Anthracoceros marchei*), black hornbill (*Anthracoceros malayanus*), rufous hornbill (*Buceros hydrocorax*), rhinocerous hornbill (*Buceros rhinoceros*), tarictic hornbill (*Penelopides panini*), Pesquet's parrot (*Psittrichas fulgidus*) and gang-gang cockatoo (*Callocephalon fimbriatum*).

The applicant wishes to be an active participant in this program along with the Dallas World Aquarium, Dallas, Texas, and John Bornemann, Dover, Florida.

If approved, the program will be overseen by the Zoological Association of America, Punta Gorda, Florida.

IV. Public Comments

You may submit your comments and materials concerning this notice by one of the methods listed in **ADDRESSES**. We will not consider comments sent by email or fax or to an address not listed in **ADDRESSES**.

If you submit a comment via *http://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

We will post all hardcopy comments on *http://www.regulations.gov.*

V. Authority

Wild Bird Conservation Act of 1992 (16 U.S.C. 4901–4916); Endangered Species Act of 1973 (16 U.S.C. 1531).

Joyce Russell,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2017–05726 Filed 3–21–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[16XL LLIDI00200 L71220000.EO0000.LVTFDX602300; 4500101185]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Caldwell Canyon Mine and Reclamation Plan, Caribou County, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Pocatello Field Office, Pocatello, Idaho, intends to prepare an Environmental Impact Statement (EIS) to analyze the potential impacts of approving the proposed Caldwell Canyon mine and reclamation plan (MRP). The EIS will also consider

the effects of lease modifications that are part of the proposed project. This notice announces the beginning of the scoping process to solicit public comments and identify issues to be addressed in the EIS.

DATES: This notice initiates the public scoping process for the EIS. Comments on issues may be submitted in writing until April 21, 2017. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers, and the BLM Web site at: *http://bit.ly/2eoKYV8.* In order to be addressed in the Draft EIS, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation upon publication of the Draft EIS.

ADDRESSES: You may submit comments related to the Caldwell Canyon Mine Project by any of the following methods:

- *Web site: http://bit.ly/2eoKYV8.*
- *Email: blm_id_caldwell_canyon_mine_eis@blm.gov.*
- *Fax:* 208–478–6376.
- *Mail:* Caldwell Canyon Mine EIS, C/O Tetra Tech, 2525 Palmer Street, Suite 2, Missoula, MT 59808.

Documents pertinent to this proposal may be examined at the Pocatello Field Office.

FOR FURTHER INFORMATION CONTACT: David Alderman, BLM Pocatello Field Office, telephone (208) 478–6369; address 4350 Cliffs Drive, Pocatello, Idaho 83204; *dalderman@blm.gov.* Information is also available at the BLM's Web site at *http://bit.ly/2eoKYV8.* 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: P4 Production, LLC (P4), a subsidiary of Monsanto Company, has developed and submitted a mine and reclamation plan (MRP) for the Caldwell Canyon Phosphate Mine. The proposed mine is located along Schmid Ridge, approximately 13 air miles northeast of Soda Springs, Idaho. The BLM will serve as the lead agency for conducting the necessary environmental analysis. The Idaho Department of Environmental Quality, Idaho Department of Lands, and the U.S. Army Corps of Engineers will be cooperating agencies. Although a small amount of U.S. Forest Service (USFS) surface land is within the proposed project area, the USFS will not participate as a cooperating agency. The affected USFS lands are located on BLM-administered phosphate leases owned by Agrium, Inc. (Agrium) and managed as part of the Dry Valley Mine. Dry Valley Mine has been mined and fully reclaimed per the existing MRP for that project.

The proposed action includes a haul road across the reclaimed surface of the Dry Valley Mine and the partial filling in of the open Panel D pit with waste rock from Caldwell Canyon. A modification of the Dry Valley MRP to allow construction of the haul road and backfilling of the Dry Valley D Pit is necessary and will be evaluated as part of this EIS. No USFS special use permits or other decisions are needed to permit the project. The USFS will be routinely apprised regarding the progress of the environmental analysis and will be consulted regarding project aspects affecting USFS lands.

Operations at Caldwell Canyon would consist of open pit mining on the Federal Phosphate Leases IDI–02, IDI–014080, and IDI–13738. The mine would also include State of Idaho Mineral Lease E07959. P4 is requesting modifications to phosphate lease boundaries for each of these leases. All of the proposed lease modifications contain part of the proposed mine pit and are necessary to maximize ore recovery. Issuing these lease modifications is a discretionary decision that will be analyzed in the EIS. New mining operations at the Caldwell Canyon Mine would occur on Federal phosphate leases and public lands administered by the BLM, on National Forest System lands administered by the USFS, on a State of Idaho phosphate lease and state lands administered by Idaho Department of Lands (IDL), and on private lands. The public lands lie in the BLM Pocatello Field Office. The leases grant exclusive rights to the leaseholder to mine and otherwise dispose of the phosphate resource at the sites. Through development of this EIS, the BLM will analyze environmental impacts of the proposed mining and reclamation operations and reasonable alternatives to the proposed action. Appropriate mitigation measures will also be formulated by the BLM in conjunction with the proponent.

Agency Decisions

The BLM Idaho State Director, or delegated official, will make a decision regarding approval of the MRP and appropriate mitigation measures, the proposed Federal phosphate lease modifications and other appropriate land use authorizations for activities that take place off leased lands. Decisions will be based on BLM's authority, the EIS analysis, and any recommendations the cooperating agencies may have related to their jurisdiction, expertise, or permitting actions.

The proposed action has been reviewed for consistency with the 2012 Pocatello Field Office Resource Management Plan and, at this time, the project is generally consistent with the management direction in the Resource Management Plan. It is unlikely that any amendments to the Resource Management Plan will be needed.

The IDL will make an independent decision on approving a mine plan for state lease EO7959. IDL is a cooperating agency for the EIS and will consider the BLM's EIS in its decision making.

The Army Corps of Engineers may also make decisions related to permits under Section 404 of the Clean Water Act.

Background

The MRP for Caldwell Canyon includes development of two open mine pits: North Pit and South Pit. Mining operations would be conducted over an estimated 40-year period using a pit panel mining method. Mining would be initiated in the mid-point of the South Pit and proceed southward. Approximately six million tons of initial overburden materials would be hauled to the inactive Dry Valley Mine Panel D and placed as backfill. All other overburden generated from each new panel would be used to backfill a previously mined panel. Once mining reaches the south end of the South Pit, mining would resume at the mid-point of the South Pit and proceed northward in the same fashion.

Ore would be transported via a two mile-long haul road linking the mine pit areas to an ore stockpile located off-lease at the East Caldwell Area. The haul road is mostly on lease or on private land but a small section is off lease on BLM land and will require a right of way. The ore stockpile would be located adjacent to an ore loadout facility, which would be used to load ore into a train for rail transport by existing rail line to P4's processing plant at Soda Springs. The proposed stockpile and ore loadout site was previously used by Agrium during active mining operations at the Dry Valley Mine. Selected materials generated from development of the initial pit panel would be used for the construction of haul roads. Once P4 has hauled the initial overburden to the Dry Valley Pit

(estimated to occur during the third year of production at Caldwell Canyon), overburden generated from each subsequent pit panel would be used to backfill pit panels in sequence in the South and North pits of the Caldwell Canyon Mine.

Hauling overburden from the Caldwell Canyon South Pit to the open pit at Dry Valley Mine would require construction of an additional two-mile long haul road from the ore stockpile area to the Dry Valley Pit (Panel D Pit) across reclaimed areas of the Dry Valley Mine. Construction, operation, maintenance, grading, and reclamation of this haul road would be the responsibility of P4 and are addressed in the MRP for Caldwell Canyon. Agrium, as the Dry Valley mine owner, is ultimately responsible for the final reclamation at Dry Valley. Agrium would place the final cover/growth media on the partially backfilled Panel D pit and haul road and revegetate the reclaimed surface.

Mining below the water table would occur at the south and north ends of the Caldwell Canyon South Pit; mining in these areas is expected to occur during years 6–8 and 14–16 of production, respectively. In these locations, P4 would install ground water interception wells to draw down the water table to an elevation below the planned pit bottom. This would reduce the amount of ground water flowing into the pit. The water would be stored in water management ponds until water quality meets infiltration criteria at which point it would be infiltrated into the ground water. The sequestered water would not be allowed to leave the mine site other than by infiltration or evaporation. With the exception of one culverted haul road crossing, P4's MRP proposes to avoid Caldwell Creek, which is a small non-connected/non-fish bearing stream that runs between the north and south pits.

All overburden and waste material would be backfilled into mine pit panels and reclaimed using an earthen cap to reduce infiltration of precipitation, groundwater and surface water, and to support establishment of vegetation to meet post-closure land use goals. The proposed cap is a capillary break design consisting of 1.5 feet of topsoil and 2.5 feet of alluvium and colluvium over two feet of cherty material taken from overburden at the site.

Mining operations at Caldwell Canyon would disturb approximately 1,530 acres. Some mine facilities (ore stockpile, tipple, water management infrastructure, offices, shop and storage facilities) would be located in the East Caldwell Area in Dry Valley. Additional facilities located at the Caldwell Canyon mine site include service and haul roads, water pipelines, water management ponds, sediment control ponds, infiltration galleries, growth media stockpiles, and other facilities.

P4 and Agrium would obtain governmental agency approvals necessary to allow placement of overburden into the Dry Valley Pit in accordance with a proposed Dry Valley Mine Plan Modification. The mine plan modification would be analyzed as part of this EIS.

Alternatives and Schedule

The EIS will analyze the Proposed Action (approving the MRP and lease modifications) and the No Action Alternative. Other mining alternatives may be considered that could resolve important issues or provide mitigation of potential impacts.

The tentative EIS project schedule is as follows:

- Begin public scoping period and meetings: Early 2017.
- Estimated date for draft EIS and associated comment period: Fall 2017.
- Final EIS publication: Spring 2018.
- Record of Decision: Spring 2018.

Scoping

The purpose of the public scoping process is to identify relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS. The BLM has identified some preliminary issues associated with the Caldwell Canyon Mine Project:

- Potential impacts to groundwater and surface water quantity and quality;
- Impacts to vegetation including rare species and species important to Native Americans;
- Impacts to soil and mineral resources;
- Impacts to air quality from vehicle emissions and fugitive dust;
- Potential reductions of wildlife and their habitats, including the Greater Sage-Grouse;
- Potential reductions in livestock grazing;
- Impacts to wetlands and riparian habitat;
- Impacts to recreation including hunting and camping;
- Socio-economic effects such as increased employment and the continued operation of an elemental phosphorous plant and support businesses;
- Impacts to Native American rights, treaties, and land uses;
- Impacts to visual resources from the development of the mine; and
- Impacts to resources from the cumulative effects of the multiple mines in southeast Idaho.

The BLM will continue to refine these issues during the scoping process.

The BLM will use and coordinate the NEPA scoping process to help fulfill the public involvement requirements under the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and treaty rights and potential impacts to cultural resources, will be given due consideration.

Federal, State, and local agencies, along with Tribes and other stakeholders that may be interested in or affected by the proposed Caldwell Canyon Mine are invited to participate in the scoping process. Agencies with regulatory authority or special expertise, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1501.7.

Mary D'Aversa,

District Manager, BLM Idaho Falls District.

[FR Doc. 2017–05679 Filed 3–21–17; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 178S180110; S2D2S SS08011000 SX064A00 17XS501520]

Notice of Intent To Initiate Public Scoping and Prepare an Environmental Impact Statement for the San Juan Mine Deep Lease Extension Mining Plan Modification

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

ACTION: Notice of intent to initiate public scoping and prepare an Environmental Impact Statement (EIS).

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are notifying the public that we intend to prepare a draft environmental impact statement (EIS) to evaluate the impacts of alternatives relating to the San Juan Coal Company's proposed mining plan modification for the Deep Lease Extension (DLE). The EIS will analyze the direct, indirect, and cumulative impacts of the Company's DLE mining plan modification, Federal Coal Lease NM–99144, at the existing San Juan Mine. The EIS will also analyze the effects of coal combustion at the Public Service Company of New Mexico's San Juan Generating Station (SJGS or the Generating Station). OSMRE is soliciting public comments on the proposed Project, scope of the EIS, and the significant issues that should be analyzed in the EIS.

DATES:

Comments: We will accept comments received or postmarked on or before May 8, 2017. Any comments that we receive after the closing date may not be considered.

Scoping Meetings: We will hold public scoping open houses at the following times and locations during the scoping period:

- Monday, April 10th from 5:00 p.m. to 8:00 p.m. at the Indian Pueblo Cultural Center at 2401 12th St. NW., Albuquerque, New Mexico.
- Tuesday, April 11th from 5:00 p.m. to 8:00 p.m. at the Ute Community Center at 785 Sunset Road, Towaoc, Colorado.
- Wednesday, April 12th, from 5:00 p.m. to 8:00 p.m. at the Shiprock High School approximately a half-mile west on US–64 from US–491 in Shiprock, New Mexico.
- Thursday, April 13th, from 5:00 p.m. to 8:00 p.m. at the Farmington City Civic Center at 200 West Arrington St., Farmington, New Mexico.
- Friday, April 14th, from 4:00 p.m. to 7:00 p.m. at the Durango Community Recreation Center at 2700 Main Avenue, Durango, Colorado.

At the scoping meetings, the public is encouraged to submit resource information, and identify topics to be considered in the development of the EIS. Written and oral comments will be accepted at each meeting.

ADDRESSES:

You may submit written comments by one of the following methods:

Email—Comments should be sent to: *osm-nepa-nm@osmre.gov.*

- *Mail/Courier*—Written comments should be sent to:

Gretchen Pinkham, OSMRE
c/o Catalyst Environmental Solutions
P.O. Box 56539
Sherman Oaks, CA 91413

At the top of your written submission or in the subject line of your email message, please indicate that the comments are ''San Juan Mine EIS Comments.''

We request that you send comments only by one of the methods described above.

FOR FURTHER INFORMATION CONTACT: For further information about the Project and/or to have your name added to the mailing list, contact: Gretchen Pinkham, OSMRE Project Manager, at 303–293–5088 or by email at *osm-nepa-nm@osmre.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS 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 to your message during normal business hours.

SUPPLEMENTARY INFORMATION:

I. Background on the Project

As established by the Mineral Leasing Act of 1920, the Surface Mining Control and Reclamation Act (SMCRA) of 1977, as amended (30 U.S.C. 1201–1328), and the Cooperative agreement between the State of NM and the DOI Secretary in accordance with Section 523(c) of SMCRA, and 30 U.S.C. 1273(c), the Company's Permit Application Package (PAP) must be reviewed and approved before the Company may conduct underground mining and reclamation operations to develop the DLE Federal Coal Lease NM–99144. The NM Mining and Minerals Division (NM MMD) is the regulatory authority responsible for reviewing and approving PAPs, and OSMRE is responsible for the oversight of the NM MMD coal program. OSMRE is also responsible for making recommendations to the Assistant Secretary for Land and Minerals Management (ASLM) regarding decisions on proposed mining plan modifications for federally leased coal (30 CFR 476.13). The NM MMD approved the PAP for the DLE on October 22, 1999. OSMRE submitted a mining plan decision document to the ASLM which was approved by the ASLM on January 17, 2008, which included a Finding of No Significant Impact signed by OSMRE in 2007 and the Bureau of Land Management's (BLM) 1998 decision record on the amendment to the 1988 Farmington Resource Management Plan to include the Federal Coal Lease NM–99144 for the San Juan Mine's DLE.

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, 42 United States Code (U.S.C.) 4231–4347; the Council on Environmental Quality's (CEQ) regulations for implementing NEPA, 40 Code of Federal Regulations (CFR) parts 1500 through 1508; and the Department of the Interior's (DOI) NEPA regulations, 43 CFR part 46, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are notifying the public that we intend to prepare a draft environmental impact statement (EIS) to evaluate the impacts of alternatives relating to the San Juan Coal Company's proposed mining plan modification for the Deep Lease Extension (DLE). Preparation of the EIS will be completed pursuant to the court-approved Voluntary Remand, as approved by the United States District Court for the District of NM on August 31, 2016, in the case entitled *WildEarth Guardians* v. *U.S. Office of Surface Mining et al.,* Case 1:14-cv-00112–RJ–CG (D. NM 2016). As part of the court-approved Voluntary Remand, OSMRE agreed to prepare an EIS and Mining Plan Decision Document within three years for the San Juan Mine's mining activity within Federal Coal Lease NM–99144, the DLE, beginning in 2008 and continuing through the life of reserves for the DLE. The San Juan Mine currently delivers approximately 6 million tons per year (tpy) of coal from the DLE and other approved mining areas to the Generating Station and will continue delivering at that rate through 2017. It is anticipated that approximately 3 million tpy of coal from the DLE and other approved mining areas would be delivered to the

Generating Station post-2017. Mining activities within the DLE have been ongoing since OSMRE approval in 2008, and continue presently. Per the Voluntary Remand, mining operations within the DLE are allowed to proceed during the development of the EIS.

The above-referenced court order stipulates that the Secretary's approval of the 2008 mining plan modification for the DLE would be vacated if OSMRE does not complete the EIS process and issue a decision by August 31, 2019, absent a court order for good cause shown. As a result, OSMRE has identified a need to re-evaluate its previous mining plan modification recommendation for this area based, in part, on (1) the PAP submitted to OSMRE and NM MMD, and (2) new information regarding potentially affected resources available since the 2008 MPDD approval.

The underground operations at San Juan Mine use longwall mining methods consisting of one longwall miner and continuous miner in the development portion of the Mine. Underground mining occurs within multiple state and federal lease areas at the San Juan Mine; these are generally referred to as the Deep Lease and DLE Areas. Since authorization in 2008, the Company has mined approximately 18 million tons of coal in the DLE. The mine currently employs approximately 360 people. The approved NM MMD permit area would not increase from its present approximate size of 17,726 acres. A total of approximately 15,404 acres of federally owned coal remains within the current San Juan Mine permit area, approximately 4,484 acres of which is within the DLE. The 2008 mining plan modification would not increase any acres of federal surface lands or any acres of federal coal to the approved permit area, but would authorize the recovery of approximately 36.6 million tons of federal coal from 4,484 acres of federal coal from the DLE. The remaining coal reserves in the DLE and other approved mining areas will allow the mine to continue operating at the anticipated mining rates until approximately 2033. The post-mining land use remains grazing and wildlife habitat.

The Bureau of Land Management (BLM); U.S. Fish and Wildlife Service (USFWS), and NM MMD will cooperate with OSMRE in the preparation of the EIS. Additional Cooperating Agencies may be identified during the scooping process.

OSMRE will also consult the New Mexico State Historic Preservation Officer in compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (54 U.S.C. 300101–307108), as provided for in 36 CFR 800.2(d)(3) concurrently with the NEPA process, including the public involvement requirements. Native American tribal consultations will be conducted in accordance with DOI policy. Federal, Tribal, State and local agencies, along with other stakeholders that may be interested in or affected by OSMRE's decision on the Project, are invited to participate in the scoping process and, if eligible, may request or be requested by OSMRE to participate as a cooperating agency.

As part of its consideration of impacts of the Project on threatened and endangered species, OSMRE will consult the USFWS pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*) and its implementing regulations. The consultation will consider direct and indirect impacts from the proposed Project, including Project related coal combustion emissions generated by SJGS from the combustion of DLE coal.

In addition to compliance with NEPA, NHPA Section 106, and ESA Section 7, all federal actions will be in compliance with applicable requirements of the SMCRA; the CWA, 33 U.S.C. 1251–1387; the Clean Air Act of 1970, as amended, 42 U.S.C. 7401–7671q; the Native American Graves Protection and Repatriation Act of 1990, as amended, 25 U.S.C. 3001–3013; and Executive Orders relating to Environmental Justice, Sacred Sites, and Tribal Consultation, and other applicable laws and regulations.

II. Mining Plan Modification for the DLE

The Company's mining plan modification provides for continued development of the DLE, Federal Coal Lease NM–99144, within the San Juan Mine permit area. Due to the retirement of coal fired Units 2 and 3 at the Generating Station, the annual production rate of the DLE would be reduced from the current annual production rate of 4–6 million tons to an annual production rate of 2–3 million tons for approximately 10–15 years beginning in 2017. The Generating Station, located approximately 4 miles northeast of Waterflow and 15 miles west of Farmington, NM, is operated by Public Service Company of New Mexico on its own behalf and on behalf of eight other owners. The Generating Station currently operates four coal-fired units which generate 1800 megawatts and provide power to Arizona, NM, Utah, and California. However, Units 2 and 3 will be retired by December 31, 2017. The Generating Station's Units 1 and 4 would remain operational, generating approximately 910 megawatts burning approximately 3 million tons of coal per year. Federal Coal Lease NM–99144 encompasses 4,483.88 acres and includes:

Township 30, North, Range 14 West, NMPM

Section 17: All;
Section 18: All;
Section 19: All;
Section 20: All;
Section 29: All;
Section 30: All;
Section 31: Lot 1 (41.70 acres), Lot 2 (41.21 acres), Lot 3 (40.73 acres), Lot 4 (40.24 acres), N½, N½S½

Upon completion of the EIS and issuance of the Record of Decision, OSMRE will submit a mining plan decision document to the ASLM to recommend approval, disapproval, or approval with conditions of the proposed mining plan modification for the continuation or cessation of the San Juan Mine to mine the DLE within Federal Coal Lease NM–99144 within the three year period required under the Voluntary Remand. The ASLM will decide whether the mining plan modification is approved, disapproved, or approved with conditions.

III. Alternatives and Related Impacts Under Consideration

The analysis in the EIS will address direct, indirect, and cumulative impacts of the Proposed Action and Alternatives. Since the NOI must be published prior to the scoping process, in compliance with 40 CFR 1501.7, OSMRE may need to modify the Proposed Action and Alternatives from those presented in this NOI based on issues raised during scoping. The scoping process provides, among other things, the opportunity for interested parties to identify issues and propose alternative actions. As explained in the DOI regulations for implementing NEPA, the input received during scoping efforts is important to help define the issues for consideration. However, suggestions obtained during scoping are not binding but are only important options for the lead agency to consider (43 CFR 46.235(b)).

Alternatives for the Project that are currently under consideration include:

(a) Proposed Action Alternative—The DLE as proposed and approved in the PAP and the 2008 Mining Plan Decision Document.

(b) Alternate Mining Technique, room and pillar and retreat mining—An alternative mining technique alternative would utilize room and pillar and retreat mining methods instead of the current longwall mining technique

being utilized in the DLE. This alternative would be analyzed as a variation to the Proposed Action and Current Mining Activity Alternatives.

(c) No Action Alternative—as described above, the court-approved Voluntary Remand will vacate the 2008 mining plan modification for the DLE if the EIS and Mining Plan Decision Document are not complete within three years, by August 31, 2019. Therefore, in this instance, the No Action Alternative is to continue with the present course of action (mining) until that action is changed (through vacatur of the mining plan approval). Implementation of the no action alternative would result in the discontinuation of mining activities at San Juan Mine and the final closure and reclamation activities at the Mine. As a consequence of Mine shutdown, the Generating Station would likely cease operations after any stockpiled coal is used. Considering mining activities in the DLE have been ongoing since 2008 and will continue throughout the NEPA process, the baseline conditions for the No Action Alternative will reflect the conditions present in August 2019, when the ASLM has made a decision on the mining plan modification based on OSMRE's recommendation in the mine plan decision document.

(d) Any environmentally preferable alternatives that may be identified in accordance with 40 CFR part 1500 and 43 CFR part 46.

The purpose of the public scoping process is to determine relevant issues that could influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS and related compliance efforts. The final range of reasonable alternatives to be considered will be determined based, in part, on the issues raised during the scoping process.

At present, OSMRE has identified the following preliminary issues and potential impacts:

- Federally listed threatened and endangered species, including but not limited to the Razorback sucker (*Xyrauchen texanus*), Colorado pikeminnow (*Ptychochelius lucius*), and Southwestern Willow Flycatcher (*Empidonax traillii extimus*);
- Air quality and climate change;
- Surface and ground water resources (including potential wetlands and floodplains);
- Environmental Justice considerations;
- Cultural and historic resources;
- Biological resources (including wildlife, fish, and vegetation);
- Visual resources;
- Public health and safety;
- Land use and recreational resources;
- Transportation and access;
- Socioeconomics; and
- Noise and vibration.

IV. Public Comment Procedures

In accordance with the CEQ's regulations for implementing NEPA and the DOI's NEPA regulations, OSMRE solicits public comments on the scope of the EIS and significant issues that should be addressed in the EIS.

Written comments, including email comments, should be sent to OSMRE at the addresses given in the **ADDRESSES** section of this Notice. Comments should be specific and pertain only to the issues relating to the Project and EIS. OSMRE will include all comments in the project record.

If you would like to be placed on the mailing list to receive future information, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, above. Navajo and Ute interpreters will be present at meetings on the Navajo and Ute Mountain Ute Reservations, respectively.

Scoping Meetings

See **DATES** section above for the dates and times of the public scoping meetings. The primary purpose of the meetings and the public comment period is to provide the public with a general understanding of the background of the proposed action and to solicit suggestions and information on the scope of issues and alternatives we should consider when preparing the DEIS. Written and oral comments will be accepted at the meetings. Comments can also be submitted by the methods listed in the **ADDRESSES** section. Once the DEIS is complete and made available for review, there will be additional opportunity for public comment.

Persons needing reasonable accommodations in order to attend and participate in the public scoping meetings should contact the person listed under the **FOR FURTHER INFORMATION CONTACT** section at as soon as possible. In order to allow sufficient time to process requests, please make contact no later than one week before the public meeting. Navajo and Ute interpreters will be present at meetings held on the Navajo and Ute Mountain Ute Reservations, respectively.

Availability of Comments

OSMRE will make comments, including name of respondent, address, phone number, email address, or other personal identifying information, available for public review during normal business hours. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments may not have standing to appeal the subsequent decision.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—will be publicly available. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be available for public review to the extent consistent with applicable law.

Dated: February 28, 2017.

David Berry,

Regional Director, Western Region.

[FR Doc. 2017–05645 Filed 3–21–17; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–561]

Global Digital Trade I: Market Opportunities and Key Foreign Trade Restrictions; Notice of Correction Concerning Institution of Investigation and Scheduling of Hearing

AGENCY: U.S. International Trade Commission.

ACTION: Correction of notice.

SUMMARY: Correction is made to the March 23, 2017 deadline for filing pre-hearing briefs and statements in the *Dates* section of the notice which was published on February 10, 2017 (82 FR 10397). The date of the deadline for filing pre-hearing briefs and statements should be March 28, 2017.

Issued: March 16, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–05576 Filed 3–21–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1044]

Certain Graphics Systems, Components Thereof, and Consumer Products Containing the Same; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 24, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Advanced Micro Devices, Inc. of Sunnyvale, California and ATI Technologies ULC of Canada. The complaint was amended on March 2, 2017. The complaint, as amended, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain graphics systems, components thereof, and consumer products containing the same by reason of infringement of certain claims of U.S. Patent No. 7,633,506 (''the '506 patent''); U.S. Patent No. 7,796,133 (''the '133 patent''); U.S. Patent No. 8,760,454 (''the '454 patent''); and U.S. Patent No. 9,582,846 (''the '846 patent''). The amended complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The amended complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2016).

Scope of Investigation: Having considered the amended complaint, the U.S. International Trade Commission, on March 15, 2017, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain graphics systems, components thereof, and consumer products containing the same by reason of infringement of one or more of claims 1–9 of the '506 patent; claims 1–13 and 40 of the '133 patent; claims 2–5, 6–10, and 11 of the '454 patent; and claims 1–8 of the '846 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Advanced Micro Devices, Inc., One AMD Place, Sunnyvale, CA 94085.

ATI Technologies ULC, 1 Commerce Valley Drive East, Markham, ON L3T 7X6, Canada.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

LG Electronics, Inc., 128 Yeoui-Daero, Yeongdeungpo-Gu, Seoul 07336, Republic of Korea.

LG Electronics U.S.A., Inc.. 1000 Sylvan Avenue, Englewood Cliffs, NJ 07632.

LG Electronics MobileComm U.S.A., Inc., 10101 Old Grove Road, San Diego, CA 92131.

VIZIO, Inc., 39 Tesla, Irvine, CA 92618.

MediaTek Inc., No. 1 Dusing 1st Road, Hsinchu Science Park, Hsinchu City 30078, Taiwan.

Media Tek USA Inc., 2840 Junction Avenue, San Jose, CA 95134.

Sigma Designs, Inc., 47467 Fremont Boulevard, Fremont, CA 94538.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the amended complaint and the notice of investigation. Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: March 15, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–05494 Filed 3–21–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Dental Ceramics, Products Thereof, and Methods of Making the Same, DN 3206;* the Commission is soliciting comments on

any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Ivoclar Vivadent AG, Ivoclar Vivadent, Inc., and Ardent Inc. on March 17, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain dental ceramics, products thereof, and methods of making the same. The complaint names as respondents GC Corporation of Japan and GC America, Inc. of Alsip, IL. The complainants request that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**.There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3206'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures).[1] Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: March 17, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–05668 Filed 3–21–17; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0055]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change, of a Currently Approved Collection; The National Instant Criminal Background Check System Section (NICS) Checks by Criminal Justice Agencies

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services Division (CJIS), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until May 22, 2017.

FOR FURTHER INFORMATION CONTACT: All comments, suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to the Federal Bureau of Investigation, Criminal Justice Information Services Division, National Instant Criminal Background Check System Section, Module A–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or email *NICS@ic.fbi.gov* Attention: OMB PRA 1110–0055.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

— 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;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* The National Instant Criminal Background Check System (NICS) Checks by Criminal Justice Agencies.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is unnumbered. The applicable component within the Department of Justice is the Criminal Justice Information Services Division, in the Federal Bureau of Investigation.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: City, county, state, tribal and federal law enforcement agencies.

Abstract: In November 1993, the Brady Handgun Violence Prevention Act of 1993 (Brady Act), Public Law 103–159, was signed into law and required Federal Firearms Licensees (FFL) to request background checks on individuals attempting to purchase a firearm. The permanent provisions of the Brady Act, which went into effect on November 20, 1998, required the United States Attorney General to establish the NICS whereas FFLs may contact by telephone or other electronic means in addition to telephone for information to be supplied within three business days or whether the receipt of a firearm by a prospective transferee would violate Section 922(g) or (n) of Title 18, united States Code, or state law. There are additional authorized uses of the NICS found at Title 28, Code of Federal Regulations (CFR), Section 25.6(j). The FBI authorized the CJAs to initiate a NICS check to assist their transfer of firearms to private individuals as a change to 28 CFR 25.6(j) in the **Federal Register**, Volume 78, Number 18 pages 5757–5760.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: It is estimated the time burden associated with this collection is 3 minutes per transaction, depending on the individual circumstances. The total annual respondent entities taking advantage of this disposition process is 18,000 CJAs.

6. *An estimate of the total public burden (in hours) associated with the collection:* It is estimated the burden associated with this collection is 3 minutes per transaction depending on individual circumstances. If each of the 18,000 respondents conducted 3 dispositions with this authority per year at 3 minutes per check, then it is anticipated the business burden would be 2,700 hours per year.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: March 13, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–05621 Filed 3–21–17; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Unemployment Insurance Benefits Operations Self-Assessment Report of Responses

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) proposal titled, ''Unemployment Insurance Benefits Operations Self-Assessment Report of Responses,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 21, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201612-1205-005* (this link will only become active on the

day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at (202) 693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks PRA authority for the Unemployment Insurance Benefits Operations Self-Assessment Report of Responses information collection. The report of responses to the state self-assessment will support periodic reviews conducted by ETA Regional and National Office staff for purposes of oversight and monitoring as well as providing technical assistance. This will enable the ETA to assess a state's activities and its administrative compliance with Federal law. The information gathered from the self-assessments will enable ETA Regional Office staff to work with the state to identify areas where performance improvements are needed. The results will be used to inform ETA technical assistance efforts nationally and with individual states. The results will also enable a more robust and effective collection and dissemination of state best practices. Social Security Act section 303(a)(6) authorizes this information collection. *See* 42 U.S.C. 503(a)(6).

This proposed information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on June 30, 2016 (81 FR 42729).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201612–1205–005. The OMB is particularly interested in comments that:

- 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 through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Unemployment Insurance Benefits Operations Self-Assessment Report of Responses.

OMB ICR Reference Number: 201612–1205–005.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 53.

Total Estimated Annual Time Burden: 110,240 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: March 14, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–05637 Filed 3–21–17; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Coal Mine Operator Response to Schedule for Submission of Additional Evidence and Operator Response to Notice of Claim

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) titled, ''Coal Mine Operator Response to Schedule for Submission of Additional Evidence and Operator Response to Notice of Claim'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 21, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201611-1240-002* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064 (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–

4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Coal Mine Operator Response to Schedule for Submission of Additional Evidence (Form CM–2970) and Operator Response to Notice of Claim (Form CM–2970a) information collection. The OWCP, Division of Coal Mine Workers' Compensation (DCMWC) administers the Black Lung Benefits Act (30 U.S.C. 901 et seq.), which provides benefits to coal miners totally disabled due to pneumoconiosis and their surviving dependents. When the DCMWC makes a preliminary analysis of a claimant's eligibility for benefits, and if a coal mine operator has been identified as potentially liable for payment of those benefits, the responsible operator is notified of the preliminary analysis. Regulations codified at 20 CFR part 725 require that a coal mine operator be identified and notified of potential liability as early in the adjudication process as possible. Forms CM–2790 and CM–2970a are used for claims filed after January 19, 2001, and indicate that the coal mine operator will submit additional evidence or respond to the notice of claim. Black Lung Benefits Act section 426 authorizes this information collection. *See* 30 U.S.C. 936.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0033.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on March 31, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 9, 2016 (81 FR 78863).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0033. The OMB is particularly interested in comments that:

- 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 through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OWCP.

Title of Collection: Coal Mine Operator Response to Schedule for Submission of Additional Evidence and Operator Response to Notice of Claim.

OMB Control Number: 1240–0033.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 4,800.

Total Estimated Number of Responses: 9,600.

Total Estimated Annual Time Burden: 2,000 hours.

Total Estimated Annual Other Costs Burden: $4,800.

Dated: March 15, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–05638 Filed 3–21–17; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0046]

Proposed Extension of Information Collection; Escape and Evacuation Plans

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to assure 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 Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Escape and Evacuation Plans.

DATES: All comments must be received on or before May 22, 2017.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2017–0005.
- *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- *Hand Delivery:* USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine

Act), 30 U.S.C. 813, authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners.

Title 30 of the Code of Federal Regulations (30 CFR) 57.11053 requires the development of an escape and evacuation plan specifically addressing the unique conditions of each underground metal and nonmetal mine. Section 57.11053 also requires that revisions be made as mining progresses. The plan must be available to representatives of MSHA and conspicuously posted at locations convenient to all persons on the surface and underground. The mine operator and MSHA are required to jointly review the plan at least once every six months.

The following information is required with each escape and evacuation plan submission:

(1) Mine maps or diagrams showing directions of principal air flow, location of escape routes, and locations of existing telephones, primary fans, primary fan controls, fire doors, ventilation doors, and refuge chambers;

(2) Procedures to show how the miners will be notified of an emergency;

(3) An escape plan for each working area in the mine, including instructions showing how each working area should be evacuated;

(4) A firefighting plan;

(5) Surface procedures to be followed in an emergency, including the notification of proper authorities and the preparation of rescue equipment and other equipment which may be used in rescue and recovery operations; and

(6) A statement of the availability of emergency communication and transportation facilities, emergency power, and ventilation, and the location of rescue personnel and equipment.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Escape and Evacuation Plans. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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 through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Escape and Evacuation Plans. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0046.

Affected Public: Business or other for-profit.

Number of Respondents: 231.

Frequency: On occasion.

Number of Responses: 462.

Annual Burden Hours: 3,927 hours.

Annual Respondent or Recordkeeper Cost: $2,310.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2017–05636 Filed 3–21–17; 8:45 am]

BILLING CODE 4510–43–P

LEGAL SERVICES CORPORATION

Notice of Solicitation of Proposals for Calendar Year 2018 Basic Field Grant Awards

AGENCY: Legal Services Corporation.

ACTION: Solicitation for proposals for the provision of civil legal services.

SUMMARY: The Legal Services Corporation (LSC) is a federally established and funded organization that funds civil legal aid organizations across the country and in the U.S. territories. Its mission is to expand access to justice by funding high-quality legal representation for low-income people in civil matters.

In anticipation of a congressional appropriation to LSC for Fiscal Year 2018, LSC hereby announces the availability of funds for grants to be made in calendar year 2018 and is soliciting grant proposals from interested parties who are qualified to provide effective, efficient, and high-quality civil legal services to eligible clients in the service area(s) of the states and territories identified below. The availability and the exact amount of congressionally appropriated funds, as well as the date, terms, and conditions of funds available for grants for calendar year 2018, have not been determined.

DATES: See **SUPPLEMENTARY INFORMATION** section for grant application dates.

ADDRESSES: Legal Services Corporation—Notice of Funds Availability, 3333 K Street NW., Third Floor, Washington, DC 20007–3522.

FOR FURTHER INFORMATION CONTACT: The Office of Program Performance by email at *lscgrants@lsc.gov,* or visit the LSC Web site at *http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant/lsc-service-areas.*

SUPPLEMENTARY INFORMATION: Applicants must file a Notice of Intent to Compete (NIC) to participate in the LSC grants process. Applicants must file the NIC by May 5, 2017, 5:00 p.m. E.D.T. The Request for Proposals (RFP), which contains the NIC and grant proposal guidelines, proposal content requirements, service area descriptions, and selection criteria, will be available on or around the week of April 10, 2017. In addition to submitting the grant proposal, applicants for competitive grant awards must also respond to the LSC Fiscal Grantee Funding Application (FGFA). The FGFA will also be available on or around the week of April 10, 2017. The RFP and the FGFA may be accessed at *http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant.* Other key dates in the LSC

2018 basic field grants process, including the deadlines for filing the grant proposals and the FGFA are published at *http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant/basic-field-grant-key-dates.*

LSC is seeking proposals from: (1) Non-profit organizations that have as a purpose the provision of legal assistance to eligible clients; (2) private attorneys; (3) groups of private attorneys or law firms; (4) state or local governments; and (5) sub-state regional planning and coordination agencies that are composed of sub-state areas and whose governing boards are controlled by locally elected officials.

The service areas for which LSC is requesting grant proposals are listed below. Service area descriptions are available at *http://www.grants.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant/lsc-service-areas.* LSC will post all updates and/or changes to this notice at *http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant.* Interested parties are asked to visit *http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant* regularly for updates on the LSC grants process.

State or territory	Service area(s)
Alaska	AK–1, NAK–1
California	CA–12, CA–14, CA–31, MCA
Connecticut	CT–1, NCT–1
Delaware	DE–1
Guam	GU–1
Idaho	ID–1, MID, NID–1
Iowa	IA–3, MIA
Kansas	KS–1
Kentucky	KY–5
Maine	ME–1, MMX–1, NME–1
Michigan	MI–13, MI–14
Micronesia	MP–1
Nebraska	NE–4, MNE, NNE–1
New Jersey	NJ–15, NJ–17, NJ–18, NJ–20, MNJ
Minnesota	NMN–1
Nevada	NV–1, NNV–1
Ohio	OH–24
Oregon	OR–6, MOR, NOR–1
Pennsylvania	PA–5, PA–25
Rhode Island	RI–1
South Dakota	SD–2
Utah	UT–1, MUT, NUT–1
Virginia	VA–15, VA–16, VA–18, MVA
Virgin Islands	VI–1
Vermont	VT–1
Washington	WA–1, MWA, NWA–1
Wisconsin	WI–2, NWI–1

Dated: March 17, 2017.

Stefanie K. Davis,

Assistant General Counsel.

[FR Doc. 2017–05633 Filed 3–21–17; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Office of Government Information Services

[NARA–2017–031]

Freedom of Information Act (FOIA) Advisory Committee; Meeting

AGENCY: Office of Government Information Services (OGIS), National Archives and Records Administration (NARA).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 U.S.C. App) and the second United States Open Government National Action Plan (NAP) released on December 5, 2013, NARA announces an upcoming Freedom of Information Act (FOIA) Advisory Committee meeting.

DATES: The meeting will be April 20, 2017, from 10 a.m. to 1 p.m. EDT. You must register for the meeting by April 18, 2017, at 5 p.m. EDT.

Location: National Archives and Records Administration (NARA), 700 Pennsylvania Avenue NW., William G. McGowan Theater, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Amy Bennett, Designated Federal Officer for this committee, by mail at National Archives and Records Administration; Office of Government Information Services; 8601 Adelphi Road—OGIS; College Park, MD 20740–6001, by telephone at (202) 741–5770, or by email at *foia-advisory-committee@nara.gov.*

SUPPLEMENTARY INFORMATION:

Agenda and meeting materials: You may find all meeting materials at *https://ogis.archives.gov/foia-advisory-committee/2016-2018-term/Meetings.htm.* This will be the fourth meeting of the second committee term. The purpose of this meeting will be to review the work of the committee's three subcommittees. *https://ogis.archives.gov/foia-advisory-committee/2016-2018-term/Subcommittees.htm.*

Procedures: The meeting is open to the public. Due to access procedures, you must register in advance if you wish to attend the meeting. You will also go through security screening when you enter the building. Registration for the meeting will go live via Eventbrite on April 1, 2017, at 10:00 a.m. EDT. To register for the meeting, please do so at this Eventbrite link: *https://www.eventbrite.com/e/freedom-of-information-act-foia-advisory-committee-meeting-april-20-2017-registration-30856966016.*

This program will be live-streamed on the US National Archives' YouTube channel, *https://www.youtube.com/user/usnationalarchives/playlists.* The webcast will include a captioning option. To request additional accommodations (*e.g.,* a transcript), email *foia-advisory-committee@nara.gov* or call 202–741–5770. Members of the media who wish to register, those who are unable to register online, and those who require special accommodations, should contact Amy Bennett at the phone number, mailing address, or email address listed above.

Dated: March 16, 2017.

Patrice Little Murray,

Committee Management Officer.

[FR Doc. 2017–05613 Filed 3–21–17; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Renew an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request clearance of this collection. In accordance with the requirement of Section 3506(2)(A) of the Paperwork reduction Act of 1955, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection with changes for no longer than three (3) years.

DATES: Written comments on this notice must be received by May 22, 2017 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to

respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology.

FOR ADDITIONAL INFORMATION OR COMMENTS: The document will be available on the NSF's Office of Polar Programs' home page site and on the US Antarctic Programs Web page (*https://www.usap.gov*) for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, NSF cautions you against including any personally identifying information in reference to this information collection, NSF Form 1700. Contact Suzanne Plimpton, the NSF Reports Clearance Officer, phone (703) 292–7556, or via email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: Medical Clearance Process for Deployment to the Polar Regions.

OMB Number: 3145–0177.

Expiration Date of Approval: June 30, 2017.

Type of Request: Intent to seek approval to renew, with changes, an information collection for three years.

Abstract

Proposed Project: Presidential Memorandum No. 6646 (February 5, 1982) (available from the National Science Foundation, Office of Polar Programs, Suite 755, 4201 Wilson Boulevard, Arlington, VA 22230) sets forth the National Science Foundation's overall management responsibilities for the entire United States national program in Antarctica. Section 107(a) of Public Law 98–373 [July 31, 1984; amended as Public Law 101–609–November 16, 1990] [available from the National Science Foundation, Office of Polar Programs, Suite 755, 4201 Wilson Boulevard, Arlington, VA 22230] designates the National Science Foundation as the lead agency responsible for implementing Arctic research policy, and the Director of the National Science Foundation shall ensure that the requirements of section 108 are fulfilled.

NSF Form 1700, Medical Clearance Process for Deployment to the Polar Regions furnishes information to the NSF regarding the physical, dental, and mental health status for all individuals (except DoD-uniformed service personnel) who anticipate deploying to Antarctica under the auspices of the United States Antarctic Program or to certain regions of the Arctic sponsored by the NSF/GEO/Office of Polar Programs. The information is used to determine whether an individual is physically and mentally suited to endure the extreme hardships imposed by the Arctic and Antarctic continents, while also performing specific duties as specified by their employers.

Respondents: All non-DoD uniformed personnel planning to deploy to U.S. stations in the Antarctic or to specified regions of the Arctic that are sponsored by the National Science Foundation's Office of Polar Programs.

The Number of Annual Respondents: 3,500 to the Antarctic and 150 to the Arctic.

Estimated Total Annual Burden on Respondents: 36,500 hours.

Frequency of Responses: This form is submitted upon an individual's first deployment to Antarctica (below 60° South) or to specified regions of the Arctic and annually thereafter for the duration of the individual's deployments.

Dated: March 16, 2017.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2017–05563 Filed 3–21–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Vogtle Electric Generating Station, Units 3 and 4; Southern Nuclear Operating Company; IDS Fuse Isolation Panel Additions

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment Nos. 69 and 68 to Combined Licenses (COLs), NPF–91 and NPF–92. The COLs were issued to Southern Nuclear Operating Company, Inc., and Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, Authority of Georgia, and the City of Dalton, Georgia (the licensee); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

DATES: The exemption and amendment were issued on February 9, 2017.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 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–2008–0252. 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 access publicly available documents online in the NRC Library 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 it is available in ADAMS) is provided the first time that a document is referenced. The request for the amendment and exemption was submitted by letter dated September 9, 2016 (ADAMS accession no. ML16253A204).
- *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: Paul Kallan, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2809; email: *Paul.Kallan@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting exemptions from paragraph B of section III, ''Scope and Contents,'' of appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR) and issuing License Amendment Nos. 69 and 68 to COLs, NPF–91 and NPF–92 respectively, to the licensee. The exemptions are required by paragraph A.4 of section VIII, ''Processes for Changes and Departures,'' appendix D, to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought proposed changes that would revise the updated final safety analysis report (UFSAR) in the form of departures from the incorporated plant-specific DCD Tier 2 information. The proposed amendment also involves related changes to plant-specific Tier 1 information, with corresponding changes to the associated COL Appendix C information that revise information concerning the details of the Class 1E dc and uninterruptible power supply system (IDS), specifically adding seven Class 1E fuse panels to the IDS design. These proposed changes provide electrical isolation between the non-Class 1E IDS battery monitors and their respective Class 1E battery banks.

Part of the justification for granting the exemptions was provided by the review of the amendments. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemptions and issued the amendments concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemptions met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and Section VIII.A.4 of appendix D to 10 CFR part 52. The license amendments were found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML16363A436.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VEGP Units 3 and 4 (COLs NPF–91 and NPF–92). The exemption documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML16363A422 and ML16363A424, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–91 and NPF–92 are available in ADAMS under Accession Nos. ML16363A409 and ML16363A420, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to Vogtle Units 3 and Unit 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated September 9, 2016, the licensee requested from the Commission an exemption from the provisions of 10 CFR part 52, appendix D, Section III.B, as part of license amendment request 16–022, ''IDS Fuse Isolation Panel Additions (LAR–16–022).''

For the reasons set forth in Section 3.1 of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML16363A436, the Commission finds that:

A. The exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 information, with corresponding changes to Appendix C of the COLs as described in the licensee's request dated September 9, 2016. This exemption is related to, and necessary for, the granting of License Amendment Nos. 69/68, which is being issued concurrently with this exemption.

3. As explained in Section 5.0, ''Environmental Consideration,'' of the NRC staff's Safety Evaluation (ADAMS Accession No. ML16363A436), these exemptions meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. These exemptions are effective as of the date of its issuance.

III. License Amendment Request

By letter dated September 9, 2016 (ADAMS Accession No. ML16253A204), the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs NPF–91 and NPF–92. The proposed amendment is described in Section I of this document.

The Commission has determined that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to the facility COL, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on October 11, 2016 (81 FR 70186). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemptions and issued the amendments that the licensee requested on September 9, 2016. The exemptions and amendments were issued on February 9, 2017, as part of a combined package to the licensee (ADAMS accession no. ML16363A398).

Dated at Rockville, Maryland, this 13th day of March 2017.

For the Nuclear Regulatory Commission.

Jennifer Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2017–05684 Filed 3–21–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0001]

Sunshine Act Meeting Notice

DATE: Weeks of March 20, 27, April 3, 10, 17, 24, 2017.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of March 20, 2017

Thursday, March 23, 2017

9:00 a.m. Hearing on Combined License for North Anna Nuclear Plant, Unit 3: Section 189a. of the Atomic Energy Act Proceeding (Public Meeting) (Contact: James Shea: 301–415–1388)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Friday, March 24, 2017

11:00 a.m. Affirmation Session (Public Meeting) (Tentative) Susquehanna Nuclear, LLC (Susquehanna Steam Electric Station, Units 1 and 2) Appeal of LBP–16–12 (Affirming Denial of Access to SUNSI) and Request for Hearing (Tentative)

Friday, March 24, 2017

11:05 a.m. Briefing on the Annual Threat Environment (Closed Ex. 1)

Week of March 27, 2017—Tentative

There are no meetings scheduled for the week of March 27, 2017.

Week of April 3, 2017—Tentative

Tuesday, April 4, 2017

10:00 a.m. Meeting with the Organization of Agreement States and the Conference of Radiation Control Program Directors (Public Meeting) (Contact: Paul Michalak: 301–415–5804)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, April 6, 2017

10:00 a.m. Meeting with Advisory Committee on Reactor Safeguards (Public Meeting) (Contact: Mark Banks: 301–415–3718)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of April 10, 2017—Tentative

There are no meetings scheduled for the week of April 10, 2017.

Week of April 17, 2017—Tentative

There are no meetings scheduled for the week of April 17, 2017.

Week of April 24, 2017—Tentative

Wednesday, April 26, 2017

9:00 a.m. Briefing on the Status of Subsequent License Renewal Preparations (Public Meeting) (Contact: Steven Bloom: 301–415–2431)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, April 27, 2017

10:00 a.m. Meeting with the Advisory Committee on the Medical Uses of Isotopes (Public Meeting) (Contact: Douglas Bollock: 301–415–6609)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

* * * * *

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.*

* * * * *

Additional Information

The start time for the Briefing on the Annual Threat Environment (Closed Ex. 1) previously scheduled for March 24, 2017, at 10:00 a.m. is now scheduled to start at 11:05 a.m.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

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: March 17, 2017.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2017–05756 Filed 3–20–17; 11:15 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–027 and 52–028; NRC–2008–0252]

Virgil C. Summer Nuclear Station, Units 2 and 3; South Carolina Electric & Gas Company Annex and Radwaste Building Changes

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment No. 59 to Combined Licenses (COL), NPF–93 and NPF–94. The COLs were issued to South Carolina Electric & Gas Company on behalf of itself and the South Carolina Public Service Authority (both hereafter called the licensee); for construction and operation of the Virgil C. Summer Nuclear Station (VCSNS) Units 2 and 3, located in Fairfield County, South Carolina.

The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

DATES: The exemption and amendment were issued on February 6, 2017.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 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–2008–0252. 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 access publicly available documents online in the NRC Library 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. The request for the amendment and exemption was submitted by letter dated February 27, 2014 (ADAMS Accession No. ML14065A022) and supplemented by letters dated July 9 and September 25, 2014, August 20 and December 17, 2015, and June 1 and November 17, 2016.

- *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: Paul Kallan, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2809; email: *Paul.Kallan@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from paragraph B of section III, ''Scope and Contents,'' of appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR) and issuing License Amendment No. 59 to COLs, NPF–93 and NPF–94, to the licensee. The exemption is required by paragraph A.4 of section VIII, ''Processes for Changes and Departures,'' appendix D, to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought proposed changes that would revise the Updated Final Safety Analysis report in the form of departures from the incorporated plant-specific DCD Tier 2 information. The proposed amendment also involves related changes to plant-specific Tier 1 information, with corresponding changes to the associated COL Appendix C information.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and Section VIII.A.4 of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML16362A322.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VCSNS Units 2 and 3 (COLs NPF–93 and NPF–94). The exemption documents for VCSNS Units 2 and 3 can be found in ADAMS under Accession Nos. ML16362A299 and ML16362A302, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–93 and NPF–94 are available in ADAMS under Accession Nos. ML16356A488 and ML16362A297, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VCSNS Units 2 and Unit 3. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated February 27, 2014, the licensee requested from the Commission an exemption from the provisions of 10 CFR part 52, appendix D, Section III.B, as part of license amendment request 13–09, ''Annex and Radwaste Building Changes (LAR 13–09).''

For the reasons set forth in Section 3.1, ''Evaluation of Exemption,'' of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML16362A322, the Commission finds that:

A. The exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 information, with corresponding changes to Appendix C of the Facility Combined Licenses as described in the licensee's request dated February 27, 2014, and supplemented by letters dated July 9 and September 25, 2014, August 20 and December 17, 2015, and June 1 and November 17, 2016. This exemption is related to, and necessary for, the granting of License Amendment No. 59, which is being issued concurrently with this exemption.

3. As explained in Section 5.0, ''Environmental Consideration,'' of the NRC staff's Safety Evaluation (ADAMS Accession No. ML16362A322), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

III. License Amendment Request

By letter dated February 27, 2014, and supplemented by letters dated July 9 and September 25, 2014, August 20 and December 17, 2015 and June 1 and November 17, 2016, the licensee requested that the NRC amend the COLs for VCSNS, Units 2 and 3, COLs NPF–93 and NPF–94. The proposed amendment is described in Section I of this document.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on April 15, 2014 (79 FR 21299). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff

granted the exemption and issued the amendment that the licensee requested on February 27, 2014.

The exemption and amendment were issued on February 6, 2017, as part of a combined package to the licensee (ADAMS Accession No. ML16356A462).

Dated at Rockville, Maryland, this 13th day of March 2017.

For the Nuclear Regulatory Commission.

Jennifer Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2017–05686 Filed 3–21–17; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 40–9067; NRC–2015–0199]

Uranerz Energy Corporation; Jane Dough Unit

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering an amendment of License SUA–1597, to expand operations to the Jane Dough Unit at Uranerz Energy Corporation (Uranerz) Nichols Ranch *In Situ* Recovery (ISR) Facility (Docket No. 40–9067). The NRC has prepared an environmental assessment (EA) and finding of no significant impact (FONSI) for this licensing action.

DATES: The EA and FONSI referenced in this document is available on March 22, 2017.

ADDRESSES: Please refer to Docket ID NRC–2015–0199 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–2015–0199. 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 via email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *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: Ashley Waldron, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7317; email: *Ashley.Waldron@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of an amendment of License SUA–1597 issued to Uranerz, for operation of the Jane Dough Unit, located in Wyoming, Johnson and Campbell Counties. Therefore, as required by part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), the NRC performed an EA. Based on the results of the EA that follows, the NRC has determined not to prepare an environmental impact statement (EIS) for the amendment, and is issuing a FONSI.

II. Environmental Assessment

Description of the Proposed Action

The proposed action would allow Uranerz to construct, operate, perform aquifer restoration, and decommissioning activities at the Jane Dough Unit. The proposed action is in accordance with the licensee's application dated May 8, 2014 (ADAMS Accession No. ML14164A274), as supplemented by letter dated April 13, 2015 (ADAMS Accession No. ML15118A122).

Need for the Proposed Action

The proposed action allows Uranerz to recover uranium within the proposed Jane Dough Unit. The licensee would process the recovered uranium into yellowcake at the existing central processing plant currently located on the Nichols Ranch Unit. Yellowcake is the uranium oxide product of the ISR milling process that is used to produce various products, including fuel for commercially-operated nuclear power reactors.

Environmental Impacts of the Proposed Action

The NRC staff has assessed the potential environmental impacts from the construction, operation, aquifer restoration, and decommissioning of the proposed Jane Dough Unit. The NRC staff assessed the impacts of the proposed action on land use; historical and cultural resources; visual and scenic resources; climatology, meteorology and air quality; geology, minerals, and soils; water resources; ecological resources; socioeconomics; noise; traffic and transportation; public and occupational health and safety; and waste management. All impacts were determined to be SMALL. The NRC staff concluded that license amendment for the Nichols Ranch ISR project license authorizing the construction and operation of the Jane Dough Unit would not significantly affect the quality of the human health, safety, and environment. Approval of the proposed action would not result in an increased radiological risk to public health or the environment.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). The No-Action Alternative would mean that the NRC would not approve the addition of the Jane Dough Unit to the existing Nichols Ranch licensed permit area. *In-situ* recovery activities would not occur within the Jane Dough Unit and the associated environmental impacts also would not occur.

Agencies and Persons Consulted

In accordance with its stated policy, on December 20, 2016, the NRC staff consulted with the Wyoming Department of Environmental Quality, regarding the environmental impact of the proposed action. The state official concurred with the EA and FONSI on January 25, 2017.

Additional Information

The NRC received an application from Uranerz to amend its NRC source materials license SUA–1597. This application requests authorization for Uranerz to construct and operate ISR activities at the Jane Dough unit in Campbell County and Johnson County, Wyoming. The NRC staff is conducting an environmental review in accordance with part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), which implements the requirements of the *National Environmental Policy Act of 1969,* as amended (NEPA). Based on the results of the EA that follows, the NRC

staff has determined not to prepare an EIS for the Jane Dough amendment and is issuing a FONSI.

Under the NRC's environmental protection regulations in 10 CFR part 51, an EA was prepared.

In May 2009, the NRC staff issued NUREG–1910, ''Generic Environmental Impact Statement for *In-Situ* Leach Uranium Milling Facilities'' (herein referred to as the GEIS). In the GEIS, the NRC assessed the potential environmental impacts from construction, operation, aquifer restoration, and decommissioning of an in situ leach uranium milling facility (also known as an ISR facility) located in four specific geographic regions of the western United States. In January 2011, the NRC staff prepared Supplement 2 to the GEIS for the Nichols Ranch ISR facility, the Jane Dough amendment is an expansion to that facility.

This EA incorporates by reference relevant portions from the Nichols Ranch Supplemental Environmental Impact Statement (SEIS) and GEIS, and uses site-specific information from Uranerz license application and independent sources to fulfill the requirements in 10 CFR 51.20(b)(8).

The final EA was prepared by the NRC and its contractor, the Center for Nuclear Waste Regulatory Analyses, in compliance with NEPA (as amended), and the NRC's regulations for implementing NEPA (10 CFR part 51).

The proposed Jane Dough Unit would be located in Johnson and Campbell Counties, Wyoming, and would encompass approximately 1489 hectares (3,680 acres).

In this final EA, the NRC staff has assessed the potential environmental impacts from the construction, operation, aquifer restoration, and decommissioning of the proposed Jane Dough Unit. The NRC staff assessed the impacts of the proposed action on land use; historical and cultural resources; visual and scenic resources; climatology, meteorology and air quality; geology, minerals, and soils; water resources; ecological resources; socioeconomics; noise; traffic and transportation; public and occupational health and safety; and waste management.

In doing so, the NRC staff evaluated site-specific data and information from the Jane Dough Unit to determine if Uranerz proposed activities and the site characteristics were consistent with those evaluated in the Nichols Ranch SEIS. The NRC then determined which relevant sections of, and impact conclusions in, the SEIS could be incorporated by reference. The NRC staff also determined if additional data or analysis was needed to assess the potential environmental impacts for a specific environmental resource area. The NRC documented its assessments and conclusions in the final EA.

In addition to the action proposed by the licensee, the NRC staff addressed the no-action alternative which serves as a baseline for comparison of the potential environmental impacts of the proposed action.

After weighing the impacts of the proposed license amendment and comparing to the No-Action Alternative, the NRC staff, in accordance with 10 CFR 51.91(d), sets forth its NEPA recommendation regarding the proposed action (granting the request for an NRC license amendment for the proposed Jane Dough Unit). Unless safety issues mandate otherwise, the NRC staff recommendation related to the environmental aspects of the proposed action is that an NRC license amendment be issued.

The final EA for the proposed Jane Dough Unit is available in ADAMS under Accession No. ML17047A666.

III. Finding of No Significant Impact

Based on its review of the proposed action, and in accordance with the requirements in 10 CFR part 51, the NRC staff has determined that license amendment for the Nichols Ranch ISR project license authorizing the construction and operation of the Jane Dough Unit would not significantly affect the quality of the human health, safety, and environment. In its license amendment request, Uranerz has proposed the addition of two production units on the Jane Dough Unit, which is contiguous with the Nichols Ranch Unit. No significant changes in Uranerz's authorized operations for the Nichols Ranch ISR Project were requested. Approval of the proposed action would not result in an increased radiological risk to public health or the environment. The NRC staff has determined that pursuant to 10 CFR 51.31, preparation of an EIS is not required for the proposed action and, pursuant to 10 CFR 51.32, a FONSI is appropriate.

On the basis of the EA, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an EIS for the proposed action.

Dated at Rockville, Maryland, this 10th day of March 2017.

For the U.S. Nuclear Regulatory Commission.

Brian W. Smith,

Deputy Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2017–05691 Filed 3–21–17; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 052–00025 and 052–00026; NRC–2008–0252]

Vogtle Electric Generating Plant, Units 3 and 4

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment and exemption to Combined Licenses (NPF–91 and NPF–92), issued to Southern Nuclear Operating Company, Inc. (SNC), and Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, Authority of Georgia, and the City of Dalton, Georgia (together ''the licensees''), for construction and operation of the Vogtle Electric Generating Plant (VEGP), Units 3 and 4, located in Burke County, Georgia.

DATES: Submit comments by April 21, 2017. Requests for a hearing or petition for leave to intervene must be filed by May 22, 2017.

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–2008–0252. 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: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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

FOR FURTHER INFORMATION CONTACT: Paul Kallan, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2809, email: *Paul.Kallan@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252.
- *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 application for amendment, dated February 17, 2017, is available in ADAMS under Accession No. ML17048A533.
- *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–2008–0252 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 posts all comment submissions at *http://www.regulations.gov* as well as entering 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 submissions into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to Facility Operating License Nos. NPF–91 and NPF–92, issued to SNC and Georgia Power Company for operation of the VEGP Units 3 and 4, located in Burke County, Georgia.

The proposed changes would revise the Combined Licenses concerning the design details of the Protection and Safety Monitoring System (PMS) including the reactor trip system (RTS) and the engineered safety feature actuation system (ESFAS), the passive core cooling system (PXS), the steam generator blowdown system, and the spent fuel pool cooling system (SFS). In addition, revisions are proposed to combined license, Appendix A, Technical Specifications. This proposed change requires a departure from Tier 1 information in the Westinghouse AP1000 Design Control Document (DCD), therefore the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with § 52.63(b)(1) of title 10 of the *Code of Federal Regulations* (10 CFR).

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to add IRWST [in-containment refueling water storage tank] lower narrow range level instruments addresses the accuracy required to initiate IRWST containment recirculation following a design basis accident in order to mitigate the consequences of the accident. The proposed change to add the new defense-in-depth refueling cavity and SFS isolation of Low IRWST wide range level addresses a seismic or other event resulting in a pipe rupture in the nonsafety-related, nonseismic SFS when connected to the IRWST that could potentially result in a loss of IRWST inventory. Isolation of the SFS from IRWST to mitigate the consequences of a design basis accident continues to be implemented by the existing containment isolation function, and does not rely on the new defense-in-depth refueling cavity and SFS isolation on Low IRWST wide range level. The addition of RTS and ESFAS P–9 interlocks and blocks does not affect the availability of the actuated equipment to perform their design functions to mitigate the consequences of an accident. The proposed changes do not involve any accident initiating component/system failure or event, thus the probabilities of the accidents previously evaluated are not affected.

The affected equipment does not adversely affect or interact with safety-related equipment or a radioactive material barrier, and this activity does not involve the containment of radioactive material. Thus, the proposed changes would not adversely affect any safety-related accident mitigating function. The radioactive material source terms and release paths used in the safety analyses are unchanged, thus the radiological releases in the UFSAR accident analyses are not affected.

These proposed changes to the PMS design do not have an adverse effect on any of the design functions of the affected actuated systems. The proposed changes do not affect the support, design, or operation of mechanical and fluid systems required to mitigate the consequences of an accident. There is no change to plant systems or the response of systems to postulated accident conditions. There is no change to the predicted radioactive releases due to postulated accident conditions. The plant response to previously evaluated accidents or external events is not adversely affected, nor do the proposed changes create any new accident precursors.

Therefore, the requested amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to add IRWST lower narrow range level instruments include requirements similar in function and qualification to many safety-related instruments already performing the affected safety functions as described in the current licensing basis to enable the RTS and ESFAS to perform required design functions, and are consistent with other Updated Final Safety Analysis Report (UFSAR) information. The proposed change to add the new defense-in-depth refueling cavity and SFS isolation on Low IRWST wide range level addresses a seismic or other event resulting in a postulated pipe rupture in the nonsafety-

related, nonseismic SFS when connected to the IRWST that could potentially result in a loss of IRWST inventory. Isolation of the SFS from IRWST to mitigate the consequences of a design basis accident continues to be implemented by the existing containment isolation function, and does not rely on the new defense-in-depth refueling cavity and SFS isolation of Low IRWST wide range level. The addition of RTS and ESFAS P–9 interlocks and blocks does not affect the availability of the actuated equipment to perform their design functions to mitigate the consequences of an accident. This activity does not allow for a new radioactive material release path, result in a new radioactive material barrier failure mode, or create a new sequence of events that would result in significant fuel cladding failures.

The proposed changes revise the PMS design. The proposed changes do not adversely affect the design requirements for the PMS, or the design requirements of associated actuated systems. The proposed changes do not adversely affect the design function, support design, or operation of mechanical and fluid systems.

The proposed changes to the PMS do not result in a new failure mechanism or introduce any new accident precursors. No design function described in the UFSAR is adversely affected by the proposed changes.

Therefore, the requested amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

No safety analysis or design basis acceptance limit or acceptance criterion is challenged or exceeded by the proposed changes, and no margin of safety is reduced. The proposed change to add the new defense-in-depth refueling cavity and SFS isolation on Low IRWST wide range level addresses a seismic or other event resulting in a postulated pipe rupture in the nonsafety-related, nonseismic SFS when connected to the IRWST, maintaining the required IRWST inventory and preserving the original margin of safety assumed for the PXS and SFS.

Therefore, the requested amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, the Commission will publish a notice of issuance in the **Federal Register**. Should the Commission make a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. 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.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective,

notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

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 May 22, 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, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party 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.

IV. 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's 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. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. 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.

For further details with respect to this action, see the application for license amendment dated February 17, 2017.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Dated at Rockville, Maryland, this 8th day of March 2017.

For the Nuclear Regulatory Commission.

Jennifer Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2017–05690 Filed 3–21–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–341; NRC–2017–0072]

DTE Electric Company; Fermi, Unit 2; Withdrawal

AGENCY: Nuclear Regulatory Commission.

ACTION: Withdrawal.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is withdrawing a notice that was published in the **Federal Register** (FR) on March 15, 2017, regarding the consideration of issuance of an amendment to Renewed Facility Operating License No. NPF–43, issued to DTE Electric Company for the operation of Fermi, Unit 2. This action is necessary because the notice was published in error.

DATES: The withdrawal is effective March 22, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0072 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–2017–0072. 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.*
- *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: Sujata Goetz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–8004; email: *Sujata.Goetz@nrc.gov.*

SUPPLEMENTARY INFORMATION: On March 15, 2017, the NRC published FR Doc. 2017–05120, regarding a license amendment application for Fermi, Unit 2. This publication was made in error, as an identical notice was published on March 13, 2017 (82 FR 13512); that document stated that comments on the license amendment application should be submitted by April 12, 2017, and a request for hearing or petition for leave to intervene to be filed by May 12, 2017.

The NRC's March 15, 2017, notice is hereby withdrawn, because it duplicates the notice published on March 13, 2017. Comments should be submitted by April 12, 2017, and a request for a hearing or petition for leave to intervene should be filed by May 12, 2017.

Dated at Rockville, Maryland, this 17th day of March 2017.

For the Nuclear Regulatory Commission.

Leslie S. Terry,

Acting Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 2017–05714 Filed 3–21–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–027 and 52–028; NRC–2008–0441]

South Carolina Electric & Gas Company Virgil C. Summer Nuclear Station, Units 2 and 3; Fire Pump Head and Diesel Fuel Day Tank Changes

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment No. 58 to Combined Licenses (COL), NPF–93 and NPF–94. The COLs were issued to South Carolina Electric & Gas Company on behalf of itself and the South Carolina Public Service Authority (both hereafter called the licensee); for construction and operation of the Virgil C. Summer Nuclear Station (VCSNS) Units 2 and 3, located in Fairfield County, South Carolina.

The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

DATES: The exemption and amendment were issued January 27, 2017.

ADDRESSES: Please refer to Docket ID NRC–2008–0441 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–2008–0441. 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 it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the amendment and exemption was submitted by letter dated September 8, 2016 (ADAMS Accession No. ML16252A200).

- *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: Paul Kallan, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2809; email: *Paul.Kallan@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from paragraph B of section III, ''Scope and Contents,'' of Appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR) and issuing License Amendment No. 58 to COLs, NPF–93 and NPF–94, to the licensee. The exemption is required by Paragraph A.4 of Section VIII, ''Processes for Changes and Departures,'' appendix D, to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought proposed changes that would revise the Updated Final Safety Analysis report in the form of departures from the incorporated plant-specific DCD Tier 2 information. The proposed amendment also involves related changes to plant-specific Tier 1 information, with corresponding changes to the associated COL Appendix C information.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and Section VIII.A.4 of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML16356A159.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VCSNS Units 2 and 3 (COLs NPF–93 and NPF–94). The exemption documents for VCSNS Units 2 and 3 can be found in ADAMS under Accession Nos. ML16356A124 and ML16356A132, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–93 and NPF–94 are available in ADAMS under Accession Nos. ML16350A185 and ML16350A197, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VCSNS Units 2 and Unit 3. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated September 8, 2016, the licensee requested from the Commission an exemption from the provisions of 10 CFR part 52, appendix D, Section III.B, as part of license amendment request 16–13, ''Fire Pump Head and Diesel Fuel Day Tank Changes (LAR 16–13).''

For the reasons set forth in Section 3.1, ''Evaluation of Exemption,'' of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML16356A159, the Commission finds that:

A. The exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 information, with corresponding changes to Appendix C of the Facility Combined Licenses as described in the licensee's request dated September 8, 2016. This exemption is related to, and necessary for, the granting of License Amendment No. 58, which is being issued concurrently with this exemption.

3. As explained in Section 5.0, ''Environmental Consideration,'' of the NRC staff's Safety Evaluation (ADAMS Accession No. ML16356A159), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

III. License Amendment Request

By letter dated September 8, 2016, the licensee requested that the NRC amend the COLs for VCSNS, Units 2 and 3, COLs NPF–93 and NPF–94. The proposed amendment is described in Section I of this **Federal Register** notice.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on October 11, 2016 (81 FR 70175). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested

on September 8, 2016. The exemption and amendment were issued on January 27, 2017, as part of a combined package to the licensee (ADAMS Accession No. ML16350A095).

Dated at Rockville, Maryland, this 13th day of March 2017.

For the Nuclear Regulatory Commission.

Jennifer Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2017–05687 Filed 3–21–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Design Reliability Assurance Program (D–RAP) Changes

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment No. 67 to Combined Licenses (COLs), NPF–91 and NPF–92. The COLs were issued to Southern Nuclear Operating Company, Inc., and Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, Authority of Georgia, and the City of Dalton, Georgia (the licensee); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

DATES: The exemption and amendment were issued on January 30, 2017.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 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–2008–0252. 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 it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the amendment and exemption was submitted by letter dated August 23, 2016 (ADAMS Accession No. ML16236A266), as supplemented by letter dated December 7, 2016 (ADAMS Accession No. ML16342C564).

• *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: Chandu Patel, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3025; email: *Chandu.Patel@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from Paragraph B of Section III, ''Scope and Contents,'' of appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), and issuing License Amendment No. 67 to COLs, NPF–91 and NPF–92, to the licensee. The exemption is required by Paragraph A.4 of Section VIII, ''Processes for Changes and Departures,'' appendix D, to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought proposed changes that would revise the updated final safety analysis report (UFSAR) in the form of departures from the incorporated plant-specific DCD Tier 2 information. The proposed amendment also involves related changes to plant-specific Tier 1 information, with corresponding changes to the associated COL Appendix C information. Specifically, the license amendment revises the Design Reliability Assurance Program (D–RAP) to identify the covers for the in-containment refueling water storage tank (IRWST) vents and overflow weirs as the risk-significant components included in the D–RAP and to identify that the field control relays of each rod drive motor-generator sets are a part of the rod drive power supply control cabinets in which the relays are located.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in §§ 50.12, 52.7, and Section VIII.A.4 of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML16343A760.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VEGP Units 3 and 4 (COLs NPF–91 and NPF–92). The exemption documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML16343A775 and ML16343A789, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–91 and NPF–92 are available in ADAMS under Accession Nos. ML16343A773 and ML16343A786, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VEGP Units 3 and Unit 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated August 23, 2016, as supplemented by letter dated December 7, 2016, the licensee requested from the Commission an exemption to allow departures from Tier 1 information in the certified DCD incorporated by reference in 10 CFR part 52, appendix D, as part of license

amendment request 16–017, ''Design Reliability Assurance Program (D–RAP) Changes.''

For the reasons set forth in Section 3.1 of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML16343A760, the Commission finds that:

A. The exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 information related to the in-containment refueling water storage tank vents and overflow weirs, the rod drive motor-generator sets field control relays, and the rod drive power supply control cabinets, as described in the licensee's request dated August 23, 2016, as supplemented by letter dated December 7, 2016. This exemption is related to, and necessary for the granting of License Amendment No. 67, which is being issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff's Safety Evaluation (ADAMS Accession No. ML16343A760), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

III. License Amendment Request

By letter dated August 23, 2016 (ADAMS Accession No. ML16236A266), as supplemented by letter dated December 7, 2016 (ADAMS Accession No. ML16342C564), the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs NPF–91 and NPF–92. The proposed amendment is described in Section I of this document.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility COL, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on October 25, 2016 (81 FR 73439). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on August 23, 2016, as supplemented by letter dated December 7, 2016. The exemption and amendment were issued on January 30, 2017, as part of a combined package to the licensee (ADAMS Accession No. ML16343A657).

Dated at Rockville, Maryland, this 13th day of March 2017.

For the Nuclear Regulatory Commission.

Jennifer Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2017–05685 Filed 3–21–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2017–141; CP2017–142; CP2017–143]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing recent Postal Service filings for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 24, 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

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).:* CP2017–141; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 7 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* March 16, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* March 24, 2017.

2. *Docket No(s).:* CP2017–142; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* March 16, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Gregory Stanton; *Comments Due:* March 24, 2017.

3. *Docket No(s).:* CP2017–143; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 7 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* March 16, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Gregory Stanton; *Comments Due:* March 24, 2017.

This notice will be published in the **Federal Register**.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2017–05695 Filed 3–21–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, & First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* March 22, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 15, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Express, Priority Mail, & First-Class Package Service Contract 15 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–97, CP2017–137.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–05590 Filed 3–21–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* March 22, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 15, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 297 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–95, CP2017–135.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–05581 Filed 3–21–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* March 22, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 15, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add First-Class Package Service Contract 74 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–96, CP2017–136.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–05582 Filed 3–21–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80264; File No. SR–CBOE–2017–021]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Complex Orders

March 16, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 6, 2017, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to amend its rules related to complex orders. The text of the proposed rule change is provided below.

(additions are *italicized*; deletions are [bracketed])

* * * * *

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

Chicago Board Options Exchange, Incorporated Rules

* * * * *

Rule 6.53C. Complex Orders on the Hybrid System

(a)–(c) No change.

(d) Process for Complex Order RFR Auction: Prior to routing to the COB or once on PAR, eligible complex orders may be subject to an automated request for responses (''RFR'') auction process.

(i) For purposes of paragraph (d):

(1) ''COA'' is the automated complex order RFR auction process.

(2) A ''COA-eligible order'' means a complex order that, as determined by the Exchange on a class-by-class basis, is eligible for a COA considering the order's size, complex order type (as defined in paragraphs (a) and (b) above) and complex order origin types (as defined in subparagraph (c)(i) above). Complex orders processed through a COA may be executed without consideration to prices of the same complex orders that might be available on other exchanges.

(ii) Initiation of a COA:

(A) The System will send an RFR message to all Trading Permit Holders who have elected to receive RFR messages on receipt of (1) a COA-eligible order with two *or more* legs (including orders submitted for electronic processing from PAR) that is better than the same side of the derived net market or (2) a complex order with three or more legs that [(A)] meets the class, size, and complex order type parameters of subparagraph (d)(i)(2) and [is better than the same side of the derived net market or (B)] is marketable against the derived net market[, designated as immediate or cancel and meets the class and size parameters of subparagraph (d)(i)(2)]. Complex orders as described in subparagraph (ii)(A)(2) will initiate a COA regardless of the order's routing parameters or handling instructions (except for orders routed for manual handling). Immediate or cancel orders that are not marketable against the derived net market in accordance with subparagraph (ii)(A)(2)[(B)] will be cancelled. The RFR message will identify the component series, the size and side of the market of the COA-eligible order and any contingencies, if applicable.

(B) No change.

(iii)–(ix) No change.

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On February 25, 2016, the Exchange submitted immediately effective filing SR–CBOE–2016–014, which amended Exchange rules related to the initiation of a complex order auction (''COA'').[5] The purpose of SR–CBOE–2016–014 (as well as predecessor filings SR–CBOE–2015–081[6] and SR–CBOE–2014–017)[7] was to limit a potential source of unintended Market-Maker risk related to how the Exchange's Hybrid Trading System (the ''System'')[8] calculates risk parameters under Rule 8.18 when complex orders leg into the market.[9]

Quote Risk Monitor

Under Rule 8.18, CBOE offers Market-Makers that are obligated to provide and maintain continuous electronic quotes in an option class the Quote Risk Monitor Mechanism (''QRM''), which is functionality to help Market-Makers manage their quotes and related risk. Market-Makers with appointments in classes that trade on the System must, among other things, provide and maintain continuous electronic quotes in a specified percentage of series in each class for a specified percentage of time.[10] To comply with this requirement, each Market-Maker may use its own proprietary quotation and risk management system to determine the prices and sizes at which it quotes. In addition, each Market-Maker may use QRM.

A Market-Maker's risk in a class is not limited to the risk in a single series of that class. Rather, a Market-Maker is generally actively quoting in multiple classes, and each class may comprise hundreds or thousands of individual series. The System automatically executes orders against a Market-Maker's quotes in accordance with the Exchange's priority and allocation rules.[11] As a result, a Market-Maker has exposure and risk in all series in which it is quoting in each of its appointed classes. QRM is an optional functionality that helps Market-Makers, and TPH organizations with which a Market-Maker is associated, limit this overall exposure and risk.

Specifically, if a Market-Maker elects to use QRM, the System will cancel a Market-Maker's quotes in all series in an appointed class if certain parameters the Market-Maker establishes are triggered. Market-Makers may set the following QRM parameters (Market-Makers may set none, some or all of these parameters):

- A maximum number of contracts for that class (the ''contract limit'') and a specified rolling time period in seconds within which such contract limit is to be measured (the ''measurement interval'');
- a maximum cumulative percentage (which is the sum of the percentages of the original quoted size of each side of each series that trade) (the ''cumulative percentage limit'') that the Market-Maker is willing to trade within a specified measurement interval; or
- a maximum number of series for which either side of the quote is fully traded (the ''number of series fully traded'') within a specified measurement interval.

If the Exchange determines the Market-Maker has traded more than the contract limit or cumulative percentage limit, or has traded at least the number of series fully traded, of a class during the specified measurement interval, the System will cancel all of the Market-Maker's electronic quotes in that class (and any other cases with the same underlying security) until the Market-Maker refreshes those quotes (a ''QRM Incident''). A Market-Maker, or TPH organization with which the Market-Maker is associated, may also specify a

[5] *See* Securities Exchange Act Release No. 77297 (March 4, 2016), 81 FR 12764 (March 10, 2016) (SR–CBOE–2016–014) (''2016 Notice).

[6] *See* Securities Exchange Act Release No. 76106 (October 8, 2015), 80 FR 62125 (October 15, 2015) (SR–CBOE–2015–081) (''2015 Notice).

[7] *See* Securities Exchange Act Release No. 72986 (September 4, 2014), 79 FR 53798 (September 10, 2014) (SR–CBOE–2014–017) (''Approval Order'').

[8] The System is a trading platform that allows automatic executions to occur electronically and open outcry trades to occur on the floor of the Exchange. To operate in this ''hybrid'' environment, the Exchange has a dynamic order handling system that has the capability to route orders to the trade engine for automatic execution and book entry, to Trading Permit Holder and PAR Official workstations located in the trading crowds for manual handling, and/or to other order management terminals generally located in booths on the trading floor for manual handling. Where an order is routed for processing by the Exchange order handling system depends on various parameters configured by the Exchange and the order entry firm itself.

[9] *See* the Approval Order, the 2015 Notice, and the 2016 Notice.

[10] *See* Rules 8.7(d)(ii)(iv) (Market-Makers), 8.13(d) (Preferred Market-Makers), 8.15A(b)(i) (Lead Market-Makers) and 8.85(a)(i) (Designated Primary Market-Makers).

[11] *See* Rules 6.45 and 6.53C.

maximum number of QRM Incidents that may occur on an Exchange-wide basis during a specified measurement interval. If the Exchange determines that a Market-Maker or TPH Organization, as applicable, has reached its QRM Incident limit during the specified measurement interval, the System will cancel all of the Market-Maker's or TPH Organization's quotes, as applicable, and the Market-Maker's orders resting in the book in all classes and prevent the Market-Maker and TPH organization from sending additional quotes or orders to the Exchange until the earlier to occur of (1) the Market-Maker or TPH organization reactivates this ability or (2) the next trading day.

The purpose of the QRM functionality is to allow Market-Makers to provide liquidity across most series in their appointed classes without being at risk of executing the full cumulative size of all their quotes before being given adequate opportunity to adjust their quotes. For example, if a Market-Maker can enter quotes with a size of 25 contracts in 100 series of class ABC, its potential exposure is 2,500 contracts in ABC. To mitigate the risk of having all 2,500 contracts in ABC execute without the opportunity to evaluate its positions, the Market-Maker may elect to use QRM. If the Market-Maker elects to use the contract limit functionality and sets the contract limit at 100 and the measurement interval at five seconds for ABC, the System will automatically cancel the Market-Maker's quotes in all series of ABC if 100 or more contracts in series of ABC execute during any five-second period.

To assure that all quotations are firm for their full size, the System performs the parameter calculations after an execution against a Market-Maker's quote occurs. For example, using the same parameters in class ABC as above, if a Market-Maker has executed a total of 95 contracts in ABC within the previous three seconds, a quote in a series of ABC with a size of 25 contracts continues to be firm for all 25 contracts. An incoming order in that series could execute all 25 contracts of that quote, and, following the execution, the total size parameter would add 25 contracts to the previous total of 95 for a total of 120 contracts executed in ABC. Because the total size executed within the previous five seconds now exceeds the 100 contract limit for ABC, the System would, following the execution, immediately cancel all of the Market-Maker's quotes in series of ABC. The Market-Maker would then enter new quotes for series in ABC. Thus, QRM limits the amount by which a Market-Maker's executions in a class may exceed its contract limit to the largest size of its quote in a single series of the class (or 25 in this example).

Proposal

SR–CBOE–2016–014 indicated that the Exchange would announce the implementation date of that rule change in a Regulatory Circular to be published no later than 90 days following the effective date of that filing and that the implementation date would be no later than 180 days following the effective date of that filing. The Exchange was unable to make the necessary system changes in time to meet the deadlines set forth in SR–CBOE–2016–014. Thus, the Exchange proposes to revise the implementation date of SR–CBOE–2016–014. In conjunction with revising the implementation date of SR–CBOE–2016–014, the Exchange is proposing to revise the relevant rule text of Rule 6.53C to modify the manner in which the rule text describes complex orders that will initiate a COA.

The purpose of the rule filings in this series (SR–CBOE–2014–017, SR–CBOE–2015–081, and SR–CBOE–2016–014), including the instant filing, is to limit a potential source of unintended Market-Maker risk related to how the System calculates risk parameters under Rule 8.18 when complex orders leg into the market.[12] As discussed above, and described in the previous filings, by checking the risk parameters following each execution in a series, the risk parameters allow a Market-Maker to provide liquidity across multiple series of a class without being at risk of executing the full cumulative size of all its quotes. This is not the case, however, when a complex order legs into the regular market (*i.e.* the market for individual, or simple, orders). Because the execution of each leg of a complex order is contingent on the execution of the other legs, the execution of all the legs in the regular market is processed as a single transaction, not as a series of individual transactions.

For example, if market participants enter into the System individual orders to buy 25 contracts for the Jan 30 call, Jan 35 call, Jan 40 call and Jan 45 call in class ABC, the System processes each order as it is received and calculates the Market-Makers parameters in class ABC following the execution of each 25-contract call. However, if a market participant enters into the System a complex order to buy all four of these strikes in class ABC 25 times, which complex order executes against bids and offers for the individual series (*i.e.* legs into the market), the System will calculate the Market-Maker's parameters in class ABC following the execution of all 100 contracts. If the Market-Maker had set the same parameters in class ABC as discussed above (100-contract limit with five-second measurement interval) and had executed 95 contracts in class ABC within the previous three seconds, the amount by which the next transaction might exceed 100 is limited to the largest size of its quote in a single series of the class. In that example, since the largest size of the Market-Maker's quotes in any series was 25 contracts, the Market-Maker could not have exceeded the 100-contract limit by more than 20 contracts (95 + 25 = 120). However, with respect to the complex order with four legs 25 times, the next transaction against the Market-Maker's quotes potentially could be as large as 100 contracts (depending upon whether there are other market participants at the same price), creating the potential in this example for the Market-Maker to exceed the 100-contract limit by 95 contracts (95 + 100 = 195) instead of 20 contracts.

As this example demonstrates, legging of complex orders into the regular market presents higher risk to Market-Makers than executing their quotes against individual orders entered in multiple series of a class in the regular market, because it may result in Market-Makers exceeding their risk parameters by a greater number of contracts. This risk is directly proportional to the number of legs associated with a complex order. Market-Makers have expressed concerns to the Exchange regarding this risk.

In order to alleviate this potential risk to Market-Makers, the Exchange, in SR–CBOE–2015–081, amended Rule 6.53C(d) to, among other things, provide that a COA will be initiated when a complex order with three or more legs is designated as immediate or cancel (''IOC'') and meets the class, marketability, and size parameters of

[12] Rule 6.53C(c)(ii)(1) provides that complex orders in the complex order book (''COB'') may execute against individual orders or quotes in the book provided the complex order can be executed in full (or a permissible ratio) by the orders and quotes in the book. Rule 6.53C(d)(v)(1) provides that orders that are eligible for the complex order auction (''COA'') may trade with individual orders and quotes in the book provided the COA-eligible order can be executed in full (or a permissible ratio) by the orders and quotes in the book. COA is an automated request for responses (''RFR'') auction process. Upon initiation of a COA, the Exchange sends an RFR message to all Trading Permit Holders who have elected to receive RFR messages, which RFR message identifies the series, size and side of the market of the COA-eligible order and any contingencies. Eligible market participants may submit responses during a response time interval. At the conclusion of the response time interval, COA-eligible orders are allocated in accordance with Rule 6.53C(d)(v), including against individual orders and quotes in the book.

subparagraph (d)(i)(2).[13] The Exchange observed IOC orders causing the risk to Market-Makers described above and believed the previous amendment proposed in SR–CBOE–2015–081 would reduce that risk by initiating a COA in those circumstances. SR–CBOE–2016–014 attempted to fine tune this requirement by amending Rule 6.53C(d)(ii)(A)(2)(B) to provide that a COA will be initiated when a complex order with three or more legs that is marketable against the derived net market is designated as immediate or cancel and the order meets the class and size parameters of subparagraph (d)(i)(2). SR–CBOE–2016–014 also hardcoded the price at which an order could initiate a COA.

The Exchange is proposing to further fine tune the rule text by amending Rule 6.53C(d)(ii)(A)(1) and (2).[14] Currently the term COA-eligible order in Rule 6.53C(d)(ii)(A)(1) is used in relation to orders with two legs. The Exchange is proposing to keep the term COA-eligible as the starting point for orders with three or more legs as well,[15] because all orders with two or more legs that are COA-eligible (*i.e.,* meets the class, size, order type, and origin code parameters of Rule 6.53C(d)(i)(2)) will be treated the same by the Exchange—meaning the number of legs of an order under Rule 6.53C(d)(ii)(A)(1) will not be a factor in determining whether a complex order will or will not COA. In order to effectuate this change the Exchange is also modifying subparagraph (ii)(A)(2)(A) because all orders with three legs or more that are priced better than the same side of the derived net market will only COA if they are COA-eligible under subparagraph (ii)(A)(1), which means the current rule text of (ii)(A)(2)(A) is unnecessary. The Exchange notes that the difference between the current rule text with regards to orders with three legs that are priced better than the same side of the derived net market is that current subparagraph (ii)(A)(2)(A) requires a complex order with three or more legs that meets the class, size, and order type parameter to COA, regardless of the origin code, and proposed subparagraph (ii)(A)(1) provides that the origin code is an additional parameter the Exchange may set with regards to complex orders with three legs that are priced better than the same side of the derived net market. The Exchange believes it's appropriate to apply the origin code parameter to such orders because the flexibility allows the Exchange to use its considerable expertise in an effort to ensure COAs are beneficial to the marketplace, which is why the Exchange is proposing this particular rule change and why the Exchange developed the COA origin code parameter in 2008.[16] Applying the origin code parameter to complex orders with three legs that are priced better than the same side of the derived net market is consistent with the manner in which the rule text was written prior to SR–CBOE–2014–017. To illustrate, SR–CBOE–2008–082 added the origin type parameter to the definition of a COA-eligible order, such that a COA-eligible order was defined as:

> A complex order that, as determined by the Exchange on a class-by-class basis, is eligible for a COA considering the order's marketability (defined as a number of ticks away from the current market), size, complex order type (as defined in paragraphs (a) and (b) above) and complex order origin types (as defined in subparagraph (c)(i) above).[17]

Making current subparagraph (ii)(A)(2)(A) inapplicable to complex orders that are priced better than the derived net market and making subparagraph (ii)(A)(1) applicable to all such orders (*i.e.,* allowing the origin code parameter to apply to complex orders that are priced better than the same side of the derived net market) is consistent with the Act because it essentially reverts rule text regarding COA-eligible orders back to how the rule text read prior to SR–CBOE–2014–017.

Additionally, prior to SR–CBOE–2014–017, the rule text essentially provided that any COA-eligible order will COA (as long as a member requested that a particular order COA), and as previously noted, what determines COA-eligibility has included the origin code parameter since 2008.[18] To illustrate, SR–CBOE–2005–65, which created COA, provided that a COA would be initiated ''[o]n receipt of a COA-eligible order and request from the member representing the order that it be COA'd[.]'' [19] SR–CBOE–2015–089 removed the requirement that an order include a request to initiate a COA, and instead implemented the opposite—a ''do-not-COA'' request that is only allowed for certain orders.[20] This particular proposed rule change essentially provides that all COA-eligible orders will COA (unless the ''do-not-COA provision of Rule 6.53C(d)(ii)(B) applies) provided that the complex order is priced better than the same side of the derived net market, except the proposal goes further by allowing certain orders that are not COA-eligible to still COA according to proposed subparagraph (ii)(A)(2). In short, it was consistent with the Securities Exchange Act of 1934 (the ''Act'') to: Initiate a COA for COA-eligible order when COA was established in 2005; include the origin type parameter in the COA-eligibility definition when the origin type parameter was applied to the COA-eligibility definition in 2008; and allow COA-eligible orders to COA unless a ''do-not-COA'' accompanies certain orders when the ''do-not-COA'' request was established in 2015. Thus, it remains consistent with the Act to initiate a COA for a COA-eligible order today, which is essentially all proposed subparagraph (ii)(A)(1) states. It similarly remains consistent with the Act to allow COA-eligibility to include the origin type parameter and to COA all COA-eligible orders unless particular orders defined in Rule 6.53C(d)(ii)(B) include a ''do-not-COA'' request.

The Exchange also notes that adding the words ''or more'' to current subparagraph (ii)(A)(1) to provide that a COA-eligible order ''with two legs or more'' will COA is consistent with the Exchange Act because it is no different than not identifying the number of legs at all, which is how the rule text read from COA's inception in 2005 until the

[13] *See* Rule 6.53C(d)(ii)(A)(2)(B). The Exchange has not yet implemented the changes described in SR–CBOE–2015–081 in anticipation of this proposal.

[14] As with SR–CBOE–2015–081 and SR–CBOE–2016–014, this proposed change applies to Hybrid classes only, and not Hybrid 3.0 classes. The Exchange does not believe the risk discussed in this rule filing is present in Hybrid 3.0 classes because in Hybrid 3.0 classes complex orders are not legged into the regular market. *See* Rule 6.53C.10 (providing flexibility for the Exchange to determine to not allow marketable complex orders entered into COB and/or COA to automatically execute against individual quotes residing in the EBook).

[15] *See* Proposed Rule 6.53C(d)(ii)(A)(1).

[16] *See* Securities Exchange Act Release No. 58326 (August 7, 2008), 73 FR 47986 (August 15, 2008) (SR–CBOE–2008–82).

[17] *Id.*

[18] *Id.*

[19] *See* Securities Exchange Act Release No. 54135 (July 12, 2006), 71 FR 41287 (July 20, 2006) (SR–CBOE–2005–65).

[20] *See* current Rule 6.53C(d)(ii)(B), which provides: Notwithstanding subparagraph (ii)(A)(1), Trading Permit Holders may request on an order-by-order basis that an incoming COA-eligible order with two legs not COA (a ''do-not-COA'' request). Notwithstanding subparagraph (ii)(A)(2), the System will reject back to a Trading Permit Holder any complex order described in that subparagraph that includes a do-not-COA request. Any complex order in subparagraph (ii)(A)(2) on PAR will COA even if the PAR operator includes a do-not-COA request. If a two-legged order with a do-not-COA request rests on PAR, then the PAR operator may not request that the order COA. An order initially submitted to the Exchange with a do-not-COA request may still COA after it has rested on the COB pursuant to Interpretation and Policy .04. Securities Exchange Act Release No. 76622 (December 11, 2015), 80 FR 78803 (December 17, 2015) (SR–CBOE–2015–089).

Exchange submitted SR–CBOE–2014–017. As previously noted, SR–CBOE–2005–65, provided that a COA would be initiated ''[o]n receipt of a COA-eligible order and request from the member representing the order that it be COA'd[.]'' [21] In both cases—a ''COA-eligible order with two or more legs'' as proposed or ''a COA-eligible order'' as provided in SR–CBOE–2005–65— the phrase means a complex order with two or more legs. In fact, there really is no purpose to identifying the number of legs of a COA-eligible order in subparagraph (d)(ii)(A)(1), but it might provide some kind of clarity to market participants, considering that proposed subparagraph (d)(ii)(A)(2) will indicate that that particular provision applies to complex orders with three or more legs. Thus, it was consistent with the Act to initiate a COA upon receipt of COA-eligible order when COA was established in 2005, and it remains consistent with the Act to initiate a COA for a COA-eligible order, even if the rule text indicates that a COA will be initiated upon receipt of a COA-eligible order with two or more legs.

The purpose of proposed subparagraph (2) of Rule 6.53C(d)(ii)(A) is simply to allow certain orders with three legs that will not COA under subparagraph (1) to COA pursuant to subparagraph (2). Proposed Rule 6.53C(d)(ii)(A)(2) provides that a COA will be initiated upon receipt of a complex order with three or more legs that meets the class, size, and complex order type parameters of subparagraph (d)(i)(2) and is marketable against the derived net market. In short, if an order with three or more legs does not COA pursuant to Rule 6.53C(d)(ii)(A)(1)—because it is not COA-eligible—it may still COA pursuant to Rule 6.53C(d)(ii)(A)(2), as long as the order meets the class, size, complex order type parameters of subparagraph (d)(i)(2) and is marketable against the derived net market.

The Exchange notes that the flaw with SR–CBOE–2016–014 lies in current rule 6.53C(d)(ii)(A)(2)(B), which provides that a COA will be initiated when a complex order with three or more legs:

> is marketable against the derived net market, designated as immediate or cancel and meets the class and size parameters of subparagraph (d)(i)(2).

This provision would prevent the Exchange from initiating a COA for an order that does not have the IOC contingency—even though the order has three or more legs, the order is marketable against the derived net market, and the order meets the class the class and size parameters of subparagraph (d)(i)(2). As previously noted, the purpose of the rule filings in this series (SR–CBOE–2014–017, SR–CBOE–2015–081, and SR–CBOE–2016–014), including the instant filing, is to limit a potential source of unintended Market-Maker risk related to how the System calculates risk parameters under Rule 8.18 when complex orders leg into the market. Complex orders with three or more legs that are not designated as IOC may still cause the risk to Market-Makers; thus, it is prudent for the Exchange to include the order type parameter in proposed Rule 6.53C(d)(ii)(A)(2) instead of singling out IOCs. The Exchange believes the reason SR–CBOE–2016–014 specifically identified IOCs in Rule 6.53C(d)(ii)(A)(2)(B) is because IOC's are not currently COA-eligible so all IOC orders with two or more legs do not currently initiate a COA and identifying IOCs in the rule text provided further notice to market participants that orders designated as IOC may COA. However, the Exchange believes it's unnecessary to identify IOCs in the rule text in this manner—although the Exchange notes that the rule text will continue to state that IOCs that are not marketable against the derived net market in accordance with subparagraph (ii)(A)(2) will be cancelled, which serves as notice to market participants that IOCs will initiate a COA in certain circumstances, especially considering that upon filing this proposal the Exchange will also be publishing a circular that identifies IOCs as a contingency that may initiate a COA in certain circumstances.

The Exchange also notes that SR–CBOE–2016–014 proposed to treat all market participants the same when the Exchange received an order with three or more legs that met the class, size, complex order type parameters of subparagraph (d)(i)(2) and was better than the same side of the derived net market. Proposed subparagraph (2) of Rule 6.53C(d)(ii)(A) will continue to treat all market participants the same when the Exchange receives an order with three or more legs that meets the class, size, and complex order type parameters of subparagraph (d)(i)(2)—except the Exchange will only utilize subparagraph (2) when the incoming order is marketable against the derived net market—instead of when the orders is priced better than the same side of the derived net market as SR–CBOE–2016–014 proposed. Ultimately, the Exchange believes this proposal represents much simpler rule text than what was proposed in SR–CBOE–2016–014.

In sum, if a complex order with two or more legs is COA-eligible and priced better than the same side of the derived net market, the order will initiate a COA. If a complex order with three more legs is not otherwise COA-eligible it will still initiate a COA if it is marketable against the derived net market and it meets the class, size, and order type parameters. To illustrate, assuming all of the non-price specific requirements are met, a complex order with two or more legs under subparagraph (d)(ii)(A)(1) will initiate a COA if the derived net market is 1–1.20 and the complex order is to buy at $1.01 or higher or to sell at 1.19 or lower.[22] As described above, assuming the non-price specific requirements are met, a complex order with three legs under subparagraph (d)(ii)(A)(2) will initiate a COA if the derived net market is 1—1.20 and the complex order is to buy at $1.20 or higher or to sell at $1.00 or lower. Initiating a COA in these situations will relieve the risk to Market-Makers noted above and throughout this series of rule filings, which helps promote just and equitable principles of trade by relieving risk to Market-Makers allowing them to more efficiently and effectively provide important liquidity.

As previously noted, the Exchange was unable to implement the amendments made by SR–CBOE–2016–014 in the timeframe set forth in SR–CBOE–2016–014. Thus, the Exchange will announce the implementation date of amendments made in SR–CBOE–2016–014, as modified by this proposed rule change, in a Regulatory Circular to be published no later than 90 days following the effective date of this filing. The implementation date will be no later than 180 days following the effective date of this filing.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[23] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [24] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable

[21] *See* Securities Exchange Act Release No. 54135 (July 12, 2006), 71 FR 41287 (July 20, 2006) (SR–CBOE–2005–65).

[22] As previously noted, the price at which an order may initiate a COA was hardcoded by SR–CBOE–2016–014. This proposal makes no changes to the price at which an order may initiate a COA.

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [25] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change is consistent with the purpose of SR–CBOE–2014–017, SR–CBOE–2015–081, and SR–CBOE–2016–14, which was to alleviate a potential risk to Market-Makers that arises through the use of QRM. Complex orders with three or more legs that are designated that meet the class, size, and order type (including IOCs) parameters of subparagraph (d)(i)(2) and that are marketable against the derived net market (which the Exchange has identified as potentially causing risk to Market-Makers) will initiate a COA, which helps promote just and equitable principles of trade by relieving risk to Market-Makers allowing them to more efficiently and effectively provide important liquidity. Orders that are designated as IOC and meet the class and size parameters of subparagraph (d)(i)(2), but that are not marketable against the derived net market, will be cancelled, which allows order entry firms to use their own sophisticated technology to manage their orders helping to remove impediments to and perfect the mechanism of a free and open market. SR–CBOE–2016–014 removed the Exchange's flexibility to determine that price at which an order may initiate a COA, and this proposal makes no changes in that regard. Although the Exchange prefers flexibility, the Exchange does not foresee the need to retain flexibility in this regard and hardcoding the parameter may help avoid confusion with regards to the price at which a complex order may initiate a COA, which also helps to remove impediments to and perfect the mechanism of a free and open market.

The Exchange also believes the proposed rule change to initiate a COA upon receipt of complex orders with three or more legs that meet the class, size, and order type (including IOCs) parameters of subparagraph (d)(i)(2) and that are marketable against the derived net market is consistent with the requirement that Market-Makers' quotes be firm under Rule 602 of Regulation NMS.[26] The proposed rule change does not relieve Market-Makers of their obligation to provide ''firm'' quotes. If a complex order in a Hybrid class with three or more legs goes through COA and then legs into the market for execution upon completion of the COA, at which point the complex order would execute against a Market-Maker's quotes based on priority rules, the Market-Maker must execute its quotes against the order at its then-published bid or offer up to its published quote size, even if such execution would cause the Market-Maker to significantly exceed its risk parameters. However, prior to the end of COA (and thus prior to a complex order legging into the market), a Market-Maker may adjust its published quotes to manage its risk in a class as it deems necessary, including to prevent executions that would exceed its risk parameters. In this case, the firm quote rule does not obligate the Market-Maker to execute its quotes against the complex order at the quote price and size that was published when the order entered the System and initiated the COA. Rather, the Market-Maker's firm quote obligation applies only to its disseminated quote at the time an order is presented to the Market-Maker for execution, which presentation does not occur until the System processes the order against the leg markets after completion of the COA.[27] Thus, the proposed rule change is consistent with the firm quote rule.

The Exchange also notes making subparagraph (ii)(A)(2)(A) inapplicable to complex orders that are priced better than the derived net market and making subparagraph (ii)(A)(1) applicable to all such orders is consistent with the Act because it essentially reverts rule text regarding COA-eligible orders back to how the rule text read prior to SR–CBOE–2014–017. Prior to SR–CBOE–2014–017, the rule text essentially provided that any COA-eligible order will COA.[28] This proposed rule change essentially provides the same, except certain orders that are not COA-eligible may still COA according to proposed subparagraph (ii)(A)(2). Thus, it was consistent with the Securities Exchange Act of 1934 (the ''Act'') to initiate a COA-eligible order when COA was established in 2005, and it remains consistent with the Act to initiate a COA-eligible order.

The Exchange also notes that adding the words ''or more'' to current subparagraph (ii)(A)(1) to provide that a COA-eligible order ''with two legs or more'' will COA is consistent with the Exchange Act because it is no different than not identifying the number of legs at all, which is how the rule text read from COA's inception in 2005 [29] until the Exchange submitted SR–CBOE–2014–017. In both cases—a ''COA-eligible order with two or more legs'' or ''a COA-eligible order''—the phrase means a complex order with two or more legs. In fact, there really is no purpose to identifying the number of legs of a COA-eligible order in subparagraph (d)(ii)(A)(1), but it might provide some kind of clarity to market participants, considering that proposed subparagraph (d)(ii)(A)(2) will indicate that that particular provision applies to complex orders with three or more legs. Thus, it was consistent with the Act to initiate a COA-eligible order when COA was established in 2005, and it remains

[25] *Id.*

[26] Rule 602(b)(2) obligates a Market-Maker to execute any order to buy or sell a subject security presented to it by another broker or dealer or any other person belonging to a category of persons with whom the Market-Maker customarily deals, at a price at least as favorable to the buyer or sell as the Market-Maker's published bid or offer in any amount up to its published quotation size. Rule 602(b)(3) provides that no Market-Maker is obligated to execute a transaction for any subject security to purchase or sell that subject security in an amount greater than its revised quotation size if, prior to the presentation of an order for the purchase or sale of a subject security, the Market-Maker communicated to the Exchange a revised quotation size. Similarly, no Market-Maker is obligated to execute a transaction for any subject security if, before the order sought to be executed is presented, the Market-Maker has communicated to the Exchange a revised bid or offer. CBOE Rule 8.51 imposes a similar obligation (Market-Maker must sell (buy) at least the established number of contracts at the offer (bid) which is displayed when the Market-Maker receives a buy (sell) order at the trading station where the reported security is located for trading; however, no Market-Maker is obligated to execute a transaction for a listed option when, prior to the presentation of an order to sell (buy) to the Market-Maker, the Market-Maker has communicated to the Exchange a revised quote).

[27] *See Staff Legal Bulletin No. 16, Transaction in Listed Options Under Exchange Act Rule 11Ac1–1,* U.S. Securities and Exchange Commission, Division of Market Regulation, January 20, 2004 (''Scenario 3: When an Order is ''Presented'' . . . If an individual market maker generates its own quotations . . . and exchange systems route incoming orders to the responsible broker-dealer with priority, when is an order presented to a responsible broker-dealer? Response:. . . . When each market maker is the responsible broker-dealer with respect to its own quote, an order is presented to it when received by the market maker from the exchange system.''). When a complex order is processing through COA, the order is still in the System and has not yet been presented to a broker or dealer (including a Market-Maker) for execution. Only after completion of the COA, when the System allocates the complex order for execution in accordance with priority rules, will that order be ''presented'' to the Market-Maker for firm quote purposes.

[28] *See* Securities Exchange Act Release No. 54135 (July 12, 2006), 71 FR 41287 (July 20, 2006) (SR–CBOE–2005–65).

[29] [sic]

consistent with the Act to initiate a COA-eligible order, even if the rule text indicates that a COA will be initiated upon receipt of a COA-eligible order with two or more legs.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed rule change will impose any burden on intramarket competition because all IOC orders will be treated equally by the Exchange. The proposed rule change is intended to reduce risk to Market-Makers that are quoting in the regular market. CBOE believes that the proposed rule change will promote competition by encouraging Market-Makers to increase the size of and to more aggressively price their quotes, which will increase liquidity on the Exchange. To the extent that the rule change makes CBOE a more attractive marketplace, market participants are free to become Trading Permit Holders on CBOE and other exchanges are free to amend their rules in a similar manner. Furthermore, the Exchange does not believe the proposed rule change will impose any burden on intermarket competition because the rule change does not materially affect the outcome or purpose of SR–CBOE–2014–017, SR–CBOE–2015–081, or SR–CBOE–2016–014, which was to alleviate potential risk to Market-Makers using QRM. The Exchange also does not believe that the hardcoding of the price at which a complex order may initiate a COA, as described in SR–CBOE–2016–014, will impose a burden on competition. Finally, the Exchange does not believe initiating a COA for a COA-eligible order pursuant to Rule 6.53C(d)(ii)(A)(1) will impose any burden on competition as the Exchange has initiated a COA for such orders since the inception of COA in 2005.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[30] and Rule 19b–4(f)(6) thereunder.[31]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2017–021 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2017–021. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2017–021 and should be submitted on or before April 12, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05608 Filed 3–21–17; 8:45 am]

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[30] 15 U.S.C. 78s(b)(3)(A).

[31] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213

Extension:
Rule 482; SEC File No. 270–508, OMB Control No. 3235–0565

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''Paperwork Reduction Act''), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Like most issuers of securities, when an investment company (''fund'')[1] offers its shares to the public, its promotional efforts become subject to the advertising

[1] ''Investment company'' refers to both investment companies registered under the Investment Company Act of 1940 (''Investment Company Act'') (15 U.S.C. 80a–1 *et seq.*) and business development companies.

restrictions of the Securities Act of 1933 (15 U.S.C. 77) (the ''Securities Act''). In recognition of the particular problems faced by funds that continually offer securities and wish to advertise their securities, the Commission has previously adopted advertising safe harbor rules. The most important of these is rule 482 (17 CFR 230.482) under the Securities Act, which, under certain circumstances, permits funds to advertise investment performance data, as well as other information. Rule 482 advertisements are deemed to be ''prospectuses'' under Section 10(b) of the Securities Act.[2]

Rule 482 contains certain requirements regarding the disclosure that funds are required to provide in qualifying advertisements. These requirements are intended to encourage the provision to investors of information that is balanced and informative, particularly in the area of investment performance. For example, a fund is required to include disclosure advising investors to consider the fund's investment objectives, risks, charges and expenses, and other information described in the fund's prospectus, and highlighting the availability of the fund's prospectus and, if applicable, its summary prospectus. In addition, rule 482 advertisements that include performance data of open-end funds or insurance company separate accounts offering variable annuity contracts are required to include certain standardized performance information, information about any sales loads or other nonrecurring fees, and a legend warning that past performance does not guarantee future results. Such funds including performance information in rule 482 advertisements are also required to make available to investors month-end performance figures via Web site disclosure or by a toll-free telephone number, and to disclose the availability of the month-end performance data in the advertisement. The rule also sets forth requirements regarding the prominence of certain disclosures, requirements regarding advertisements that make tax representations, requirements regarding advertisements used prior to the effectiveness of the fund's registration statement, requirements regarding the timeliness of performance data, and certain required disclosures by money market funds.

Rule 482 advertisements must be filed with the Commission or, in the alternative, with the Financial Industry Regulatory Authority (''FINRA'').[3] This information collection differs from many other federal information collections that are primarily for the use and benefit of the collecting agency.

Rule 482 contains requirements that are intended to encourage the provision to investors of information that is balanced and informative, particularly in the area of investment performance. The Commission is concerned that in the absence of such provisions fund investors may be misled by deceptive rule 482 advertisements and may rely on less-than-adequate information when determining in which funds they should invest money. As a result, the Commission believes it is beneficial for funds to provide investors with balanced information in fund advertisements in order to allow investors to make better-informed decisions.

The Commission estimates that 53,907[4] responses to rule 482 are filed annually by 3,278 investment companies offering approximately 15,494 portfolios, or approximately 3.5 responses per portfolio annually.[5] The burden associated with rule 482 is presently estimated to be 5.16 hours per response. The annual hourly burden is therefore approximately 278,161 hours.[6]

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. The provision of information under rule 482 is necessary to obtain the benefits of the safe harbor offered by the rule. The information provided under rule 482 will not be kept confidential. 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.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: March 16, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05712 Filed 3–21–17; 8:45 am]

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[2] 15 U.S.C. 77j(b).

[3] See rule 24b–3 under the Investment Company Act (17 CFR 270.24b–3), which provides that any sales material, including rule 482 advertisements, shall be deemed filed with the Commission for purposes of Section 24(b) of the Investment Company Act upon filing with FINRA.

[4] This estimated number of responses to rule 482 is composed of 53,746 responses filed with FINRA and 161 responses filed with the Commission in 2016.

[5] 53,907 responses ÷ 15,494 portfolios = 3.5 responses per portfolio.

[6] 53,907 responses × 5.16 hours per response = 278,161 hours.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80258; File No. SR–NYSEArca–2017–28]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services

March 16, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 13, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. 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 the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services (''Fee Schedule''). The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 self-regulatory organization 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to adopt the Exchange Traded Fund Liquidity Provider Program pursuant to which the Exchange will adopt an incremental per share credit payable to ETP Holders and Market Makers (collectively, the ''ELPs'') that provide displayed liquidity to the NYSE Arca Book in NYSE Arca-listed Tape B Securities (''ELP Program'').

As proposed, the Exchange would provide an incremental credit of $0.0001 per share for providing displayed liquidity that result in an execution to ELPs that meet prescribed quoting standards in NYSE-Arca listed Tape B securities that have a consolidated average daily volume (''CADV'') in the previous month of less than 250,000 shares (''ELP Securities'').[4] Under the proposal, an ELP must quote at the National Best Bid or Offer (''NBBO'') for at least an average of 15% of the time for the billing month in at least 50 ELP Securities for each billing month (''Quoting Standard'').[5] If the ELP meets the Quoting Standard, the Exchange would provide the ELP with the stated incremental credit in their Tape B executions that add liquidity. ELP Securities in which the ELP is registered as a Lead Market Maker (''LMM'')[6] are excluded from the minimum 50 ELP Securities that an ELP must quote in to qualify for the proposed credit. ELPs are not required to quote in all ELP Securities.

The proposed incremental credit provided under the ELP Program is in addition to the ETP Holder and Market Maker's Tiered or Basic Rate credit(s); provided, however, that such combined credit may not exceed $0.0030 per share. For example, an ELP that qualifies for the ELP credit in a billing month and also qualifies for the Tape B Tier 2 credit of $0.0028 per share will receive a combined credit of $0.0029 for executions that add liquidity to the Book. However, an ELP that qualifies for the same ELP credit in the billing month and also qualifies for the Tape B Tier 1 credit of $0.0030 per share will not receive the ELP credit in that billing month as such combined credit would exceed $0.0030 per share. An ELP that qualifies for the ELP Program credit in a billing month that is also an LMM would not receive the ELP Program credit on the ELP's LMM adding liquidity as that liquidity receives credits of $0.0033 per share, $0.0040 per share, and $0.0045 per share. However, that ELP may receive the ELP Program credit on non-LMM adding liquidity so long as such combined credit does not exceed $0.0030 per share.

In addition to the percentage of time that an ELP must provide a quote at the NBBO in ELP Securities, the Exchange also proposes to adopt an additional requirement that an ELP displays a minimum number of shares of adding volume at or near the NBBO, except that this additional requirement would be applicable beginning May 1, 2017. As proposed, beginning May 1, 2017, in order for the ELP to qualify for the credit proposed herein, the ELP must, in at least 50 ELP Securities:

- Quote at the NBBO for at least an average of 15% of the time for the billing month, and,
- Display at least 2,500 shares that are priced no more than 2% away from the NBBO at least 90% of the time for the billing month (''Quoting and Depth Standard'').

The Exchange would calculate each participating ELP's Quoting Standard and Quoting and Depth Standard, as applicable, beginning each month on a daily basis, up to and including the last trading day of a calendar month, to determine at the end of each month whether the ELP is meeting the requirements of the ELP Program.

As proposed, ELPs may join the ELP Program on a rolling basis on any day of the month and the ELP's obligations would begin on the first day that the ELP is enrolled in the ELP Program. Once an ELP is enrolled in the ELP Program, the ELP is enrolled in all ELP Securities and would be required to meet the Quoting Standard (for March 2017 and April 2017) and the Quoting and Depth Standard (for May 2017 and each month thereafter) in at least 50 ELP Securities for the billing month to be eligible for the proposed incremental credit. If an ELP is enrolled for the ELP Program after the first trading day of the month, the ELP's requirement to qualify for the proposed incremental credit would be measured from the day the ELP is enrolled and if the ELP meets the requirements of the ELP Program, the proposed credit would be applied to those ELP executions that add displayed liquidity from the day the ELP is enrolled. As an example, suppose that an ELP enrolls in the ELP Program on March 15, 2017. The ELP would be required to meet the requirements of the ELP Program for the billing month, from March 15, 2017 through the end of the month, March 31, 2017, and if the ELP quotes an average of at least 15% in at least 50 ELP Securities for that period from March 15, 2017 through March 31, 2017, the ELP will receive the proposed additional ELP credit, subject to the combined credit limit of $0.0030 per share.

Under the proposal, each participating ELP must provide a unique Equity Trading Permit ID (''ETPID'') that the ELP would use for all ELP Securities. Since ETP Holders are often assigned multiple ETPIDs on NYSE Arca, an ELP would be required to use a unique ETPID for all ELP Securities.

As proposed, the ELP Program is a voluntary program. An ETP Holder or Market Maker that wishes to participate in the ELP Program would be required to complete an enrollment form and submit it to the Exchange via electronic mail to participate as an ELP.

With this proposed rule change, the Exchange hopes to provide incentives for increased trading in ELP Securities for market participants. The proposed rule change is intended to provide incentives for quoting and to add competition to the existing group of liquidity providers in ELP Securities. The Exchange believes the proposed rule change will strengthen market quality in ELP Securities. By

[4] NYSE–Arca listed Tape B securities that did not trade in prior month would be assigned a CADV of 0 and would be included as an ELP Security in the current billing month.

[5] An ELP would meet the Quoting Standard if the average of the percentage of time during regular trading hours during which the ELP maintains a quote at each of the NBB and NBO equals at least 15%. As an example, where the ELP maintains a quote for any number of shares at the NBB for 20% of the time during regular trading hours in at least 50 ELP Securities and maintains a quote for any number of shares at the NBO for 10% of the time during regular trading hours in the same ELP Securities, the ELP would be deemed to be at the NBBO for the required time period of 15% ((20% + 10%)/2).

[6] The term ''Lead Market Maker'' is defined in Rule 1.1(ccc) to mean a registered Market Maker that is the exclusive Designated Market Maker in listings for which the Exchange is the primary market.

establishing the ELP Program, the Exchange is rewarding liquidity providers who improve displayed liquidity and the size of such liquidity in the market. The Exchange believes that the ELP Program will encourage the additional utilization of, and interaction with, the Exchange and provide customers with the premier venue for price discovery, liquidity, competitive quotes and price improvement.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any problems that ETP Holders would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Sections 6(b)(4) of the Act,[8] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. The Exchange further believes that the proposed rule change is also consistent with Section 6(b)(5) of the Act,[9] in that 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.

The Exchange believes that the proposed rule change would encourage increased participation by ELPs in the trading of ETP Securities. The Exchange also believes that the proposed rule change would encourage the submission of additional liquidity to a public exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for all market participants on the Exchange.

The Exchange believes the proposed ELP Program will provide an incentive for ELPs to quote and trade a greater number of securities on the Exchange and will generally allow the Exchange and ELPs to better compete for order flow and thus enhance competition. Further, the ELP program is intended to provide ELPs with an incentive to increase displayed quoting on NYSE Arca and thereby provide liquidity and better quoting that supports the quality of price discovery and promotes market transparency. The Exchange also believes that the proposed incremental credit for ELPs that meet the requirements of the ELP Program is equitable and not unfairly discriminatory because it would apply uniformly to all ELPs.

The Exchange believes allocating pricing benefits to ELPs that commit to meet the requirements of the ELP Program will provide a better trading environment for investors in ELP Securities, and encourage greater competition between listing venues for ELP Securities. The Exchange also believes that the proposal will promote tighter spreads and deeper liquidity for all market participants by requiring ELPs to meet the requirements of the ELP Program.

As proposed, the ELP Program is designed to enhance the Exchange's competitiveness as a listing venue and to strengthen its market quality for NYSE Arca-listed securities. The Exchange believes that the proposed change would increase competition with its competitors by incenting ETP Holders to volunteer for the ELP Program, which will enhance the quality of quoting in NYSE Arca-listed securities.

The Exchange believes that adopting only the Quoting Standard for March 2017 and April 2017 is reasonable because it may allow a greater number of ELPs to qualify for the proposed credit while also providing ELPs the opportunity to gradually increase their activity in order to qualify for the proposed credit. The Exchange believes that adopting the Quoting Standard for March 2017 and April 2017 is also equitable and not unfairly discriminatory because the Quoting Standard would apply uniformly to all ELPs that enroll in the ELP Program.

The Exchange believes that adopting the Quoting and Depth Standard beginning May 2017 is also reasonable because the additional requirement would ensure that liquidity displayed on the Exchange by ELPs is available for a greater period of time during the trading day to provide market participants an adequate opportunity to transact against such liquidity. The Exchange believes that adopting the Quoting and Depth Standard beginning May 2017 is also equitable and not unfairly discriminatory because the additional criteria would apply uniformly to all ELPs beginning May 2017.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition. For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[10] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In this regard and as indicated above, the proposed rule change would encourage the submission of additional liquidity to a public exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for market participants on the Exchange. The Exchange believes that this could promote competition between the Exchange and other execution venues, including those that currently offer comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. Further, the Exchange believes that the proposed changes as a whole will contribute to tighter spreads and additional liquidity on the Exchange in NYSE Arca-listed securities, which will, in turn, benefit competition due to the improvements to the overall market quality of the Exchange. For the reasons described above, the Exchange believes that this proposal promotes a competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78f(b)(8).

19(b)(3)(A)(iii) of the Act[11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of filing.[13] Rule 19b–4(f)(6)(iii), however, permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest.[14]

The Exchange has requested that the Commission waive the 30-day operative delay. The Exchange asserts that the proposed rule change does not present any new, unique, or substantive issues and that the proposal is substantially similar to a program in place at Bats BZX Exchange, Inc.[15] Based on the foregoing, the Commission believes that it is consistent with the protection of investors and the public interest to waive the 30-day operative delay so that the proposal may take effect upon filing.[16] At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–NYSEArca–2017–28 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–NYSEArca–2017–28. 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–NYSEArca–2017–28, and should be submitted on or before April 12, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Assistant Secretary.

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[11] 15 U.S.C. 78s(b)(3)(a)(iii).

[12] 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 Commission has waived the pre-filing requirement.

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] *Id.*

[15] *See* Securities Exchange Act Release No. 77846 (May 17, 2016), 81 FR 32356 (May 23, 2016) (SR–BatsBZX–2016–018).

[16] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80265; File No. SR–NYSEArca–2017–05]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change Relating to the Listing and Trading of Shares of the Direxion Daily Crude Oil Bull 3x Shares and Direxion Daily Crude Oil Bear 3x Shares Under NYSE Arca Equities Rule 8.200

March 16, 2017.

On January 23, 2017, NYSE Arca, Inc. (''Exchange'') 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 to list and trade shares of the Direxion Daily Crude Oil Bull 3x Shares and Direxion Daily Crude Oil Bear 3x Shares under NYSE Arca Equities Rule 8.200. The proposed rule change was published for comment in the **Federal Register** on February 7, 2017.[3] The Commission received no comments on the proposed rule change.

Section 19(b)(2) of the Act[4] provides that, within 45 days of the publication of notice of the filing of 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. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates May 8, 2017 as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEArca–2017–05).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79916 (February 1, 2017), 82 FR 9608.

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05609 Filed 3–21–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80257; File No. SR–IEX–2017–03]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Amend IEX Rule 16.135 To Adopt Generic Listing Standards for Managed Fund Shares

March 16, 2017.

On January 19, 2017, Investors Exchange LLC (''IEX'') 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 to amend IEX Rule 16.135 to adopt generic listing standards for Managed Fund Shares. The proposed rule change was published for comment in the **Federal Register** on February 8, 2017.[3] The Commission has received no comments on the proposal.

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of 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. The 45th day after publication of the notice for this proposed rule change is March 25, 2017. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider this proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates May 9, 2017, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–IEX–2017–03).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05604 Filed 3–21–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80262; File No. SR–NYSEMKT–2017–15]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Change Modifying the NYSE Amex Options Fee Schedule

March 16, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 9, 2017, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. 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 modify the NYSE Amex Options Fee Schedule (''Fee Schedule''). The Exchange proposes to implement the fee change effective March 9, 2017. The proposed change is available on the Exchange's Web site at *www.nyse.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 self-regulatory organization 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Fee Schedule to:

(i) Provide Order Flow Providers (each an ''OFP'') that achieve certain tiers of the Amex Customer Enhancement (''ACE'') Program the opportunity to receive an additional credit for Customer Complex Orders; and

(ii) establish a surcharge on any Electronic non-Customer Complex Order that executes against a Customer Complex Order.

The ACE Program features five tiers, expressed as a percentage of total industry Customer equity and Exchange Traded Fund option average daily volume (''TCADV'')[4] and provides two alternative methods for OFPs to receive per contract credits for Electronic Customer volume that the OFP, as agent, submits to the Exchange.[5] Currently, the Exchange incents OFPs to achieve Tier 2 of the ACE Program by offering an $0.18 per contract credit on Electronic Customer volume or a slightly higher credit of $0.19 per contract on Customer Complex Orders.[6]

The Exchange proposes to offer OFPs that achieve Tier 4 or 5 of the ACE Program a credit of $0.25 per contract, per leg for Electronic executions of

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79940 (February 2, 2017), 82 FR 9858.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The volume thresholds are based on an OFP's Customer volume transacted Electronically as a percentage of total industry TCADV as reported by the Options Clearing Corporation (the ''OCC''). *See* OCC Monthly Statistics Reports, *available here, http://www.theocc.com/webapps/monthly-volume-reports.*

[5] *See* Fee Schedule, Section I. E. (Amex Customer Engagement (''ACE'') Program—Standard Options), *available here, https://www.nyse.com/publicdocs/nyse/markets/amex-options/NYSE_Amex_Options_Fee_Schedule.pdf.*

[6] *See id.* at n.1. The Exchange proposes to correct a typographical error by capitalizing the defined term Electronic as it is used in note 1 to Section I.E. *See* proposed Fee Schedule, Section I. E., n. 1.

Customer Complex Orders, provided the OFP executes more than 0.50% of TCADV in initiating CUBE Orders in a calendar month (the ''Credit''). The Credit would be paid regardless of whether the Complex Order trades against interest in the Complex Order Book or ''legs out'' and trades with individual orders and quotes in the Consolidated Book. An OFP that achieves Tier 4 or 5 would remain eligible to receive the applicable per contract credit on Electronic Customer volume, which range from $0.20–$0.24, but would be eligible to receive the slightly higher per contract credit of $0.25 for its Complex Customer volume provided the OFP meets the criteria for the Credit. For example, an OFP that achieved Tier 4 and also met the criteria for the Credit would receive at least $0.20 per contract for non-Complex Electronic Customer volume and $0.25 per contract for Electronic Complex Customer volume.

The Exchange also proposes to establish a $0.05 surcharge on any Electronic Non-Customer Complex Order that executes against a Customer Complex Order (the ''Surcharge).[7] The Surcharge would apply to all such Complex executions, including Complex Orders executed in the Exchange's single-sided Complex Order Auction (''COA''). The CUBE Auction is not available for Complex Orders and therefore the proposed Surcharge would not apply to executions in a CUBE Auction.[8] The Exchange notes that the proposed Surcharge is consistent with charges imposed by other options exchanges.[9]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[11] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed Credit on Complex Orders is reasonable, equitable, and not unfairly discriminatory, as it provides OFPs with an additional incentive to achieve the highest two tiers of the ACE Program—Tier 4 or 5. The Exchange believes that incentivizing OFPs to route orders to the Exchange would attract more volume and liquidity to the Exchange, which benefits all market participants by providing more trading opportunities and tighter spreads, even to those market participants that do not participate in the ACE Program.

The Exchange believes that the proposed Surcharge is reasonable, equitable, and not unfairly discriminatory, as it applies to all Non-Customer orders. Applying the Surcharge to all market participant orders except Customer orders is equitable and not unfairly discriminatory because Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Specifically, Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers. An increase in the activity of Specialists and Market Makers in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

In addition, the proposed surcharge is reasonable, equitable, and not unfairly discriminatory as it is consistent with fees charged by other options exchanges.[12]

Specifically, MIAX imposes a $0.10 ''Per Contract Surcharge for Removing Liquidity Against A Resting Priority Customer Complex Order on the Strategy Book'' for all option classes), which may result in an overall per contract fee of $0.60.[13] Similarly, CBOE imposes a $0.10 ''Complex Surcharge'' on certain ''noncustomer complex order executions that remove liquidity,'' but caps at $0.50 per contract ''auction responses in COA.'' [14] The Exchange notes that the proposed Surcharge of $0.05 per contract is $0.05 less than—or half the amount of—the surcharges imposed on both MIAX and CBOE, and is therefore competitive. In addition, the Exchange believes that the proposed surcharge is not new or novel as it incorporates aspects of the (higher) surcharges that are already imposed on MIAX and CBOE.

Further, the proposed change to capitalize the defined term Electronic, would add clarity and internal consistency to the Fee Schedule by correcting a typographical error.

Finally, the Exchange believes the proposed changes are consistent with the Act because, to the extent the modifications permit the Exchange to continue to attract greater volume and liquidity, the proposed changes would improve the Exchange's overall competitiveness and strengthen its market quality for all market participants.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[15] the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed Credit is pro-competitive as it would incent OFPs to direct Complex Order flow to the Exchange, and thus provide additional liquidity that enhances the overall market quality and increases the volume of contracts traded on the Exchange. The proposed Surcharge would not impose an unfair burden on competition as it is consistent with fees charged by other exchanges.[16] To the extent that the proposed changes make NYSE Amex a more attractive marketplace for market participants at other exchanges, such market

[7] *See* proposed Fee Schedule, at Section I. A., n.6. Per the Fee Schedule, a ''Customer'' is an individual or organization that is not a Broker-Dealer, per Rule 900.2NY(18); and is not a Professional Customer; and a ''Non-Customer'' is anyone who is not a Customer. *See* Fee Schedule, ''Key Terms and Definitions,'' *supra* note 5. Thus, Non-Customer includes Specialists, e-Specialists, Directed Order Market Makers, Firms, Broker Dealers, and Professional Customers. The Exchange notes that Firm Facilitation trades are not electronic and are therefore not subject to the proposed surcharge.

[8] *See* Rule 971.1NY (Electronic Cross Transactions) for a description of the CUBE Auction, which is an electronic crossing mechanism for single-leg orders with a price improvement auction.

[9] *See* Miami Securities International Exchange, LLC (''MIAX'') fee schedule, *available here, https://www.miaxoptions.com/sites/default/files/page-files/MIAX_Options_Fee_Schedule_03012017B.pdf* (imposing a $0.10 on certain complex orders). *See also* The Chicago Board Options Exchange, Inc. (''CBOE'') fee schedule, *available here, http://www.cboe.com/publish/feeschedule/CBOEFeeSchedule.pdf,* at n. 35 (same).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] *See supra* note 9.

[13] *See* MIAX fee schedule, *supra* note 9 (providing for a potential total per contract fee of $0.60 for Market Makers, which includes a ''Complex Per Contract Fee for Penny Classes,'' a per contract ''Marketing Fee,'' and a $0.10 ''Per Contract Surcharge for Removing Liquidity Against a Resting Priority Customer Complex Order on the Strategy Book for Penny and Non-Penny Classes''). The Exchange believes that MIAX does not subject transactions in COA to any fee cap.

[14] *See* CBOE fee schedule, *supra* note 8 (regarding the Complex Surcharge, providing that ''[a]uction responses in COA and AIM for noncustomer complex orders in Penny classes will be subject to a cap of $0.50 per contract, which includes the applicable transaction fee, Complex Surcharge and Marketing Fee (if applicable)).''

[15] 15 U.S.C. 78f(b)(8).

[16] *See supra* notes 9, 13, 14.

participants are welcome to become NYSE Amex Options ATP Holders.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the degree to which fee changes in this market may impose any burden on competition is extremely limited. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [17] of the Act and subparagraph (f)(2) of Rule 19b–4 [18] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [19] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2017–15 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–NYSEMKT–2017–15. 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–NYSEMKT–2017–15, and should be submitted on or before April 12, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05607 Filed 3–21–17; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(2).

[19] 15 U.S.C. 78s(b)(2)(B).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80260; File No. SR–NSCC–2017–001]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of a Proposed Rule Change To Describe the Illiquid Charge That May Be Imposed on Members

March 16, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, as amended (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 13, 2017, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to NSCC's Rules & Procedures (''Rules'') [3] in order to provide transparency in the Rules with respect to an existing margin charge described below (''Illiquid Charge'') and to codify NSCC's current practices with respect to the assessment and collection of the Illiquid Charge. The Illiquid Charge is currently imposed on Members' Net Unsettled Positions in certain securities that are not traded on or subject to the rules of an exchange and that exceed applicable volume thresholds, when all conditions to the application of the charge, described below, are met. Such securities, to be defined in the Rules as ''Illiquid Securities,'' lack marketability, based on insufficient access to a trading venue, and may have low and volatile share prices. Therefore, the Illiquid Charge is designed to mitigate the risk that NSCC may face when liquidating Illiquid Securities following a Member default and such liquidation is difficult or delayed due to a lack of interest in a particular Illiquid Security or limitations on the share price of the Illiquid Security.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms used herein and not otherwise defined herein are defined in the Rules, *available at www.dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.*

In order to provide transparency in the Rules with respect to the existing Illiquid Charge, and to codify NSCC's existing practices with respect to the charge, NSCC is proposing to amend (i) Rule 1 (Definitions and Descriptions) to add certain defined terms associated with the Illiquid Charge, and (ii) Procedure XV (Clearing Fund Formula and Other Matters) to clarify the circumstances and manner in which NSCC calculates and imposes the Illiquid Charge. The proposed rule change also would make a technical change to Procedure XV to define the ''Market Maker Domination Charge,'' to create additional clarity and ease of reference in the Rules, as further described below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change would provide transparency in the Rules with respect to the existing Illiquid Charge, which NSCC currently may impose on Members,[4] as part of each Member's Required Deposit to the NSCC Clearing Fund when all conditions to the application of the charge, described below, are met. NSCC imposes the Illiquid Charge on Members with Net Unsettled Positions in Illiquid Securities, defined below, that exceed applicable volume thresholds. The Illiquid Charge is designed to mitigate the additional risk presented to NSCC resulting from these securities' lack of marketability and/or insufficient access to a trading venue. The Illiquid Charge is charged in addition to, and separately from, an existing haircut margin charge that NSCC may also currently impose on positions in classes of securities that are less amenable to statistical analysis, which include Illiquid Securities.[5] When all conditions to the application of the Illiquid Charge are met, the charge is applied as part of a Member's start of day Required Deposit, which is due each business day.

1. The Required Deposit and the Illiquid Charge

NSCC uses a risk-based margin methodology to assess Required Deposits from all Members. The Required Deposit is composed of a number of risk-based component charges (as margin), including the Illiquid Charge, which are calculated and assessed daily. The objective of the Required Deposit is to mitigate potential losses to NSCC associated with the liquidation of the Member's portfolio if NSCC ceases to act for a Member (hereinafter referred to as a ''default''). NSCC considers a number of risks when evaluating the effectiveness of its margining methodology.

NSCC is presented with certain risks when it clears and settles larger volumes of its Members' Net Unsettled Positions in securities that are generally considered illiquid. In order to add further clarity to its Rules, NSCC is proposing to define ''Illiquid Security'' in Rule 1 (Definitions) as a security, other than a family-issued security,[6] that is either (i) not traded on or subject to the rules of a national securities exchange registered under the Act; or (ii) is an OTC Bulletin Board or OTC Link issue.

Because Illiquid Securities are not traded on or subject to the rules of any exchange, these securities have limited access to a trading venue, lack marketability, and may have low or volatile share prices. Therefore, net sell positions in Illiquid Securities present NSCC with a risk that liquidation of positions in these securities may be difficult or delayed, increasing NSCC's exposure, and this risk is greater when a Member's portfolio contains larger volumes of Illiquid Securities, which could contribute to a prolonged or impaired liquidation. Additionally, net buy positions in Illiquid Securities that have a share price below a penny pose specific risks to NSCC, described below.

In order to address the risks presented by larger volumes of Net Unsettled Positions in Illiquid Securities, NSCC currently calculates and collects the Illiquid Charge. The Illiquid Charge is a component of the Required Deposit and, as described in greater detail below, is calculated to address these risks.

The Illiquid Charge is charged in addition to and separate from a haircut charge that NSCC also currently applies to Illiquid Securities that are traded over-the-counter. The Rules currently permit it to collect a margin charge calculated as a haircut of at least 10 percent of the absolute value of Net Unsettled Positions in classes of securities whose volatility is less amenable to statistical analysis, which include, but are not limited to, Illiquid Securities.[7] This haircut is designed to cover the uncertain effect of market price volatility on portfolios that contain Illiquid Securities that are traded over-the-counter. However, because the haircut is a flat charge (calculated as a percentage of the absolute value of such positions), it does not completely address the lack of liquidity and marketability that are characteristic of Illiquid Securities. As such, the haircut charge on its own may not fully mitigate all of the risks presented by positions in these securities. Therefore, to account for the difference between the risk coverage provided by the haircut charge, which primarily addresses market price volatility of Illiquid Securities, and the remaining risk presented by such securities, including their lack of liquidity and marketability, NSCC also applies the Illiquid Charge.

This proposed rule change would amend the Rules to add transparency with respect to the existing Illiquid Charge and, in doing so, would codify NSCC's current practices with respect to the calculation and collection of the this margin charge.

The volume thresholds that must be met in order for the charge to be applied, the methodology for calculating the Illiquid Charge, and the exceptions to and application of the Illiquid Charge are each described below.[8]

2. Net Buy Illiquid Positions and Net Sell Illiquid Positions

Subject to the exceptions to the Illiquid Charge, described later in this filing, NSCC calculates an Illiquid

[4] The Illiquid Charge is currently imposed pursuant to Procedure XV, Sections (I)(A)(1)(e) and I.(A)(2)(d). *Id.*

[5] The haircut margin charge of the Clearing Fund formula for CNS trades and Balance Order trades is described in Procedure XV, Sections I.(A)(1)(a)(ii) and I.(A)(2)(a)(ii), respectively. *Supra* note 3.

[6] ''Family issued securities'' are defined in Procedure XV, Section I.(B). *Supra* note 3.

[7] *Supra* note 5.

[8] The methodology for calculating the Illiquid Charge has been effective for many years. NSCC evaluates the effectiveness of this methodology as part of its regular review of its margin calculations and any future changes would be subject to a separate proposed rule change pursuant to Section 19(b)(1) of the Act, and the rules thereunder, and advance notice pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010, and the rules thereunder. 15 U.S.C. 78s(b)(1); 12 U.S.C. 5465(e)(1).

Charge for each ''Illiquid Position.'' The term ''Illiquid Position'' means a Net Unsettled Position in an Illiquid Security that exceeds applicable volume thresholds, as described below. For NSCC Members that transact in Illiquid Positions, NSCC applies different volume thresholds and Illiquid Charge calculation methods for net buy Illiquid Positions or net sell Illiquid Positions, in order to address the different risk profiles of these positions.[9]

a. Net Buy Illiquid Positions

The Illiquid Charge only applies to a Member's net buy position in Illiquid Securities with a share price below one cent that meets the applicable volume threshold, as described below, such that it is an Illiquid Position.

NSCC assesses the Illiquid Charge on a Member's net buy position if that position meets a volume threshold of greater than 100 million shares for a Member with a rating on NSCC's credit risk matrix (''CRRM rating'') [10] of 1–4, and a volume threshold of greater than 10 million shares for a Member with a CRRM rating of 5–7. A Member with a stronger CRRM rating would be assessed an Illiquid Charge on net buy Illiquid Positions at a higher volume threshold because NSCC believes these Members pose a lower risk of default.[11]

If the volume threshold is met, the net buy position in Illiquid Securities is an Illiquid Position and is subject to the Illiquid Charge. The Illiquid Charge only applies to net buy Illiquid Positions in Illiquid Securities with a share price below one cent. If a transaction in any security, including an Illiquid Security, with a share price below one cent is entered into NSCC's Continuous Net Settlement system or Balance Order Accounting Operation, NSCC rounds up the price of the security to one cent. Therefore, when a Member holds a buy position in a sub-penny security, NSCC records the position's value at a higher price than the actual per share price of the position. The difference may reduce the Member's Required Deposit, particularly for a large quantity of buy positions in a sub-penny security.

To address this risk, NSCC calculates the Illiquid Charge for net buy Illiquid Positions by multiplying the aggregate quantity of shares in such positions by one cent. NSCC assesses and collects the resulting amounts as the Illiquid Charge component of affected Members' Required Deposit.

b. Net Sell Illiquid Positions

The Illiquid Charge only applies to a Member's net sell position in Illiquid Securities if that position meets the applicable volume threshold, as described below, such that it is an Illiquid Position.

When determining if the volume thresholds for net sell positions in Illiquid Securities apply, NSCC first offsets the quantity of shares in a Member's sell position against the number of shares of the same Illiquid Security held by the Member at The Depository Trust Company (''DTC inventory offset''). Consequently, a Member could fall below the applicable volume thresholds after this offset, and therefore, would not be subject to the Illiquid Charge. The DTC inventory offset is not applied to Members with the weakest CRRM rating.[12]

Therefore, subject to the DTC inventory offset, if applicable, NSCC assesses the Illiquid Charge on a Member's net sell position if that position meets a volume threshold that is based on the percentage of the average daily volume (''ADV'') [13] of the position in Illiquid Securities, that Member's CRRM rating, and, in some cases, that Member's excess net capital (''ENC'').

The volume threshold is 1 million shares for Members with a CRRM rating between 1–4, when the net sell position in Illiquid Securities represents more than or equal to 25 percent of the ADV. The volume threshold is 500,000 shares for Members with a CRRM rating between 5–7, when the net sell position in Illiquid Securities represents more than or equal to 25 percent of the ADV and the Member's ENC is greater than $10 million. The volume threshold is 100,000 shares for Members with a CRRM rating between 5–7, when the net sell position in Illiquid Securities represents more than or equal to 25 percent of the ADV and the Member's ENC is less than or equal to $10 million.

If the volume threshold is met, the net sell position in Illiquid Securities is an Illiquid Position and is subject to the Illiquid Charge. To calculate the Illiquid Charge for net sell Illiquid Positions, NSCC considers (a) the Current Market Price [14] of the subject Illiquid Security and (b) the quantity of shares in such position compared to the ADV of that Illiquid Security, as set forth below. Additionally, the Illiquid Charge is substituted by minimum price per share if certain conditions are met, as described below.

(A) If the Illiquid Position has a Current Market Price equal to or below $1.00, NSCC calculates the Illiquid Charge as the product of the aggregate quantity of shares in the Illiquid Position and either (i) the highest market price of the Illiquid Security during the preceding 20 trading days (''One Month High Price'') [15] or (ii) the Current Market Price of the Illiquid Security multiplied by a factor between 2 and 10, depending on the market price.[16]

(B) If the Illiquid Position has a Current Market Price that is greater than $1.00, NSCC calculates the Illiquid Charge as the product of the aggregate quantity of shares in the Illiquid Position and either (i) the One Month High Price or (ii) the Current Market Price of the Illiquid Security rounded up to the next $0.50 increment.

In determining whether to use the One Month High Price or the Current Market Price of the Illiquid Security to calculate the Illiquid Charge, NSCC compares the percentage of the ADV to the share quantity in the Illiquid Position. If the share quantity in the Illiquid Position is less than 100 percent of the ADV and more than or equal to 25 percent, then the calculation uses the lesser of the One Month High Price or the Current Market Price of the Illiquid Securities (rounded up to the next $0.50 increment, if applicable). If the quantity of shares in the Illiquid Position is greater than or equal to 100 percent of the ADV, then the calculation uses the greater of the One Month High Price or the Current Market Price of the Illiquid Security (rounded up to the next $0.50 increment, if applicable).

[9] In the event of a Member default, NSCC would complete the liquidation of an Illiquid Position by buying or selling that position into the market. The different risk profiles of net buy positions and net sell positions are based on, in part, the difference in the potential responsiveness of prices change to quantity that may occur when NSCC is liquidating a net buy position in an Illiquid Security, compared to when it is liquidating a net sell position in an Illiquid Security.

[10] *See* Rule 2B, Section 4, *supra* note 3. The credit risk matrix applies a 7-point rating system, with ''1'' being the strongest rating and ''7'' being the weakest rating. Members with a weaker CRRM rating present a heightened credit risk to NSCC or have demonstrated a higher risk related to their ability to meet settlement. Members that are not rated by the credit risk matrix are not subject to the Illiquid Charge.

[11] *Id.*

[12] *Id.*

[13] ''ADV'' is the average daily volume over the most recent twenty business days as determined by NSCC.

[14] The term ''Current Market Price'' is defined in Rule 1. *Supra* note 3.

[15] The ''One Month High Price'' means the highest of all NSCC observed market prices over the most recent 20 trading day period for purposes of the Illiquid Charge.

[16] Generally, the factor applied would be 10 where the market price is less than $0.10; the factor applied would be 5 where the market price is between $0.10 and $0.20; the factor applied would be 2 where the market price is between $0.20 and $1.00. Where the market price is greater than $1.00, a $0.50 price increment is applied.

Furthermore, depending on the result of the calculation described above, the Illiquid Charge would remain subject to a minimum price per share, which shall not be less than $0.01. Therefore, when calculating the Illiquid Charge, the One Month High Price or the Current Market Price of the Illiquid Security is substituted by the minimum price per share if the One Month High Price or the Current Market Price, as applicable, is below the minimum price per share.

3. Exceptions and Exclusions From the Illiquid Charge

In order to avoid duplicate margin charges, NSCC does not apply the Illiquid Charge to Illiquid Positions when a greater Market Maker Domination (''MMD'') charge is also applicable to those positions. The MMD charge applies to a position in a security that is greater than forty percent of the overall unsettled Long Position in that security, if such position is held by the Market Maker in that security.[17] NSCC also excludes family-issued securities from the definition of Illiquid Securities.

a. Market Maker Domination Charge Exception

NSCC assesses and collects an MMD charge as part of a Member's Required Deposit to address the risk presented by a concentrated position in a security when the Member holding the position is the market maker. There may be instances when a Member's Illiquid Position triggers both the Illiquid Charge and the MMD charge. Because these margin components are calculated to address duplicative risk concerns, NSCC imposes only the greater of the two charges when both charges are applicable.

Additionally, in order to improve clarity and create ease of reference in the Rules, NSCC would amend the Rules by defining the term ''Market Maker Domination Charge'' in Procedure XV, Section I.(A)(1)(d) and using the defined term in Section I.(A)(2)(c).[18]

b. Family-Issued Securities Charge Exception

Additionally, family-issued securities are excluded from the definition of Illiquid Securities and, therefore, are not subject to the Illiquid Charge. Family-issued securities have a different risk profile than other illiquid securities. In particular, these securities expose NSCC to specific wrong-way risk.[19] Therefore, NSCC margins family-issued securities separately, through the margining methodology that currently applies to these securities, in order to address those unique risk characteristics.[20]

In order to improve clarity and because family-issued securities have a different risk profile than other illiquid securities, NSCC would exclude family-issued securities from the definition of ''Illiquid Security'' in the proposed rule change.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act, requires, in part, that the Rules be designed to assure the safeguarding of securities and funds that are within the custody or control of the clearing agency.[21] By incorporating the Illiquid Charge into the Rules, the proposed change helps protect NSCC from potential losses in the event that a Member defaults. Specifically, the Illiquid Charge is calculated and collected by NSCC in order to mitigate the risk that its liquidation of Illiquid Securities, following a Member default, is difficult or delayed due to the nature of those securities, as described above. Therefore, by enabling NSCC to better assess and collect funds, as it deems necessary, the Illiquid Charge would promote the safeguarding of securities and funds that are within its custody or control, consistent with the requirements of Section 17(b)(3)(F) of the Act.[22]

Rule 17Ad–22(b)(1) under the Act requires, in part, that NSCC establish, implement, maintain and enforce written policies and procedures reasonably designed to limit its exposures to potential losses from defaults by its Members under normal market conditions, so that NSCC's operations would not be disrupted and non-defaulting participants would not be exposed to losses that it cannot anticipate or control.[23] Illiquid Securities lack marketability, may present insufficient access to a trading venue, and may have low and volatile share prices. Therefore, the Illiquid Charge is designed to mitigate the risk that NSCC faces that liquidation of these securities in the event of a Member default could be difficult or delayed as a result of these characteristics. As such, this charge is designed to obtain funds from Members that are sufficient to cover the risks presented by such Illiquid Position. This management of NSCC's credit exposures to its Members is consistent with Rule 17Ad–22(b)(1) under the Act.[24]

Rule 17Ad–22(b)(2) under the Act requires NSCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to use margin requirements to limit its credit exposures to participants under normal market conditions.[25] The Illiquid Charge is a component of Members' Required Deposits, which are calculated to ensure that NSCC covers its credit exposures at a confidence level of at least 99 percent under normal market conditions. Therefore, NSCC believes that the proposed rule change is consistent with Rule 17Ad–22(b)(2) under the Act.[26]

The proposal is also designed to be consistent with Rules 17Ad–22(e)(4) and (e)(6) under the Act, which were recently adopted by the Commission.[27] Rule 17Ad–22(e)(4)(i) will require NSCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to Members and those exposures arising from its payment, clearing, and settlement processes, including by maintaining sufficient financial resources to cover its credit exposure to each Member fully with a high degree of confidence.[28] NSCC's Illiquid Charge is calculated and imposed to cover credit exposures estimated by NSCC based on the amount and nature of Illiquid Securities in a Member's portfolio and is designed to obtain from such Member financial resources sufficient to cover those credit exposures posed by such Illiquid Positions with a high degree of confidence. NSCC believes that management of its credit exposure to

[17] For purposes of calculating the MMD charge, the overall unsettled Long Position is calculated as the sum of each Member's net Long Position. Application and calculation of the MMD charge is described in Procedure XV of the Rules, Sections I.(A)(1)(d) and I.(A)(2)(c). *Supra* note 3.

[18] *Supra* note 3.

[19] *See* Principles for financial market infrastructures, issued by the Committee on Payment and Settlement Systems and the Technical Committee of the International Organization of Securities Commissions 47n.65 (April 2012), available at *http://www.bis.org/publ/cpss101a.pdf.*

[20] The definition of family-issued securities and the margin methodology applicable to positions in these securities is described in Procedure XV of the Rules, Section I.(B)(1). *Supra* note 3.

[21] 15 U.S.C. 78q–1(b)(3)(F).

[22] *Id.*

[23] 17 CFR 240.17Ad–22(b)(1).

[24] *Id.*

[25] 17 CFR 240.17Ad–22(b)(2).

[26] *Id.*

[27] The Commission adopted amendments to Rule 17Ad–22, including the addition of new subsection 17Ad–22(e), on September 28, 2016. *See* Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016) (S7–03–14). NSCC is a ''covered clearing agency'' as defined by new Rule 17Ad–22(a)(5) and must comply with new subsection (e) of Rule 17Ad–22 by April 11, 2017. *Id.*

[28] *Id.*

Members in this way is consistent with Rule 17Ad–22(e)(4)(i) under the Act.[29]

Rule 17Ad–22(e)(6)(v) and (vi) under the Act will require, in part, NSCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its Members by establishing a risk-based margin system that, at a minimum, uses an appropriate method for measuring credit exposure that accounts for relevant product risk factors and portfolio effects across products and is monitored by management on an ongoing basis and regularly reviewed, tested and verified.[30] The Illiquid Charge is determined using a risk-based margin methodology designed to maintain the coverage of NSCC's credit exposures to its Members at a confidence level of at least 99 percent. The charge is calculated to address the unique risk characteristics presented by Illiquid Securities, specifically their lack of marketability and their low and volatile share prices. Therefore, NSCC believes that the proposal is also consistent with Rule 17Ad–22(e)(6)(v) and (vi) under the Act.[31]

(B) Clearing Agency's Statement on Burden on Competition

NSCC does not believe that the Illiquid Charge imposes any burden on competition that is not necessary or appropriate.[32] This charge is necessary for NSCC to limit its exposures to potential losses from defaults by Members. The Illiquid Charge is imposed on Members on an individualized basis in an amount reasonably calculated to mitigate the risks posed to NSCC by Illiquid Securities. NSCC employs reasonable methods to calculate and impose an individualized charge in an amount designed to address the risk that NSCC's liquidation of Illiquid Securities, following a Member default, is difficult or delayed due to the risk characteristics of these securities, as described above. NSCC believes any burden on competition imposed by the addition of the Illiquid Charge to the Rules would be necessary and appropriate to limit NSCC's exposures to the risks being mitigated by such charge.

[29] *Id.*

[30] *Id.*

[31] *Id.*

[32] 15 U.S.C. 78q–1(b)(3)(I).

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received any written comments relating to this proposal. NSCC will notify the Commission of any written comments it receives.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self- regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NSCC–2017–001 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–NSCC–2017–001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of NSCC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NSCC–2017–001 and should be submitted on or before April 12, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05606 Filed 3–21–17; 8:45 am]

BILLING CODE 8011–01–P

[33] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 9925]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Abstract Expressionism Behind the Iron Curtain'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that the objects to be included in the exhibition ''Abstract Expressionism Behind the Iron Curtain,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Pollock-Krasner House and Study Center, East Hampton, New York, from on or about August 3, 2017,

until on or about October 28, 2017, at the Steinberg Museum of Art, Greenvale, New York, from on or about November 10, 2017, until on or about April 7, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–05650 Filed 3–21–17; 8:45 am]

BILLING CODE 4710–05–P

STATE JUSTICE INSTITUTE

SJI Board of Directors Meeting, Notice

AGENCY: State Justice Institute (SJI).

ACTION: Notice of meeting.

SUMMARY: The SJI Board of Directors will be meeting on Monday, April 3, 2017 at 1:00 p.m. The meeting will be held at the Tennessee Administrative Office of the Courts. The purpose of this meeting is to consider grant applications for the 2nd quarter of FY 2017, and other business. All portions of this meeting are open to the public.

ADDRESSES: Tennessee Administrative Office of the Courts, Conference Room, 6th Floor, 511 Union Street, Nashville, Tennessee 37219.

FOR FURTHER INFORMATION CONTACT: Jonathan Mattiello, Executive Director, State Justice Institute, 11951 Freedom Drive, Suite 1020, Reston, VA 20190, (571) 313–8843, *contact@sji.gov*.

Jonathan D. Mattiello,

Executive Director.

[FR Doc. 2017–05615 Filed 3–21–17; 8:45 am]

BILLING CODE P

SURFACE TRANSPORTATION BOARD

[STB Docket No. EP 670 (Sub-No. 1)]

Notice of Rail Energy Transportation Advisory Committee Meeting

AGENCY: Surface Transportation Board.

ACTION: Notice of Rail Energy Transportation Advisory Committee meeting.

SUMMARY: Notice is hereby given of a meeting of the Rail Energy Transportation Advisory Committee (RETAC), pursuant to the Federal Advisory Committee Act (FACA).

DATES: The meeting will be held on Thursday, April 6, 2017, at 9:00 a.m. E.D.T.

ADDRESSES: The meeting will be held in the Hearing Room on the first floor of the Board's headquarters at 395 E Street SW., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Jason Wolfe (202) 245–0239; *Jason.Wolfe@stb.gov.* [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877–8339].

SUPPLEMENTARY INFORMATION: RETAC was formed in 2007 to provide advice and guidance to the Board, and to serve as a forum for discussion of emerging issues related to the transportation of energy resources by rail, including coal, ethanol, and other biofuels. *Establishment of a Rail Energy Transportation Advisory Committee,* Docket No. EP 670. The purpose of this meeting is to continue discussions regarding issues such as rail performance, capacity constraints, infrastructure planning and development, and effective coordination among suppliers, carriers, and users of energy resources. Potential agenda items for this meeting include a performance measures review, industry segment updates by RETAC members, a presentation on trends in coal-fired electricity generation, and a roundtable discussion.

The meeting, which is open to the public, will be conducted in accordance with the Federal Advisory Committee Act, 5 U.S.C. app. 2; Federal Advisory Committee Management regulations, 41 CFR 102–3; RETAC's charter; and Board procedures. Further communications about this meeting may be announced through the Board's Web site at *www.stb.gov.*

Written Comments: Members of the public may submit written comments to RETAC at any time. Comments should be addressed to RETAC, c/o Jason Wolfe, Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001 or *Jason.Wolfe@stb.gov.*

Authority: 49 U.S.C. 1321, 49 U.S.C. 11101; 49 U.S.C. 11121.

Decided: March 16, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2017–05725 Filed 3–21–17; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

60-Day Notice of Intent To Seek Extension of Approval: Waybill Sample

AGENCY: Surface Transportation Board.

ACTION: Notice and Request for Comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (STB or Board) gives notice that it is requesting from the Office of Management and Budget (OMB) an extension of approval for the collection of the Waybill Sample.

DATES: Comments on this information collection should be submitted by May 22, 2017.

ADDRESSES: Direct all comments to Chris Oehrle, PRA Officer, Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001, or to *PRA@stb.gov.* When submitting comments, please refer to ''Paperwork Reduction Act Comments, Waybill Sample.''

FOR FURTHER INFORMATION CONTACT: For further information regarding this collection, contact Michael Higgins, Deputy Director, Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0284 or at *Michael.Higgins@stb.gov.* [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: For each collection, comments are requested concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

Description of Collection

Title: Waybill Sample.

OMB Control Number: 2140–0015.

STB Form Number: None.

Type of Review: Extension with change (based on staff's estimates, the number of respondents changed from 51 to 53 and the hourly burdens for responses changed marginally).

Respondents: Any railroad that is subject to the Interstate Commerce Act and that terminated at least 4,500 revenue carloads on its lines in any of the three preceding years or that terminated at least 5% of the revenue carloads terminating in any state in any of the three preceding years. Railroads that are required to report Waybill Samples may do so either quarterly or monthly, and may either sample their own waybills or have Railinc conduct their sampling. As a result, there are four categories of Respondents discussed below: (1) Five railroads that conduct their own sampling, and report monthly, quarterly, and annually; (2) two railroads that conduct their own sampling, and report quarterly and annually; (3) two railroads that have Railinc sample their waybills, and report monthly, quarterly, and annually; and (4) 44 railroads that have Railinc sample their waybills, and report quarterly and annually.

Number of Respondents: 53.

Estimated Time per Response: Forty-two and a half hours for each of the five railroads that conduct their own sampling, and report monthly, quarterly, and annually (assuming 2.5 hours to conduct the sampling per sample submitted). Twelve and a half hours for each of the two railroads that conduct their own sampling and report quarterly and annually (assuming 2.5 hours to conduct the sampling per sample submitted). Twenty-one and one quarter hours for each of the two railroads that have Railinc sample their waybills, and report monthly, quarterly, and annually (assuming 1.25 hours per sample submitted). Six and a quarter hours for each of the 44 railroads that have Railinc sample their waybills, and report quarterly and annually (assuming 1.25 hours per sample submitted).

Frequency: Seven (7) respondents report monthly; 46 report quarterly.

Total Burden Hours (annually including all respondents): 555 hours. This estimate is made up of the annual burden hours for the (a) five railroads that conduct their own sampling, and report monthly, quarterly, and annually (85 responses × 2.5 hours = 212.50 hours), (b) two railroads that conduct their own sampling, and report quarterly and annually (10 responses × 2.5 hours = 25 hours), (c) two railroads that have Railinc sample their waybills, and report monthly, quarterly, and annually (34 responses × 1.25 hours = 42.50 hours), and (d) 44 railroads that have Railinc sample their waybills, and report quarterly and annually (220 responses × 1.25 hours = 275.00 hours).

Total ''Non-hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified.

Needs and Uses: The Surface Transportation Board is, by statute, responsible for the economic regulation of common carrier rail transportation in the United States. The information in the Waybill Sample is used by the Board, other Federal and state agencies, and industry stakeholders to monitor traffic flows and rate trends in the industry, and to develop testimony in Board proceedings. The Board has authority to collect this information under 49 U.S.C. 11144 and 11145.

Under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under 44 U.S.C. 3506(c)(2)(A), federal agencies are required to provide, prior to an agency's submitting a collection to OMB for approval, a 60-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: March 17, 2017.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2017–05713 Filed 3–21–17; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36106]

2nd & Main, LLC—Acquisition and Operation Exemption—Norland North Chicago, LLC

2nd & Main, LLC (2ML), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Norland North Chicago, LLC (Norland) and operate approximately 540 feet of rail line between a point of connection on its north end to a main track of the Elgin, Joliet & Eastern Railway Company (now Canadian National Railway Company) and a point of connection on its southwest end to a main track of the Chicago & North Western Railway Company (now Union Pacific Railroad Company), in North Chicago, in Lake County, Ill. (the Line). According to 2ML, there are no milepost designations on the Line.

The verified notice indicates that the transaction will be consummated shortly after April 5, 2017, the effective date of the exemption (30 days after the notice of exemption was filed).[1]

2ML certifies that its projected annual revenues as a result of this transaction will not result in its becoming a Class II or Class I rail carrier and will not exceed $5 million.

2ML states that there are no interchange commitments.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than March 29, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36106, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Thomas F. McFarland, 208 South LaSalle St., Suite 1666, Chicago, IL 60604–1228.

Board decisions and notices are available on our Web site at ''*WWW.STB.GOV*.''

Decided: March 17, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2017–05716 Filed 3–21–17; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. MCF 21075 [1]]

Cavallo Bus Lines, LLC—Acquisition of Control of Assets—White Knight Limousine, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice Tentatively Approving and Authorizing Finance Transaction.

SUMMARY: On March 8, 2017, Cavallo Bus Lines (Cavallo) and White Knight Limousine, Inc. (White Knight)

[1] 2ML's notice is related to a notice of exemption filed in *Hussey Terminal Railroad Company—Acquisition & Operation Exemption—2nd & Main, LLC,* Docket No. FD 36103, in which Hussey Terminal Railroad Company seeks Board authority to acquire the Line from 2ML. That notice is contingent upon this notice becoming effective.

(collectively, Applicants) filed an application for Cavallo to purchase certain assets (including motorcoaches and contracts) of White Knight used to provide certain motor carrier services. The Board is tentatively approving and authorizing the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by May 8, 2017. Applicants may file a reply by May 22, 2017. If no comments are filed by May 8, 2017, this notice shall be effective on May 9, 2017.

ADDRESSES: Send an original and 10 copies of any comments referring to Docket No. MCF 21075 to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, send one copy of comments to Cavallo's representative: David H. Coburn, Steptoe & Johnson, LLP, 1330 Connecticut Ave. NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Jonathon Binet (202) 245–0368. Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On March 8, 2017, Cavallo Bus Lines (Cavallo) and White Knight Limousine, Inc. (White Knight) (collectively, Applicants) filed an application under 49 U.S.C. 14303 for Cavallo to purchase certain assets (including motorcoaches and contracts) of White Knight used to provide certain motor carrier services. The Board is tentatively approving and authorizing the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action. Persons wishing to oppose the application must follow the rules at 49 CFR 1182.5 and 1182.8.

Applicants assert the following facts. Cavallo, a Delaware limited liability company, is wholly owned by BCPL, LLC, a non-carrier holding company, and is not affiliated with any other companies. Cavallo provides contract and charter service from terminals in Gillespie, Ill.; Indianapolis, Ind.; and Springfield, Mo. (MC–101883). It primarily operates in the Midwest, but offers charter service nationwide. Cavallo currently operates approximately 110 motorcoaches; its contract customers include public and private universities and colleges. It also provides airport transfer service in several Midwest cities. White Knight is a Missouri corporation with no affiliates. It provides motorcoach charter and contract services as well as limousine and car services primarily out of Columbia, Mo., and occasionally out of Springfield, Mo. (MC–289901). It currently operates approximately 37 passenger motor vehicles (19 motorcoaches and 18 cars and limousines). White Knight's contract customers include university athletic departments and a minor league baseball team.

Applicants state that, under the proposed transaction, Cavallo will purchase motorcoaches and contracts associated with White Knight's contract and charter service in Missouri and Kansas. White Knight will sign a non-compete agreement prohibiting it from operating competing service for an agreed period of time and will provide Cavallo a right of first refusal in the event that White Knight decides to sell its other transportation operations.

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least: (1) The effect of the proposed transaction on the adequacy of transportation to the public; (2) the total fixed charges that result from the proposed transaction; and (3) the interest of carrier employees affected by the proposed transaction. Applicants submitted information, as required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b), and a statement that the aggregate gross operating revenues of Cavallo and White Knight exceeded $2 million for the preceding 12-month period under 49 U.S.C. 14303(g).[2]

Applicants submit that the proposed transaction will not have an adverse impact on the adequacy of transportation services available to the public. Applicants state that Cavallo, a significantly larger carrier than White Knight, has access to increased capital resources, increased interest cost savings, and reduced operating costs resulting from Cavallo's enhanced volume purchasing power. According to Applicants, the centralization of administrative functions and Cavallo's ability to achieve volume discounts will result in cost savings. Applicants also assert that the transaction will have no adverse impact on competition because at least five other motor passenger carriers operate in the same areas of Kansas and Missouri. Further, Applicants state the transaction will not have a materially adverse impact on employees as ''Cavallo intends to offer employment to the small number of employees currently providing the White Knight services at issue, provided that such employees meet certain minimum standards.''

On the basis of the application, the Board finds that the proposed acquisition is consistent with the public interest and should be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated, and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this notice will take effect automatically and will be the final Board action.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our Web site at *WWW.STB.GOV.*

It is ordered:

1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed as having been vacated.

3. Notice of this decision will be published in the **Federal Register**.

4. This notice will be effective May 9, 2017, unless opposing comments are filed by May 8, 2017.

5. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590.

Decided: March 16, 2017.

By the Board, Board Members Begeman, Elliott, and Miller.

Raina S. Contee,

Clearance Clerk.

[FR Doc. 2017–05603 Filed 3–21–17; 8:45 am]

BILLING CODE 4915–01–P

[1] Concurrently with their application, the parties also filed, in Docket MCF 21075 TA, a request under 49 U.S.C. 14303(i) to operate the assets to be acquired on an interim basis pending approval of the acquisition. In a decision served on March 17, 2017 in related Docket No. MCF 21075 TA, interim approval was granted, effective on the service date of that decision.

[2] Applicants with gross operating revenues exceeding $2 million are required to meet the requirements of 49 CFR 1182.2(a)(5).

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0428]

Hours of Service of Drivers: Application for Exemption; Truck Renting and Leasing Association, Inc. (TRALA)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that the Truck Renting and Leasing Association, Inc. (TRALA) has requested an exemption from the requirement that a motor carrier install and require each of its drivers to use an electronic logging device (ELD) to record the driver's hours-of-service (HOS) no later than December 18, 2017. TRALA requests the exemption for all drivers of property-carrying vehicles rented for 30 days or fewer because the ELD mandate will result in unintended technical and operational consequences that will unfairly and adversely affect short-term rental vehicles. TRALA believes that the exemption, if granted, would not have any adverse impacts on operational safety, as drivers would remain subject to the standard HOS limits and maintain a paper record of duty status (RODS). The term of the requested exemption is 5 years. FMCSA requests public comment on TRALA's application for exemption.

DATES: Comments must be received on or before April 21, 2017.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2016–0428 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the *Public Participation and Request for Comments* section below for further information.
- *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 or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.
- Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Tom Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2016–0428), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2016–0428'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

TRALA is a national trade association of companies whose members engage in commercial truck renting and leasing, vehicle finance leasing, and consumer truck rental. Its membership encompasses major independent firms such as Ryder System, Penske Truck Leasing, U-Haul, Budget, and Enterprise Truck Rental, as well as small and medium-size businesses that generally participate as members of four leasing group systems: Idealease, NationaLease, PACCAR Leasing Company, and Mack Leasing System-Volvo Truck Leasing System. In total, its nearly 500 member companies operate more than 5,000 commercial leasing and rental locations,

and more than 20,000 consumer rental locations throughout the United States, Mexico and Canada.

''Renting'' is a term of art in the vehicle leasing industry, generally meaning a transaction granting the exclusive use of a vehicle for 30 days or less, whereas a lease generally means a transaction granting the exclusive use of a vehicle for more than 30 days. TRALA's petition is on behalf of the drivers of property-carrying commercial motor vehicles (CMVs) rented for 30 days or less.

While TRALA fully supports the FMCSA's final rule to mandate ELDs, it is concerned about unintended technical and operational consequences that will unfairly and adversely affect short-term rental vehicles. The commercial vehicle rental industry provides short-term rental services to a large population of drivers on a daily basis. Most of these drivers will employ an ELD to comply with the new rule. Considering the significant number of different device platforms and subscription options, it is highly unlikely that the driver's device would be able to communicate properly with the rental company's telematics platform. TRALA states that while FMCSA recognized these issues presented by a lack of interoperability among ELD systems, and required certain technical specifications in the final rule, the Agency stopped short of requiring full interoperability among ELDs.

According to TRALA, many commenters to the proposed ELD rule raised these same interoperability concerns. However, the rule requires only that ELDs be able to transfer data electronically via either a ''telematics'' approach capable of wireless web service, or a ''local'' method capable of Bluetooth and USB 2.0 transfer. Furthermore, the Agency decided ''not to require full interoperability between all ELDs,'' reasoning that ''[a]lthough full interoperability would have some benefits, it would also be complicated and costly.'' In essence, according to TRALA, in the final rule the Agency left it to the ELD manufacturers to address many concerns regarding non-interoperability of the various software systems on the market.

TRALA elaborates on their two primary issues of concern relating to the exemption request: (1) Data transfer and, (2) data liability.

Regarding the data transfer concerns, TRALA describes two potential problems. First, a customer that is required to use an ELD may rent a truck that has one operating system, while the customer may use another operating system for its drivers; data cannot be transferred from the rental vehicle to the customer's system unless both ELDs are on the same platform. In addition, upon request by an authorized safety official, a driver must produce and transfer the driver's HOS records from an ELD in accordance with 49 CFR 395.24(d). This would include the driver's duty status for the current 24-hour period and the prior seven days. However, if the driver is operating a rental vehicle with an ELD that is not compatible with the driver's normal ELD system, the data will not transfer to the new vehicle's ELD system. That scenario would be considered an ''ELD malfunction'' and the driver would be required to reconstruct the RODS for the current 24-hour period and the previous seven consecutive days on graph grid paper logs. TRALA's exemption application requests that drivers of short-term rental vehicles be allowed to avoid the uncertainties of attempting compliance with the HOS rules using non-compatible ELD systems, and instead use paper RODS during the rental period.

Additionally, regarding data transfer concerns, due to significant use commercial vehicles are more prone to break-downs than non-commercial vehicles. TRALA advises that when commercial vehicles break-down, they are often replaced temporarily by short-term rental vehicles until the original truck can be repaired. These repairs can take days, if not several weeks, to complete. More often than not, replacement vehicles come from a third-party rental company, which increases the likelihood that the replacement truck will have a different ELD operating system than the vehicle it is replacing, thus impeding data transfer.

TRALA's second primary issue involves data liability concerns. TRALA states that it has been suggested that rental companies should be able to collect and report ELD data to customers, allowing customers to access the data seamlessly. However, the final rule does not require ELDs to be capable of reading and combining exported data from other providers. Furthermore, lessors do not have the ability to combine data from different devices into one report. TRALA states that requiring lessors to bear the burden of safeguarding the data for each renter would expose the rental company to tremendous risk with respect to data security and protection. All parties involved in the business transaction would probably reject rental companies' assumption of these risks on behalf of their customers.

TRALA also briefly mentions two potential solutions related to their exemption request. One potential solution is the use of a ''memory stick'' to transfer data between different telematics platforms. However, the ELD rule does not require that devices be capable of moving driver HOS data from one device to another using this method.

Secondly, some drivers of short-term rental vehicles will be exempt from the ELD requirements under the short-haul provisions in 49 CFR 395.1(e)(1) or 49 CFR 395.1(e)(2). To the extent that drivers of short-term rental vehicles exceed the mileage or daily on-duty time limits of these short-haul exemptions, or do not return to their normal work reporting locations at the end of the duty period more than 8 times in any 30-day period, they will be subject to the ELD requirements when compliance becomes mandatory as of December 18, 2017. Thus, although the short-haul exemption is helpful for a small group of drivers, TRALA asserts that it does not address the underlying challenges that it raises in its exemption application.

IV. Method To Ensure an Equivalent or Greater Level of Safety

TRALA states that granting this exemption will result in a level of safety that is equal to or greater than the level of safety achieved by complying with the ELD rule. The exemption is requested for property-carrying CMVs rented for 30 days or less. Short-term rentals that require HOS reporting represent an extremely small percentage of trucks on the road; however, the requirements of the ELD rule would impose significant burden on the industry and its customers. By allowing drivers of short-term rentals to continue to operate with paper RODS, TRALA's members and their customers would be able to comply with all Federal and State HOS regulations while continuing to operate efficiently and safely. TRALA further adds that an exemption from the ELD requirements for short-term rental vehicles will actually improve motor carrier safety enforcement by allowing enforcement officials to follow current requirements as opposed to a more complicated process required by the ELD rule.

A copy of TRALA's application for exemption is available for review in the docket for this notice.

Issued on: March 16, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–05632 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0032]

Commercial Driver's License Standards: Application for Exemption Renewal; Daimler Trucks North America (Daimler)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption renewal; request for comments.

SUMMARY: FMCSA announces that Daimler Trucks North America (Daimler) has requested an exemption renewal for one commercial motor vehicle (CMV) driver, Martin Zeilinger, from the Federal requirement to hold a commercial driver's license (CDL) issued by one of the States. This project engineer holds a valid German commercial license and wants to test-drive Daimler vehicles on U.S. roads to better understand product requirements for these systems in ''real world'' environments, and verify results. Daimler believes the requirements for a German commercial license ensure that holders of the license will likely achieve a level of safety equal to or greater than that of drivers who hold a U.S. State-issued CDL.

DATES: Comments must be received on or before April 21, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2012–0032 using any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the online 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 or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2012–0032), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2012–0032'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

Daimler has applied for an exemption renewal for one of its engineers from 49 CFR 383.23, which prescribes licensing requirements for drivers operating CMVs in interstate or intrastate commerce. This driver, Martin Zeilinger, holds a valid German commercial license but is unable to obtain a CDL in any of the U.S. States due to residency requirements. A copy of the application is in Docket No. FMCSA–2012–0032.

FMCSA initially granted an exemption to Mr. Zeilinger on March 27, 2015 (80 FR 16511). This exemption was effective March 27, 2015, and expires March 27, 2017. Detailed information about the qualifications and experience of Mr. Zeilinger was provided by Daimler in its original application, a copy of which is in the docket.

The exemption renewal would allow Mr. Zeilinger to operate CMVs in interstate or intrastate commerce to

support Daimler field tests designed to meet future vehicle safety and environmental requirements and to develop improved safety and emission technologies. According to Daimler, Mr. Zeilinger will typically drive for no more than 6 hours per day for 2 consecutive days, and 10 percent of the test driving will be on two-lane State highways, while 90 percent will be on interstate highways. The driving will consist of no more than 200 miles per day, for a total of 400 miles during a two-day period on a quarterly basis. He will in all cases be accompanied by a holder of a U.S. CDL who is familiar with the routes to be traveled. Daimler requests that the exemption cover the maximum allowable duration of 5 years.

Daimler has explained in prior exemption requests that the German knowledge and skills tests and training program ensure that Daimler's drivers operating under the exemption will achieve a level of safety that is equivalent to, or greater than, the level of safety obtained by complying with the U.S. requirement for a CDL.

IV. Method To Ensure an Equivalent or Greater Level of Safety

FMCSA has previously determined that the process for obtaining a German commercial license is comparable to, or as effective as, the requirements of part 383, and adequately assesses the driver's ability to operate CMVs in the U.S. Since 2012, FMCSA has granted Daimler drivers similar exemptions [May 25, 2012 (77 FR 31422); July 22, 2014 (79 FR 42626); March 27, 2015 (80 FR 16511); October 5, 2015 (80 FR 60220); December 7, 2015 (80 FR 76059); December 21, 2015 (80 FR 79410)].

Issued on: March 16, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–05652 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0045]

Agency Information Collection Activities; Revision of an Approved Information Collection: Request for Revocation of Authority Granted

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. The FMCSA requests approval to renew an ICR titled, ''Request for Revocation of Authority Granted.''

DATES: We must receive your comments on or before May 22, 2017.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2017–0045. Using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Tura Gatling, Office of Registration Information and Licensing, Department of Transportation, OA, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–385–2412; email *tura.gatling@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Federal Motor Carrier Safety Administration (FMCSA) registers for-hire motor carriers of regulated commodities under 49 U.S.C. 13902, surface freight forwarders under 49 U.S.C. 13903, and property brokers under 49 U.S.C. 13904. Each registration is effective from the date specified under 49 U.S.C. 13905(c).

Subsection (d) of 49 U.S.C. 13905 also provides that on application of the registrant, the Secretary may amend or revoke a registration. Form OCE–46 allows these transportation entities to apply voluntarily for revocation of their registration (operating rights) or parts thereof. If the transportation entity fails to maintain evidence of the required level of insurance coverage on file with FMCSA, its registration (operating authority) will be revoked involuntarily. Although the effect of both types of revocation is the same, some carriers prefer to request voluntary revocation. For various business reasons, a carrier may request revocation of some part, but not all, of its operating authority.

This information collection supports the DOT Strategic Goal of Safety by enabling motor carriers to voluntarily request revocation of operating authority, or some part of that authority, by identifying themselves to the FMCSA.

A completed Form OCE–46 is filed with FMCSA by the registrant for the purpose of requesting that all, or a part, of its registration be revoked. The information contained on the form is used by the FMCSA in making a determination on the revocation request. The use of Form OCE–46 has proven to be an easy and effective means by which a registrant can request revocation of its registration.

Form OCE–46 is filed by registrants on a voluntary, and for the most part, one-time basis. It calls for a very limited amount of information to identify the registrant and the scope of its request. Thus, the information collection itself

has not been automated, although the information collected is ultimately entered into an automated data base. Eighty five percent (85%) of the Form OCE–46 filings are submitted electronically to FMCSA. This ICR is being revised due to an anticipated increase in the estimated number of annual filings from 3,000 to 3,501 and to account for the cost of notarizing and mailing Form OCE–46.

Title: Request for Revocation of Authority Granted.

OMB Control Number: 2126–0018.

Type of Request: Revision of a currently approved collection.

Respondents: For-hire motor carriers of regulated commodities, surface freight forwarders, and property brokers.

Estimated Number of Respondents: 3,501.

Estimated Time per Response: 0.25 hours.

Expiration Date: July 31, 2017.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 875 hours [3,501 responses × 0.25 hour = 875].

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: March 16, 2017.

Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2017–05631 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0354]

Agency Information Collection Activities; Extension of a Currently-Approved Information Collection: Accident Recordkeeping Requirements

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for approval and invites public comment. FMCSA requests approval to extend the ICR entitled ''*Accident Recordkeeping Requirements.*'' This ICR relates to Agency requirements that motor carriers maintain a record of accidents involving their commercial motor vehicles (CMVs). Motor carriers are not required to report this data to FMCSA, but must produce it upon inquiry by authorized Federal, State or local officials.

DATES: We must receive your comments on or before May 22, 2017.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA–2016–0354 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *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 or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments see the Public Participation heading below. Note that all comments received will be posted without change to *www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdfE8-794.pdf.*

Public participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–4325; email *tom.yager@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

Title 49 of the Code of Federal Regulations, Section 390.15(b), requires motor carriers to make certain specified records and information pertaining to CMV accidents available to an authorized representative or special agent of the FMCSA upon request or as part of an inquiry. Motor carriers are required to maintain an ''accident register'' consisting of information concerning all ''accidents'' involving their CMVs (49 CFR 390.15(b)(see ''Definition: Accident'' below). The following information must be recorded for each accident: Date, location, driver name, number of injuries, number of fatalities, and whether certain dangerous hazardous materials were released. In addition, the motor carrier must maintain copies of all accident reports required by insurers or governmental entities. Motor carriers must maintain this information for three years after the date of the accident. Section 390.15 does not require motor carriers to submit any information or records to FMCSA or any other party.

This ICR supports the DOT strategic goal of safety. By requiring motor carriers to gather and record information concerning CMV accidents, FMCSA is strengthening its ability to assess the safety performance of motor carriers. This information is a valuable resource in Agency initiatives to prevent, and reduce the severity of, CMV crashes.

The Agency increases its estimate from 26,700 to 36,157 burden hours. The regulation has not changed; the increase in burden hours does not

reflect changes in the requirements for accident recordkeeping. The increase is due to two revised estimates: (1) The population of motor carriers subject to the regulation, from 520,000 to 886,122, and (2) the number of reportable accidents, from 89,000 to 120,522. The Agency has amended the population of motor carriers to include the accident recordkeeping burden of intrastate motor carriers. In past estimates, the Agency had taken the position that the accident recordkeeping of intrastate carriers occurred as a result of State law. However, the OMB has directed FMCSA to include such intrastate activities in its IC estimates, so we do so in this burden estimate statement for the first time. The Agency estimates that 886,122 interstate and intrastate motor carriers are subject to accident register requirements (508,367 interstate and 377,755 intrastate motor carriers). The Agency further estimates that the number of accidents that must be reported by intrastate or interstate motor carriers is 120,522.

Title: Accident Recordkeeping Requirements.

OMB Control Number: 2126–0009.

Type of Request: Extension of a currently approved information collection.

Respondents: Motor Carriers.

Estimated Number of Respondents: 886,122 motor carriers.

Estimated Number of Responses: 120,522.

Estimated Time per Response: 18 minutes.

Expiration Date: July 31, 2017.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 36,157 hours [120,522 accidents × 18 minutes per response/60 minutes in an hour].

Definition: ''*Accident*'' is an occurrence involving a CMV operating on a public road which results in: (1)A fatality, (2) bodily injury to a person who, as a result of the injury, receives medical treatment away from the scene of the accident, or (3) one or more motor vehicles being towed from the scene (49 CFR 390.5).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the collection is necessary for the FMCSA's performance; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: March 16, 2017.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2017–05629 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for projects in Seattle and King County, WA. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

DATES: By this notice, FTA is advising the public of final agency actions subject to Section 139(l) of Title 23, United States Code (U.S.C.). A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before August 21, 2017.

FOR FURTHER INFORMATION CONTACT: Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577 or Meghan Kelley, Environmental Protection Specialist, Office of Environmental Programs, (202) 366–6098. FTA is located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation projects listed below. The actions on the projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the projects to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the projects. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at *https://www.fta.dot.gov.*

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321–4375], Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The projects and actions that are the subject of this notice are:

1. *Project name and location:* Seattle Center City Connector Project, Seattle, WA. *Project sponsor:* Seattle Department of Transportation (SDOT). *Project description:* The proposed project would create 1.25 miles of new trackway linking the existing South Lake Union and First Hill Streetcar lines, operating in public streets in Seattle's downtown commercial district. The route would start at the Westlake Intermodal Hub at Westlake Avenue and Sixth Avenue North, head south and turn west onto Stewart Street to First Avenue, and continue south along First Avenue to connect with the First Hill Streetcar Station at South Jackson Street and Occidental Avenue South. *Final agency actions:* Section 4(f) *de minimis* impact determination; Section 106 finding of no adverse effect; project-level air quality conformity; and a Finding of No Significant Impact, dated February 16, 2017. *Supporting Documentation:* Environmental Assessment, dated March 2016.

2. *Project name and location:* Federal Way Link Extension Project, King County, WA. *Project sponsor:* Central Puget Sound Regional Transit Authority (Sound Transit). *Project description:* The proposed project would extend the Sound Transit Link light rail system by 7.8 miles from Angle Lake Station in SeaTac south through Des Moines and Kent, terminating in Federal Way. The route would travel along the west side of Interstate 5 and would include stations at Kent/Des Moines near Highline College, South 272nd Street, and the Federal Way Transit Center. *Final agency actions:* No use determination of Section 4(f) resources; Section 106 finding of no historic properties affected; project-level air quality conformity; and a Record of Decision, dated March 6, 2017. *Supporting Documentation:* Final

Environmental Impact Statement, dated November 18, 2016.

Lucy Garliauskas,

Associate Administrator Planning and Environment.

[FR Doc. 2017–05635 Filed 3–21–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0046]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel LAU LEA; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 21, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0046. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel LAU LEA is:

—INTENDED COMMERCIAL USE OF VESSEL: ''Coastwise passenger for hire charter intended for transportation, sightseeing, and whale watching.''

—GEOGRAPHIC REGION: ''California''

The complete application is given in DOT docket MARAD–2017–0046 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

By Order of the Maritime Administrator.

Dated: March 17, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–05659 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0049]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel CLOSE E NUFF; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 21, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0049. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel CLOSE E NUFF is:

—INTENDED COMMERCIAL USE OF VESSEL: ''Six pack charters''

—GEOGRAPHIC REGION: ''Maryland, Virginia, North Carolina''

The complete application is given in DOT docket MARAD–2017–0049 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver

criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

By Order of the Maritime Administrator.

Dated: March 17, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–05661 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0031]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SLO GIN; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 21, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0031. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SLO GIN is:

—INTENDED COMMERCIAL USE OF VESSEL: ''Company Use and Light Charter''

—GEOGRAPHIC REGION: ''Florida''

The complete application is given in DOT docket MARAD–2017–0031 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administrator.

Dated: March 17, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–05657 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0045]

Agency Requests for Renewal of a Previously Approved Information Collection(s): Voluntary Intermodal Sealift Agreement (VISA)

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information to be collected will be used by MARAD and the U.S. Transportation Command, and its components, to assure the continued availability of commercial sealift resources to meet the Department of Defense (DOD) military requirements. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Written comments should be submitted by May 22, 2017.

ADDRESSES: You may submit comments [identified by Docket No. DOT–MARAD–2017–0045] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: William McDonald, 202–366–0688, Office of Sealift Support, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC, 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0532.

Title: Voluntary Intermodal Sealift Agreement (VISA).

Form Numbers: MA–1020.

Type of Review: Renewal of an information collection.

Background: The collection is in accordance with Section 708, Defense Production Act, 1950, as amended, under which participants agree to provide commercial sealift capacity and intermodal shipping services and systems necessary to meet national defense requirements. In order to meet national defense requirements, the government must assure the continued availability of commercial sealift resources. The information collection is needed by MARAD and the Department of Defense (DOD), including representatives from the U.S. Transportation Command, to evaluate and assess the applicants' eligibility for participation in the VISA program.

Respondents: Operators of qualified dry cargo vessels.

Number of Respondents: 40.

Frequency: Annually.

Number of Responses: 40.

Total Annual Burden: 200 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:93.

Dated: March 17, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–05655 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0020]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel FAST MOVING DIME; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 21, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0020. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel FAST MOVING DIME is:

—INTENDED COMMERCIAL USE OF VESSEL: ''Harbor Cruises, Whale Watching and Recreational Sportfishing''

—*Geographic Region:* ''California''

The complete application is given in DOT docket MARAD–2017–0020 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administrator.

Dated: March 17, 2017

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2017–05660 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0047]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel TO LIFE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 21, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0047. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for

inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel TO LIFE is:

—*Intended Commercial Use of Vessel:* ''harbor cruises, under 6 people for a few hours of touring Newport Beach area''

—*Geographic Region:* ''California''

The complete application is given in DOT docket MARAD–2017–0047 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.
Dated: March 17, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–05656 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0048]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel LEI ALOHA; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 21, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0048. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel LEI ALOHA is:

—INTENDED COMMERCIAL USE OF VESSEL: '': Coastwise commercial paid passenger charter for transportation, sightseeing, and whale watching.''

—GEOGRAPHIC REGION: ''California''

The complete application is given in DOT docket MARAD–2017–0048 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C.55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator
Dated: March 17, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–05658 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

[Docket No. DOT–OST–2017–0010]

Office of the Assistant Secretary for Research and Technology (OST–R); Request for Clearance for an Information Collection: Annual Tank Car Survey

AGENCY: Bureau of Transportation Statistics (BTS) Office of the Assistant Secretary for Research and Technology (OST–R), DOT.

ACTION: Notice and request for comments.

SUMMARY: The BTS is seeking approval from the Office of Management and Budget (OMB) for an information collection related to tank car facilities to obtain an estimate of tank cars projected to be modified or built to the new safer Department of Transportation (DOT) standards.

DATES: Interested persons are invited to submit comments on or before May 22, 2017.

ADDRESSES: You may submit comments identified by Docket No. DOT–OST–2017–0010 through the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. You may also submit comments identified by DOT Docket ID Number DOT–OST–2017–0010 to the U.S. Department of Transportation (DOT), Dockets Management System (DMS). You may submit your comments by mail or in person to the Docket Clerk, Docket Management System, U.S. Department of Transportation, 1200 New Jersey Ave. SE., West Building Room W12–140, Washington, DC 20590. Comments should identify the docket number as indicated above. Paper comments should be submitted in duplicate. The DMS is open for examination and copying, at the above address, from 9 a.m. to 5 p.m., Monday through Friday, except federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on Docket DOT–OST–2017–0010.'' The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (the Internet, fax, or professional delivery service) to submit comments to the docket and ensure their timely receipt at U.S. DOT. You may fax your comments to the DMS at (202) 493–2251. Comments can also be viewed and/or submitted via the Federal Rulemaking Portal: *http://www.regulations.gov.*

Please note that anyone is able to electronically search all comments received into our docket management system by the name of the individual submitting the comment (or signing the comment 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 (Volume 65, Number 70; pages 19475–19570) or you may review the Privacy Act Statement at *http://www.gpoaccess.gov/fr/.*

FOR FURTHER INFORMATION CONTACT: Clara Reschovsky, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology, Department of Transportation 1200 New Jersey Avenue SE., Room E34–409, Washington, DC 20590, Telephone (202) 366–2857.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of 44 U.S.C. Section 3506(c)(2)(A) (the Paperwork Reduction Act of 1995), this notice announces the intention of the BTS to request the Office of Management and Budget's (OMB's) approval for an information collection related to Section 7308 of the Fixing America's Surface Transportation Act (Pub. L. 114–94; the ''FAST Act''). Specifically, Section 7308(c) of the FAST ACT directs the Secretary of Transportation to conduct a survey of tank car facilities to obtain an estimate of tank cars projected to be modified or built to the new safer Department of Transportation (DOT) Specification 117 or 117R. In order to satisfy the FAST Act requirements, BTS is planning the data collection. BTS invites comments on its intention to collect information from tank car retrofitting and manufacturing facilities on the planned and projected number of tank cars to be retrofitted or manufactured beginning the next calendar year, annually. Any facility identified with the capacity to modify or build new tank cars to the 117 or 117R specification, as described in Section 7308(c) of the FAST Act will be included in the survey identified in this notice and submit the results to the Bureau of Transportation Statistics (BTS) no later than 60 days upon request. Individual responses to the survey will be kept confidential and a summary report of aggregate findings will be provided to:

(1) The Committee on Commerce, Science, and Transportation of the Senate; and

(2) The Committee on Transportation and Infrastructure of the House of Representatives.

In addition, this summary report will also be published to the BTS Web page.

Title: Annual Tank Car Survey.

Background: On December 4, 2015, President Barack Obama signed legislation entitled ''Fixing America's Surface Transportation Act of 2015,'' or the ''FAST Act.'' See Public Law 114–94. The FAST Act includes the ''Hazardous Materials Transportation Safety Improvement Act of 2015'' (see Sections 7001 through 7311) and instructs the Secretary of Transportation to make specific regulatory amendments to the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180), including requirements for certain persons to report the progress toward modifying rail tank cars used for the transportation of Class 3 flammable liquids in accordance with the timeline established in Section 7304 of the FAST Act.

This notice is applicable to Section 7308(c) of the FAST Act which directs the Secretary to conduct an annual survey of tank car shops to acquire projections of the number of tank cars to be built or manufactured to the new safer specifications. This includes those tank cars modified to the DOT Specification 117R, or equivalent, as well as any new tank cars built to the DOT Specification 117, or equivalent. Modified tank cars will include, but may not be limited to, those previously built to Specifications: DOT105, DOT109, DOT111, DOT112, DOT114, DOT115, and DOT120.

Respondents: Across the nation there are approximately 400 tank car facilities that are currently registered or certified to build or modify tank cars. However, the majority of these do not have the capacity to modify or build to the 117 or 117R Specifications. It is estimated that, at most, 140 tank car shops possess the required capacity to build or modify to these new safer requirements.

Estimated Average Burden per Response: It is estimated that 140 facilities will provide one response each to this request for information on an annual basis, and that it will take approximately 30 minutes to complete, including record keeping and reporting. This notice is intended to accurately account for the annual burden.

Estimated Total Annual Burden: The estimated burden is equal to 70 annual burden hours (*i.e.,* 140 responses per year × 0.5 hour per response). The total burden cost is estimated at $3,342 (*i.e.,* 70 burden hours × $47.74 per hour for a manager in Transportation, Storage, and Distribution).

Frequency: The survey frequency is prescribed by Section 7308(d) of the FAST Act. Specifically, this section requires the Secretary to conduct the survey under Section 7308(c) annually until May 1, 2029.

Public Comments Invited: Interested parties are invited to send comments regarding any aspect of this information collection, including, but not limited to: (1) The necessity and utility of the information collection for the proper performance of the functions of the DOT; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, clarity and content of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB's clearance of this information collection.

Issued in Washington, DC, on March 9, 2017.

Patricia S. Hu,

Director, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology.

[FR Doc. 2017–05644 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number DOT–OST–2014–0031]

Agency Information Collection: Activity Under OMB Review; Report of Traffic and Capacity Statistics—The T–100 System

AGENCY: Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of DOT requiring U.S. and foreign air carriers to file traffic and capacity data pursuant to 14 CFR 241.19 and Part 217, respectively. These reports are used to measure air transportation activity to, from, and within the United States.

DATES: Written comments should be submitted by May 22, 2017.

FOR FURTHER INFORMATION CONTACT: Jennifer Rodes, Office of Airline Information, RTS–42, Room E34–420, OST–R, BTS, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, Telephone Number (202) 366–8513, Fax Number (202) 366–3383 or EMAIL *jennifer.rodes@dot.gov.*

Comments: Comments should identify the associated OMB approval #2138–0040 and Docket ID Number DOT–OST–2014–0031. Persons wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on OMB #2138–0040, Docket—DOT–OST–2014–0031. The postcard will be date/time stamped and returned.

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 by any of the following methods:

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

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue 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 Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–366–3383.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, 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://DocketInfo.dot.gov.*

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

Electronic Access

You may access comments received for this notice at *http://www.regulations.gov,* by searching docket DOT–OST–2014–0031.

SUPPLEMENTARY INFORMATION:

OMB Approval No. 2138–0040.

Title: Report of Traffic and Capacity Statistics—The T–100 System.

Form No.: Schedules T–100 and T–100(f).

Type of Review: Extension of a currently approved collection.

Respondents: Certificated, commuter and foreign air carriers that operate to, from or within the United States.

T100 Form

Number of Respondents: 119.
Number of Annual Responses: 1,428.
Total Burden per Response: 6 hours.
Total Annual Burden: 8,568 hours.

T100F Form

Number of Respondents: 190.
Number of Annual Responses: 2,280.
Total Burden per Response: 2 hours.
Total Annual Burden: 4,560 hours.
Needs and Uses:

Airport Improvement

The Federal Aviation Administration uses enplanement data for U.S. airports to distribute the annual Airport Improvement Program (AIP) entitlement funds to eligible primary airports, *i.e.,* airports which account for more than 0.01 percent of the total passengers enplaned at U.S. airports. Enplanement data contained in Schedule T–100/T–100(f) are the sole data base used by the FAA in determining airport funding. U.S. airports receiving significant service from foreign air carriers operating small aircraft could be receiving less than their fair share of AIP entitlement funds. Collecting Schedule T–100(f) data for small aircraft operations will enable the FAA to more fairly distribute these funds.

Air Carrier Safety

The FAA uses traffic, operational and capacity data as important safety indicators and to prepare the air carrier traffic and operation forecasts that are used in developing its budget and staffing plans, facility and equipment funding levels, and environmental impact and policy studies. The FAA monitors changes in the number of air carrier operations as a way to allocate inspection resources and in making decisions as to increased safety surveillance. Similarly, airport activity statistics are used by the FAA to develop airport profiles and establish priorities for airport inspections.

Acquisitions and Mergers

While the Justice Department has the primary responsibility over air carrier acquisitions and mergers, the Department reviews the transfer of

international routes involved to determine if they would substantially reduce competition, or determine if the transaction would be inconsistent with the public interest. In making these determinations, the proposed transaction's effect on competition in the markets served by the affected air carriers is analyzed. This analysis includes, among other things, a consideration of the volume of traffic and available capacity, the flight segments and origins-destinations involved, and the existence of entry barriers, such as limited airport slots or gate capacity. Also included is a review of the volume of traffic handled by each air carrier at specific airports and in specific markets which would be affected by the proposed acquisition or merger. The Justice Department uses T–100 data in carrying out its responsibilities relating to airline competition and consolidation.

Traffic Forecasting

The FAA uses traffic, operational and capacity data as important safety indicators and to prepare the air carrier traffic and operation forecasts. These forecast as used by the FAA, airport managers, the airlines and others in the air travel industry as planning and budgeting tools.

Airport Capacity Analysis

The mix of aircraft type are used in determining the practical annual capacity (PANCAP) at airports as prescribed in the FAA Advisory Circular *Airport Capacity Criteria Used in Preparing the National Airport Plan.* The PANCAP is a safety-related measure of the annual airport capacity or level of operations. It is a predictive measure which indicates potential capacity problems, delays, and possible airport expansions or runway construction needs. If the level of operations at an airport exceeds PANCAP significantly, the frequency and length of delays will increase, with a potential concurrent risk of accidents. Under this program, the FAA develops ways of increasing airport capacity at congested airports.

Airline Industry Status Evaluations

The Department apprizes Congress, the Administration and others of the effect major changes or innovations are having on the air transportation industry. For this purpose, summary traffic and capacity data as well as the detailed segment and market data are essential. These data must be timely and inclusive to be relevant for analyzing emerging issues and must be based upon uniform and reliable data submissions that are consistent with the Department's regulatory requirements.

Mail Rates

The Department is responsible for establishing international and intra-Alaska mail rates. International mail rates are set based on scheduled operations in four geographic areas: Trans-border, Latin America, operations over the Atlantic Ocean and operations over the Pacific Ocean. Separate rates are set for mainline and bush Alaskan operations. The rates are updated every six months to reflect changes in unit costs in each rate-making entity. Traffic and capacity data are used in conjunction with cost data to develop the required unit cost data.

Essential Air Service

The Department reassesses service levels at small domestic communities to assure that capacity levels are adequate to accommodate current demand

System Planning at Airports

The FAA is charged with administering a series of grants that are designed to accomplish the necessary airport planning for future development and growth. These grants are made to state metropolitan and regional aviation authorities to fund needed airport systems planning work. Individual airport activity statistics, nonstop market data, and service segment data are used to prepare airport activity level forecasts.

Review of IATA Agreements

The Department reviews all of the International Air Transport Association (IATA) agreements that relate to fares, rates, and rules for international air transportation to ensure that the agreements meet the public interest criteria. Current and historic summary traffic and capacity data, such as revenue ton-miles and available ton-miles, by aircraft type, type of service, and length of haul are needed to conduct these analyses: To (1) develop the volume elements for passenger/cargo cost allocations, (2) evaluate fluctuations in volume of scheduled and charter services, (3) assess the competitive impact of different operations such as charter versus scheduled, (4) calculate load factors by aircraft type, and (5) monitor traffic in specific markets.

Foreign Air Carriers Applications

Foreign air carriers are required to submit applications for authority to operate to the United States. In reviewing these applications the Department must find that the requested authority is encompassed in a bilateral agreement, other intergovernmental understanding, or that granting the application is in the public interest. In the latter cases, T–100 data are used in assessing the level of benefits that carriers of the applicant's homeland presently are receiving from their U.S. operations. These benefits are compared and balanced against the benefits U.S. carriers receive from their operations to the applicant's homeland.

Air Carrier Fitness

The Department determines whether U.S. air carriers are and continue to be fit, willing and able to conduct air service operations without undue risk to passengers and shippers. The Department monitors a carrier's load factor, operational, and enplanement data to compare with other carriers with similar operating characteristics. Carriers that expand operations at a high rate are monitored more closely for safety reasons.

International Civil Aviation Organization

Pursuant to an international agreement, the United States is obligated to report certain air carrier data to the International Civil Aviation Organization (ICAO). The traffic data supplied to ICAO are extracted from the U.S. air carriers' Schedule T–100 submissions.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued on March 15, 2017.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2017–05643 Filed 3–21–17; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request on disclosure of Returns and Return Information by Other Agencies

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning, Disclosure of Returns and Return Information by Other Agencies.

DATES: Written comments should be received on or before May 22, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6141, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for additional information or copies of the regulation should be directed to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Disclosure of Returns and Return Information by Other Agencies.

OMB Number: 1545–1757.

Regulation Project Number: TD 9036.

Abstract: In general, under the regulations, the IRS is permitted to authorize agencies with access to returns and return information under section 6103 of the Internal Revenue Code to re-disclose returns and return information based on a written request and the Commissioner's approval, to any authorized recipient set forth in Code section 6103, subject to the same conditions and restrictions, and for the same purposes, as if the recipient had received the information from the IRS directly.

Current Actions: There are no changes to the burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Federal, state, local or tribal governments.

Estimated Number of Respondents: 11.

Estimated Time per Respondent: 1 hour.

Estimate Total Annual Burden Hours: 11.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 10, 2017.

R. Joseph Durbala,

IRS, Tax Analyst.

[FR Doc. 2017–05599 Filed 3–21–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Disabled Access Credit

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the disabled access credit.

DATES: Written comments should be received on or before May 22, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6141, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the form and instructions should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 317–5746, or through the internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Disabled Access Credit. *OMB Number:* 1545–1205.

Form Number: Form 8826.

Abstract: Internal Revenue Code section 44 allows eligible small businesses to claim a nonrefundable income tax credit of 50% of the amount of eligible access expenditures for any tax year that exceed $250 but do not exceed $10,000. Form 8826 is used to figure the credit and the tax liability limit.

Current Actions: There are no changes to the burden previously approved. This request is for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, farms.

Estimated Number of Respondents: 17,422.

Estimated Time per Respondent: 5 hrs., 7 minutes.

Estimated Total Annual Burden Hours: 89,027.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 10, 2017.

R. Joseph Durbala,

IRS, Tax Analyst.

[FR Doc. 2017–05597 Filed 3–21–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning TD 8566, General Asset Accounts Under the Accelerated Cost Recovery System.

DATES: Written comments should be received on or before May 22, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Martha R. Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: General Asset Accounts Under the Accelerated Cost Recovery System.

OMB Number: 1545–1331.

Regulation Project Number: TD 8566.

Abstract: Section 168(i)(4) of the Internal Revenue Code authorizes the Secretary of the Treasury to provide rules under which a taxpayer may elect to account for property in one or more general asset accounts for depreciation purposes. The regulations describe the time and manner of making the election described in Code section 168(i)(4). Basic information regarding this election is necessary to monitor compliance with the rules of Code section 168.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and Farms.

Estimated Number of Respondents: 1,000.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 250.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 6, 2017.

Laurie Brimmer,

IRS Reports Clearance Officer.

[FR Doc. 2017–05595 Filed 3–21–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2010–52

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2010–52, Extension of the Amortization Period.

DATES: Written comments should be received on or before May 22, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Sara Covington at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Sara.L.Covington@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Extension of the Amortization Period for Plan Sponsor of a Multiemployer Pension Plan.

OMB Number: 1545–1890.

Revenue Procedure Number: Revenue Procedure 2010–52.

Abstract: Revenue Procedure 2010–52 describes the procedure by which the plan sponsor of a multiemployer pension plan may request and obtain approval of an extension of an amortization period in accordance with section 431(d) of the Code. Rev. Proc. 2008–67 superseded. Rev. Proc. 2010–4 modified.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, and farms.

Estimated Number of Respondents: 25.

Estimated Annual Average Time per Respondent: 100 hours.

Estimated Total Annual Hours: 2,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 14, 2017.

Laurie Brimmer,

IRS Senior Tax Analyst.

[FR Doc. 2017–05596 Filed 3–21–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning TD 9210, LIFO Recapture Under Section 1363(d).

DATES: Written comments should be received on or before May 22, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for additional information or copies of the regulation should be directed to Martha R. Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: LIFO Recapture Under Section 1363(d).

OMB Number: 1545–1906.

Regulation Project Number: TD 9210.

Abstract: This collection of information is required to inform the IRS of partnerships electing to increase the basis of inventory to reflect any amount included in a partner's income under section 1363(d).

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents/Recordkeepers: 100.

Estimated Time per Respondent/Recordkeeper: 2 hrs.

Estimated Total Annual Reporting/Recordkeeping Burden Hours: 200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 13, 2017.

Laurie Brimmer,

IRS Reports Clearance Officer.

[FR Doc. 2017–05593 Filed 3–21–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Rev. Proc. 2008–27

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the Rev. Proc. 2008–27, 9100 Relief Under Sections 897 and 1445.

DATES: Written comments should be received on or before May 22, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6141, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this revenue procedure should be directed to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Late Filing of Certification or Notices.

OMB Number: 1545–2098.

Revenue Procedure Number: Rev. Proc. 2008–27.

Abstract: The IRS needs certain information to determine whether a

taxpayer should be granted permission to make late filings of certain statements or notices under sections 897 and 1445. The information submitted will include a statement by the taxpayer demonstrating reasonable cause for the failure to timely make relevant filings under sections 897 and 1445. This revenue procedure provides a simplified method for taxpayers to request relief for late filings under sections 1.897–2(g)(1)(ii)(A), 1.897–2(h)(2), 1.1445–2(d)(2), 1.1445–5(b)(2), and 1.1445–5(b)(4) of the Income Tax Regulations.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations, Farms.

Estimated Number of Respondents: 250.

Estimated Total Annual Burden Hours: 1,000 hours.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 10, 2017.

R. Joseph Durbala,

IRS, Tax Analyst.

[FR Doc. 2017–05598 Filed 3–21–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2004–29

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Rev. Proc. 2004–29, Statistical Sampling in § 274 Context.

DATES: Written comments should be received on or before May 22, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for additional information or copies of the revenue procedure should be directed to Martha R. Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Statistical Sampling in § 274 Context.

OMB Number: 1545–1847.

Revenue Procedure Number: Revenue Procedure 2004–29.

Abstract: Revenue Procedure 2004–29 prescribes the statistical sampling methodology by which taxpayers under examination, making claims for refunds or filing original returns may establish the amounts of substantiated meal and entertainment expenses that are excepted from the 50% deduction disallowance of § 274(n)(1) under § 274(n)(2)(A), (C), (D), or (E).

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 400.

Estimated Annual Average Time per Respondent: 8 hours.

Estimated Total Annual Hours: 3,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 13, 2017.

Laurie Brimmer,

IRS Reports Clearance Officer.

[FR Doc. 2017–05594 Filed 3–21–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

United States Mint

Notification of Rescheduled Citizens Coinage Advisory Committee March 21, 2017, Public Meeting

SUMMARY: Pursuant to United States Code, Title 31, section 5135(b)(8)(C), the United States Mint announces the Citizens Coinage Advisory Committee (CCAC) public meeting originally scheduled for March 15, 2017, has been rescheduled for March 21, 2017.

Date: March 21, 2017.

Time: 10:00 a.m. to 4:30 p.m.

Location: Conference Room A&B, United States Mint, 801 9th Street NW., Washington, DC 20220.

Subject: Review and discussion of candidate designs for the 2018 World War I Armed Forces Silver Medals, and the American Eagle Palladium Bullion Coin; and a discussion of concepts and themes for the Filipino Veterans of World War II Congressional Gold Medal.

Interested members of the public may either attend the meeting in person or dial in to listen to the meeting at (866) 564–9287/Access Code: 62956028.

Interested persons should call the CCAC HOTLINE at (202) 354–7502 for the latest update on meeting time and room location.

Any member of the public interested in submitting matters for the CCAC's consideration is invited to submit them by fax to the following number: 202–756–6525.

In accordance with 31 U.S.C. 5135, the CCAC:

- Advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals.
- Advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made.
- Makes recommendations with respect to the mintage level for any commemorative coin recommended.

Members of the public interested in attending the meeting in person will be admitted into the meeting room on a first-come, first-serve basis as space is limited. Conference Room A&B can accommodate up to 50 members of the public at any one time. In addition, all persons entering a United States Mint facility must adhere to building security protocol. This means they must consent to the search of their persons and objects in their possession while on government grounds and when they enter and leave the facility, and are prohibited from bringing the following items into the facility:

- Illegal drugs, drug paraphernalia, and contraband;
- Weapons of any type;

The United States Mint Police Officer conducting the screening will evaluate whether an item may enter into or exit from a facility based upon federal law, Treasury policy, United States Mint Policy, and local operating procedure; and all prohibited and unauthorized items will be subject to confiscation and disposal.

FOR FURTHER INFORMATION CONTACT: Betty Birdsong, Acting United States Mint Liaison to the CCAC; 801 9th Street NW.; Washington, DC 20220; or call 202–354–7200.

Authority: 31 U.S.C. 5135(b)(8)(C).

Dated: March 15, 2017.

David Motl,

Acting Principal Deputy Director, United States Mint.

[FR Doc. 2017–05512 Filed 3–21–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Genomic Medicine Program Advisory Committee; 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 Genomic Medicine Program Advisory Committee will meet on May 22, 2017, at the Hilton Garden Inn, Washington, DC, U.S. Capitol, 1225 1st Street NE., Washington, DC 20002. The meeting will convene at 9:00 a.m. and adjourn at 4:30 p.m. The meeting is open to the public.

The purpose of the Committee is to provide advice and make recommendations to the Secretary of VA on using genetic information to optimize medical care for Veterans and to enhance development of tests and treatments for diseases particularly relevant to Veterans.

The Committee will receive program updates and continue to provide insight into optimal ways for VA to incorporate genomic information into its health care program while applying appropriate ethical oversight and protecting the privacy of Veterans. The meeting focus will be on updates on the progress and planned characterization of the Million Veteran Program (MVP) samples and data access for the MVP, as well as updates from other national research programs such as the Kaiser Permanante. The Committee will also receive an update from the VA Clinical Genomics Service. Public comments will be received at 3:30 p.m. and are limited to 5 minutes each. Individuals who speak are invited to submit a 1–2 page summary of their comments for inclusion in the official meeting record to Dr. Sumitra Muralidhar, Designated Federal Officer, 810 Vermont Avenue NW., Washington, DC, 20420, or by email at *sumitra.muralidhar@va.gov.* Any member of the public seeking additional information should contact Dr. Muralidhar at (202) 443–5679.

Dated: March 17, 2017.

LaTonya L. Small,

Advisory Committee Management Officer.

[FR Doc. 2017–05664 Filed 3–21–17; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 82 Wednesday,
No. 54 March 22, 2017

Part II

The President

Proclamation 9578—National Poison Prevention Week, 2017

Federal Register
Vol. 82, No. 54
Wednesday, March 22, 2017

Presidential Documents

Title 3—

The President

Proclamation 9578 of March 17, 2017

National Poison Prevention Week, 2017

By the President of the United States of America

A Proclamation

The United States has made great strides in preventing unintentional childhood poisoning deaths. Thanks to combined national, State, and local efforts over the course of years, Americans have reduced childhood fatalities related to accidental poisoning in the United States from 200 deaths per year to 27 per year, which is an 88 percent decline. From a public health perspective, this is a resounding achievement.

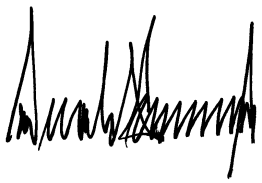
Fifty-five years ago, President John F. Kennedy noted that virtually all deaths attributable to accidental poisoning could be prevented. He was right—we as a society must do much more to prevent tragic and preventable loss of life from occurring. Ensuring the safety and security of the American people requires that we unequivocally commit to a continuation of the successful policies that have reduced accidental childhood poisonings and injuries.

This week we warn all Americans about unintended exposure to poisons and the threat of household items unintentionally being turned into deadly weapons. This is an important reminder—and one that could save lives.

To encourage Americans to learn more about the dangers of unintentional poisonings and to take appropriate preventative measures, on September 26, 1961, the Congress, by joint resolution (75 Stat. 681), authorized and requested the President to issue a proclamation designating the third week of March each year as, ''National Poison Prevention Week.''

NOW, THEREFORE, I, DONALD J. TRUMP, do hereby proclaim March 19 through March 25, 2017, as National Poison Prevention Week. I call upon all Americans to observe this week by taking actions to safeguard our families from poisonous products, chemicals, and medicines found in our homes.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.



[FR Doc. 2017–05859
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Billing code 3295–F7–P

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Federal Register

Vol. 82, No. 54

Wednesday, March 22, 2017

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List March 16, 2017

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