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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. FAA–2017–0381; Special Conditions No. 23–280–SC]

Special Conditions: Viking Air, Ltd., Models DHC–6–100/–200/–300; Avmax Aviation Services, Inc., Installation of Rechargeable Lithium Batteries

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Viking Air, Ltd., models DHC–6–100/–200/–300, Twin Otter, Turbopropeller airplanes. This airplane, as modified by Avmax Aviation Services, Inc., will have a novel or unusual design feature associated with the use of a replacement option of a lithium battery instead of nickel-cadmium and lead-acid rechargeable batteries. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is April 24, 2017.

We must receive your comments by June 8, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0381 using any of the following methods:

☐ *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

☐ *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

☐ *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

☐ *Fax:* Fax comments to Docket Operations at 202–493–2251.

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

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ruth Hirt, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE–114, 901 Locust, Room 301, Kansas City, MO; telephone (816) 329–4108; facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the approval design and thus delivery of the affected aircraft. In addition, the FAA has determined, in accordance with 5 U.S.C. 553(b)(3)(B) and 553(d)(3), that notice and opportunity for prior public comment hereon are unnecessary because the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

Special conditions No.	Company/airplane model
23–15–01–SC [1]	Kestrel Aircraft Company/Model K–350.
23–09–02SC [2]	Cessna Aircraft Company/Model 525C (CJ4).
23–08–05–SC [3]	Spectrum Aeronautical, LLC/Model 40.

Comments Invited

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

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

Background

On January 18, 2016, Avmax Aviation Services, Inc., (Avmax) applied for a supplemental type certificate (STC) to install a rechargeable lithium battery on the Viking Air, Ltd. (Viking Air), models DHC–6–100/–200/–300, Twin Otter, Turbopropeller airplanes. These are normal category airplanes, powered by two Pratt & Whitney Canada PT6A–20 engines (–100 and –200) or two PT6A–27 engines (–300). The maximum takeoff weight is 12,500 pounds (5,670 kg) for the –300, but lesser for the –100 and –200.

The current regulatory requirements for part 23 airplanes do not contain adequate requirements for use of

[1] *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgSC.nsf/0/39B156C006EB842E86257EF3004BB13C?OpenDocument&Highlight=installation%20of%20rechargeable%20lithium%20battery.*

[2] *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgSC.nsf/0/902232309C19F0D4862575CB0045AC0D?OpenDocument&Highlight=installation%20of%20rechargeable%20lithium%20battery.*

[3] *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgSC.nsf/0/28E630294DCC27B986257513005968A3?OpenDocument&Highlight=installation%20of%20rechargeable%20lithium%20battery.*

rechargeable lithium batteries in airborne applications. This type of battery possesses certain failure and operational characteristics with maintenance requirements that differ significantly from that of the nickel-cadmium (Ni-Cd) and lead-acid rechargeable batteries currently approved in other normal, utility, acrobatic, and commuter category airplanes. Therefore, the FAA is proposing this special condition to address (1) all characteristics of the rechargeable lithium batteries and their installation that could affect safe operation of the modified models DHC–6–100/–200/–300 Turbopropeller airplanes, and (2) appropriate Instructions for Continued Airworthiness (ICA) that include maintenance requirements to ensure the availability of electrical power from the batteries when needed.

Type Certification Basis

Under the provisions of § 21.101, Avmax must show that the models DHC–6–100/–200/–300 Turbopropeller airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate Data Sheet No. A9EA [4] or the applicable regulations in effect on the date of application for the change.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* Civil Air Regulations [CAR] 3) do not contain adequate or appropriate safety standards for the models DHC–6–100/–200/–300 Turbopropeller airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

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

Novel or Unusual Design Features

The Viking Air models DHC–6–100/–200/–300 Turbopropeller airplanes will incorporate the following novel or unusual design features:

The installation of a rechargeable lithium battery as a main or engine start aircraft battery.

[4] *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgMakeModel.nsf/0/AB4F5DD989BB1B4E86257FF100542804?OpenDocument.*

Discussion

The applicable regulations governing the installation of batteries in general aviation airplanes were derived from CAR 3 as part of the recodification that established 14 CFR part 23. The battery requirements identified in § 23.1353 were a rewording of the CAR requirements. Additional rulemaking activities, as a result of increased incidents of Ni-Cd battery fire or failures, incorporated § 23.1353(f) and (g) at amendments 23–20 and 23–21 respectively. However, the regulation prescribed was not for lithium battery installations.

The proposed use of rechargeable lithium batteries prompted the FAA to review the adequacy of these existing regulations. We found that the existing regulations do not adequately address the safety of lithium battery installations.

Current experience with rechargeable lithium batteries in commercial or general aviation is limited. However, other users of this technology, ranging from personal computers, to wireless telephone manufacturers, to the electric vehicle industry, have noted safety problems with rechargeable lithium batteries. These problems include overcharging, over-discharging, flammability of cell components, cell internal defects, and those resulting from exposure to extreme temperatures that are described in the following paragraphs.

1. *Overcharging:* In general, rechargeable lithium batteries are significantly more susceptible than their Ni-Cd or lead-acid counterparts to thermal runway, which is an internal failure that can result in self-sustaining increases in temperature and pressure. This is especially true for overcharging which causes heating and destabilization of the components of the cell, leading to the formation (by plating) of highly unstable metallic lithium. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion. Finally, the severity of thermal runaway due to overcharging increases with increasing battery capacity due to the higher amount of electrolyte in large batteries.

2. *Over-discharging:* Discharge of some types of rechargeable lithium battery cells beyond the manufacturer's recommended specification can cause corrosion of the electrodes of the cell, resulting in loss of battery capacity that cannot be reversed by recharging. This loss of capacity may not be detected by the simple voltage measurements commonly available to flight crews as a means of checking battery status—a problem shared with Ni-Cd batteries. In addition, over-discharging has the potential to lead to an unsafe condition (creation of dendrites that could result in internal short circuit during the recharging cycle).

3. *Flammability of Cell Components:* Unlike Ni-Cd and lead-acid batteries, some types of rechargeable lithium batteries use liquid electrolytes that are flammable. The electrolyte can serve as a source of fuel for an external fire, if there is a breach of the battery container.

4. *Cell Internal Defects:* The rechargeable lithium batteries and rechargeable battery systems have a history of undetected cell internal defects. These defects may or may not be detected during normal operational evaluation, test and validation. This may lead to an unsafe condition during in service operation.

5. *Extreme Temperatures:* Exposure to an extreme temperature environment has the potential to create major hazards. Care must be taken to ensure that the lithium battery remains within the manufacturer's recommended specification.

Applicability

The special conditions are applicable to the models DHC–6–100/–200/–300 Turbopropeller airplanes. Should Avmax apply at a later date for an STC to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on the models DHC–6–100/–200/–300 Turbopropeller airplanes. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the subject contained herein. Therefore, notice and opportunity for prior public comment hereon are unnecessary and the FAA finds good cause, in accordance with 5 U.S.C. 553(b)(3)(B) and 553(d)(3), making these special conditions effective upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the

prior opportunities for comment described above.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.101; and 14 CFR 11.38 and 11.19.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Viking Air, Ltd., models DHC–6–100/–200/–300 Turbopropeller airplanes modified by Avmax Aviation Services, Ltd.

1. Installation of Lithium Battery

The FAA adopts that the following special conditions be applied to lithium battery installations on the models DHC–6–100/–200/–300 Turbopropeller airplanes in lieu of the requirements § 23.1353(a)(b)(c)(d)(e), amendment 49.

Lithium battery installations on the models DHC–6–100/–200/–300 Turbopropeller airplanes must be designed and installed as follows:

(1) Safe cell temperatures and pressures must be maintained during—

i. Normal operations;

ii. Any probable failure conditions of charging or discharging or battery monitoring system; and

iii. Any failure of the charging or battery monitoring system not shown to be extremely remote.

(2) The rechargeable lithium battery installation must be designed to preclude explosion or fire in the event of 1(1)(ii) and 1(1)(iii) failures.

(3) Design of the rechargeable lithium batteries must preclude the occurrence of self-sustaining, uncontrolled increases in temperature or pressure.

(4) No explosive or toxic gasses emitted by any rechargeable lithium battery in normal operation or as the result of any failure of the battery charging system, monitoring system, or battery installation which is not shown to be extremely remote, may accumulate in hazardous quantities within the airplane.

(5) Installations of rechargeable lithium batteries must meet the requirements of § 23.863(a) through (d) at amendment 23–34.

(6) No corrosive fluids or gases that may escape from any rechargeable lithium battery may damage surrounding structure or any adjacent systems, equipment, electrical wiring, or the airplane in such a way as to cause a major or more severe failure condition, in accordance with § 23.1309 at amendment 23–49 and applicable regulatory guidance.

(7) Each rechargeable lithium battery installation must have provisions to prevent any hazardous effect on structure or essential systems that may be caused by the maximum amount of heat the battery can generate during a short circuit of the battery or of its individual cells.

(8) Rechargeable lithium battery installations must have—

i. A system to automatically control the charging rate of the battery to prevent battery overheating and overcharging; and either

ii. A battery temperature sensing and over-temperature warning system with a means for automatically disconnecting the battery from its charging source in the event of an over-temperature condition; or

iii. A battery failure sensing and warning system with a means for automatically disconnecting the battery from its charging source in the event of battery failure.

(9) Any rechargeable lithium battery installation, the function of which is required for safe operation of the aircraft, must incorporate a monitoring and warning feature that will provide an indication to the appropriate flight crewmembers whenever the state of charge of the batteries has fallen below levels considered acceptable for dispatch (see note 1) of the aircraft.

Note 1: Reference § 23.1353(h) for dispatch consideration.

(10) The Instructions for Continued Airworthiness (ICA) required by § 23.1529 must contain maintenance requirements (see note 2) to assure that the battery has been sufficiently charged (see note 3) at appropriate intervals specified by the battery manufacturer and the equipment manufacturer that contain the rechargeable lithium battery or rechargeable lithium battery system. The lithium rechargeable batteries and lithium rechargeable battery systems must not degrade below specified ampere-hour levels sufficient to power the aircraft system. The ICA must also contain procedures for the maintenance of replacement batteries (see note 4) to prevent the installation of batteries that have degraded charge retention ability or other damage due to prolonged storage at a low state of charge. Replacement batteries must be of the same manufacturer and part number as approved by the FAA.

Note 2: Maintenance requirements include procedures that—

(a) Check battery capacity, charge degradation at manufacturers recommended inspection intervals.

(b) Replace batteries at manufacturers recommended replacement schedule/time to prevent age related degradation.

Note 3: The term ''sufficiently charged'' means that the battery must retain enough charge, expressed in ampere-hours, to ensure that the battery cells will not be damaged.

A battery cell may be damaged by low charge (*i.e.,* below certain level), resulting in a reduction in the ability to charge and retain a full charge. This reduction would be greater than the reduction that may result from normal operational degradation.

Note 4: Replacement battery in spares storage may be subject to prolonged storage at a low state of charge.

Issued in Kansas City, Missouri on April 18, 2017.

Mel Johnson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–08234 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0755; Directorate Identifier 2010–NE–12–AD; Amendment 39–18860; AD 2017–08–11]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding airworthiness directive (AD) 2012–04–01 for all Rolls-Royce plc (RR) RB211–Trent 800 model turbofan engines. AD 2012–04–01 required removal from service of certain critical engine rotating parts based on reduced life limits. This AD makes additional revisions to the life limits of certain critical engine rotating parts. This AD was prompted by RR further revising the life limits of certain critical engine rotating parts. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective May 30, 2017.

ADDRESSES: See the **FOR FURTHER INFORMATION CONTACT** section.

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–2010–0755; 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 mandatory continuing airworthiness information, regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2012–04–01, Amendment 39–16956 (77 FR 10355, February 22, 2012), (''AD 2012–04–01''). AD 2012–04–01 applied to the specified products. The NPRM published in the **Federal Register** on January 18, 2017 (82 FR 5454). The NPRM proposed to continue to require removal from service of certain critical engine rotating parts based on reduced life limits.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received. The Boeing Company and American Airlines support the NPRM as written.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting this AD as proposed.

Costs of Compliance

We estimate that this AD affects 16 engines installed on 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
Replacement of critical engine rotating parts.	0 work-hours × $85 per hour = $0	$45,000 (pro-rated cost of parts) ...	$45,000	$720,000

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA 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 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2012–04–01, Amendment 39–16956 (77 FR 10355, February 22, 2012) and adding the following AD:

2017–08–11 Rolls-Royce plc: Amendment 39–18860; Docket No. FAA–2010–0755; Directorate Identifier 2010–NE–12–AD.

(a) Effective Date

This AD is effective May 30, 2017.

(b) Affected ADs

This AD replaces AD 2012–04–01, Amendment 39–16956 (77 FR 10355, February 22, 2012).

(c) Applicability

This AD applies to all Rolls-Royce plc (RR) RR RB211–Trent 875–17, 877–17, 884–17, 884B–17, 892–17, 892B–17, and 895–17 turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7200, Engine (Turbine/Turboprop).

(e) Unsafe Condition

This AD was prompted by RR revising the life limits of certain critical engine rotating parts. We are issuing this AD to prevent the failure of critical engine rotating parts, damage to the engine, and damage to the airplane.

(f) Compliance

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

(1) After the effective date of this AD, remove from service the parts listed in Table 1 to paragraph (f) of this AD before exceeding the new life limit indicated:

TABLE 1 TO PARAGRAPH (f)—REDUCED PART LIVES

Part nomenclature	Part No.	Life in standard duty cycles	Life in cycles using the HEAVY profile
Intermediate Pressure (IP) Compressor Rotor Shaft	FK24100	12,500	11,500
IP Compressor Rotor Shaft	FK24496	8,860	8,180
High-Pressure Compressor (HPC) Stage 1 to 4 Rotor Discs Shaft	FK24009	4,560	4,460
HPC Stage 1 to 4 Rotor Discs Shaft	FK26167	5,580	5,280
HPC Stage 1 to 4 Rotor Discs Shaft	FK32580	5,580	5,280
HPC Stage 1 to 4 Rotor Discs Shaft	FW11590	8,550	6,850
HPC Stage 1 to 4 Rotor Discs Shaft	FW61622	8,550	6,850
HPC Stage 5 and 6 Discs and Cone	FK25230	5,000	5,000
HPC Stage 5 and 6 Discs and Cone	FK27899	5,000	5,000
IP Turbine Rotor Disc	FK21117	11,610	10,400
IP Turbine Rotor Disc	FK33083	0	0

(2) Reserved.

(g) Installation Prohibition

After the effective date of this AD, do not install any IP turbine discs, P/N FK33083, into any engine.

(h) Alternative Methods of Compliance (AMOCs)

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

(i) Related Information

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

(2) Refer to MCAI European Aviation Safety Agency, AD 2016–0223, dated November 8, 2016, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2010–0755.

(j) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on April 13, 2017.

Robert J. Ganley,

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

[FR Doc. 2017–07984 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–7269; Directorate Identifier 2015–NM–198–AD; Amendment 39–18862; AD 2017–08–13

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. This AD was prompted by a report indicating that during inspections to detect corrosion of the bulk cargo doors, several cracks were discovered. This AD requires inspections of the bulk cargo door frame to identify any structural repairs and cracking, and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 30, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 30, 2017.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* Internet: *http://www.airbus.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–2016–7269.

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–2016–7269; 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–2125; 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 certain Airbus Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. The NPRM published in the **Federal Register** on

June 28, 2016 (81 FR 41892). The NPRM was prompted by a report indicating that during inspections to detect corrosion of the bulk cargo doors, several cracks were discovered. The NPRM proposed to require a general visual inspection of the bulk cargo door frame to identify any structural repairs, a detailed visual inspection of the frame at the repaired area for any cracking if necessary, and corrective actions if necessary. We are issuing this AD to detect and correct cracking of the bulk cargo doors; such cracking could result in rapid airplane decompression or possible loss of the bulk cargo door.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2015–0238, dated December 18, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. The MCAI states:

> During inspections to detect corrosion on the Bulk Cargo Doors of Airbus A300 family aeroplanes, several cracks were discovered. Investigations revealed that a set of SRM [structural repair manual] repair solutions was defined in 1993, and was classified as permanent and without limitation. As of 2011, this set of repair solutions was revised and classified permanent, but with post-repair required actions.
>
> This condition, if not detected and corrected, could result in rapid decompression events or even loss of the bulk cargo door.
>
> As per Ageing Aircraft rules, it was determined that new inspections have to be completed on the Bulk Cargo Door Frames to detect potential fatigue damages on repaired structures or to perform a new repair scheme.
>
> Based on the fact that several aeroplanes could potentially be flying with potential fatigue damages on repaired structures, Airbus was requested to issue Alert Operator Transmission (AOT) A53W010–15 to provide fleet-wide inspection instructions to address this condition.
>
> For the reasons describes above, this [EASA] AD requires a one-time inspection of the bulk cargo door frame to determine whether a repair has been accomplished and, depending on findings, accomplishment of applicable corrective action(s).

The required actions in this AD include a detailed visual inspection of the bulk cargo door frame at the repaired area for any cracking, repair of cracks, and post-repair inspections of crack-free frames. This AD affects airplanes that have accumulated more than 14,600 total flight cycles as of the effective date of this AD. For airplanes that have accumulated 14,600 total flight cycles or fewer as of the effective date of this AD, no actions are required by this AD; however, we might consider further rulemaking for these airplanes.

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–2016–7269.

Comments

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

Request To Revise the Applicability

United Parcel Service (UPS) requested that we remove Model F4–622R airplanes from the applicability in paragraph (c) of the proposed AD. UPS stated that review of the applicable structural repair manual (SRM) sections identified in Airbus Alert Operators Transmission (AOT) A53W010–15, Revision 00, including Appendixes 1, 2, 3, and 4, dated December 15, 2015, revealed that Model A300 F4–622R airplanes with Airbus Modification 12046 embodied do not have the repair configuration in question available for use on these airplanes.

We agree with the commenter's request. Since the issuance of the NPRM, Airbus has revised the service information. Airbus AOT A53W010–15, Revision 01, including Appendixes 1, 2, 3, and 4, dated October 4, 2016, excludes Model A300 F4–622R and Model F4–605R airplanes in the post-Modification 12046 configuration. Therefore, we have redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD and added paragraph (c)(2) to this AD to exclude those airplanes.

Request To Add Certain Language to the NPRM

Richard Vernon requested that we revise paragraph (g) of the proposed AD to state that no further action is required for airplanes on which no structural repairs are identified.

We agree. We have determined that this change is consistent with the intent of the MCAI. Therefore, we have revised paragraph (g) of this AD to state that if no structural repairs are found or identified during the inspection required by paragraph (g) of this AD or the maintenance records review specified in paragraph (g) of this AD, no further action is required by this AD for that airplane.

Request To Expand and Reorganize the NPRM

UPS requested that we revise the NPRM to expand paragraph (g) and to reorganize paragraphs (h) through (i) of the proposed AD. UPS stated that the initial inspection and applicable corrective actions are spread over multiple paragraphs, including combining reporting requirements with the ''no damage found'' follow-on action.

We disagree with the commenter's request. While we understand the commenter's proposed reorganization of the paragraphs, our intent of the AD as written is to provide requirements that are consistent with the requirements of the MCAI. We have not changed this AD in this regard.

Request To Provide Guidance for Airplanes Repaired After December 2011

UPS commented that a detailed review of paragraphs (g) and (h) of the proposed AD indicates that there is no guidance for airplanes without repairs installed or repairs installed after December 2011 when the repair was classified in the SRM as ''permanent with post-repair actions.'' UPS stated that it is possible for an airplane with more than 14,600 total flight cycles to have an SRM repair identified in Airbus Alert Operators Transmission A53W010–15, Revision 00, dated December 15, 2015, References (1) through (8), and to be in compliance with the SRM post-repair actions and still have to re-validate the repair per the NPRM.

We infer that UPS is requesting that we provide guidance for airplanes repaired after December 2011 and airplanes with no repairs installed.

We agree to clarify. There is further action for airplanes repaired after December 2011, as required by paragraph (h) of this AD. SRM repairs and post-repair inspections do not allow for detecting cracks at doubler angles, whether the repairs were permanent or not or performed before or after December 2011. We have not revised this AD in this regard. For airplanes on which no structural repairs are identified during the inspection required by paragraph (g) of this AD or the records review specified in paragraph (g) of this AD, no further action is necessary. As stated previously, we have added language to paragraph (g) of this AD that states that if no structural repairs are found or identified, no further action is required by this AD for that airplane.

Request To Allow Maintenance Records Review in Lieu of Inspection

UPS provided restructured text for paragraph (g) of the proposed AD. The text includes an allowance to review the airplane maintenance records to identify the existence of any structural repairs of the bulk cargo door frame.

From this language provided by UPS, we infer that UPS was requesting that we include an option to allow a review of the airplane maintenance records to determine the existence of any structural repairs in lieu of the required general visual inspection of the bulk cargo door frame. We agree. We have revised paragraph (g) of this AD to add a statement that a review of airplane maintenance records is acceptable in lieu of the inspection specified in paragraph (g) of this AD as long as the existence of any structural repairs can be conclusively determined from that review. We have also revised paragraph (h) of this AD to refer to the maintenance records review.

Request for Credit for Previous Actions

FedEx requested that we allow credit for those airplanes which have been previously inspected in accordance with Airbus AOT A53W010–15, Revision 00, including Appendixes 1, 2, 3, and 4, dated December 15, 2015. FedEx stated that it has previously performed the required inspection on its airplanes as specified in Airbus AOT A53W010–15, Revision 00, including Appendixes 1, 2, 3, and 4, dated December 15, 2015. FedEx stated that Airbus indicated that airplanes having accumulated less than 14,600 total flight cycles will be covered later by another means of inspection. FedEx asserted that the NPRM will impose an additional burden based upon the results of the inspection on its airplanes, which were all negative.

We agree with the commenter's request for the reasons stated. We have revised this AD to provide credit for actions specified in paragraphs (g) and (h) of this AD if those actions were done before the effective date of this AD using Airbus AOT A53W010–15, Revision 00, including Appendixes 1, 2, 3, and 4, dated December 15, 2015.

Conclusion

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

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus AOT A53W010–15, Revision 01, including Appendixes 1, 2, 3, and 4, dated October 4, 2016. The service information describes procedures for a general visual inspection of the bulk cargo door frame to identify any structural repairs, and a detailed visual inspection of the frame at the repaired area. The service information also provides procedures for contacting Airbus for repair instructions and reporting of inspection results. 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 135 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
Inspection	1 work-hour × $85 per hour = $85	$0	$85	$11,475

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD, except for the cost of reporting, specified as follows:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Reporting	1 work-hour × $85 per hour = $85	$0	$85

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

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):

2017–08–13: Amendment 39–18862; Docket No. FAA–2016–7269; Directorate Identifier 2015–NM–198–AD.

(a) Effective Date

This AD is effective May 30, 2017.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to Airbus Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes; Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, and F4–622R airplanes, and Model A300 C4–605R Variant F airplanes; and Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes, certificated in any category, that have accumulated more than 14,600 total flight cycles as of the effective date of this AD.

(2) Airbus Model A300 F4–605R and F4–622R airplanes in the post-Modification 12046 configuration are not affected by the requirements of this AD.

(d) Subject

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

(e) Reason

This AD was prompted by a report indicating that during inspections to detect corrosion of the bulk cargo doors, several cracks were discovered. We are issuing this AD to detect and correct cracking of the bulk cargo doors; such cracking could result in rapid airplane decompression or possible loss of the bulk cargo door.

(f) Compliance

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

(g) Inspection

Within 250 flight cycles or 6 months after the effective date of this AD, whichever occurs first: Do a general visual inspection of the bulk cargo door frame to identify the existence of any structural repairs, in accordance with the instructions of Airbus Alert Operators Transmission (AOT) A53W010–15, Revision 01, including Appendixes 1, 2, 3, and 4, dated October 4, 2016. A review of airplane maintenance records is acceptable in lieu of this inspection as long as the existence of any structural repairs can be conclusively determined from that review. If no structural repairs are found or identified during the inspection or maintenance records review, no further action is required by this AD for that airplane.

(h) Detailed Visual Inspection

If, during the general visual inspection required by paragraph (g) of this AD or the maintenance records review specified in paragraph (g) of this AD, any repair is found or identified on the bulk cargo door frame: Before further flight, do a detailed visual inspection for cracking of the frame at the repaired area, in accordance with the instructions of Airbus AOT A53W010–15, Revision 01, including Appendixes 1, 2, 3, and 4, dated October 4, 2016.

(i) Crack Repair

If any cracking is found during the detailed visual inspection required by paragraph (h) 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).

(j) Post-Repair Actions for Crack-Free Frames

If no cracking is found during the detailed visual inspection required by paragraph (h) of this AD: Do the actions in paragraphs (j)(1) and (j)(2) of this AD.

(1) At the applicable time specified in paragraph (j)(1)(i) or (j)(1)(ii) of this AD: Send a report of the inspection results to Airbus Service Bulletin Reporting Online Application on Airbus World (*https://w3.airbus.com/*).

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 60 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 60 days after the effective date of this AD.

(2) Within 2,800 flight cycles after the detailed visual inspection required by paragraph (h) of this AD: Do applicable post-repair inspections and repairs, using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA.

(k) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using Airbus AOT A53W010–15, Revision 00, including Appendixes 1, 2, 3, and 4, dated December 15, 2015.

(l) 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–2125; 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:* 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 Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2015–0238, dated December 18, 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–2016–7269.

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

(n) 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) Airbus Alert Operators Transmission A53W010–15, Revision 01, including Appendixes 1, 2, 3, and 4, dated October 4, 2016.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.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 April 13, 2017.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–07981 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–1015; Directorate Identifier 2013–NE–37–AD; Amendment 39–18859; AD 2017–08–10]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are superseding airworthiness directive (AD) 2017–01–01 for all Rolls-Royce plc (RR) RB211–Trent 970–84, RB211–Trent 970B–84, RB211–Trent 972–84, RB211–Trent 972B–84, RB211–Trent 977–84, RB211–Trent 977B–84, and RB211–Trent 980–84 turbofan engines. AD 2017–01–01 required inspections of the low-pressure turbine (LPT) exhaust case and support assembly or tail bearing housing (TBH) to detect cracks or damage. This AD corrects references to certain service bulletins in the compliance section of AD 2017–01–01. This AD was prompted by reports that references to service bulletins in AD 2017–01–01 are incorrect. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective May 9, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 26, 2017 (82 FR 3146, January 11, 2017).

We must receive any comments on this AD by June 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 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–245418, or email: *http://www.rolls-royce.com/contact/civil_team.jsp.* You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7125. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–1015.

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–2013–1015; 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 mandatory continuing airworthiness information, regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–1015; Directorate Identifier 2013–NE–37–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Discussion

On December 22, 2016, we issued AD 2017–01–01, Amendment 39–18768 (82 FR 3146, January 11, 2017), for all RR RB211–Trent 970–84, RB211–Trent 970B–84, RB211–Trent 972–84, RB211–Trent 972B–84, RB211–Trent 977–84, RB211–Trent 977B–84, and RB211–Trent 980–84 turbofan engines. AD 2017–01–01 required inspections of the LPT exhaust case and support assembly or TBH to detect cracks or damage. AD 2017–01–01 resulted from RR performing additional analysis of inspection results and determining that the existing inspections need to be modified. We issued AD 2017–01–01 to

prevent failure of the TBH, resulting in damage to the engine and to the airplane.

Actions Since AD 2017–01–01 Was Issued

Since we issued AD 2017–01–01, we learned that certain references to certain service bulletins in AD 2017–01–01 are incorrect. In the fourth row, second column of Table 2 to paragraph (f) of AD 2017–01–01, the applicable Alert Non-Modification Service Bulletin (NMSB) states ''RB.211–72–AJ101'' but the correct reference is ''RB.211–72–AH154.'' In addition, two references to ''NMSB RB.211–72–J024'' in Table 1 and Table 2 to paragraph (f) of AD 2017–01–01 should say ''SB RB.211–72–J024''. We have corrected those references in this AD.

Related Service Information Under 1 CFR Part 51

RR has issued Alert NMSB RB.211–72–AG971, Revision 2, dated May 5, 2016; Alert NMSB RB.211–72–AH154, Revision 5, dated May 5, 2016; Alert NMSB RB.211–72–AJ101, dated May 5, 2016; and Service Bulletin (SB) RB.211–72–J055, dated March 22, 2016. RR Alert NMSB RB.211–72–AG971 describes procedures for on-wing or in-shop inspection of the TBH mount lug run-outs. RR Alert NMSB RB.211–72–AH154 describes procedures for an on-wing or in-shop inspection of a pre-mod 72–J024 TBH. RR Alert NMSB RB.211–72–AJ101 describes procedures for on-wing or in-shop inspection of a post-mod 72–J024 TBH. RR SB RB.211–72–J055 describes procedures for modifying the engine by introducing a revised TBH. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

AD Requirements

This AD requires inspections of the LPT exhaust case and support assembly or TBH to detect cracks or damage.

FAA's Justification and Determination of the Effective Date

No domestic operators use this product. Therefore, we find that notice and opportunity for prior public comment are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

Costs of Compliance

We estimate that this AD affects 0 engines installed on 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
Inspection of the TBH	8 work-hours × $85 per hour = $680.	$0	$680 per inspection cycle	$0

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA 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 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2017–01–01, Amendment 39–18768 (82 FR 3146, January 11, 2017), and adding the following new AD:

2017–08–10 Rolls-Royce plc: Amendment 39–18859; Docket No. FAA–2013–1015; Directorate Identifier 2013–NE–37–AD.

(a) Effective Date

This AD is effective May 9, 2017.

(b) Affected ADs

This AD replaces AD 2017–01–01, Amendment 39–18768 (82 FR 3146, January 11, 2017).

(c) Applicability

This AD applies to all Rolls-Royce plc (RR) RB211–Trent 970–84, RB211–Trent 970B–84, RB211–Trent 972–84, RB211–Trent 972B–84, RB211–Trent 977–84, RB211–Trent 977B–84, and RB211–Trent 980–84 turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7200, Engine (Turbine/Turboprop).

(e) Unsafe Condition

This AD was prompted by reports that references to certain service bulletins are incorrect. We are issuing this AD to prevent failure of the tail bearing housing (TBH), resulting in damage to the engine and to the airplane.

(f) Compliance

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

(1) Within the compliance times and using the service information specified in Table 1 to paragraph (f) of this AD, accomplish on-wing inspections of the TBH features using the following instructions, as applicable.

(i) If during any on-wing inspection of the TBH mount lug run-outs done using the Accomplishment Instructions, paragraph 3.A.(1), of RR Alert Non-Modification Service Bulletin (NMSB) RB.211–72–AG971, Revision 2, dated May 5, 2016, any cracks less than or equal to 2 mm in length are found, remove the engine from service within 10 flight cycles (FCs). If any cracks greater than 2 mm are found, remove the engine from service before further flight.

(ii) If during any on-wing inspection of the TBH mount lug run-outs done using the Accomplishment Instructions, paragraph 3.A.(2), of RR Alert NMSB RB.211–72–AG971, Revision 2, dated May 5, 2016, any crack indications resulting in an inspection signal with an amplitude of 50% full screen height or more are found, remove the engine from service before further flight.

(iii) If during any on-wing inspection of a pre-mod 72–J024 TBH, any crack or damage is found on the TBH mount lug forging leading edge (LE) areas, re-inspect the engine or remove the engine from service in accordance with the Accomplishment Instructions, paragraph 3.A.(3)(t), of RR Alert NMSB RB.211–72–AH154, Revision 5, dated May 5, 2016.

(iv) If during any on-wing inspection of a post-mod 72–J024 TBH, any crack is found on the TBH mount lug forging LE or cutback areas, re-inspect the engine or remove the engine from service in accordance with the Accomplishment Instructions, paragraph 3.A.(3)(t), of RR Alert NMSB RB.211–72–AJ101, dated May 5, 2016.

(2) Within the compliance times and using the service information specified in Table 2 to paragraph (f) of this AD, perform in-shop inspections of the TBH features using the following instructions, as applicable.

(i) If during any in-shop inspection of the TBH, any crack is found on the TBH mount lug or central male catcher run-outs, replace the TBH with a TBH eligible for installation before the engine is returned to service.

(ii) If during any in-shop inspection of the TBH, any crack is found on the top core vanes, reject as unserviceable or repair the TBH in accordance with the Accomplishment Instructions, paragraph 3.C.(1)(f), of RR Alert NMSB RB.211–72–AG971 Revision 2, dated May 5, 2016, before the engine is returned to service.

(iii) If during any in-shop inspection of a pre-mod 72–J024 TBH, any crack or damage is found on the TBH mount lug forging LE areas, reject as unserviceable or repair the TBH in accordance with the Accomplishment Instructions, paragraph 3.B.(2)(u)(ii), of RR Alert NMSB RB.211–72–AH154, Revision 5, dated May 5, 2016, or the Accomplishment Instructions, paragraph 3.C.(1)(f), of RR Alert NMSB RB.211–72–AG971, Revision 2, dated May 5, 2016, before the engine is returned to service.

(iv) If during any in-shop inspection of a post-mod 72–J024 TBH, any crack is found on the TBH mount lug forging LE or cutback areas, repair the TBH in accordance with the Accomplishment Instructions, paragraph 3.B.(2)(u)(ii), of RR Alert NMSB RB.211–72–AJ101, dated May 5, 2016, or the Accomplishment Instructions, paragraph 3.C.(1)(f), of Alert NMSB RB.211–72–AG971, Revision 2, dated May 5, 2016, before the engine is returned to service.

TABLE 1 TO PARAGRAPH (f)—TBH ON-WING INSPECTIONS

Affected TBH P/N and feature	Applicable NMSB and paragragph	Alternate NMSB instructions acceptable for prior compliance	Initial inspection	Repeat inspection interval (not to exceed)
All—Mount Lug Run-outs	RB.211–72–AG971, Revision 2, Paragraph 3.A.	In-shop: RB.211–72–AG971, Revision 2, Paragraph 3.B or 3.C.	Before exceeding 2,200 FCs since new.	2,200 FCs.
Pre-mod 72–J024 TBH—Mount Lug Forging LE Areas—for a TBH that has not exceeded 900 FCs since new on April 7, 2014.	RB.211–72–AH154, Revision 5, Paragraph 3.A.	In-shop: RB.211–72–AH154, Revision 5, Paragraph 3.B., or RB.211-72–AG971, Revision 2, Paragraph 3.C.	Before exceeding 1,000 FCs since new.	1,000 FCs.
Pre-mod 72–J024 TBH—Mount Lug Forging LE Areas—for a TBH that has exceeded 900 FCs since new on April 7, 2014.	RB.211–72–AH154, Revision 5, Paragraph 3.A.	In-shop: RB.211–72–AH154, Revision 5, Paragraph 3.B., or RB.211-72–AG971, Revision 2, Paragraph 3.C.	Within 100 FCs after April 7, 2014.	1,000 FCs.
Post-mod 72–J024 TBH—Mount Lug Forging LE and Cutback Areas.	RB.211–72–AJ101, Paragraph 3.A.	In-shop: RB.211–72–AG971, Revison 2, Paragraph 3.C, or RB.211–72–AJ101, Paragraph 3.B.	Before exceeding 1,000 FCs since SB RB.211-72-J024 embodiment.	1,000 FCs.

TABLE 2 TO PARAGRAPH (f)—TBH IN-SHOP INSPECTIONS

Affected TBH P/N and feature	Applicable NMSB and paragraph	Alternate NMSB instructions acceptable for prior compliance	Initial inspection	Repeat inspection interval (not to exceed)
All—Mount Lug Run-outs	RB.211–72–AG971, Revision 2, Paragraph 3.	On-wing: RB.211–72–AG971, Revision 2, Paragraph 3.A., or In-shop: RB.211–72–AG971, Revision 2, Paragraph 3.C.	Before exceeding 2,200 flight FCs since new.	2,200 FCs.
All—Top Core Vanes and Central Male Catcher Run-outs.	RB.211–72–AG971, Revision 2, Paragraph 3.C.	None	Before exceeding 3,800 FCs since new.	3,800 FCs.

TABLE 2 TO PARAGRAPH (f)—TBH IN-SHOP INSPECTIONS—Continued

Affected TBH P/N and feature	Applicable NMSB and paragraph	Alternate NMSB instructions acceptable for prior compliance	Initial inspection	Repeat inspection interval (not to exceed)
Pre-mod 72–J024 TBH—Mount Lug Forging LE Areas—for a TBH that has not exceeded 900 FCs since new on April 7, 2014.	RB.211–72–AH154, Revision 5, Paragraph 3.B.	On-wing: RB.211–72–AH154, Revision 5, Section 3.A, or In-shop: RB.211–72–AG971, Revision 2, Paragraph 3.C.	Before exceeding 1,000 FCs since new.	1,000 FCs.
Pre-mod 72–J024 TBH—Mount Lug Forging LE Areas—for a TBH that has exceeded 900 FCs since new on April 7, 2014.	RB.211–72–AH154, Revision 5, Paragraph 3.B.	On-wing: RB.211–72–AH154, Revision 5, Section 3.A, or In-shop: RB.211–72–AG971, Revision 2, Paragraph 3.C.	Within 100 FCs after the effective date of this AD.	1,000 FCs.
Post-mod 72–J024 TBH—Mount Lug Forging LE and Cutback Areas.	RB.211–72–AJ101, Paragraph 3.B.	On-wing: RB.211–72–AJ101, Section 3.A, or In-shop: RB.211–72–AG971, Revision 2, Paragraph 3.C.	Before exceeding 1,000 FCs since SB RB.211-72–J024 embodiment.	1,000 FCs.

(g) Credit for Previous Actions

(1) If you performed inspections and corrective actions on an engine before the effective date of this AD, in accordance with earlier versions of RR Alert NMSB RB.211–72–AG971, Revision 2, dated May 5, 2016, or RR Alert NMSB RB.211–72–AH154, Revision 5, dated May 5, 2016, you met the requirements of paragraph (f)(1) or (2) of this AD, as applicable.

(2) If, on or before April 7, 2014, you performed the inspections and corrective actions required by paragraphs (f)(1) and (2) of this AD using RR Technical Variance (TV) No. 124801, Issue 2, dated July 4, 2012 or earlier versions; or RR TV No. 124851, Issue 2, dated July 4, 2012 or earlier versions; you met the requirements for a mount lug run-out inspection.

(3) If, on or before April 7, 2014, you performed the inspections and corrective actions required by paragraphs (f)(1) and (2) of this AD using RR Repeater TV No. 132043, Issue 1, dated March 25, 2013 or earlier versions; or using RR Repeater TV No. 132217, Issue 5, dated May 23, 2013 or earlier versions; you met the requirements for the mount lug forging LE inspections of this AD.

(h) Optional Terminating Action

(1) Accomplishment of corrective actions required by paragraphs (f)(1) and (2) of this AD does not constitute terminating action for the repetitive inspections required by this AD.

(2) Modification of an engine in accordance with the instructions of RR Service Bulletin RB.211–72–J055, dated March 22, 2016, constitutes terminating action for the repetitive inspections required by paragraphs (f)(1) and (2) of this AD for that engine, provided that, following this modification, no affected TBH is installed on that engine.

(i) Alternative Methods of Compliance (AMOCs)

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

(j) Related Information

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

(2) Refer to MCAI European Aviation Safety Agency AD 2016–0193, dated September 30, 2016, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–1015.

(3) RR TV No. 124801, Issue 2, dated July 4, 2012; RR TV No. 124851, Issue 2, dated July 4, 2012, Repeater TV No. 132043, Issue 1, dated March 25, 2013, and Repeater TV No. 132217, Issue 5, dated May 23, 2013; which are not incorporated by reference in this AD, can be obtained from RR using the contact information in paragraph (k)(3) of this AD.

(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 the AD specifies otherwise.

(3) The following service information was approved for IBR on January 26, 2017 (82 FR 3146, January 11, 2017).

(i) Rolls-Royce plc (RR) Service Bulletin RB.211–72–J055, dated March 22, 2016.

(ii) RR Alert Non-Modification Service Bulletin (NMSB) RB.211–72–AJ101, dated May 5, 2016;

(iii) RR Alert NMSB RB.211–72–AG971, Revision 2, dated May 5, 2016; and

(iv) RR Alert NMSB RB.211–72–AH154, Revision 5, dated May 5, 2016.

(4) For RR service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–245418, or email: *http://www.rolls-royce.com/contact/civil_team.jsp.*

(5) You may view this service information at FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7125.

(6) You may view this service information 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 Burlington, Massachusetts, on April 12, 2017.

Robert J. Ganley,

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

[FR Doc. 2017–07983 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9266; Airspace Docket No. 16–ASO–5]

Establishment of Class E Airspace; Kill Devil Hills, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Kill Devil Hills, NC, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) serving First Flight Airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, June 22, 2017. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of

Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace extending upward from 700 feet above the surface at First Flight Airport, Kill Devil Hills, NC for the safety and management of instrument flight rules (IFR) operations at the airport.

History

On November 22, 2016, the FAA published in the **Federal Register** (81 FR 83750) Docket No. FAA–2016–9266, a notice of proposed rulemaking (NPRM) to establish Class E airspace extending upward from 700 feet above the surface at Kill Devil Hills, NC, providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for First Flight Airport. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius of First Flight Airport, Kill Devil Hills, NC to support the new RNAV (GPS) standard instrument approach procedures for IFR operations at the airport. An editorial change to the latitude coordinate of the airport has been made, changing it to lat. 36°01'03'', from lat. 36°1'3. Aside from the editorial change, this final rule is the same as published in the NPRM.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120, E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, effective September 15, 2016, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO NC E5 Kill Devil Hills, NC [New]

First Flight Airport, NC
(Lat. 36°01′03″ N., long. 75°40′18″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of First Flight Airport.

Issued in College Park, Georgia, on April 12, 2017.

Geoff Lelliott,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2017–08098 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9295; Airspace Docket No. 16–AWP–16]

Amendment of Class E Airspace and Establishment of Class E En Route Airspace; Paso Robles, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E surface area airspace, Class E airspace extending upward from 700 feet above the surface, and establishes Class E en route airspace at Paso Robles Municipal Airport, Paso Robles, CA. Also, the geographic coordinates of the airport are adjusted to match the current FAA aeronautical database. These changes are necessary to support new Instrument Flight Rules (IFR) standard instrument approach procedures at the airport and en route operations where the Federal airway structure is inadequate.

DATES: Effective 0901 UTC, June 22, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection 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/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4511.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace at Paso Robles Municipal Airport, Paso Robles, CA.

History

On November 10, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify Class E surface area airspace, Class E airspace extending upward from 700 feet above the surface, and establish Class E en route airspace at Paso Robles Municipal Airport, Paso Robles, CA. (81 FR 78949) Docket No. FAA–2016–9295. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

The FAA is transitioning from a system of ground based navigational aids, which are being decommissioned, to Global Navigation Satellite System (GNSS) for navigation and found airspace redesign necessary to support new GNSS standard instrument approach procedures and en route, point-to-point clearances for which the Federal airway structure is inadequate.

Except for an editorial change adding the airport name in the regulatory text for Class E en route airport, this rule is the same as published in the NPRM.

Class E airspace designations are published in paragraph 6002, 6005, and 6006, respectively, of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies Class E surface area airspace, Class E airspace extending upward from 700 feet above the surface, and establishes Class E en route airspace upward from 1,200 feet above the surface at Paso Robles Municipal Airport, Paso Robles, CA.

Class E surface airspace is modified to within a 5.7-mile radius of Paso Robles Municipal Airport (from a 5-mile radius), and language excluding the Hunter Low A, Hunter Low B, and Roberts Military Operations Areas is removed.

Class E airspace extending upward from 700 feet above the surface is slightly enlarged north and south of the airport to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures developed for the airport.

Additionally, Class E en route airspace extending upward from 1,200 feet above the surface is established at the airport to adjoin the Monterey, Lemoore, Bakersfield, and Santa Barbara Class E airspace areas upward from 1,200 feet above the surface, to provide controlled airspace where the Federal airway structure is inadequate. Also, the geographic coordinates of the airport are adjusted to match the FAA's aeronautical database.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, is amended as follows:

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

AWP CA E2 Paso Robles, CA [Modified]

Paso Robles Municipal Airport, CA
(Lat. 35°40′22″ N., long. 120°37′38″ W.)

That airspace within a 5.7-mile radius of Paso Robles Municipal Airport.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AWP CA E5 Paso Robles, CA [Modified]

Paso Robles Municipal Airport, CA
(Lat. 35°40′22″ N., long. 120°37′38″ W.)

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Paso Robles Municipal Airport from the 351° bearing of the airport clockwise to the 040° bearing, and within a 5.7-mile radius from the 040° bearing of the airport clockwise to the 128° bearing, and within a 9-mile radius from the 128° bearing of the airport clockwise to the 168° bearing, and within a 7-mile radius from the 168° bearing of the airport clockwise to the 209° bearing, and within a 5.7-mile radius from the 209° bearing of the airport clockwise to the 323° bearing, and within 1.8 miles each side of the 341° bearing from the airport extending to 9.6 miles northwest of the airport.

Paragraph 6006 Class E En Route Airspace.

* * * * *

AWP CA E6 Paso Robles, CA [New]

Paso Robles Municipal Airport, CA
(Lat. 35°40′22″ N., long. 120°37′38″ W.)

That airspace extending upward from 1,200 feet above the surface at Paso Robles Municipal Airport within the area bounded by lat. 35°34′54″ N., long. 120°4′52″ W.; to lat. 35°43′55″ N., long. 120°4′52″ W.; to lat. 35°43′58″ N., long. 120°20′49″ W.; to lat. 36°8′51″ N., long. 120°39′41″ W.; to lat. 36°23′8″ N., long. 120°42′26″ W.; to lat. 36°23′13″ N., long. 121°3′25″ W.; to lat. 36°0′42″ N., long. 121°33′30″ W.; to lat. 35°37′48″ N., long. 121°21′48″ W.; to lat. 35°25′55″ N., long. 121°2′47″ W.; to lat. 35°32′43″ N., long. 121°2′47″ W.; to lat. 35°32′52″ N., long. 120°40′42″ W.; to lat. 35°22′10″ N., long. 120°32′00″ W; to lat. 35°31′44″ N., long. 120°14′50″ W.; to lat. 35°35′25″ N., long. 120°17′41″ W.; to the point of beginning.

Issued in Seattle, Washington, on April 13, 2017.

Sam S.L. Shrimpton,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2017–08106 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9344; Airspace Docket No. 16–AEA–7]

Amendment of Class E Airspace; Atlantic City, NJ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Atlantic City, NJ, as Atlantic City Municipal/Bader Field has closed, requiring airspace reconfiguration at Atlantic City International Airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the Atlantic City International Airport area.

DATES: Effective 0901 UTC, June 22, 2017. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on-line at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 1–800–647–8927, or 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace at Atlantic City International Airport, Atlantic City, NJ for the safety and management of instrument flight rules (IFR) operations in the Atlantic City International Airport area.

History

On January 17, 2017, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) (82 FR 4798) Docket No. FAA–2016–9344, to amend Class E airspace designated as an extension to Class C surface area, and Class E airspace extending upward from 700 feet above the surface at Atlantic City International Airport, Atlantic City, NJ, due to the closing of Atlantic City Municipal/Bader Field. Interested parties were invited to participate in this rulemaking

effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraphs 6003 and 6005, respectively, of FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace designated as an extension to Class C surface area, and Class E airspace extending upward from 700 feet above the surface at Atlantic City International Airport, Atlantic City, NJ, by removing Atlantic City Municipal/Bader Field from the airspace description as the airport has closed, no longer requiring controlled airspace.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the FAA amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120, E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, effective September 15, 2016, is amended as follows:

Paragraph 6003 Class E Airspace Designated as an Extension to a Class C Surface Area.

* * * * *

AEA NJ E3 Atlantic City, NJ [Amended]

Atlantic City International Airport, NJ
(Lat. 39°27′27″ N., long. 74°34′38″ W.)
Atlantic City VORTAC
(Lat. 39°27′21″ N., long. 74°34′35″ W.)

That airspace extending upward from the surface within 2.7 miles either side of the Atlantic City VORTAC 303° radial extending from the 5-mile radius to 7.4 miles northwest of Atlantic City International Airport.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AEA NJ E5 Atlantic City, NJ [Amended]

Atlantic City International Airport, NJ
(Lat. 39°27′27″ N., long. 74°34′38″ W.)

That airspace extending upward from 700 feet above the surface within a 7.2-mile radius of Atlantic City International Airport.

Issued in College Park, Georgia, on April 12, 2017.

Geoff Lelliott,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2017–08100 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–8128; Airspace Docket No. 15–AEA–14]

Amendment of Class D and Class E Airspace; Elmira, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D and E airspace at Elmira, NY, as the ERINN Outer Marker (OM) has been decommissioned requiring airspace reconfiguration at Elmira/Corning Regional Airport. This action enhances the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport. This action also updates the geographic coordinates of the airport, and eliminates the Notice to Airmen (NOTAM) part-time status of the Class E airspace designated as an extension to a Class D surface area. Also, the FAA found the Class E airspace designated as an extension to a class D surface area description was inaccurate. This action corrects the error.

DATES: Effective 0901 UTC, June 22, 2017. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 1–800–647–8927, or 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation

Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class D and Class E airspace at Elmira/Corning Regional Airport, Elmira, NY.

History

On December 13, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class D and Class E airspace at Elmira, NY. (81 FR 89885) Docket No. FAA–2015–8128. This proposed change is necessary as the ERINN Outer Marker (OM) has been decommissioned requiring airspace reconfiguration at Elmira/Corning Regional Airport. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the regulatory text for the Class E airspace designated as an extension was found to have some inaccuracies and is rewritten for clarity.

Class D and Class E airspace designations are published in paragraphs 5000, 6002 and 6004, respectively, of FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class D airspace, Class E surface area airspace, and Class E airspace designated as an extension to a Class D surface area at Elmira/Corning Regional Airport, Elmira, NY. This action amends the geographic coordinates of the airport to coincide with the FAA's aeronautical database, and eliminates the NOTAM information from the regulatory text of the Class E airspace designated as an extension to Class D that reads, ''This Class E airspace area is effective during the specific dates and time established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.'' This action also corrects some inaccuracies in the segment dimensions northeast, east, and southwest of the airport in the description of Class E airspace designated as an extension to a Class D surface.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120, E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, effective September 15, 2016, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AEA NY D Elmira, NY [Amended]

Elmira/Corning Regional Airport, NY
(Lat. 42°09′35″ N., long 76°53′30″ W.)

That airspace extending upward from the surface to and including 3,500 MSL within a 4.2-mile radius of the Elmira/Corning Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement, (previously called Airport/Facility Directory).

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

AEA NY E2 Elmira, NY [Amended]

Elmira/Corning Regional Airport, NY
(Lat. 42°09′35″ N., long 76°53′30″ W.)

That airspace extending upward from the surface within a 4.2-mile radius of the Elmira/Corning Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement, (previously called Airport/Facility Directory).

Paragraph 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.

* * * * *

AEA NY E4 Elmira, NY [Amended]

Elmira/Corning Regional Airport, NY
(Lat. 42°09′35″ N., long 76°53′30″ W.)

That airspace extending upward from the surface within 1.8 miles each side of the 062° bearing from the airport extending from the

4.2-mile radius of Elmira/Corning Regional Airport to 8.6-miles northeast of the airport, within 1.8 miles each side of the 101° bearing from the airport extending from the 4.2-mile radius to 6 miles east of the airport, and within 1.8 miles each side of the 240° bearing from the airport extending from the 4.2-mile radius to 7 miles southwest of the airport, and within 1.8 miles each side of the 282° bearing from the airport extending from the 4.2-mile radius to 8 miles northwest of the airport.

Issued in College Park, Georgia, on April 12, 2017.

Geoff Lelliott,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2017–08099 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Part 1241

[Docket No. ONRR–2016–0002; DS63644000 DR2PS0000.CH7000 178D0102R2]

RIN 1012–AA17

Civil Monetary Penalty Rates Inflation Adjustments for Calendar Year 2017 and Initial ''Catch-Up'' Adjustments

AGENCY: Office of the Secretary, Office of Natural Resources Revenue, Interior.

ACTION: Final rule.

SUMMARY: In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990 (Act), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act) and recent Office of Management and Budget (OMB) guidance, the Office of Natural Resources Revenue (ONRR) is publishing this final rule to adjust our maximum civil monetary penalty (CMP) rates for calendar year 2017. This final rule also adopts as final a 2016 interim final rule that adjusted the amount of our civil monetary penalties for inflation with initial ''catch-up'' adjustments under the 2015 Act.

DATES: This rule is effective on April 24, 2017.

FOR FURTHER INFORMATION CONTACT: For questions on procedural issues, contact Armand Southall, Regulatory Specialist, by telephone at (303) 231–3221 or email to *Armand.Southall@onrr.gov.* For questions on technical issues, contact Geary Keeton, Chief of Enforcement, by telephone at (303) 231–3096 or email to *Geary.Keeton@onrr.gov.* You may obtain a paper copy of this rule by contacting Mr. Southall by phone or email.

SUPPLEMENTARY INFORMATION:

I. Background
II. Calculation of Adjustment
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I. Background

The Act, as amended (set out in a note following 28 U.S.C. 2461), requires Federal agencies to adjust their civil monetary penalty (CMP) rates through an interim final rulemaking to take effect no later than August 1, 2016, and to make annual inflation adjustments not later than January 15 of every year thereafter with the guidance that OMB provides us by December 15 of each calendar year, as required by section 7 of the Act, to calculate the maximum CMP rates for the following calendar year.

On February 24, 2016, OMB issued guidance on calculating the initial catch-up and subsequent annual CMP inflation adjustments. *See* February 24, 2016, Memorandum for the Heads of Executive Departments and Agencies from Shaun Donovan, Director, OMB, re: *Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (OMB Memorandum M–16–06). That memorandum included a table (Table A) showing CMP inflation-adjustment multipliers by calendar year of CMP establishment from 1914 to 2015. On June 9, 2016, ONRR published its interim final rule required by the Act, as amended, adjusting for inflation from 1983 to 2016.

On December 16, 2016, OMB issued additional guidance on the annual adjustment of CMPs for 2017. *See* December 16, 2016, Memorandum for the Heads of Executive Departments and Agencies from OMB Director Shaun Donovan re: *Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (OMB Memorandum M–17–11). That memorandum informed agencies that the inflation-adjustment multiplier for 2017 is 1.01636.

II. Calculation of Adjustments

ONRR assesses CMPs under section 109 of the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), codified as amended at 30 U.S.C. 1719. In accordance with FOGRMA, we calculate and assess CMPs per violation, at the applicable rate, for each day such violation continues.

Since we had not adjusted the maximum CMP rates for inflation since their establishment in 1983, we calculated the new maximum CMP rates for 2016 using the inflation-adjustment multiplier for CMPs established in 1983, as set out in Table A in OMB Memorandum M–16–06. That multiplier was 2.35483. On June 9, 2016, we published an interim final rule in the **Federal Register** (81 FR 37153) establishing the maximum CMP rates with the initial catch-up adjustments. Those maximum CMP rates were effective on July 11, 2016. However, the interim final rule requested public comments until August 8, 2016. ONRR received no comments and, therefore, is finalizing that rule. OMB Memorandum M–17–11 authorizes agencies to finalize their 2016 initial ''catch-up'' adjustment interim final rule in the same rulemaking that establishes their 2017 annual adjustments.

In accordance with sections 4 and 5 of the Act, as amended, the annual CMP Inflation Adjustment calculation for 2017 is based on the percent change in the Consumer Price Index for all Urban Consumers (CPI–U) between October 2015 and October 2016. To calculate the maximum CMP rates for 2017, we are using the inflation-adjustment multiplier that OMB provided in its Memorandum M–17–11. That multiplier is 1.01636. In accordance with section 5(a) of the Act, as amended, the new maximum CMP rates will be rounded to the nearest dollar. For example, the maximum CMP rate under 30 U.S.C. 1719(a) in 2016 is $1,177 per violation for each day such violation continues; the 2017 CMP inflation-adjustment multiplier is 1.01636; $1,177 × 1.01636 = $1,196.2557, which rounds down to $1,196. Therefore, the new maximum CMP rate for this violation is $1,196 for each day such violation continues. It is important to note that, by themselves, the increases in maximum CMP rates contained in this final rule do not determine the amount of the CMP that we will assess for a particular violation; as authorized by FOGRMA and the implementing regulations codified at 30 CFR part 1241, we calculate each CMP on a case-by-case basis.

In accordance with section 6 of the Act, as amended, the new maximum

penalty rates will apply only to CMPs, including those which are associated with violations predating the increase, that are assessed after the date the increase takes effect.

III. Summary of Final Rule

This final rule adjusts the maximum CMP rates for each of the four categories of violations identified in 30 U.S.C. 1719(a)–(d). The following list identifies the existing ONRR regulations containing CMP rates and shows those rates before and after adjustment.

30 CFR citation	Current penalty rate	2017 inflation adjustment multiplier	2017 adjusted penalty rate
1241.52(a)(2)	1,177	1.01636	1,196
1241.52(b)	11,774	1.01636	11,967
1241.60(b)(1)	23,548	1.01636	23,933
1241.60(b)(2)	58,871	1.01636	59,834

Note: The CMP rates under 30 CFR part 1241 are authorized by 30 U.S.C. 1719(a)–(d).

IV. Procedural Requirements

A. Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in OMB will review all significant rules. OIRA has determined that this rule is not significant.

E.O. 13563 reaffirms the principles of E.O. 12866, while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public, where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We developed this rule in a manner consistent with these requirements.

B. Regulatory Flexibility Act

This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*) because the rule only makes adjustments for inflation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires agencies to adjust civil penalties with a subsequent annual inflation adjustment through a final rule. Therefore, the RFA does not apply to this rulemaking.

C. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million or more.

b. Will not cause a major increase in costs or prices for consumers; individual industries; Federal, State, local government agencies; or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises.

D. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. This rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. Therefore, we are not required to provide a statement containing the information that the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) requires because this rule is not an unfunded mandate.

E. Takings (E.O. 12630)

This rule does not affect a taking of private property or otherwise have taking implications under E.O. 12630. Therefore, this rule does not require a takings implication assessment.

F. Federalism (E.O. 13132)

Under the criteria in section 1 of E.O. 13132, this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism summary impact statement. Therefore, this rule does not require a Federalism summary impact statement.

G. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

a. Meets the criteria of section 3(a), which requires that we review all regulations to eliminate errors and ambiguity and to write them to minimize litigation.

b. Meets the criteria of section 3(b)(2), which requires that we write all regulations in clear language using clear legal standards.

H. Consultation With Indian Tribal Governments (E.O. 13175)

The Department strives to strengthen its government-to-government relationship with the Indian Tribes through a commitment to consultation with the Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. Under the Department's consultation policy and the criteria in E.O. 13175, we evaluated this rule and determined that it will have no substantial direct effects on Federally-recognized Indian Tribes and does not require consultation.

I. Paperwork Reduction Act

This rule:

(a) Does not contain any new information collection requirements.

(b) Does not require a submission to OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). See 5 CFR 1320.4(a)(2).

J. National Environmental Policy Act of 1969 (NEPA)

This rule does not constitute a major Federal action, significantly affecting the quality of the human environment. We are not required to provide a detailed statement under NEPA because this rule qualifies for categorical exclusion under 43 CFR 46.210(i) in that this rule is ". . . *of an administrative, financial, legal, technical, or procedural nature. . . .*" We also have determined that this rule is not involved in any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

K. Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in E.O.

13211 and, therefore, does not require a Statement of Energy Effects.

L. Clarity of This Regulation

We are required by E.O. 12866 (section 1(b)(12)), E.O. 12988 (section 3(b)(1)(B)), and E.O. 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized.

(b) Use the active voice to address readers directly.

(c) Use common, everyday words and clear language rather than jargon.

(d) Be divided into short sections and sentences.

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send your comments to *Armand.Southall@onrr.gov.* Your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

M. Administrative Procedure Act (APA)

The Act requires agencies to publish annual inflation adjustments by no later than January 15, 2017, and by no later than January 15 each subsequent year, notwithstanding section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553). OMB has interpreted this direction to mean that the usual APA public procedure for rulemaking—which includes public notice of a proposed rule, an opportunity for public comment, and a delay in the effective date of a final rule—is not required when agencies issue regulations to implement the annual adjustments to civil penalties that the Act requires. Accordingly, we are issuing the 2017 annual adjustments as a final rule without prior notice or an opportunity for comment and with an effective date immediately upon publication in the **Federal Register**.

Section 553(b) of the Administrative Procedure Act (APA) provides that, when an agency for good cause finds that ''notice and public procedure . . . are impracticable, unnecessary, or contrary to the public interest,'' the agency may issue a rule without providing notice and an opportunity for prior public comment. Under section 553(b), ONRR finds that there is good cause to promulgate this rule without first providing for public comment. It would not be possible to meet the deadlines imposed by the Act if we were to first publish a proposed rule, allow the public sufficient time to submit comments, analyze the comments, and publish a final rule. Also, ONRR is promulgating this final rule to implement the statutory directive in the Act, which requires agencies to publish a final rule and to update the civil penalty amounts by applying a specified formula. We have no discretion to vary the amount of the adjustment to reflect any views or suggestions provided by commenters. Accordingly, it would serve no purpose to provide an opportunity for public comment on this rule prior to promulgation. Thus, providing for notice and public comment is impracticable and unnecessary.

Furthermore, ONRR finds under section 553(d)(3) of the APA that good cause exists to make this final rule effective immediately upon publication in the **Federal Register**. In the Act, Congress expressly required Federal agencies to publish annual inflation adjustments to civil penalties in the **Federal Register** by January 15, 2017, and not later than January 15 of every subsequent year, notwithstanding section 553 of the APA. Under the statutory framework and OMB guidance, the new penalty levels take effect immediately upon the effective date of the adjustment. The statutory deadline does not allow time to delay this rule's effective date beyond publication. Moreover, an effective date after January 15 would delay application of the new penalty levels, contrary to Congress's intent.

List of Subjects in 30 CFR Part 1241

Administrative practice and procedure, Civil penalties, Coal, Geothermal, Inflation, Mineral resources, Natural gas, Notices of non-compliance, Oil.

Amy Holley,

Acting Assistant Secretary for Policy, Management and Budget.

Authority and Issuance

For the reasons discussed in the preamble, ONRR amends 30 CFR part 1241 as set forth below:

PART 1241—PENALTIES

■ 1. The authority citation for part 1241 continues to read as follows:

Authority: 25 U.S.C. 396 *et seq.,* 396a *et seq.,* 2101 *et seq.;* 30 U.S.C. 181 *et seq.,* 351 *et seq.,* 1001 *et seq.,* 1701 *et seq.;* 43 U.S.C. 1301 *et seq.,* 1331 *et seq.,* 1801 *et seq.*

§ 1241.52 [Amended]

■ 2. Amend § 1241.52 by:

■ a. In paragraph (a)(2), removing ''$1,177'' and adding in its place ''$1,196.''

■ b. In paragraph (b) introductory text, removing ''$11,774'' and adding in its place ''$11,967.''

§ 1241.60 [Amended]

■ 3. Amend § 1241.60 by:

■ a. In paragraph (b)(1), removing ''$23,548'' and adding in its place ''$23,933.''

■ b. In paragraph (b)(2), removing ''$58,871'' and adding in its place ''$59,834.''

[FR Doc. 2017–08225 Filed 4–21–17; 8:45 am]

BILLING CODE 4335–30–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2017–0305]

RIN 1625–AA08

Special Local Regulation; Hebda Cup Rowing Regatta; Detroit River, Trenton Channel; Wyandotte, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation for certain waters of the Detroit River, Trenton Channel, Wyandotte, MI. This action is necessary and is intended to ensure safety of life on navigable waters to be used for a rowing event immediately prior to, during, and immediately after this event. This regulation requires vessels to maintain a minimum speed for safe navigation and maneuvering.

DATES: This temporary final rule is effective from 7:30 a.m. until 4:30 p.m. on April 29, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0305 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email Tracy Girard, Prevention Department, Sector Detroit, Coast Guard; telephone 313–568–9564, or email *Tracy.M.Girard@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section
COTP Captain of the Port
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The Coast Guard did not receive the final details of this rowing event until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be impracticable because it would inhibit the Coast Guard's ability to protect participants, mariners and vessels from the hazards associated with this event. We are issuing this rule under 5 U.S.C. 553(d)(3), as the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register** for the same reason noted above.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233. The Captain of the Port Detroit (COTP) has determined that the likely combination of recreation vessels, commercial vessels, and an unknown number of spectators in close proximity to a youth rowing regatta along the water pose extra and unusual hazards to public safety and property. Therefore, the COTP is establishing a Special Local Regulation around the event location to help minimize risks to safety of life and property during this event.

IV. Discussion of the Rule

This rule establishes a temporary special local regulation from 7:30 a.m. until 4:30 p.m. on April 29, 2017. In light of the aforementioned hazards, the COTP has determined that a special local regulation is necessary to protect spectators, vessels, and participants. The special local regulation will encompass the following waterway: All waters of the Detroit River, Trenton Channel between the following two lines going from bank-to-bank: the first line is drawn directly across the channel from position 42°11.0′ N., 083°09.4′ W. (NAD 83); the second line, to the north, is drawn directly across the channel from position 42°11.7′ N., 083°08.9′ W. (NAD 83).

An on-scene representative of the COTP or event sponsor representatives may permit vessels to transit the area when no race activity is occurring. The on-scene representative may be present on any Coast Guard, state, or local law enforcement vessel assigned to patrol the event. Vessel operators desiring to transit through the regulated area must contact the Coast Guard Patrol Commander to obtain permission to do so. The COTP or his designated on-scene representative may be contacted via VHF Channel 16 or at 313—568–9560.

The COTP or his designated on-scene representative will notify the public of the enforcement of this rule by all appropriate means, including a Broadcast Notice to Mariners and Local Notice to Mariners.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771

(''Reducing Regulation and Controlling Regulatory Costs''), directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

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

This regulatory action determination is based on the size, location, duration, and time-of-year of the special local regulation. Vessel traffic will be able to safely transit around this special local regulation zone which will impact a small designated area of the Detroit River from 7:30 a.m. to 4:30 p.m. April 29, 2017. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the special local regulation and the rule allows vessels to seek permission to enter the area.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the special local regulation may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman

and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation lasting nine hours that will limit entry to a designated area. It is categorically excluded under section 2.B.2, figure 2–1, and paragraph 34(h) of the Instruction. A Record of Environmental Consideration (REC) is available in the docket where indicated in the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.T09–0305 to read as follows:

§ 100.T09–0305 Special local regulation; Hebda Cup Rowing Regatta; Detroit River, Trenton Channel, Wyandotte, MI.

(a) *Location.* A regulated area is established to encompass the following waterway: All waters of the Detroit River, Trenton Channel between the following two lines going from bank-to-bank: the first line is drawn directly across the channel from position 42°11.0′ N., 083°09.4′ W. (NAD 83); the second line, to the north, is drawn directly across the channel from position 42°11.7′ N., 083°08.9′ W. (NAD 83).

(b) *Enforcement period.* This section is effective and will be enforced from 7:30 a.m. until 4:30 p.m. on April 29, 2017.

(c) *Regulations.* (1) Vessels transiting through the regulated area are to maintain the minimum speeds for safe navigation.

(2) Vessel operators desiring to operate in the regulated area must contact the Coast Guard Patrol Commander to obtain permission to do so. The Captain of the Port Detroit (COTP) or his on-scene representative may be contacted via VHF Channel 16 or at 313–568–9560. Vessel operators given permission to operate within the regulated area must comply with all directions given to them by the COTP or his on-scene representative.

(3) The ''on-scene representative'' of the COTP Detroit is any Coast Guard commissioned, warrant or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port Detroit to act on his behalf.

(4) Vessel operators shall contact the COTP Detroit or his on-scene representative to obtain permission to enter or operate within the special local regulation. The COTP Detroit or his on-scene representative may be contacted via VHF Channel 16 or at 313–568–9464. Vessel operators given permission to enter or operate in the regulated area must comply with all directions given to them by the COTP Detroit or his on-scene representative.

Dated: April 19, 2017.

R. Negron,

Commander, U.S. Coast Guard, Acting Captain of the Port Detroit.

[FR Doc. 2017–08214 Filed 4–21–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2017–0067]

RIN 1625–AA08

Special Local Regulation; Bush River, Harford County, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing special local regulations for certain waters of the Bush River, including Otter Point Creek. This action is necessary to provide for the safety of life on these navigable waters located near Flying Point Park in Harford County, MD, during a high-speed power boat racing event on May 6, 2017, and May 7, 2017. This rulemaking would

prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or Coast Guard Patrol Commander.

DATES: This rule is effective from 11 a.m. on May 6, 2017, until 7 p.m. on May 7, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0067 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Ronald Houck, Waterways Management Division, Sector Maryland-National Capital Region, U.S. Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. Details of the proposed event were provided to the Coast Guard on March 30, 2017. At this time, it would be impracticable to complete the full notice and comment process because this special local regulation must be established on May 6, 2017, and May 7, 2017.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Due to the date of the event, it would be impracticable to make the regulation effective 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233, which authorizes the Coast Guard to establish and define special local regulations. The Captain of the Port (COTP) Maryland-National Capital Region has determined that potential hazards associated with the power boat race would be a safety concern for anyone intending to operate within certain waters of the Bush River and Otter Point Creek in Harford County, MD. The purpose of this rulemaking is to protect event participants and transiting vessels on certain waters of the Bush River and Otter Point Creek before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a special local regulation from 11 a.m. until 7 p.m. on May 6, 2017, and from 11 a.m. until 7 p.m. on May 7, 2017. The regulated area would cover all navigable waters of the Bush River, including Otter Point Creek, from shoreline to shoreline, bounded to the north by a line drawn from the western shoreline of the Bush River at latitude 39°27′15″ N., longitude 076°14′39″ W. and thence eastward to the eastern shoreline of the Bush River at latitude 39°27′03″ N., longitude 076°13′57″ W.; and bounded to the south by the Amtrak Railroad Bridge, across the Bush River at mile 6.8, between Perryman, MD and Edgewood, MD. This rule provides additional information about areas within the regulated area, their definitions, and the restrictions that apply to mariners. The regulated areas include a ''Race Area'' and a ''Buffer Zone''.

The enforcement and duration of the regulated area is intended to ensure the safety of vessels and the specified navigable waters before, during, and after the noon to 6 p.m. high-speed power boat races. Except for Flying Point Park Outboard Regatta participants, no vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP Maryland-National Capital Region or Coast Guard Patrol Commander. The regulatory text we are proposing appears at the end of this document.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders (E.O.s) related to rulemaking. Below we summarize our analyses based on a number of these statutes and E.O.s, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

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

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it.

As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. *See* OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This regulatory action determination is based on the size and duration of the regulated area, which would impact a small designated area of the Bush River and Otter Point Creek for a 16 hour enforcement period. The Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule would allow vessels to request permission to enter the regulated area, and vessel traffic would be able to safely transit the regulated area once the Coast Guard Patrol Commander deems it safe to do so.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their

fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area lasting for a total of 16 hours. It is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble.

We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.501–T05–0067 to read as follows:

§ 100.501–T05–0067 Special Local Regulation; Bush River, Harford County, MD.

(a) *Definitions.* (1) *Captain of the Port Maryland—National Capital Region* means the Commander, U.S. Coast Guard Sector Maryland—National Capital Region or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on their behalf.

(2) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland—National Capital Region.

(3) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Maryland—National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(4) *Participant* means all persons and vessels participating in the Flying Point Park Outboard Regatta event under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Maryland—National Capital Region.

(5) *Race Area* is an area described by a line bound by coordinates provided in latitude and longitude that outlines the boundary of a race area within the regulated area defined by this section. Only event sponsor designated participants or designated participating vessels and official patrol vessels are allowed to enter the race area. Persons or vessel operators may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the Patrol Commander on VHF–FM Channel 16.

(6) *Buffer Zone* is a neutral area that surrounds the perimeter of the Race

Area within the regulated area described by this section. The purpose of a buffer zone is to minimize potential collision conflicts with marine event participants or race boats and nearby transiting vessels. This area provides separation between a Race Area and other vessels that may be operating in the vicinity of the regulated area established by the special local regulations.

(b) *Locations.* The following locations are within the regulated area:

(1) *Regulated area.* All navigable waters of the Bush River, including Otter Point Creek, from shoreline to shoreline, bounded to the north by a line drawn from the western shoreline of the Bush River at latitude 39°27′15″ N., longitude 076°14′39″ W. and thence eastward to the eastern shoreline of the Bush River at latitude 39°27′03″ N., longitude 076°13′57″ W.; and bounded to the south by the Amtrak Railroad Bridge, across the Bush River at mile 6.8, between Perryman, MD and Edgewood, MD. All coordinates reference Datum NAD 1983.

(2) *Race Area.* The race area is a polygon in shape measuring approximately 540 yards in length by 270 yards in width. The area is bounded by a line commencing at position latitude 39°26′33.1″ N., longitude 076°15′46.8″ W.; thence westerly to latitude 39°26′33.1″ N., longitude 076°15′49.3″ W.; thence northerly to latitude 39°26′37.1″ N., longitude 076°15′52.4″ W.; thence northeasterly to latitude 39°26′40.0″ N., longitude 076°15′52.5″ W.; thence easterly to latitude 39°26′45.9″ N., longitude 076°15′32.2″ W.; thence southeasterly to latitude 39°26′45.3″ N., longitude 076°15′30.0″ W.; thence southerly to latitude 39°26′43.8″ N., longitude 076°15′29.1″ W.; thence southerly to latitude 39°26′42.2″ N., longitude 076°15′28.9″ W.; thence southwesterly to latitude 39°26′40.8″ N., longitude 076°15′29.3″ W.; thence westerly terminating at point of origin.

(3) *Buffer Zone.* The area surrounds the entire race area described in the preceding paragraph of this section. This area is a polygon in shape and provides a buffer around the perimeter of the race area. The area is bounded by a line commencing at the shoreline at Flying Point Park at position latitude 39°26′31.9″ N., longitude 076°15′32.5″ W.; thence westerly to latitude 39°26′30.5″ N., longitude 076°15′52.7″ W.; thence northerly to latitude 39°26′39.9″ N., longitude 076°16′00.0″ W.; thence easterly to latitude 39°26′51.6″ N., longitude 076°15′26.7″ W.; thence southerly to latitude 39°26′37.0″ N., longitude 076°15′22.5″ W.; thence southerly to latitude 39°26′33.7″ N., longitude 076°15′22.8″ W., located at the shoreline at Flying Point Park.

(c) *Special local regulations:* (1) The COTP or Coast Guard Patrol Commander may forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both. The Coast Guard Patrol Commander may terminate the event, or the operation of any support vessel participating in the event, at any time it is deemed necessary for the protection of life or property.

(2) Except for participants and vessels already at berth, all persons and vessels within the regulated area at the time it is implemented are to depart the regulated area.

(3) Persons and vessels desiring to transit, moor, or anchor within the regulated area must obtain authorization from the Captain of the Port Maryland—National Capital Region or Coast Guard Patrol Commander. Prior to the enforcement periods, persons may request permission to transit, moor, or anchor within the regulated area, from Captain of the Port Maryland—National Capital Region at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). During the enforcement periods, to request permission to transit, moor, or anchor within the area, the Coast Guard Patrol Commander can be contacted on Marine Band Radio, VHF–FM channel 16 (156.8 MHz) for direction.

(4) The Coast Guard may be assisted in the patrol and enforcement of the regulated area by other Federal, State, and local agencies. The Coast Guard Patrol Commander and official patrol vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz).

(5) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

(d) *Enforcement periods.* This section will be enforced from 11 a.m. until 7 p.m. on May 6, 2017, and from 11 a.m. until 7 p.m. on May 7, 2017.

Dated: April 19, 2017.

Lonnie P. Harrison, Jr.,

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

[FR Doc. 2017–08204 Filed 4–21–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0257]

RIN 1625–AA00

Safety Zone; Chapel Street Over Mill River Bridge Rehabilitation—New Haven, CT

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Mill River in New Haven, CT around the Chapel Street Bridge. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the Mohawk Northeast, Inc. Chapel Street Bridge Rehabilitation Project. When enforced, this regulation prohibits entry of vessels or people into the safety zone unless authorized by the Captain of the Port Sector Long Island Sound.

DATES: This rule is effective without actual notice from April 24, 2017 through May 26, 2017. For the purposes of enforcement, actual notice will be used from April 1, 2017, through April 24, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0257 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, contact Petty Officer Katherine Linnick, Prevention Department, U.S. Coast Guard Sector Long Island Sound, telephone (203) 468–4565, email *Katherine.E.Linnick@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
LIS Long Island Sound
NPRM Notice of Proposed Rulemaking
NAD 83 North American Datum 1983
CFR Code of Federal Regulations

§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On March 6, 2017, Sector Long Island Sound was made aware of a bridge rehabilitation project for the Chapel Street Bridge over the Mill River in New Haven, CT. The COTP Sector LIS has determined that the potential hazards associated with the bridge rehabilitation project will be a safety concern for anyone within the work area.

The project is scheduled to begin on April 1, 2017 and be completed by May 26, 2017. During this project, masonry repairs, fender system repairs, mechanical system replacement, and upgrades to the superstructure will take place. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The safety zone will be enforced during two brief periods when work barges will be placed in the navigable channel during structural steel replacement or when other hazards to navigation arise. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 24 hours in advance to any period of enforcement or as soon as practicable in response to an emergency. If the project is completed prior to May 26, 2017, enforcement of the safety zone will be suspended and notice given via Broadcast Notice to Mariners.

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM with respect to this rule because doing so would be impracticable and contrary to the public interest. The late finalization of project details did not give the Coast Guard enough time to publish an NPRM, take public comments, and issue a final rule before the construction work is set to begin. It would be impracticable and contrary to the public interest to delay promulgating this rule as it is necessary to protect the safety of the public and waterway users.

Under 5 U.S.C. 553(d)(3), and for the same reasons stated in the preceding paragraph, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The legal basis for this temporary rule is 33 U.S.C. 1231. The COTP Sector LIS has determined that potential hazards associated with the bridge rehabilitation project starting on April 1, 2017 and continuing through May 26, 2017 will be a safety concern for anyone within the work zone. This rule is needed to protect personnel, vessels, and the marine environment within the safety zone while the bridge rehabilitation project is completed.

IV. Discussion of the Rule

This rule establishes a safety zone from 6:00 a.m. on April 1, 2017 through 9:00 p.m. on May 26, 2017. The safety zone will cover all navigable waters of Mill River in New Haven, CT around the Chapel Street Bridge: Beginning at a point in position at 41°18′14″ N., 072°54′21″ W. north of the Chapel Street Bridge; then east across Mill River to a point in position at 41°18′14″ N., 072°54′18″ W.; then south to a point in position at 41°18′11″ N., 072°54′18″ W.; then west across Mill River to a point in position at 41°18′11″ N., 072°54′21″ W.; then north across Chapel Street Bridge back to point of origin (NAD 83). All positions are approximate. The duration of the zone is intended to protect people, vessels, and the marine environment in these navigable waters during the Mohawk Northeast, Inc. Chapel Street Bridge Rehabilitation Project. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

The Coast Guard will notify the public and local mariners of this safety zone through appropriate means, which may include, but are not limited to, publication in the **Federal Register**, the Local Notice to Mariners, and Broadcast Notice to Mariners via VHF–FM marine channel 16 in advance of any scheduled enforcement period. The regulatory text we are enforcing appears at the end of this document.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a ''significant regulatory action,'' under Executive Order. 12866. Accordingly, it has not been reviewed by the Office of Management and Budget. The Coast Guard has determined that this rulemaking is not a significant regulatory action for the following reasons: (1) The safety zone only impacts a small designated area of the Mill River during a time of year when vessel traffic is normally low, (2) the zone will only be enforced temporarily when work barges will be placed in the navigable channel during structural steel replacement or if necessitated by an emergency, (3) persons or vessels desiring to enter the safety zone may do so with permission from the COTP Sector LIS or a designated representative. The Coast Guard will notify the public of the enforcement of this rule via appropriate means, such as via Local Notice to Mariners and Broadcast Notice to Mariners.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit this regulated area may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator. Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This temporary rule involves a safety zone enforced from April 1, 2017 through May 26, 2017 that will prohibit entry within the work zone during the bridge rehabilitation project. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.lD. An environmental analysis checklist and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T01–0257 to read as follows:

§ 165.T01–0257 Safety Zone; Chapel Street Over Mill River Bridge Rehabilitation Project—New Haven, CT.

(a) *Location:* The following area is a safety zone: All navigable waters of Mill River in New Haven, CT around the Chapel Street Bridge: Beginning at a point in position at 41°18′14″ N., 072°54′21″ W. north of the Chapel Street Bridge; then east across Mill River to a point in position at 41°18′14″ N., 072°54′18″ W.; then south to a point in position at 41°18′11″ N., 072°54′18″ W.; then west across Mill River to a point in position at 41°18′11″ N., 072°54′21″ W.; then north across Chapel Street Bridge back to point of origin (NAD 83). All positions are approximate.

(b) *Effective and enforcement period.* This rule will be effective from 6:00 a.m. on April 1, 2017 through 9:00 p.m. on May 26, 2017 but will only be enforced during structural steel replacement or other instances which may cause a hazard to navigation, when deemed necessary by the Captain of the Port (COTP), Sector Long Island Sound.

(c) *Definitions.* The following definitions apply to this section: A ''designated representative'' is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the COTP Long Island Sound to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. ''Official patrol vessels'' may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP Long Island Sound. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation. A ''work vessel'' is any vessel provided by Mohawk Northeast, Inc. for the Chapel Street Bridge Rehabilitation Project and may be hailed via VHF channel 13 or 16.

(d) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) In accordance with the general regulations in 33 CFR 165.23, entry into or movement within this zone is prohibited unless authorized by the COTP Long Island Sound.

(3) Operators of vessels desiring to enter or operate within the safety zone should contact the COTP Long Island Sound at 203–468–4401 (Sector Long Island Sound command center) or the designated representative on scene via VHF channel 16 to obtain permission to do so.

(4) Mariners are requested to cooperate with the Mohawk Northeast, Inc. project work vessels for the safety

of all concerned. The Mohawk Northeast, Inc. project work vessels will be monitoring VHF channels 13 and 16.

(5) Any vessel given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP Long Island Sound, or the designated on scene representative.

(6) Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

Dated: March 31, 2017.

A.E. Tucci,

Captain, U.S. Coast Guard, Captain of the Port Sector Long Island Sound.

[FR Doc. 2017–08219 Filed 4–21–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2016–0542; A–1–FRL–9952–93–Region 1]

Air Plan Approval; Connecticut; General Permit To Limit Potential To Emit From Major Stationary Sources of Air Pollution

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Connecticut. This revision approves into the Connecticut SIP the provisions of Connecticut's ''General Permit to Limit Potential to Emit from Major Stationary Sources of Air Pollution'' (GPLPE) as they apply to the restriction of emissions of criteria pollutants for which EPA has established national ambient air quality standards. Separately, we are also approving the provisions of the GPLPE as it applies to the restriction of emissions of hazardous air pollutants (HAPs). The State issued the GPLPE on November 9, 2015. The permit imposes legally and practicably enforceable emissions limitations restricting eligible sources' potential to emit air pollutants. Such restrictions would generally allow eligible sources to avoid having to comply with reasonably available control technology (RACT) that would otherwise apply to major stationary sources, title V operating permit requirements, or other requirements that apply only to major stationary sources. This action is being taken in accordance with the Clean Air Act (CAA or the Act).

DATES: This direct final rule will be effective from June 23, 2017 to November 8, 2020, unless EPA receives adverse comments by May 24, 2017. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2016–0542 at *http://www.regulations.gov,* or via email to *mcdonnell.ida@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, 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, please contact the person identified in the ''For Further Information Contact'' section. For 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: Susan Lancey, Air Permits, Toxics, and Indoor Programs Unit, Office of Ecosystem Protection, 5 Post Office Square—Suite 100 (Mail code OEP05–2), Boston, MA 02109–3912, telephone 617–918–1656, fax 617–918–0656, email *lancey.susan@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Organization of this document. The following outline is provided to aid in locating information in this preamble.

I. Background and Purpose
II. Evaluation of the GPLPE Under Section 110 of the Clean Air Act
III. Evaluation of the GPLPE Under Section 112 of the Clean Air Act
IV. Final Action
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. Background and Purpose

In a letter dated June 27, 2016, the State of Connecticut submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of Connecticut's GPLPE as it relates to criteria pollutants. Federally-enforceable limits on criteria pollutants or their precursors (*e.g.,* VOCs or PM–10) may have the incidental effect of limiting certain HAPs listed pursuant to section 112(b) of the Act. As a legal matter, no additional program approval by the EPA is required beyond SIP approval under section 110 in order for these criteria pollutant limits to be recognized as federally enforceable. However, section 112 of the Act provides the underlying authority for controlling *all* HAP emissions, regardless of their relationship to criteria pollutant controls.

Connecticut's June 27, 2016 letter also requested that EPA approve the GPLPE under section 112(l) of the CAA, as the GPLPE relates to HAPs. The GPLPE was issued on November 9, 2015 and expires on November 8, 2020. As noted earlier, the GPLPE is a general permit designed to limit air pollutant emissions from major stationary sources to below major source thresholds by including legally and practicably enforceable permit restrictions on potential and actual emissions.

By letter dated August 18, 2016, CT DEEP withdrew from its June 27, 2016 SIP submittal, all explicit and implicit [1] references in the GPLPE to greenhouse gases (GHGs). The explicit references in the GPLPE are not being approved by EPA in this notice. In addition to those explicit references, to the extent that any provisions of, or definitions contained in, the GPLPE *implicitly* cover or address GHGs as a matter of state law, EPA's approval in this notice of the GPLPE specifically does not include such provisions or definitions in relation to GHGs. However, our approval excludes such definitions and provisions only insofar as, and to the extent that, they cover or address GHGs. To the extent that the same definitions and provisions implicitly address any and all other pollutants addressed by the GPLPE, those definitions and provisions are being approved into the SIP by EPA in this notice for purposes of those pollutants. In other words, EPA's approval of the GPLPE specifically excludes applicability of the

[1] Certain terms used in the GPLPE are more fully defined in other parts of the State's SIP or Title V program regulations. To the extent that such terms are used in the GPLPE they would implicitly cover or address GHGs. These implicit references to GHGs also were withdrawn by Connecticut.

GPLPE to sources of GHGs for purposes of federal law consistent with the U.S. Supreme Court's decision addressing the application of PSD permitting requirements to GHG emissions. *See Utility Air Regulatory Group* v. *Environmental Protection Agency,* 134 S. Ct. 2427. This does not, however, affect applicability of the GPLPE to sources of GHGs for purposes of state law.

We note that inclusion in our approval of Section 7 of the GPLPE, entitled ''Commissioner's Powers,'' does not, as a matter of law, and is not intended to, supersede or in any way affect EPA's authority under the CAA in relation to enforcement or any other authority. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

II. Evaluation of the GPLPE Under Section 110 of the Clean Air Act

As noted earlier, the State of Connecticut's principal purpose in issuing the GPLPE is to have a federally and practicably enforceable means of expeditiously restricting sources' potential and actual emissions of air pollutants, such that those eligible sources would no longer be required to comply with reasonably available control technology (RACT) that would otherwise apply to major stationary sources, title V operating permit requirements, or other requirements that only apply to major stationary sources. The operating permit provisions in title V of the Clean Air Act Amendments of 1990 created interest in mechanisms for limiting sources' potential to emit, thereby allowing eligible sources to avoid being defined as ''major'' with respect to title V operating permit programs. Please note, however, that a source that is eligible for coverage under the GPLPE may still need a title V operating permit if EPA promulgates a National Emissions Standard for Hazardous Air Pollutants (NESHAP) which requires non-major sources to obtain a title V permit.

The GPLPE requires a permittee to submit a registration that includes, among other things, calculation of a source's potential and actual emissions of regulated air pollutants and a detailed description of the methodology used to calculate those actual and potential emissions. The methodology used by an eligible source must be selected from a preferential hierarchy of methodologies explicitly identified in the GPLPE. Under the GPLPE, facilities may register to be limited to emissions less than 50% of the title V operating permit program thresholds for a major source; or, alternatively, facilities with certain specified source categories may apply to be limited to emissions up to, but no more than, 80% of the title V operating permit program thresholds for a major source, provided the permittee conducts the additional specified monitoring and any other additional requirements required by the GPLPE for the relevant source category. Section 5 of the GPLPE contains emissions limitations, requirements for the source to calculate potential and actual emissions, monitoring requirements, recordkeeping requirements, and requires eligible sources to submit an annual compliance certification. This approach was developed in accordance with an EPA guidance document entitled ''Options for Limiting Potential to Emit of a Stationary Source under Section 112 and Title V of the Clean Air Act,'' issued by John Seitz, Office of Air Quality Planning and Standards to EPA Air Division Directors, dated January 25, 1995. This guidance outlines various approaches to establishing federally-enforceable mechanisms to limit emissions from sources that wish to limit potential emissions to below major source levels.

We note that Connecticut is not relying on the GPLPE's emissions limitations for any National Ambient Air Quality Standards (NAAQS) attainment demonstration purposes. The GPLPE has a permit term of five years and expires on November 8, 2020. Therefore, when the permit expires as a matter of state law on November 8, 2020, the permit also will no longer be an enforceable part of the Connecticut SIP for purposes of federal law.

The GPLPE satisfies the criteria necessary for EPA's approval as a SIP revision under section 110 of the CAA. The GPLPE contains legally enforceable limitations on emissions that are also federally and practicably enforceable. As noted earlier, Connecticut is also seeking approval of the GPLPE under section 112(l) of the CAA for the purpose of limiting an eligible source's potential and actual emissions of HAPs. The following is a discussion of EPA's criteria for approval of the GPLPE under section 112(l).

III. Evaluation of the GPLPE Under Section 112 of the Clean Air Act

The state of Connecticut has also requested approval of its GPLPE under section 112(l) of the Act for the purpose of creating federally enforceable limitations on the potential to emit of HAPs. Approval under section 112(l) is necessary because the SIP approval discussed above, pursuant to section 110 of the Act, does not extend to HAPs. Approval pursuant to section 112(l) of the Act will render the GPLPE federally enforceable for sources of HAPs.

In order for EPA to approve the Connecticut GPLPE for limiting the potential to emit of HAPs, the GPLPE must meet the statutory criteria for approval under section 112(l)(5) of the Act. In a July 10, 1996 **Federal Register** notice EPA revised 40 CFR part 63, subpart E, to provide for approval of programs designed to limit sources' potential to emit HAPs under the authority of section 112(l) of the CAA. A state must demonstrate that it has satisfied the general approval criteria contained in 40 CFR 63.91(d). The process of providing ''up-front approval'' assures that a state has met the criteria in Section 112(l)(5) of the CAA (as codified in 40 CFR 63.91(d)). That is, that the state has demonstrated that its program contains adequate authorities to assure compliance with each applicable Federal requirement, adequate resources for implementation, and an expeditious compliance schedule. Under 40 CFR 63.91(d) (3), interim or final title V operating permit program approval satisfies the criteria set forth in 40 CFR 63.91(d) for ''up-front approval.'' On May 13, 2002, EPA granted full approval of Connecticut's title V operating permit program. *See* 67 FR 31966. Accordingly, the EPA is approving the Connecticut GPLPE pursuant to 40 CFR part 63, subpart E and section 112(l) of the Act because the program meets the applicable approval criteria in section 112(l)(5) of the Act and 40 CFR 63.91.

IV. Final Action

EPA is approving Connecticut's GPLPE as a revision to the State's SIP with respect to criteria pollutants and is separately approving the GPLPE under section 112(l) of the Act with respect to HAPs. The GPLPE was issued on November 9, 2015 and has an expiration date of November 8, 2020. EPA is not taking any action on any implicit or explicit references to GHGs contained in the GPLPE (which Connecticut withdrew from the June 27, 2016 SIP submittal). EPA is approving Connecticut's request in accordance with the requirements of sections 110 and 112 of the CAA.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment 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 SIP revision should relevant adverse comments be filed. This rule will be effective June 23, 2017 without further notice unless the Agency receives relevant adverse comments by May 24, 2017.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. All parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 23, 2017 and no further action will be taken on the proposed rule. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the General Permit to Limit Potential to Emit from Major Stationary Sources, issuance date November 9, 2015, except for all provisions related to greenhouse gases which Connecticut withdrew from consideration as part of the SIP as described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov,* and/or at the EPA Region 1 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 Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 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 Clean Air Act. 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 Clean Air Act; 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).

In addition, 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 and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 23, 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 10, 2017.

Deborah A. Szaro,

Acting Regional Administrator, EPA New England.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart H—Connecticut

■ 2. Section 52.370 is amended by adding paragraph (c)(114) to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(114) Revisions to the State Implementation Plan submitted by the Connecticut Department of Energy and Environmental Protection on June 27, 2016 and August 18, 2016.

(i) Incorporation by reference.

(A) General Permit to Limit Potential to Emit from Major Stationary Sources, issuance date November 9, 2015, except for the provisions listed below, related to greenhouse gases which Connecticut withdrew from consideration as part of the SIP.

(*1*) In Section 2, the definitions for ''Carbon Dioxide Equivalent Emissions'' or ''CO_2'', ''Greenhouse Gases'' or ''GHG'', ''Hydroflourocarbon'' or ''HFC'', and ''Perfluorocarbon'' or ''PFCs'' in paragraph (a);

(*2*) In Sections 4 and 5, the words ''excluding GHG which are limited to less than 100% of Title V source threshold as defined in section 22a–174–33(a)(10)(F)(iv) of the Regulations of Connecticut State Agencies'' in paragraphs (4)(c)(2)(E)(i) and (ii), 4(c)(2)(J), 4(d)(1), and 4(g)(5)(A) and (B); and 5(a)(1) and (2);

(*3*) In Section 5, the words ''excluding GHG which are limited to less than 100% of Title V source threshold'' in the introductory paragraph;

(*4*) In Section 5, paragraphs 5(b)(2)(A)(vi) and 5(b)(2)(B)(i);

(5) In Section 5, the words ''and (vi)'' in paragraph 5(b)(2)(A)(vii); and

(*6*) In Section 5, the words ''other than GHG'' in paragraphs 5(b)(2)(B)(ii) and (iii).

[FR Doc. 2017–08109 Filed 4–21–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Parts 221, 307, 340, and 356

RIN 2133–AB89

Annual Civil Monetary Penalties Adjustment

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: The Maritime Administration (MARAD) is updating its regulations to reflect required annual inflation-related increases to the civil monetary penalties in its regulations, pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvement Act of 2015. This final rule adjusts civil penalty amounts for violations of procedures related to the American Fisheries Act, certain regulated transactions involving documented vessels, the Automated Mutual Assistance Vessel Rescue program (AMVER) and the Defense Production Act.

MARAD finds that good cause exists for immediate implementation of this final rule because prior notice and comment are unnecessary, per the specific provisions of the 2015 Act.

DATES: This rule is effective May 4, 2017.

ADDRESSES: Office of Chief Counsel, MAR 225, Maritime Administration, 1200 New Jersey Avenue SE., West Building, Second Floor, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: T. Mitchell Hudson, Jr., Office of Chief Counsel, MARAD, telephone (202) 366–9373, email to: *rulemakings.marad@dot.gov,* 1200 New Jersey Ave. SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74) (the ''2015 Act''), which is intended to improve the effectiveness of civil monetary penalties and to maintain the deterrent effect of such penalties, requires agencies to adjust the civil monetary penalties for inflation annually.

II. Administrative Procedures Act

Generally, agencies may promulgate final rules only after issuing a notice of proposed rulemaking and providing an opportunity for public comment under procedures required by the APA, as provided in 5 U.S.C. 553(b) and (c). The APA, in 5 U.S.C. 553(b)(3)(B), provides an exception from these requirements when notice and public comment procedures are ''impracticable, unnecessary, or contrary to the public interest.'' MARAD finds that prior notice and comment to this civil penalty adjustment is unnecessary because section 4 of the 2015 Act specifically requires the annual adjustments to be accomplished through final rule without notice and comment.

Also pursuant to the APA (5 U.S.C. 553(d)(3)), the rule will be effective 10 days after publication in the **Federal Register**. Delaying the effective date for 30 days after publication would be contrary to the direction provided in the 2015 Act, which states that annual adjustments be made by January 15th of each year. As this final rule is already past that deadline, further delay would be contrary to the public interest.

III. Regulatory History

On June 30, 2016, MARAD published an interim final rule using an initial ''catch up'' adjustment, as required by section 4 of the 2015 Act (81 FR 41453). Just like this final rule, the interim final rule made adjustments to civil penalty amounts for violations of procedures related to the American Fisheries Act, certain regulated transactions involving documented vessels, the Automated Mutual Assistance Vessel Rescue program (AMVER) and the Defense Production Act.

III. Calculation of Adjustment

The annual inflation adjustment for each applicable civil monetary penalty is determined using the percent increase in the Consumer Price Index for all Urban Consumers (CPI–U) for the month of October of the year in which the amount of each civil penalty was most recently established or modified. In the December 16, 2016, OMB Memorandum for the Heads of Executive Agencies and Departments, M–17–11, *Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,* OMB published the multiplier for the required annual adjustment. The cost-of-living adjustment multiplier for 2017, based on the CPI–U for the month of October 2016, not seasonally adjusted, is 1.01636.

Using the 2017 multiplier, MARAD adjusts all its applicable monetary penalties.

Inflationary Adjustments to Penalty Amounts in 46 CFR Part 221

Changes to Civil Penalties for Regulated Transactions Involving Vessel Ownership Transfers and Other Maritime Interests (46 CFR 221.61)

The maximum civil penalties arising under 46 CFR 221.61 have not been updated since they were established, except for inflationary adjustments pursuant to the Inflation Adjustment Act of 1990. Applying the multiplier for the increase in CPI–U for 2017, the maximum civil penalty for a single violation of any provision under 46 U.S.C. Chapter 313 and all of Subtitle III related MARAD regulations, except section 31329, specified in 31309 of Title 46 of the United States Code is adjusted to $20,111. Likewise, the maximum civil penalty for a single violation of 31329 of Title 46 of the United States Code as it relates to the court sales of documented vessels, specified in 31330 of Title 46 of the

United States Code, is adjusted to $50,276. Lastly, for penalties arising under 46 CFR 221.61, the maximum civil penalty for a single violation of 56101 of Title 46 of the United States Code as it relates to approvals required to transfer a vessel to a noncitizen, specified in 56101(e) of Title 46 United States Code is adjusted to $19,246.

Inflationary Adjustments to Penalty Amounts in 46 CFR Part 307

Changes to Civil Penalties for Failure To File an AMVER Report (46 CFR 307.19)

Applying the multiplier for the increase in CPI–U for 2017, the maximum civil penalty for a single violation of 50113 of Title 46 of the United States Code related to use and performance reports by operators of vessels as specified in 50113(b) of Title 46 of the United States Code is adjusted to $127.00.

Inflationary Adjustments to Penalty Amounts in 46 CFR Part 340

Changes to Civil Penalties for Violating Procedures for the Use and Allocation of Shipping Services, Port Facilities and Services for National Security and National Defense Operations (46 CFR 340.9)

Applying the multiplier for the increase in CPI–U for 2017, the maximum civil penalty for a single violation of 4501 of Title 50 of the United States Code, specified in 4513 of Title 50 of the United States Code, at 46 CFR 340.9, is adjusted to $25,409.

Inflationary Adjustments to Penalty Amounts in 46 CFR Part 356

Changes to Civil Penalties for Violations in Applying for or Renewing a Vessel's Fishery Endorsement (46 CFR 356.49)

Applying the multiplier for the increase in CPI–U for 2017, the maximum civil penalty for a single violation of 12151 of Title 46 of the United States Code for engaging in fishing operations as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act, within the Exclusive Economic Zone, specified in 12151(c) of Title 46 of the United States Code, and at 46 CFR 356.49, is adjusted to $147,396 for each day such vessel engaged in fishing.

IV. Rulemaking Analyses and Notices

Executive Order 12866, Executive Order 13563, and DOT Regulatory Policies and Procedures

MARAD has considered the impact of this rulemaking action under Executive Order 12866, Executive Order 13563, and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under Executive Order 12866 or Executive Order 13563. This action is limited to the adoption of adjustments of civil penalties under statutes that the agency enforces, and has been determined to be not ''significant'' under the Department of Transportation's regulatory policies and procedures and the policies of the Office of Management and Budget. Because this rulemaking does not change the number of entities that are subject to civil penalties, the impacts are limited. Furthermore, excluding the penalties in 46 CFR 221.61, 307.19, 340.9 and 356.49 for violating certain long standing procedures, this final rule does not establish civil penalty amounts that MARAD is required to seek.

We also do not expect the increase in the civil penalty amount in any of these regulations to be economically significant. Over the last five years, MARAD has not collected any civil penalties under these regulations. Increasing the current civil penalty amount by 150 percent would not result in an annual effect on the economy of $100 million or more.

Regulatory Flexibility Act

We have also considered the impacts of this regulation under the Regulatory Flexibility Act. I certify that this rule will not have a significant economic impact on a substantial number of small entities. Since this regulation does not establish a penalty amount that MARAD is required to seek, except for the long standing civil penalties set forth in 46 CFR 221.61, 307.19, 340.9 and 356.49, this rule will not have a significant economic impact on small businesses. Additionally, over the last five years, MARAD has not collected any civil penalties under these regulations. Accordingly, increasingly the civil penalty amount is unlikely to have any economic impact on any small businesses.

Executive Order 13132 (Federalism)

Executive Order 13132 requires MARAD to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that 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.'' Under Executive Order 13132, the agency may not issue a regulation with Federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, the agency consults with State and local governments, or the agency consults with State and local officials early in the process of developing the regulation.

This rule 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, as specified in Executive Order 13132. This rule only updates existing penalties, pursuant to statute. MARAD has not collected any civil penalties under these regulations within the last five years and if it were to assess penalties, due to the amounts involved, it would not have a substantial direct effect on a State. Thus, the requirements of Section 6 of the Executive Order do not apply.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995, Public Law 104–4, requires agencies to prepare a written assessment of the cost, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually. Because this rule will not have a $100 million effect, no Unfunded Mandates assessment will be prepared.

Executive Order 12778 (Civil Justice Reform)

This rule does not have a retroactive or preemptive effect. Judicial review of this rule may be obtained pursuant to 5 U.S.C. 702. That section does not require that a petition for reconsideration be filed prior to seeking judicial review.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, we state that there are no requirements for information collection associated with this rulemaking action.

List of Subjects

46 CFR Part 221

Administrative practice and procedure, Maritime carriers, Mortgages, Penalties, Reporting and recordkeeping requirements, Trusts and trustees.

46 CFR Part 307

Marine safety, Maritime carriers, Penalties, Reporting and recordkeeping requirements.

46 CFR Part 340

Harbors, Maritime carriers, National defense, Packaging and containers.

46 CFR Part 356

Citizenship and naturalization, Fishing vessels, Mortgages, Penalties, Reporting and recordkeeping requirements, Vessels.

In consideration of the foregoing, 46 CFR parts 221, 307, 340, and 356 are amended as set forth below.

PART 221—REGULATED TRANSACTIONS INVOLVING DOCUMENTED VESSELS AND OTHER MARITIME INTERESTS

■ 1. The authority citation for 46 CFR part 221 continues to read as follows:

Authority: 46 U.S.C. chs. 301, 313, and 561; Pub. L. 114–74; 49 CFR 1.93.

■ 2. Section 221.61 is revised to read as follows:

§ 221.61 Compliance.

(a) This subpart describes procedures for the administration of civil penalties that the Maritime Administration may assess under 46 U.S.C. 31309, 31330 and 56101, pursuant to 49 U.S.C. 336.

(b) Pursuant to 46 U.S.C. 31309, a general penalty of not more than $20,111 may be assessed for each violation of chapter 313 or 46 U.S.C. subtitle III administered by the Maritime Administration, and the regulations in this part that are promulgated thereunder, except that a person violating 46 U.S.C. 31329 and the regulations promulgated thereunder is liable for a civil penalty of not more than $50,276 for each violation. A person that charters, sells, transfers or mortgages a vessel, or an interest therein, in violation of 46 U.S.C. 56101(e) is liable for a civil penalty of not more than $19,246 for each violation.

PART 307—ESTABLISHMENT OF MANDATORY POSITION REPORTING SYSTEM FOR VESSELS

■ 3. The authority citation for 46 CFR part 307 continues to read as follows:

Authority: Pub. L. 109–304; 46 U.S.C. 50113; Pub. L. 114–74; 49 CFR 1.93.

■ 4. Section 307.19 is revised to read as follows:

§ 307.19 Penalties.

The owner or operator of a vessel in the waterborne foreign commerce of the United States is subject to a penalty of $127.00 for each day of failure to file an AMVER report required by this part. Such penalty shall constitute a lien upon the vessel, and such vessel may be libeled in the district court of the United States in which the vessel may be found.

PART 340—PRIORITY USE AND ALLOCATION OF SHIPPING SERVICES, CONTAINERS AND CHASSIS, AND PORT FACILITIES AND SERVICES FOR NATIONAL SECURITY AND NATIONAL DEFENSE RELATED OPERATIONS

■ 5. The authority citation for 46 CFR part 340 continues to read as follows:

Authority: 50 U.S.C. 4501 *et seq.* (''The Defense Production Act''); Executive Order 13603 (77 FR 16651); Executive Order 12656 (53 FR 47491); Pub. L. 114–74; 49 CFR 1.45; 49 CFR 1.93(l).

■ 6. Section 340.9 is revised to read as follows:

§ 340.9 Compliance.

Pursuant 50 U.S.C. 4513 any person who willfully performs any act prohibited, or willfully fails to perform any act required, by the provisions of this regulation shall, upon conviction, be fined not more than $25,409 or imprisoned for not more than one year, or both.

PART 356—REQUIREMENTS FOR VESSELS OF 100 FEET OR GREATER IN REGISTERED LENGTH TO OBTAIN A FISHERY ENDORSEMENT TO THE VESSEL'S DOCUMENTATION

■ 7. The authority citation for 46 CFR part 356 continues to read as follows:

Authority: 46 U.S.C. 12102; 46 U.S.C. 12151; 46 U.S.C. 31322; Pub. L. 105–277, division C, title II, subtitle I, section 203 (46 U.S.C. 12102 note), section 210(e), and section 213(g), 112 Stat. 2681; Pub. L. 107–20, section 2202, 115 Stat. 168–170; Pub. L. 114–74; 49 CFR 1.93.

■ 8. Revise § 356.49(b) to read as follows:

§ 356.49 Penalties.

* * * * *

(b) A fine of up to $147,396 may be assessed against the vessel owner for each day in which such vessel has engaged in fishing (as such term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) within the exclusive economic zone of the United States; and

* * * * *

Dated: April 19, 2017.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–08198 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–81–P

Proposed Rules

Federal Register
Vol. 82, No. 77
Monday, April 24, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0176; Airspace Docket No. 17–ACE–3]

Proposed Amendment of Class E Airspace; Lebanon, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace extending upward from 700 feet above the surface at Floyd W. Jones Airport, Lebanon, MO. This action is necessary due to the decommissioning of the Lebanon non-directional radio beacon (NDB), and cancellation of the NDB approach, and would enhance the safety and management of standard instrument approach procedures for instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before June 8, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826, or 1–800–647–5527. You must identify FAA Docket No. FAA–2017–0176; Airspace Docket No. 17–ACE–3, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Contract Support, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5859.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class E airspace extending upward from 700 feet above the surface at Floyd W. Jones Airport, Lebanon, MO.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0176/Airspace Docket No. 17–ACE–3.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov//air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents Proposed for Incorporation by Reference

This document proposes to amend FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas,

air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E airspace extending upward from 700 feet above the surface at Floyd W. Jones Airport, Lebanon, MO.

Airspace reconfiguration is necessary due to the decommissioning and cancellation of the Lebanon NDB, and NDB approach, which would enhance the safety and management of the standard instrument approach procedures for IFR operations at the airport.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ACE MO E5 Lebanon, MO [Amended]

Floyd W. Jones Airport, MO
(Lat. 37°38′54″ N., long. 92°39′09″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Floyd W. Jones Airport.

Issued in Fort Worth, TX, on April 13, 2017.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2017–08108 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0177; Airspace Docket No. 17–ACE–4]

Proposed Amendment of Class E Airspace; Wellington, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace extending upward from 700 feet above the surface at Wellington Municipal Airport, Wellington, KS. This action is necessary due to the decommissioning of the Wellington non-directional radio beacon (NDB), and cancellation of the NDB approach, and would enhance the safety and management of standard instrument approach procedures for instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before June 8, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826, or 1–800–647–5527. You must identify FAA Docket No. FAA–2017–0177; Airspace Docket No. 17–ACE–4, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Contract Support, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5859.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of

airspace. This regulation is within the scope of that authority as it would amend Class E airspace extending upward from 700 feet above the surface at Wellington Municipal Airport, Wellington, KS.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0177/Airspace Docket No. 17–ACE–4.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov//air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents Proposed for Incorporation by Reference

This document proposes to amend FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E airspace extending upward from 700 feet above the surface at Wellington Municipal Airport, Wellington, KS within a 6.4-mile radius (reduced from 6.8 miles) of the airport.

Airspace reconfiguration is necessary due to the decommissioning and cancellation of the Wellington NDB, and NDB approach, which would enhance the safety and management of the standard instrument approach procedures for IFR operations at the airport.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ACE KS E5 Wellington, KS [Amended]

Wellington Municipal Airport, KS
(Lat. 37°19′25″ N., long. 97°23′18″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Wellington Municipal Airport.

Issued in Fort Worth, TX, on April 13, 2017.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2017–08107 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 211, 229, 231 and 241

[Release No. 33–10349; 34–80479; File No. S7–02–17]

RIN 3235–AL79

Request for Comment on Possible Changes to Industry Guide 3 (Statistical Disclosure by Bank Holding Companies); Extension of Comment Period

AGENCY: Securities and Exchange Commission.

ACTION: Extension of comment period.

SUMMARY: The Securities and Exchange Commission is extending the comment period for its request for comment seeking public input as to the disclosures called for by Industry Guide 3, *Statistical Disclosure by Bank Holding Companies.* The original comment period is scheduled to end on May 8, 2017. The Commission is extending the time period in which to provide the Commission with comments until July 7, 2017. This action will allow interested persons additional time to analyze the issues and prepare their comments.

DATES: Comments should be received on or before July 7, 2017.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*);
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–02–17 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number S7–02–17. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please use only one method of submission. The Commission will post all comments on the Commission's Web site (*http://www.sec.gov/rules/other.shtml*). Comments also are 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. 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.

FOR FURTHER INFORMATION CONTACT: Lindsay McCord, Associate Chief Accountant in the Office of Chief Accountant, Division of Corporation Finance, at (202) 551–3400, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission has published a request for comment to seek public input as to the disclosures called for by Industry Guide 3, *Statistical Disclosure by Bank Holding Companies.* Specifically, we sought comment on new or revised disclosure or the elimination of what may be duplicative or overlapping disclosures in Guide 3. We also sought input on whether any of the Guide 3 disclosures, which are not Commission rules or requirements, should be codified as Commission rules. Because we are considering modernization of the scope and applicability of Guide 3, we also encouraged commenters to consider registrants *other than* bank holding companies when recommending improvements to the disclosure regime. The request for comment is part of the staff's broad-based review of the Commission's disclosure requirement, including its consideration of how the disclosure system could be improved for the benefit of both investors and registrants.

The Commission originally requested that comments on the request for comment be received by May 8, 2017. The Commission has received requests for an extension of time for public comment to, among other things, allow for adequate time to fully consider our request and to improve the quality of responses.[1] In particular, we note that those requesting the extension have indicated that several industry participants are in the process of preparing for capital plan and annual and quarterly report deadlines and are therefore unable to perform the level of analysis and review of the request for comment to provide thoughtful responses to the detailed questions posed in the request before the comment period closes on May 8, 2017. The Commission believes that providing the public additional time to consider thoroughly the matters addressed by the request for comment and to submit comprehensive responses to the request for comment would benefit the Commission in its consideration of possible revisions to its disclosure regime for bank holding companies. Therefore, the Commission is extending the comment period for Release No. 33–10321; 34–80131; File No. S7–02–17 ''Request for Comment on Possible Changes to Industry Guide 3 (Statistical Disclosure By Bank Holding Companies)'' until July 7, 2017.

By the Commission.

Dated: April 18, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–08160 Filed 4–21–17; 8:45 am]

BILLING CODE 8011–01–P

[1] *See* Letter from American Bankers Association (Mar. 24, 2017); and a joint Letter from The Clearing House Association, LLC, Securities Industry and Financial Markets Association and Financial Services Roundtable (Mar. 24, 2017). Comments are available on the Commission's Web site at *https://www.sec.gov/comments/s7-02-17/s70217.htm.*

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0060]

RIN 1625–AA09

Drawbridge Operation Regulation; Banana River, Indian Harbour Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule that governs the Mathers Bridge across the Banana River, mile 0.5, in Indian Harbour Beach, FL. Inconsistent bridge openings for vessels passing through the bridge have been causing vehicle traffic backups on the roads in and around the vicinity of the bridge. This action is necessary to help reduce vehicle traffic congestion in this area. The proposed rulemaking would only allow the bridge to open for vessels at specific periods.

DATES: Comments and related material must reach the Coast Guard on or before June 23, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0060 using Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section

below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Rod Elkins with the Seventh Coast Guard District Bridge Office; telephone 305–415–6989, email *rodney.j.elkins@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose and Legal Basis

On January 12, 2017, the Brevard County Public Works Department requested the Coast Guard consider allowing the bridge to not open for vessels except every 30 minutes on the hour and half hour. The County conducted traffic studies and reviewed bridge logs which showed the change would alleviate vehicle traffic without adversely affecting vessel traffic. The data supporting the request will be included in the electronic docket for this proposed rulemaking.

Mathers Bridge across Banana River, mile 0.5, at Indian Harbour Beach, FL is a swing bridge. It has a vertical clearance of 7 feet at mean high water in the closed position and a horizontal clearance of 74 feet and 81 feet. Presently, in accordance with 33 CFR 117.263, the Mathers Bridge is required to open on signal for the passage of vessels except that, from 10 p.m. to 6 a.m. Monday through Friday except Federal holidays, the draw shall open on signal if at least two hours notice is given.

III. Discussion of Proposed Rule

The Coast Guard proposes to modify the operating schedule that governs the Mathers Bridge across the Banana River, mile 0.5, in Indian Harbour Beach, FL.

This proposed rule would implement regulations for the bridge to only open for vessels requesting passage through the bridge on the hour and half hour, from 6:00 a.m. to 10:00 p.m., on Sunday through Thursday. On Fridays, Saturdays and all Federal Holidays, the bridge will only open for vessels requesting passage through the bridge on the hour and half hour. At all other times, the bridge shall open on signal if at least two hours notice is given.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget.

The Coast Guard has determined that this NPRM is not a significant regulatory action because of the minimal impact to vessels on the waterway; as the bridge will have an opening every 30 minutes to allow vessel traffic to pass. Additionally, vessels that can transit under the bridge without an opening may do so.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section IV.A above this proposed rule would not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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

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

E. Unfunded Mandates Reform Act

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

this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.263 by revising paragraph (a) to read as follows:

§ 117.263 Banana River

(a) The draw of the Mathers Bridge, mile 0.5, at Indian Harbour Beach, will operate in accordance with the following schedule:

(1) Sundays through Thursdays, between 6 a.m. and 10 p.m., the draw will open on signal, on the hour and on the half hour.

(2) Fridays, Saturdays, and Federal holidays, 24 hours a day, the draw will open on signal, on the hour and on the half hour.

(3) At all other times, the bridge shall open on signal if at least two hours notice is given.

* * * * *

Dated: April 7, 2017.

S.A. Buschman,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard.

[FR Doc. 2017–08141 Filed 4–21–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0776]

RIN 1625–AA09

Drawbridge Operation Regulation; Ashley River, Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule that governs the Ashley River Bridges across the Ashley River, miles 2.4 and 2.5 at Charleston, SC. This proposed rule would require a bridge tender to be present during the daytime hours only from 9 a.m. to 4 p.m. daily for on signal openings. All other times would require 12 hours advance notification. This modification would provide some relief to vehicle traffic congestion and would have little to no effect on navigation.

DATES: Comments and related material must reach the Coast Guard on or before June 23, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2016–0776 using Federal eRulemaking Portal at *http://www.regulations.gov.*

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email LT John Downing with the Coast Guard; telephone 843–740–3184, email *john.z.downing@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
Pub. L. Public Law
SCDOT South Carolina Department of Transportation
§ Section
U.S.C. United States Code

II. Background, Purpose and Legal Basis

On May 19, 2015, the HDR/ICA contractor for South Carolina Department of Transportation requested that the Coast Guard review the current bridge operating schedule to determine whether a change could be made to improve vehicle traffic flow in the area.

The bridge owner, South Carolina Department of Transportation (SCDOT) was also consulted on this issue and concurred with the recommendation to change the current 12 hours advance notice for a bridge opening to be extended to include nighttime hours.

The US 17, Ashley River Bridges, miles 2.4 and 2.5, at Charleston, SC are double leaf bascule bridges. Each bridge has a vertical clearance of 24 feet in the closed position at mean high water and a horizontal clearance of 90 feet.

Presently, in accordance with 33 CFR 117.915(a), the Ashley River bridges (US17) also known as the US17 Highway Bridge at miles 2.4 and 2.5 at Charleston, SC shall open on signal, except that from 7 a.m. until 9 a.m. Monday through Friday and 4 p.m. to 7 p.m. daily, the draws need be opened only if at least 12 hours notice is given. The draws of either bridge shall open as soon as possible for the passage of vessels in an emergency involving danger to life or property.

III. Discussion of Proposed Rule

The Coast Guard proposes to change the operation of the Ashley River (US17) Bridges, Atlantic Intracoastal Waterway, miles 2.4 and 2.5, at Charleston, SC. The proposed regulation would require a bridge tender to be present during the daytime hours only from 9 a.m. to 4 p.m. daily to open the bridge on signal. All other times would require at least 12 hours notice. This regulation change should not have a significant impact on navigation in this area.

These proposed changes will still allow vessels to pass through the bridge while taking into account the reasonable needs of other modes of transportation. Vessels not requiring an opening may pass at any time.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the limited impact that it is anticipated to have on vessel traffic on the Atlantic Intracoastal Waterway, while taking in to consideration the needs of vehicular traffic. Vessels that can transit under the bridge without an opening may do so. Emergency vessels and tugs with tows can still request openings at any time.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies, under 5 U.S.C. 605(b), that this proposed rule would not have a significant economic impact on a substantial number of small entities. While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section IV.A above this proposed rule would not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Government

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further

review, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.915 by revising paragraph (a) to read as follows:

§ 117.915 Ashley River.

(a) The draws of the US17 highway bridges, mile 2.4 and 2.5 at Charleston, SC shall open on signal; except that, from 4 p.m. to 9 a.m. daily, the draws shall open only if at least 12 hours notice is given. The draws of either bridge shall open as soon as possible for the passage of vessels in an emergency involving danger to life or property.

* * * * *

Dated: April 7, 2017.

S.A. Buschman,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 2017–08142 Filed 4–21–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2016–0542; A–1–FRL–9952–92–Region 1]

Air Plan Approval; Connecticut; General Permit To Limit Potential To Emit From Major Stationary Sources of Air Pollution

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Connecticut. The intended effect of this action is to approve into the Connecticut SIP the provisions of Connecticut's ''General Permit to Limit Potential to Emit from Major Stationary Sources of Air Pollution'' (GPLPE) as they apply to the restriction of emissions of criteria pollutants for which EPA has established national ambient air quality standards. Separately, we are also approving the provisions of the GPLPE as it applies to the restriction of emissions of hazardous air pollutants (HAPs). The State issued the GPLPE on November 9, 2015. The permit imposes legally and practicably enforceable emissions limitations restricting eligible sources' potential to emit air pollutants. Such restrictions would generally allow eligible sources to avoid having to comply with reasonably available control technology (RACT) that would otherwise apply to major stationary sources, title V operating permit requirements, or other requirements that apply only to major stationary sources. This action is being taken in accordance with the Clean Air Act.

DATES: Written comments must be received on or before May 24, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2016–0542 at *http://www.regulations.gov,* or via email to *mcdonnell.ida@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For 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: Susan Lancey, Air Permits, Toxics, and Indoor Programs Unit, Office of Ecosystem Protection, 5 Post Office Square—Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912, telephone 617–918–1656, fax 617–918–0656, email *lancey.susan@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP submittal 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 action rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule which is located in the Rules Section of this **Federal Register**.

Dated: April 10, 2017.

Deborah A. Szaro,

Acting Regional Administrator, EPA New England.

[FR Doc. 2017–08113 Filed 4–21–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 161025999–7319–01]

RIN 0648–BG42

Fisheries of the Northeastern United States; Mid-Atlantic Forage Species Omnibus Amendment

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to approve and implement measures included in an omnibus amendment submitted by the Mid-Atlantic Fishery Management Council that would manage forage species within Mid-Atlantic Federal waters. This amendment would implement an annual landing limit, possession limits, and permitting and reporting requirements for Atlantic chub mackerel and certain previously unmanaged forage species and species groups within Mid-Atlantic Federal waters. The purpose of this action is to prevent the development of new, and the expansion of existing, commercial fisheries on certain forage species until the Council has adequate opportunity and information to evaluate the potential impacts of forage fish harvest on existing fisheries, fishing communities, and the marine ecosystem.

DATES: Public comments must be received by May 30, 2017.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2017–0013, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0013,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on Mid-Atlantic Forage Proposed Rule.''

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF formats only.

The Council prepared an environmental assessment (EA) for the Unmanaged Forage Omnibus Amendment that describes the proposed action and other alternatives considered and provides a thorough analysis of the impacts of the proposed measures and alternatives considered. Copies of the Unmanaged Forage Omnibus Amendment, including the EA, the Regulatory Impact Review, and the Regulatory Flexibility Act analysis are available from: Christopher Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 State Street, Dover, DE 19901. The EA/RIR/IRFA is accessible via the Internet at *http://www.greateratlantic.fisheries.noaa.gov/* or *http://www.mafmc.org.*

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to the Greater Atlantic Regional Fisheries Office and by email to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Douglas Christel, Fishery Policy Analyst, (978) 281–9141, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION:

Background

Mid-Atlantic Council stakeholders identified managing forage species as a key concern for future action during a 2011 strategic planning and visioning process. Forage species are generally considered small, mostly pelagic schooling species that serve as prey for larger species. In 2014, the Council's Scientific and Statistical Committee (SSC) developed a white paper on forage species. The paper indicated that forage species facilitate the transfer of energy from the lowest levels of the food chain to higher levels, highlighting the importance of forage species in maintaining the productivity of marine ecosystems. The Council recognized that although it already manages several forage species that are the target of directed commercial fisheries (Atlantic mackerel, longfin and *Illex* squid, and butterfish), there are other unmanaged species that serve as prey for species important to commercial and recreational fisheries managed within the Mid-Atlantic. However, the Council was concerned that insufficient information existed to assess the amount of unmanaged forage species currently being harvested and associated impacts to other marine resources. Due to the importance of forage species to the marine ecosystem and the health of important commercial and recreational fisheries, the Council sought to prevent the further expansion of commercial fishing effort on forage species. Therefore, the Council wanted to maintain existing commercial fisheries at recent levels until it could collect more detailed information to evaluate the potential impacts of forage fish harvest on existing fisheries, fishing communities, and the marine ecosystem.

On December 8, 2014, the Council initiated an action to begin protecting previously unmanaged forage species in each fishery management plan (FMP) under its jurisdiction. The purpose of the action is to prevent the development

of new, and the expansion of existing, commercial fisheries on certain forage species. Scoping meetings were held from Rhode Island through North Carolina in September and October 2015. These meetings sought public input on the type of action to undertake, which forage species to address, the geographic scope of the action, data needs, possible measures to prevent the expansion of commercial fisheries on forage species, and processes to evaluate the development of commercial fisheries in the future. After further developing proposed measures, the Council conducted public hearings in May and June 2016 to solicit additional input on the range of alternatives under consideration by the Council, with public comments accepted through June 17, 2016. At its August 2016 meeting, the Council adopted final measures under the Unmanaged Forage Omnibus Amendment. On November 23, 2016, the Council submitted the amendment and draft EA to NMFS for preliminary review. The Council submitted the final forage amendment on March 20, 2017. The Council reviewed the proposed regulations to implement these measures, as drafted by NMFS, and, on March 13, 2017, deemed them to be necessary and appropriate, as specified in section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The Council developed the Unmanaged Forage Omnibus Amendment and the measures described in this proposed rule under the discretionary provision specified in section 303(b)(12) of the Magnuson-Stevens Act. This provision allows a Council to ''include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations.'' While many forage species are important to the ecosystem, the Council focused its efforts developing measures for a subset of previously unmanaged forages species with a known connection to commercial and recreational fisheries within the Mid-Atlantic. Species with the greatest potential to support future large-scale commercial fisheries and those important to marine mammals and sea birds were prioritized by the Council.

During the development of this action, the Council initially considered Atlantic chub mackerel as a forage species. However, because a directed commercial fishery for Atlantic chub mackerel has recently emerged in Federal waters, the Council believed that this species is in need of specific conservation and management measures of its own. The Council subsequently developed preliminary measures to regulate the catch of this species in this action. The Council intends to formally integrate chub mackerel as a managed species in the Atlantic Mackerel, Squid, and Butterfish FMP through a separate action within 3 years. Accordingly, while the Council considers chub mackerel to be a forage species for the purposes of the Unmanaged Forage Omnibus Amendment, in this proposed rule, chub mackerel is treated separately from other forage species in the description of proposed measures and in the associated regulations in this rule.

Proposed Measures

1. Designation of Certain Mid-Atlantic Forage Species as Ecosystem Component Species

The Unmanaged Forage Omnibus Amendment proposes to designate the following species and species groups as ''ecosystem component species'' in all of the FMPs under the Council's jurisdiction:

- Anchovies (family Engraulidae)
- Argentines (family Argentinidae)
- Greeneyes (family Chlorophthalmidae)
- Halfbeaks (family Hemiramphidae)
- Herrings and Sardines (family Clupeidae)
- Lanternfishes (family Myctophidae)
- Pearlsides (family Sternoptychidae)
- Sand lances (family Ammodytidae)
- Silversides (family Atherinopsidae)
- Cusk-eels (order Ophidiiformes)
- Atlantic Saury-*Scomberesox saurus*
- Bullet Mackerel-*Auxis rochei*
- Frigate Mackerel-*Auxis thazard*
- Pelagic Mollusks (except Sharptail Shortfin Squid)
- Copepods, Krill, Amphipods, and Other Species Under One Inch as Adults

The National Standard Guidelines at 50 CFR 600.305(d)(13) define ecosystem component (EC) species as ''stocks that a Council . . . has determined do not require conservation and management, but desire to list in an FMP in order to achieve ecosystem management objectives.'' The overall rationale used to designate the above list as EC species is provided in Section 5.1 of the EA, with additional details in Sections 6.1 and 6.4 for each species. Generally, these species and species groups are small low trophic level organisms that have been documented as bycatch in existing regulated fisheries, or as prey for marine mammals, sea birds, endangered species, and species that are the subject of important Mid-Atlantic commercial and recreational fisheries. No large-scale directed commercial fisheries for these species occur in Federal waters. Most of the proposed EC species have been documented as a bycatch in Federal fisheries or by gear types used in such fisheries, but such observations are rare for several species groups. Over half of these species groups have never been reported in Federal dealer data from 1996–2015 (greeneyes, halfbeaks, herrings and sardines, lanternfish, pearlsides, and cusk-eels), or only in small amounts and by few vessels (anchovies and argentines). A small number of these species are harvested as bait, but mostly in state waters. For example, 96 percent of recorded sand lance landings and 99.6 percent of silverside landings during 1996–2015 were associated with state vessels. Thus, fisheries for these species have not developed to a large degree, particularly in Federal waters, and are not directly important to the national or regional economy. Further, because there is little evidence that these species are predominantly caught in Federal waters, formal integration of these species into a Federal FMP is unlikely to improve the condition of the stock. There are very few data and no stock assessments for these species or species groups to assess the current status of these organisms, although existing data generally suggest that these stocks are unlikely to become overfished or subject to overfishing unless a directed commercial fishery develops. As a result, while the Council did not believe that the development of a FMP for these species is warranted at this time, the Council took a precautionary approach to implement measures in this action that would restrict future harvest to recent levels and collect more detailed information to inform future scientific assessments and management decisions. This is consistent with the National Standard Guidelines at 50 CFR 600.305(c)(5), which state ''management measures can be adopted in order to, for example, collect data on the EC species, minimize bycatch or bycatch mortality of EC species, protect the associated role of EC species in the ecosystem, and/or to address other ecosystem issues.''

During the development of this action, we advised the Council to include in this amendment only species that have a direct connection to species managed by the Council. In a June 17, 2016, letter, we outlined our concerns with including bullet and frigate mackerel as EC species in this action. We recommended that the Council remove bullet mackerel and frigate mackerel from further consideration, as these species do not meet the criteria

identifying forage species outlined in the 2014 SSC white paper. Specifically, we noted that these two species are relatively large, high trophic level species. Their adult size (20–24 inches (51–61 cm) total length) exceeds the SSC's criteria for small forage species (2–10 inches (5–25 cm) total length). The EA notes that bullet and frigate mackerel feed upon other Mid-Atlantic forage species included in the EC species list above. Further, they are not forage species for any other species managed by the Council or caught in managed fisheries. Instead, they serve as the dominant prey for billfish and tunas, species that are managed by NMFS under the Highly Migratory Species FMP. There are no data indicating frigate mackerel are bycatch in any fishery regulated by the Council. Also, frigate mackerel are not preyed upon by any species regulated by the Council, although the EA notes that some regulated species prey upon mackerels in general. While some justification can be made to include bullet mackerel as an EC species because of its interactions with species managed by the Council, similar justification does not exist for frigate mackerel. Since bullet and frigate mackerel look very similar and are hard to distinguish even by trained biologists, treating these species differently in this amendment would pose administrative and enforcement challenges. This is similar to the rationale offered by the Council for not including sharptail shortfin squid (*Illex oxygonius*) in this amendment due to its similarity to *Illex* squid (*Illex illecebrosus*). Finally, the Council's Fishery Management Action Team (FMAT), Advisory Panel, and Ecosystem and Ocean Planning Committee all recognized that these two species are not linked with any of the Council's FMPs. Several Advisory Panel members and the Committee recommended that the Council remove these species from further consideration in this action. For all of these reasons, we are considering disapproving the inclusion of these two species in this amendment, and we specifically seek public input in this regard. If these species are not included in the amendment, as approved by the Secretary of Commerce, the final rule would reflect that decision through changes to the proposed regulations.

Designation of EC species, in itself, does not carry specific regulatory requirements under the Magnuson-Stevens Act. The term, as described above, is used in the National Standard Guidelines to help Councils distinguish which species require the development of a FMP and associated conservation and management measures. Accordingly, we are not proposing to individually list these species as EC species in the regulations. Instead, to reflect the purpose of this action to manage forage species, the proposed EC species will be collectively referred to as ''Mid-Atlantic forage species'' for the remainder of this preamble discussion and in the proposed regulatory text. This approach will also reduce confusion by helping to distinguish species managed by this action from other forage species designated as EC species by the Pacific Fishery Management Council in a similar action in 2015.

2. Permit and Reporting Requirements

A commercial vessel that possesses, lands, or sells Mid-Atlantic forage species or chub mackerel caught in Federal waters from New York through Cape Hatteras, North Carolina (an area referred to as the ''Mid-Atlantic Forage Species Management Unit'' below and in the proposed regulations), would be required to obtain any valid commercial fishing vessel permit issued by the Greater Atlantic Regional Fisheries Office (GARFO). Similarly, a dealer purchasing and selling these species would be required to obtain a valid seafood dealer permit issued by GARFO for any species. Any commercial vessel operator fishing for or possessing these species in or from the Mid-Atlantic Forage Species Management Unit would be required to obtain and retain on board a valid operator permit issued by GARFO. Vessel operators and dealers would also be required to report the catch and sale of these species and species groups on existing vessel trip reports (logbooks) and dealer reports, respectively.

3. Annual Landing Limits

The Council is not proposing an annual landing limit for Mid-Atlantic forage species in this action. However, this action would set an annual landing limit of 2.86 million lb (1,297 mt) for Atlantic chub mackerel. This limit represents the average annual chub mackerel landings in the Northeast from 2013 through 2015 based on Federal dealer data. All landings of chub mackerel in ports from Maine through North Carolina would count against the annual landings limit. The Council considered counting only chub mackerel landings in Mid-Atlantic ports against the annual landings limit. However, this would have created a loophole by which vessels could catch chub mackerel in the Mid-Atlantic, but land it in New England ports to avoid counting it against the annual landing limit. The Council thought it would be difficult to effectively enforce the limit without a vessel monitoring system or other similar mechanism that could detect the area fished, but the Council did not require such monitoring mechanisms at this time.

NMFS would close the directed fishery for chub mackerel in the Mid-Atlantic Forage Species Management Unit once the Regional Administrator determines that 100 percent of the chub mackerel annual landing limit has been harvested. After the closure of the directed fishery, vessels would be subject to the chub mackerel incidental possession limit described below.

The chub mackerel annual landing limit would expire 3 years after implementation, unless overwritten by another Council action. This is because the Council intended the measures in this action to be temporary, applying only until the Council is able to develop long-term measures and the scientific information necessary to formally integrate chub mackerel as a stock in the fishery managed under the Atlantic Mackerel, Squid, and Butterfish FMP. Long-term conservation and management measures required by the Magnuson-Stevens Act, such as biological reference points, an overfishing threshold, and accountability measures, may take several years to develop. At its February 2017 meeting, the Council initiated a separate action to develop these long-term measures for implementation by 2020, if approved.

4. Possession Limits

This action would specify a 1,700 lb (771 kg) combined possession limit for all Mid-Atlantic forage species. This limit would apply to any Mid-Atlantic forage species (see the list of EC species listed above) caught within the Mid-Atlantic Forage Species Management Unit. With the exception of bullet and frigate mackerel, this proposed limit represents 99 percent of trip-level landings of Mid-Atlantic forage species in the Federal dealer database from 1996–2015.

Initially, vessels would not be subject to a possession limit for chub mackerel. Once the chub mackerel annual landing limit is harvested, NMFS would implement a 40,000-lb (18,144-kg) chub mackerel possession limit in the Mid-Atlantic Forage Species Management Unit. This limit reflects the amount of chub mackerel needed to fill a bait truck. Due to low prices and the relatively high volumes landed by the large vessels primarily responsible for recent chub mackerel landings, the Council concluded that vessels are unlikely to target chub mackerel below the proposed incidental possession limit. Similar to the annual landing limit, the chub mackerel incidental possession limit would expire 3 years after implementation unless overwritten by another Council action.

5. Transit Provision

A vessel issued a Federal commercial fishing permit from GARFO that possesses Mid-Atlantic forage species and chub mackerel in excess of the proposed possession limits would be allowed to transit Mid-Atlantic Forage Species Management Unit in certain circumstances. The following three conditions must be met to transit through the management unit: (1) Forage species were harvested outside of the Mid-Atlantic Forage Species Management Unit; (2) the vessel lands in a port that is outside of the Mid-Atlantic Forage Species Management Unit (*i.e.,* north of New York or south of Cape Hatteras, North Carolina); and (3) all gear is stowed and not available for immediate use. Some Mid-Atlantic forage species and chub mackerel are caught outside of Mid-Atlantic Federal waters, including those areas under the jurisdiction of other Councils. This provision would allow vessels that catch forage species and chub mackerel outside of the Mid-Atlantic to land these species in other ports, including those in New England.

6. Administrative Measures

Under this action, the Council would establish a policy that requires use of an experimental fishing permit (EFP) to support any new fishery or the expansion of existing fisheries for Mid-Atlantic forage species. An EFP is a permit issued by GARFO authorizing a vessel to conduct fishing activities that are otherwise prohibited under existing regulations. The Regional Administrator consults with the Council's Executive Director before approving any exemption under an EFP request. The Council would consider the results of any experimental fishing activity and other relevant information before deciding how to address future changes to the management of fisheries for Mid-Atlantic forage species.

This action also would allow the Council to modify annual landing limits and possession limits for Mid-Atlantic forage species and chub mackerel through a framework adjustment to applicable FMPs rather than through an amendment to the FMP. This would help streamline future development and approval of revisions to these measures because measures revised through a framework adjustment can be implemented more quickly than those implemented through an amendment to a FMP.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Acting Assistant Administrator has determined that this proposed rule is consistent with the Mid-Atlantic Forage Species Omnibus Amendment, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment. In making a final determination, NMFS will take into account the data, views, and comments received during the comment period.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The purpose, context, and statutory basis for this action is described above and not repeated here. Business entities affected by this action were identified as groups of vessels with shared owners that had landings of species included in this amendment documented in dealer reports from 2006–2015. Any entity with combined annual fishery landing receipts less than $11 million is considered a small entity based on NMFS standards published in the **Federal Register** (80 FR 81194, December 29, 2015). Between 2006 and 2015, 63 businesses and affiliated entities reported fishing revenues from forage species affected by this action. All of these entities had average annual sales during 2013–2015 that were less than $11 million. Thus, all 63 entities affected by this action are classified as small businesses.

Mid-Atlantic forage species and chub mackerel accounted for only 0.11–1.76 percent of the average annual gross receipts for all entities landing these species during 2006–2015. Average annual revenue from these species was only $3,140 per entity. Even those with the highest annual fisheries revenue (greater than $100,000), averaged only $10,680 from the sale of forage species during this period. No entity consistently relied on these species for a substantial portion (greater than10 percent) of their annual income over the past 10 years. Forty-six percent of the entities affected by this action reported landings of these species in only one year during the period from 2006–2015. Three entities indicated that these species represented 100 percent of annual fishing income in one year during this period. These three entities landed less than 1,700 lb of forage species during that one year, and reported fishing revenue from any species in only four or fewer years during the period from 2006–2015. It is likely that they may have taken advantage of high to moderate prices for key forage species on a few occasions, and that they were not likely reliant upon fishing for income over the past 10 years.

In determining the significance of the economic impacts of the proposed action, we considered the following two criteria outlined in applicable NMFS guidance: Disproportionality and profitability. The proposed measures would not place a substantial number of small entities at a significant competitive disadvantage to large entities. This is because all entities affected by this action are small entities, as noted above. There are no distributional economic effects from this action, as proposed measures would maintain fishing opportunities for forage species at recent levels and would not change any entity's access to these resources. For the same reason, the measures also would not significantly reduce profit for a substantial number of small entities. This action would not impose any costs to affected entities or reduce their revenues in comparison to the revenues of recent landings of forage species and chub mackerel. Because the proposed action is not expected to have a significant economic impact on a substantial number of small entities, an initial regulatory flexibility analysis is not required, and none has been prepared.

This proposed rule contains a collection-of-information requirement subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been submitted to OMB for approval. Public reporting burden for these collections of information, including the time for reviewing instructions, searching existing data sources, gathering and

maintaining the data needed, and completing and reviewing the collection of information, are estimated to average, as follows:

1. Initial Federal vessel permit application, OMB# 0648–0202, (45 minutes/response);
2. Initial Federal dealer permit application, OMB# 0648–0202, (15 minutes/response);
3. Initial Federal operator permit application, OMB# 0648–0202, (60 minutes/response);
4. Vessel logbook report of catch by species, OMB# 0648–0212, (5 minutes/response); and
5. Dealer report of landings by species, OMB# 0648–0229, (4 minutes/response).

Public comment is sought regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to the Greater Atlantic Regional Fisheries Office at the **ADDRESSES** above, and email to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–5806.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: April 18, 2017.

Alan D. Risenhoover,

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

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.2, add definitions for ''Atlantic chub mackerel'' and ''Mid-Atlantic forage species'' in alphabetical order to read as follows:

§ 648.2 Definitions.

* * * * *

Atlantic chub mackerel means *Scomber colias.*

* * * * *

Mid-Atlantic forage species means the following species and species groups:

(1) Anchovies (family Engraulidae), including but not limited to the following species:

(i) Striped anchovy-*Anchoa hepsetus.*

(ii) Dusky anchovy-*Anchoa lyolepis.*

(iii) Bay anchovy-*Anchoa mitchilli.*

(iv) Silver anchovy-*Engraulis eurystole.*

(2) Argentines (family Argentinidae), including but not limited to the following species:

(i) Striated argentine-*Argentina striata.*

(ii) Pygmy argentine-*Glossanodon pygmaeus.*

(3) Greeneyes (family Chlorophthalmidae), including but not limited to the following species:

(i) Shortnose greeneye-*Chlorophthalmus agassizi.*

(ii) Longnose greeneye-*Parasudis truculenta.*

(4) Halfbeaks (family Hemiramphidae), including but not limited to the following species:

(i) Flying halfbeak-*Euleptorhamphus velox.*

(ii) Balao-*Hemiramphus balao.*

(iii) Ballyhoo-*Hemiramphus brasiliensis.*

(iv) False silverstripe halfbeak/American halfbeak/Meek's halfbeak-*Hyporhamphus meeki.*

(5) Herrings and Sardines (family Clupeidae). With the exception of other herring and sardine species managed under this part, including American shad, Atlantic herring, blueback herring, hickory shad, and river herring/alewife, as defined in this section, the following herring and sardine species are Mid-Atlantic forage species:

(i) Round herring-*Etrumeus teres.*

(ii) Scaled sardine-*Harengula jaguana.*

(iii) Atlantic thread herring-*Opisthonema oglinum.*

(iv) Spanish sardine-*Sardinella aurita.*

(6) Lanternfishes (family Myctophidae), including but not limited to the following species:

(i) Horned lanternfish-*Ceratoscopelus maderensis.*

(ii) Dumril's headlightfish-*Diaphus dumerilii.*

(iii) Crocodile lanternfish-*Lampanyctus crocodilus.*

(iv) Doflein's false headlightfish-*Lobianchia dofleini.*

(v) Spotted lanternfish-*Myctophum punctatum.*

(7) Pearlsides (family Sternoptychidae), including but not limited to the following species:

(i) Atlantic silver hatchetfish-*Argyropelecus aculeatus.*

(ii) Muller's pearlside-*Maurolicus muelleri.*

(iii) Weizman's pearlside-*Maurolicus weitzmani.*

(iv) Slope hatchetfish-*Polyipnus clarus.*

(8) Sand lances (family Ammodytidae), including but not limited to the following species:

(i) American/inshore sand lance-*Ammodytes americanus.*

(ii) Northern/offshore sand lance-*Ammodytes dubius.*

(9) Silversides (family Atherinopsidae), including but not limited to the following species:

(i) Rough silverside-*Membras martinica.*

(ii) Inland silverside-*Menidia beryllina.*

(iii) Atlantic silverside-*Menidia menidia.*

(10) Cusk-eels (order Ophidiiformes), including but not limited to the following species:

(i) Chain pearlfish-*Echiodon dawsoni.*

(ii) Fawn cusk-eel-*Lepophidium profundorum.*

(iii) Striped cusk-eel-*Ophidion marginatum.*

(11) Atlantic saury-*Scomberesox saurus.*

(12) Bullet mackerel-*Auxis rochei.*

(13) Frigate mackerel-*Auxis thazard.*

(14) Pelagic mollusks and cephalopods, excluding sharptail shortfin squid (*Illex oxygonius*), but including the following pelagic mollusc species:

(i) Neon flying squid-*Ommastrephes bartramii.*

(ii) European flying squid-*Todarodes sagittatus.*

(iii) Atlantic brief squid-*Lolliguncula brevis.*

(iv) Bobtail squids (family Sepiolidae), including but not limited to the following species:

(A) Odd bobtail squid-*Heteroteuthis dispar.*

(B) Big fin bobtail squid-*Rossia megaptera.*

(C) Warty bobtail squid-*Rossia palpebrosa.*

(D) Lesser bobtail squid-*Semirossia tenera.*

(E) Butterfly bobtail squid-*Stoloteuthis leucoptera.*

(v) Sea angels and sea butterflies (orders Gymnosomata and Thecosomata).

(vi) Tuberculate pelagic octopus-*Ocythoe tuberculata.*

(15) Species under one inch as adults, including but not limited to the following species groups:

(i) Copepods (subclass Copepoda).

(ii) Krill (order Euphausiacea).

(iii) Amphipods (order Amphipoda).

(iv) Ostracods (class Ostracoda).

(v) Isopods (order Isopoda).

(vi) Mysid shrimp (order Mysidacea).

* * * * *

■ 3. In § 648.4, add paragraph (a)(15) to read as follows:

§ 648.4 Vessel permits.

(a) * * *

(15) *Mid-Atlantic forage species and Atlantic chub mackerel.* Any commercial fishing vessel must have been issued and have on board a valid commercial vessel permit issued in accordance with this paragraph (a)(15) to fish for, possess, transport, sell, or land Mid-Atlantic forage species or Atlantic chub mackerel in or from the EEZ portion of the Mid-Atlantic Forage Species Management Unit, as defined at § 648.351(c). A vessel that fishes for such species exclusively in state waters is not required to be issued a Federal permit.

* * * * *

■ 4. In § 648.5, revise paragraph (a) to read as follows:

§ 648.5 Operator permits.

(a) *General.* (1) Any operator of a vessel issued a permit, carrier permit, or processing permit for, and that fishes for or possesses, the species listed in paragraph (a)(2) of this section, must have been issued, and carry on board, a valid operator permit for these species. An operator's permit issued pursuant to part 622 or part 697 of this chapter, satisfies the permitting requirement of this section. This requirement does not apply to operators of recreational vessels.

(2) Following are the applicable species: Atlantic sea scallops, NE multispecies, spiny dogfish, monkfish, Atlantic herring, Atlantic surfclam, ocean quahog, Atlantic mackerel, squid, butterfish, scup, black sea bass, or Atlantic bluefish, harvested in or from the EEZ; tilefish harvested in or from the EEZ portion of the Tilefish Management Unit; skates harvested in or from the EEZ portion of the Skate Management Unit; Atlantic deep-sea red crab harvested in or from the EEZ portion of the Red Crab Management Unit; or Atlantic chub mackerel or Mid-Atlantic forage species, as defined at § 648.2, harvested in or from the EEZ portion of the Mid-Atlantic Forage Species Management Unit, as defined at § 648.351(c).

* * * * *

■ 5. In § 648.6, revise paragraph (a)(1) to read as follows:

§ 648.6 Dealer/processor permits.

(a) * * *

(1) All dealers of NE multispecies, monkfish, skates, Atlantic herring, Atlantic sea scallop, Atlantic deep-sea red crab, spiny dogfish, summer flounder, Atlantic surfclam, ocean quahog, Atlantic mackerel, squid, butterfish, scup, bluefish, tilefish, and black sea bass; Atlantic surfclam and ocean quahog processors; Atlantic hagfish dealers and/or processors, and Atlantic herring processors or dealers, as described in § 648.2; must have been issued under this section, and have in their possession, a valid permit or permits for these species. A dealer of Atlantic chub mackerel or Mid-Atlantic forage species, as defined in § 648.2, harvested in or from the EEZ portion of the Mid-Atlantic Forage Species Management Unit, as defined at § 648.351(c), must have been issued and have in their possession, a valid dealer permit for any species issued in accordance with this paragraph.

* * * * *

■ 6. In § 648.12, revise the introductory text to read as follows:

§ 648.12 Experimental fishing.

The Regional Administrator may exempt any person or vessel from the requirements of subparts A (General provisions), B (Atlantic mackerel, squid, and butterfish), D (Atlantic sea scallop), E (Atlantic surfclam and ocean quahog), F (NE multispecies and monkfish), G (summer flounder), H (scup), I (black sea bass), J (Atlantic bluefish), K (Atlantic herring), L (spiny dogfish), M (Atlantic deep-sea red crab), N (tilefish), O (skates), and P (Mid-Atlantic forage species and Atlantic chub mackerel) of this part for the conduct of experimental fishing beneficial to the management of the resources or fishery managed under that subpart. The Regional Administrator shall consult with the Executive Director of the MAFMC before approving any exemptions for the Atlantic mackerel, squid, butterfish, summer flounder, scup, black sea bass, spiny dogfish, bluefish, and tilefish fisheries, including exemptions for experimental fishing contributing to the development of new or expansion of existing fisheries for Mid-Atlantic forage species and Atlantic chub mackerel.

* * * * *

■ 7. In § 648.14, add paragraph (w) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(w) *Mid-Atlantic forage species and Atlantic chub mackerel.* It is unlawful for any person owning or operating a vessel issued a valid commercial permit under this part to do any of the following:

(1) Fish for, possess, transfer, receive, or land; or attempt to fish for, possess, transfer, receive, or land; more than 1,700 lb (771.11 kg) of all Mid-Atlantic forage species combined per trip in or from the Mid-Atlantic Forage Species Management Unit, as defined at § 648.351(c). A vessel not issued a commercial permit in accordance with § 648.4 that fished exclusively in state waters or a vessel that fished Federal waters outside of the Mid-Atlantic Forage Species Management Unit that is transiting the area with gear that is stowed and not available for immediate use is exempt from this prohibition.

(2) Fish for, possess, transfer, receive, or land; or attempt to fish for, possess, transfer, receive, or land; more than 40,000 lb (18.14 mt) of Atlantic chub mackerel per trip in or from the Mid-Atlantic Forage Species Management Unit, as defined at § 648.351(c), after the annual Atlantic chub mackerel landing limit has been harvested and notice has been provided to the public consistent with the Administrative Procedure Act. A vessel not issued a commercial permit in accordance with § 648.4 that fished exclusively in state waters or a vessel that fished in Federal waters outside of the Mid-Atlantic Forage Species Management Unit that is transiting the area with gear that is stowed and not available for immediate use is exempt from this prohibition.

■ 8. Under part 648, add subpart P to read as follows:

Subpart P—Mid-Atlantic Forage Species and Atlantic Chub Mackerel

Sec.

648.350 Mid-Atlantic forage species and Atlantic chub mackerel annual landing limits.
648.351 Mid-Atlantic forage species and Atlantic chub mackerel possession limits.
648.352 Mid-Atlantic forage species and Atlantic chub mackerel framework measures.

§ 648.350 Mid-Atlantic forage species and Atlantic chub mackerel annual landing limits.

(a) *Mid-Atlantic forage species.* There is no annual landing limit for Mid-Atlantic forage species, as defined at §§ 648.2.

(b) *Atlantic chub mackerel.* Effective through December 31, 2020, the annual landings limit for Atlantic chub mackerel is set at 2.86 million lb (1,297 mt). All landings of Atlantic chub mackerel by vessels issued a Federal commercial permit in accordance with § 648.4 in ports from Maine through North Carolina shall count against the annual landings limit. NMFS shall close the directed fishery for Atlantic chub mackerel in the EEZ portion of the Mid-Atlantic Forage Species Management Unit in a manner consistent with the

Administrative Procedure Act when the Regional Administrator determines that 100 percent of the Atlantic chub mackerel annual landings limit has been harvested. Following closure of the directed Atlantic chub mackerel fishery, a vessel must adhere to the possession limit specified in § 648.351(b).

§ 648.351 Mid-Atlantic forage species and Atlantic chub mackerel possession limits.

(a) *Mid-Atlantic forage species.* A vessel issued a valid commercial permit in accordance with § 648.4 may fish for, possess, and land up to 1,700 lb (771.11 kg) of all Mid-Atlantic forage species combined per trip in or from the EEZ portion of the Mid-Atlantic Forage Species Management Unit, as defined in paragraph (c) of this section. A vessel not issued a permit in accordance with § 648.4 that is fishing exclusively in state waters is exempt from the possession limits specified in this section.

(b) *Atlantic chub mackerel.* Effective through December 31, 2020, a vessel issued a valid commercial permit in accordance with § 648.4 may fish for, possess, and land an unlimited amount of Atlantic chub mackerel from the Mid-Atlantic Forage Species Management Unit, as defined in paragraph (c) of this section, provided the Atlantic chub mackerel annual landing limit has not been harvested. Once the Atlantic chub mackerel annual landing limit has been harvested, as specified in § 648.350, a vessel may fish for, possess, and land up to 40,000 lb (18.14 mt) of Atlantic chub mackerel per trip in or from the Mid-Atlantic Forage Species Management Unit for the remainder of the fishing year (until December 31). A vessel not issued a permit in accordance with § 648.4 that is fishing exclusively in state waters is exempt from the possession limits specified in this section.

(c) *Mid-Atlantic Forage Species Management Unit.* The Mid-Atlantic Forage Species Management Unit is the area of the Atlantic Ocean that is bounded on the southeast by the outer limit of the U.S. EEZ; bounded on the south by 35°15.3′ N. lat. (the approximate latitude of Cape Hatteras, NC); bounded on the west and north by the coastline of the United States; and bounded on the northeast by the following points, connected in the order listed by straight lines:

Point	Latitude	Longitude
1	40°59.32′ N.	73°39.62′ W.
2	40°59.02′ N.	73°39.41′ W.
3	40°57.05′ N.	73°36.78′ W.
4	40°57.87′ N.	73°32.85′ W.
5	40°59.78′ N.	73°23.70′ W.
6	41°1.57′ N.	73°15.00′ W.
7	41°3.40′ N.	73°6.10′ W.
8	41°4.65′ N.	73°0.00′ W.
9	41°6.67′ N.	72°50.00′ W.
10	41°8.69′ N.	72°40.00′ W.
11	41°10.79′ N.	72°29.45′ W.
12	41°12.22′ N.	72°22.25′ W.
13	41°13.57′ N.	72°15.38′ W.
14	41°14.94′ N.	72°8.35′ W.
15	41°15.52′ N.	72°5.41′ W.
16	41°17.43′ N.	72°1.18′ W.
17	41°18.62′ N.	71°55.80′ W.
18	41°18.27′ N.	71°54.47′ W.
19	41°10.31′ N.	71°46.44′ W.
20	41°2.35′ N.	71°38.43′ W.
21	40°54.37′ N.	71°30.45′ W.
22	40°46.39′ N.	71°22.51′ W.
23	40°38.39′ N.	71°14.60′ W.
24	40°30.39′ N.	71°6.72′ W.
25	40°22.38′ N.	70°58.87′ W.
26	40°14.36′ N.	70°51.05′ W.
27	40°6.33′ N.	70°43.27′ W.
28	39°58.29′ N.	70°35.51′ W.
29	39°50.24′ N.	70°27.78′ W.
30	39°42.18′ N.	70°20.09′ W.
31	39°34.11′ N.	70°12.42′ W.
32	39°26.04′ N.	70°4.78′ W.
33	39°17.96′ N.	69°57.18′ W.
34	39°9.86′ N.	69°49.6′ W.
35	39°1.77′ N.	69°42.05′ W.
36	38°53.66′ N.	69°34.53′ W.
37	38°45.54′ N.	69°27.03′ W.
38	38°37.42′ N.	69°19.57′ W.
39	38°29.29′ N.	69°12.13′ W.
40	38°21.15′ N.	69°4.73′ W.
41	38°13.00′ N.	68°57.35′ W.
42	38°4.84′ N.	68°49.99′ W.
43 *	38°2.21′ N.	68°47.62′ W.

* Point 43 falls on the U.S. EEZ.

(d) *Transiting.* Any vessel issued a valid permit in accordance with § 648.4 may transit the Mid-Atlantic Forage Species Management Unit, as defined in paragraph (c) of this section, with an amount of Mid-Atlantic forage species or Atlantic chub mackerel on board that exceeds the possession limits specified in paragraphs (a) and (b) of this section, respectively, to land in a port in a state that is outside of the Mid-Atlantic Forage Species Management Unit, provided that those species were harvested outside of the Mid-Atlantic Forage Species Management Unit and that all gear is stowed and not available for immediate use as defined in § 648.2.

§ 648.352 Mid-Atlantic forage species and Atlantic chub mackerel framework measures.

(a) *General.* The MAFMC may, at any time, initiate action to add or revise management measures if it finds that action is necessary to meet or be consistent with the goals and objectives of the Atlantic Mackerel, Squid, and Butterfish FMP; the Atlantic Surfclam and Ocean Quahog FMP; the Summer Flounder, Scup, and Black Sea Bass FMP; the Atlantic Bluefish FMP; the Spiny Dogfish FMP; and Tilefish FMPs.

(b) *Adjustment process.* The MAFMC shall develop and analyze appropriate management actions over the span of at least two MAFMC meetings. The MAFMC must provide the public with advance notice of the availability of the recommendation(s), appropriate justification(s) and economic and biological analyses, and the opportunity to comment on the proposed adjustment(s) at its first meeting, prior to its second meeting, and at its second meeting. The MAFMC's recommendations on adjustments or additions to management measures must come from one or more of the following categories: The list of Mid-Atlantic forage species, possession limits, annual landing limits, and any other measure currently included in the applicable FMPs specified in paragraph (a) of this section. Issues that require significant departures from previously contemplated measures or that are otherwise introducing new concepts may require an amendment of the FMPs instead of a framework adjustment.

(c) *MAFMC recommendation.* See § 648.110(a)(2).

(d) *NMFS action.* See § 648.110(a)(3).

(e) *Emergency actions.* See § 648.110(a)(4).

[FR Doc. 2017–08130 Filed 4–21–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 82, No. 77
Monday, April 24, 2017

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Notice of Request for Extension or Renewal of a Currently Approved Information Collection

AGENCY: Department of Agriculture, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Office of the Assistant Secretary for Civil Rights to request a renewal to a currently approved information collection for race, ethnicity, and gender along with comments.

DATES: Comments on this notice must be received by June 23, 2017 to be assured of consideration.

Additional Information or Comments: Contact Anna G. Stroman, Deputy Director, Office of Compliance, Policy, Training and Cultural Transformation, by mail at Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250.

SUPPLEMENTARY INFORMATION:

Title: Race, Ethnicity and Gender Data Collection.

OMB Number: OMB No. 0505–0019.

Expiration Date of Approval: August 31, 2017.

Type of Request: Extension and renewal of a currently approved information collection.

Abstract: This data collection is necessary to implement Sections 14006 and 14007 of the Food, Conservation, and Energy Act of 2008, 7 U.S.C. 8701 (hereafter referred to as the 2008 Farm Bill). Section 14006 of the 2008 Farm Bill establishes a requirement for the Department of Agriculture (USDA) to annually compile application and participation rate data regarding socially disadvantaged farmers or ranchers by computing for each program of the USDA that serves agriculture producers and landowners (a) raw numbers of applicants and participants by race, ethnicity, and gender subject to appropriate privacy protections, as determined by the Secretary; and (b) the application and participation rate, by race, ethnicity and gender, as a percentage of the total participation rate of all agricultural producers and landowners for each county and State in the United States. Pursuant to the authority in section 14006, the agencies of the Department of Agriculture are to collect the data and transmit it to the Secretary of Agriculture. Section 14007 requires the Department of Agriculture to use the data collected in the conduct of oversight and evaluation of civil rights compliance.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 10 minutes per response.

Respondents: Producers, applicants.

Estimated Number of Respondents: 3,520,000.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 117,333.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent by any of the following methods:

- *Email:* Send comments to *Anna.Stroman@ascr.usda.gov.*
- *Mail:* Anna G. Stroman, Deputy Director, Office of Compliance, Policy, Training and Cultural Transformation, Office of the Assistant Secretary for Civil Rights, U.S. Department of Agriculture, 1400 Independence Ave. SW., Washington, DC 20250.

All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record.

Winona Lake Scott,

Acting Deputy Assistant Secretary for Civil Rights.

[FR Doc. 2017–08151 Filed 4–21–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 19, 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 May 24, 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.

Economic Research Service

Title: Census of Users of the National Plant Germplasm System.

OMB Control Number: 0536–NEW.

Summary of Collection: The Census of Users of the National Plant Germplasm System (NPGS) is a new, one-time, data collection. The census will solicit data from the 6,009 institutional representatives who requested germplasm (*i.e.,* living tissue from which plants can be grown) for any of ten crops including beans, barley, cotton, maize, sorghum, squash, soybeans, potato, rice, and wheat from the NPGS over a five year period from January 2009 to December 2013. Each respondent will be asked to provide information via a web-based questionnaire. The legal authority for the planned data collection is 7 U.S.C. 2204(a) and 7 U.S.C. 427.

Need and Use of the Information: The information to be collected by the ''Census of Users of the National Plant Germplasm System'' is necessary to assess and understand the types and varieties of germplasm needed by breeders and other scientists in both the public and private sectors. This study will provide data currently not available to program officials and researchers, thereby broadening the scope of analyses of genetic enhancement, and in turn, enhancing R&D and productivity research at the Economic Research Service, the National Plant Germplasm System, and the National Germplasm Resource Laboratory. Without the combination of data about traits sough and the purpose intended for germplasm, it will be difficult or impossible to assess the use of NPGS resources for adaptation to changing conditions.

Description of Respondents: Individuals or households; Businesses or other-for-profit; Not-for-profit institutions; State, Local or Tribal Government; Federal Government.

Number of Respondents: 6,009.

Frequency of Responses: Reporting: Other: One time.

Total Burden Hours: 1,620.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–08190 Filed 4–21–17; 8:45 am]

BILLING CODE 3410–18–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 19, 2017.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725 17th Street NW., Washington, DC 20503. 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.

Comments regarding these information collections are best assured of having their full effect if received by May 24, 2017. Copies of the submission(s) may be obtained by calling (202) 720–8681.

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.

Agricultural Marketing Service

Title: Vegetable and Specialty Crops.

OMB Control Number: 0581–0178.

Summary of Collection: The Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601–674; Act) was designed to permit regulation of certain agricultural commodities for the purpose of providing orderly marketing conditions in interstate commerce and improving returns to growers. The Orders and Agreements become effective only after public hearings are held in accordance with formal rulemaking procedures specified by the Act. The vegetable, and specialty crops marketing order programs provide an opportunity for producers in specified production areas to work together to solve marketing problems that cannot be solved individually.

Need and Use of the Information: Various forms are used to collect information necessary to effectively carry out the requirements of the Act and the Order/Agreement. This includes forms covering the selection process for industry members to serve on a marketing order's committee or board and ballots used in referenda to amend or continue marketing orders. Orders and Agreements can authorize the issuance of grade, size, quality, maturity, inspection requirements, pack and container requirements, and pooling and volume regulations. Information collected is used to formulate market policy, track current inventory and statistical data for market development programs, ensure compliance, and verify eligibility, monitor and record grower's information. If this information is not collected, it would eliminate data needed to keep the industry and the Secretary abreast of changes at the State and local level.

Description of Respondents: Business or other for profit; Farms; Individuals or households.

Number of Respondents: 17,750.

Frequency of Responses: Reporting: On occasion, Quarterly, Biennially, Weekly, Semi-annually, Monthly, Annually and Recordkeeping.

Total Burden Hours: 25,220.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–08166 Filed 4–21–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0006]

Notice of Request for Reinstatement of an Information Collection; National Animal Health Reporting System

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Reinstatement of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request the reinstatement of an information collection associated with the National Animal Health Reporting System.

DATES: We will consider all comments that we receive on or before June 23, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0006.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0006, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0006* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For more information on the National Animal Health Reporting System, contact Mr. Bill Kelley, Supervisory Analyst, Centers for Epidemiology and Animal Health, VS, APHIS, 2150 Centre Avenue, Building B MS 2E6, Fort Collins, CO 80526; (970) 494–7270. For copies or more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: National Animal Health Reporting System.

OMB Control Number: 0579–0299.

Type of Request: Reinstatement of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal Plant Health Inspection Service (APHIS) is authorized, among other things, to prohibit or restrict the importation and interstate movement of animals and other articles to prevent the introduction and interstate spread of livestock diseases and to eradicate such diseases from the United States when feasible. In connection with this mission, APHIS operates the National Animal Health Reporting System (NAHRS), which collects, on a national basis, data monthly from State veterinarians on the presence or absence of diseases of interest to the World Organization for Animal Health (OIE).

As a member country of OIE, the United States must submit reports to the OIE on the status of certain diseases in specific livestock, poultry, and aquaculture species. Reportable diseases are diseases that have the potential for rapid spread, irrespective of national borders, that are of serious socioeconomic or public health consequence, and that are of major importance in the international trade of animals and animal products. The potential benefits to trade of accurate reporting on the health status of the U.S. commercial livestock, poultry, and aquaculture industries include expansion of those industries into new export markets, and preservation of existing markets through increased confidence in quality and disease freedom. This data collection is unique in terms of the type, quantity, and frequency; no other entity is collecting and reporting data to the OIE on the health status of U.S. livestock, poultry, and aquaculture.

We are asking the Office of Management and Budget (OMB) to approve these information collection activities for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 8 hours per response.

Respondents: State animal health officials.

Estimated annual number of respondents: 52.

Estimated annual number of responses per respondent: 12.

Estimated annual number of responses: 624.

Estimated total annual burden on respondents: 4,992 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 19th day of April 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–08208 Filed 4–21–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0026]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Fresh Pomegranates From Chile

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the importation of fresh pomegranates from Chile into the continental United States.

DATES: We will consider all comments that we receive on or before June 23, 2017.

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

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS*-2017-0026.

• *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0026, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0026* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the importation of fresh pomegranates from Chile, contact Dr. Robert Baca, Assistant Director, Permitting and Compliance Coordination, Compliance and Environmental Coordination Branch, PPQ, APHIS, 4700 River Road, Unit 150, Riverdale, MD 20737; (301) 851–2292. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Fresh Pomegranates From Chile.

OMB Control Number: 0579–0375.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. As authorized by the PPA, the Animal and Plant Health Inspection Service (APHIS) regulates the importation of certain fruits and vegetables in accordance with the regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–76).

Under the regulations, fresh pomegranates from Chile may be imported into the continental United States under certain conditions, as listed in 7 CFR 319.56–56, to prevent the introduction of plant pests into the United States. Under the systems approach, the fruit has to be grown in a place of production that is registered with the Government of Chile and certified as having a low prevalence of *Brevipalpus chilensis.* The fruit must undergo pre-harvest sampling at the registered production site. Following post-harvest processing, the fruit must be inspected in Chile at an approved inspection site. Each consignment of fruit must be accompanied by a phytosanitary certificate with an additional declaration stating that the fruit has been found free of *B. chilensis* based on field and packinghouse inspections. This allows for the safe importation of pomegranates from Chile using mitigation measures other than fumigation with methyl bromide.

The regulations require respondents to complete documents such as a foreign phytosanitary certificate, phytosanitary inspections, marking of cartons, production site registration, a list of certified production sites, low prevalence production site certification, and identifying shipping documents.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.015 hours per response.

Respondents: Importers, producers, and the national plant protection organization of Chile.

Estimated annual number of respondents: 5.

Estimated annual number of responses per respondent: 6,190.

Estimated annual number of responses: 30,949.

Estimated total annual burden on respondents: 480 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 19th day of April 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–08207 Filed 4–21–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0028]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Phytophthora Ramorum; Quarantine and Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the interstate movement of regulated articles to prevent the spread of *Phytophthora ramorum.*

DATES: We will consider all comments that we receive on or before June 23, 2017.

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

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0028.*

• *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0028, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0028* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue

SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the interstate movement of regulated articles to prevent the spread of *Phytophthora ramorum,* contact Dr. Robert Baca, Assistant Director, Permitting and Compliance Coordination, Compliance and Environmental Coordination Branch, PPQ, APHIS, 4700 River Road Unit 150, Riverdale, MD 20737; (301) 851–2292. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Phytophthora Ramorum; Quarantine and Regulations.

OMB Control Number: 0579–0310.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States.

In accordance with the regulations in ''Subpart–Phytophthora Ramorum'' (§§ 301.92 through 301.92–12), the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture restricts the interstate movement of certain articles to prevent the spread of *Phytophthora ramorum,* the plant pathogen that causes the disease commonly known as sudden oak death. The regulations contain requirements for the interstate movement of regulated articles, such as nursery stock and certain trees, from both quarantined and nonquarantined areas and involve information collection activities, including compliance agreements, annual inspections of nurseries and certification of nurseries, issuance and cancellation of certificates, sampling labels for testing, records of fungicide applications, recordkeeping of incoming and outgoing shipments of plants, notification of high risk *P. ramorum* genera, and emergency action notifications.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.29 hours per response.

Respondents: Nurseries, private industry, and State plant regulatory officials.

Estimated annual number of respondents: 29.

Estimated annual number of responses per respondent: 23.

Estimated annual number of responses: 678.

Estimated total annual burden on respondents: 199 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 19th day of April 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–08206 Filed 4–21–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–885]

Phosphor Copper From the Republic of Korea: Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on an affirmative final determination by the Department of Commerce (''Department'') and the International Trade Commission (''ITC''), the Department is issuing the antidumping duty order on phosphor copper from the Republic of Korea (''Korea'').

DATES: Effective April 24, 2017.

FOR FURTHER INFORMATION CONTACT: Cindy Robinson, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3797.

SUPPLEMENTARY INFORMATION: In accordance with section 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the ''Act''), and 19 CFR 351.210(c), on March 3, 2017, the Department published its affirmative final determination in the less than fair value (''LTFV'') investigation of phosphor copper from Korea.[1] On April 17, 2017, the ITC notified the Department of its final determination pursuant to section 735(d) of the Act, that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of LTFV imports of phosphor copper from Korea.[2]

Scope of the Order

The merchandise covered by the order is master alloys[3] of copper containing between five percent and 17 percent phosphorus by nominal weight, regardless of form (including but not limited to shot, pellet, waffle, ingot, or nugget), and regardless of size or weight. Subject merchandise consists predominantly of copper (by weight), and may contain other elements, including but not limited to iron (Fe), lead (Pb), or tin (Sn), in small amounts (up to one percent by nominal weight). Phosphor copper is frequently produced to JIS H2501 and ASTM B–644, Alloy 3A standards or higher; however, merchandise covered by the order includes all phosphor copper, regardless of whether the merchandise meets, fails to meet, or exceeds these standards.

Merchandise covered by the order is currently classified in the Harmonized

[1] *See Phosphor Copper from the Republic of Korea: Final Affirmative Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances,* 82 FR 12433 (March 3, 2017) (''*Final Determination*'').

[2] *See* Letter to Ronald Lorentzen, Acting Assistant Secretary of Commerce for Enforcement and Compliance, from Rhonda K Schmidtlein, Chairman of the U.S. International Trade Commission, regarding phosphor copper from the Republic of Korea (April 17, 2017) (''ITC Letter'').

[3] A ''master alloy'' is a base metal, such as copper, to which a relatively high percentage of one or two other elements is added.

Tariff Schedule of the United States (''HTSUS'') under subheading 7405.00.1000. This HTSUS subheading is provided for convenience and customs purposes; the written description of the scope of the order is dispositive.

Antidumping Duty Order

On April 17, 2017, in accordance with sections 735(b)(1)(A)(i) and 735(d) of the Act, the ITC notified the Department of its final determination in this investigation, in which it found that imports of phosphor copper from Korea are materially injuring a U.S. industry.[4] Therefore, in accordance with section 735(c)(2) of the Act, we are publishing this antidumping duty order.

Because the ITC determined that imports of phosphor copper from Korea are materially injuring a U.S. industry, unliquidated entries of such merchandise from Korea, entered or withdrawn for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (''CBP'') to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of phosphor copper from Korea. Antidumping duties will be assessed on unliquidated entries of phosphor copper entered, or withdrawn from warehouse, for consumption on or after October 14, 2016, the date on which the Department published the *Preliminary Determination,*[5] but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination, as further described below.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct CBP to continue to suspend liquidation on entries of subject merchandise from Korea. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated in the chart below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit at the rates listed below.[6] The ''all others'' rate applies to all producers or exporters not specifically listed.

Provisional Measures

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request the Department to extend that four-month period to no more than six months. At the request of Bongsan Co., Ltd., the sole mandatory respondent in this investigation, the Department extended the four-month period to six months.[7] In the underlying investigation, the Department published the *Preliminary Determination* on October 14, 2016.[8] Therefore, the six-month period beginning on the date of the publication of the *Preliminary Determination* ended on April 11, 2017. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of phosphor copper entered, or withdrawn from warehouse, for consumption after April 11, 2017, the date the provisional measures expired, and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**.

Estimated Weighted-Average Dumping Margins

The Department determines that the estimated final weighted-average dumping margins are as follows:

Exporter/producer	Weighted-Average dumping margin (percent)
Bongsan Co., Ltd.	8.43
All Others	8.43

Notification to Interested Parties

This notice constitutes the antidumping duty order with respect to phosphor copper from Korea, pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://www.trade.gov/enforcement/.*

This order is issued and published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: April 20, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–08358 Filed 4–21–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–900]

Diamond Sawblades and Parts Thereof From the People's Republic of China: Rescission of Antidumping Duty Administrative Review in Part; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is rescinding its administrative review in part on diamond sawblades and parts thereof (diamond sawblades) from the People's Republic of China (the PRC) for the period of review (POR) November 1, 2015, through October 31, 2016.

DATES: Effective April 24, 2017.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5760.

SUPPLEMENTARY INFORMATION:

Background

On November 4, 2016, we published a notice of opportunity to request an administrative review of the antidumping duty order on diamond sawblades from the PRC for the POR November 1, 2015, through October 31,

[4] *See* ITC Letter.

[5] *See Phosphor Copper from the Republic of Korea: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value, Negative Preliminary Determination of Critical Circumstances,* 81 FR 71049 (October 14, 2016) (''*Preliminary Determination*'').

[6] *See* section 736(a)(3) of the Act.

[7] *See Phosphor Copper from the Republic of Korea: Postponement of Final Determination of Sales at Less-Than-Fair Value,* 81 FR 74763 (October 27, 2016) (''*Postponement of Final Determination*'').

[8] *See Preliminary Determination.*

2016.[1] On January 13, 2017, in response to timely requests from the petitioner[2] and Husqvarna (Hebei) Co., Ltd. (Husqvarna) and in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on diamond sawblades from the PRC with respect to 40 companies, including Husqvarna.[3] On April 12, 2016, the petitioner and Husqvarna withdrew their requests for an administrative review for Husqvarna.[4]

Rescission of Administrative Review in Part

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, ''in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.'' Because the petitioner and Husqvarna withdrew their review requests in a timely manner, and because no other party requested a review of Husqvarna, we are rescinding the administrative review in part with respect to Husqvarna.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For Husqvarna, for which the review is rescinded, antidumping duties shall be assessed at the rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP within 15 days after publication of this notice.

Notifications to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement may result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a 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 or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: April 17, 2017.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–08210 Filed 4–21–17; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 81 FR 76920 (November 4, 2016).

[2] The petitioner in this review is Diamond Sawblades Manufacturers' Coalition.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 4294 (January 13, 2017).

[4] *See* the letters of withdrawals of requests for review from the petitioner and Husqvarna dated April 12, 2017.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–817, A–560–805, A–580–836]

Certain Cut-To-Length Carbon-Quality Steel Plate From India, Indonesia, and the Republic of Korea: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Commerce.

SUMMARY: As a result of these sunset reviews, the Department of Commerce (the Department) finds that revocation of the antidumping duty (AD) orders on certain cut-to-length carbon-quality steel plate (CTL plate) from India, Indonesia, and the Republic of Korea (Korea) would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Sunset Reviews'' section of this notice.

DATES: Effective April 24, 2017.

FOR FURTHER INFORMATION CONTACT: Terre Keaton Stefanova, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1280.

SUPPLEMENTARY INFORMATION:

Background

On December 1, 2016, the Department published the notice of initiation of the sunset reviews of the AD *Orders*[1] on CTL plate from India, Indonesia, and Korea, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On December 8, 13, and 16, 2016, respectively, ArcelorMittal USA, Inc. (AMUSA), Nucor Corporation (Nucor), and SSAB Enterprises LLC (SSAB), (collectively, the petitioners or the domestic interested parties), notified the Department of their intent to participate within the 15-day period specified in 19 CFR 351.218(d)(1)(i).[3] Each of the domestic parties claimed interested party status under section 771(9)(C) of the Act stating that they are each producers in the United States of a domestic like product.

On January 3, 2017, the Department received complete substantive responses to the *Notice of Initiation* from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[4] We received no substantive responses from respondent interested parties with respect to these sunset reviews of the orders on CTL plate from India, Indonesia, or Korea, nor was a hearing requested. As a result, pursuant to section 751(c)(3)(B) of the

[1] *See Notice of Amendment of Final Determinations of Sales at Less Than Fair Value and Antidumping Duty Orders: Certain Cut-To-Length Carbon-Quality Steel Plate Products From France, India, Indonesia, Italy, Japan, and the Republic of Korea,* 65 FR 6585 (February 10, 2000) (collectively, *Orders*).

[2] *See Initiation of Five-Year (''Sunset'') Reviews,* 81 FR 86697 (December 1, 2016) (*Notice of Initiation*).

[3] *See* AMUSA's December 13, 2016, submission ''Five-Year (''Sunset'') Review of the Antidumping and Countervailing Duty Orders on Certain Cut-to-Length Carbon-Quality Steel Plate From India, Indonesia, and South Korea—AMUSA's Notice of Intent to Participate.'' *See also* Nucor's December 16, 2016, submissions ''*Certain Cut-to-Length Carbon-Quality Steel Plate from India:* Notice of Intent to Participate in Sunset Review,'' ''*Certain Cut-to-Length Carbon-Quality Steel Plate from Indonesia:* Notice of Intent to Participate in Sunset Review,'' and ''*Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea:* Notice of Intent to Participate in Sunset Review.'' *See also,* SSAB's December 8, 2016, submissions ''Certain Cut-to-Length Carbon-Quality Steel Plate from India, Third Sunset Review,'' ''Certain Cut-to-Length Carbon-Quality Steel Plate from Indonesia, Third Sunset Review,'' and ''Certain Cut-to-Length Carbon-Quality Steel Plate from Korea, Third Sunset Review.''

[4] *See* the domestic interested parties' January 3, 2017, submissions ''Certain Cut-to-Length Carbon-Quality Steel Plate from India,'' ''Five-Year (''Sunset'') Review of the Antidumping Order on Certain Cut-To-Length Carbon-Quality Steel Plate From Indonesia—Substantive Response to Notice of Initiation,'' and ''*Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea:* Substantive Response to Notice of Initiation.''

Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted expedited (120-day) sunset reviews of the AD *Orders* on CTL plate from India, Indonesia, and Korea.

Scope of the Orders

The products covered under the *Orders* are certain hot-rolled carbon-quality steel: (1) Universal mill plates (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, and of a nominal or actual thickness of not less than 4 mm, which are cut-to-length (not in coils) and without patterns in relief), of iron or non-alloy-quality steel; and (2) flat-rolled products, hot-rolled, of a nominal or actual thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are cut-to-length (not in coils). Steel products to be included in the scope of the *Orders* are of rectangular, square, circular or other shape and of rectangular or non-rectangular cross-section where such non-rectangular cross-section is achieved subsequent to the rolling process (*i.e.,* products which have been ''worked after rolling'')—for example, products which have been beveled or rounded at the edges. Steel products that meet the noted physical characteristics that are painted, varnished or coated with plastic or other non-metallic substances are included within the scope. Also, specifically included in the scope of the *Orders* are high strength, low alloy (HSLA) steels. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum.

The merchandise subject to the *Orders* is currently classifiable in the HTSUS under subheadings: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7225.40.3050, 7225.40.7000, 7225.50.6000, 7225.99.0090, 7226.91.5000, 7226.91.7000, 7226.91.8000, 7226.99.0000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by the *Orders* is dispositive.

The Issues and Decision Memorandum, which is hereby adopted by this notice, provides a full description of the scope of the *Orders*.[5]

Analysis of Comments Received

A complete discussion of all issues raised in these reviews is provided in the accompanying Issues and Decision Memorandum. The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margin of dumping that is likely to prevail if the *Orders* were revoked. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Reviews

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, the Department determines that revocation of the AD *Orders* on CTL plate from India, Indonesia, and Korea would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the margin of dumping that is likely to prevail would be at rates up to 42.39 percent for India, up to 52.42 percentage for Indonesia, and up to 4.64 percent for Korea.

Administrative Protective Orders

This notice serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely written notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing the results of the reviews and this notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: March 31, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–08174 Filed 4–21–17; 8:45 am]

BILLING CODE 3510–DS–P

[5] *See* the Department's memorandum from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, ''Issues and Decision Memorandum for the Expedited Third Sunset Reviews of the Antidumping Duty Orders on Certain Cut-to-Length Carbon-Quality Steel Plate from India, Indonesia, and the Republic of Korea,'' dated concurrently with this notice (Issues and Decision Memorandum).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–854]

Supercalendered Paper From Canada: Final Results of Countervailing Duty Expedited Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has conducted an expedited review of the countervailing duty (CVD) order on supercalendered paper (SC paper) from Canada. The period of review (POR) for which we are measuring subsidies is January 1, 2014, through December 31, 2014. We determine that Irving Paper Limited received countervailable subsidies during the POR and that Catalyst received *de minimis* countervailable subsidies. As a result of this determination, we are excluding Catalyst from the countervailing duty order on SC paper from Canada.

DATES: Effective April 24, 2017.

FOR FURTHER INFORMATION CONTACT: Toby Vandall or Peter Zukowski, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1664 and (202) 482–0189, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published the *Preliminary Results* of the expedited review on November 28, 2016.[1] A summary of the events that occurred since the Department published the *Preliminary Results,* as well as a full

[1] *See Supercalendered Paper From Canada: Preliminary Results of Countervailing Duty Expedited Review,* 81 FR 85520 (November 28, 2016) (*Preliminary Results*).

discussion of the issues raised by parties for the final results, may be found in the Issues and Decision Memorandum [2] issued concurrently with, and hereby adopted by, this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed Issues and Decision Memorandum and the electronic version are identical in content.

Scope of the Order

The product covered by this order is SC paper from Canada. A full description of the scope of the order is contained in the Issues and Decision Memorandum.[3]

Methodology

The Department has conducted this CVD expedited review in accordance with 19 CFR 351.214(k). For a full description of the methodology underlying our conclusions, *see* the Issues and Decision Memorandum. The subsidy programs under review, and the issues raised in the case and rebuttal briefs submitted by the parties, are discussed in the Issues and Decision Memorandum. A list of the issues that parties raised, and to which we responded in the Issues and Decision Memorandum, is attached to this notice at the Appendix.

Based on our review and analysis of the comments received from parties, we made certain changes to Catalyst's and Irving's subsidy rate calculations since the *Preliminary Results.* For a discussion of these changes, see the Issues and Decision Memorandum and the Final Calculation Memoranda.[4]

We calculated a CVD rate for each producer/exporter of the subject merchandise that requested an expedited review.

Final Results of the Expedited Review

As a result of this expedited review, we determine the countervailable subsidy rates to be:

Company	Subsidy rate
Catalyst Paper Corporation (Catalyst).	0.94 percent (*de minimis*).
Irving Paper Limited (Irving) ..	5.87 percent.

Cash Deposit Instructions

Pursuant to section 19 CFR 351.214(k)(3)(iii), the final results of this expedited review will not be the basis for the assessment of countervailing duties. Upon the issuance of these final results, the Department will instruct Customs and Border Protection (CBP) to collect cash deposits of estimated countervailing duties for the companies subject to this expedited review, at the rates shown above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this expedited review. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Pursuant to 19 CFR 351.214(k)(3)(iv), because we have determined a countervailable subsidy rate for Catalyst that is *de minimis,* with these final results of expedited review, we determine to exclude Catalyst from the countervailing duty order. The Department's practice with respect to exclusions of companies from a countervailing duty order is to exclude the subject merchandise both produced and exported by those companies.[5] As a result, we will instruct CBP to discontinue the suspension of liquidation and the collection of cash deposits of estimated countervailing duties on all shipments of SC paper produced and exported by Catalyst, entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. In addition, we will instruct CBP to liquidate, without regard to countervailing duties, all suspended entries of shipments of SC paper produced and exported by Catalyst, and to refund all cash deposits of estimated countervailing duties collected on all such shipments. Merchandise which Catalyst exports but does not produce, as well as merchandise Catalyst produces but is exported by another company, remains subject to the countervailing duty order.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with 19 CFR 351.214(k).

Dated: April 17, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Subsidies Valuation
V. Analysis of Programs
VI. Analysis of Comments
- Comment 1: The Correct *de minimis* Rate in an Expedited Review
- Comment 2: Whether To Exclude or Revoke Catalyst from the Order
- Comment 3: Whether the Powell River City Revitalization Area Tax Exemption Program Provided a Financial Contribution to Catalyst
- Comment 4: Whether To Recognize the Change in Catalyst's Property Values in Calculating the Benefit of the Powell River City Revitalization Area Tax Exemption Program
- Comment 5: Whether To Use 2007–2009 or 2009 Alone To Measure the Benefit for the Powell River City Revitalization Area Tax Exemption Program
- Comment 6: Whether To Consider Catalyst's Former Properties as an Offset to the Benefit of the Powell River City Revitalization Area Tax Exemption Program
- Comment 7: Whether To Consider Catalyst's One-Third Interest in the PRSC Limited Partnership in the Benefit Calculation of the Powell River City Revitalization Area Tax Exemption Program
- Comment 8: Whether BC Hydro's Power Smart Industrial Energy Manager Program Is *De Jure* or *De Facto* Specific
- Comment 9: Whether the Thermo-Mechanical Pulp (TMP) Subprogram of the BC Hydro Power Smart Program Is a Recurring Program
- Comment 10: Whether the Department Should Revise its Nonrecurring Subsidy Benefit Calculation of the BC Hydro Power Smart TMP Subprogram

[2] *See* Department Memorandum, ''Issues and Decision Memorandum for the Final Results of Expedited Review of the Countervailing Duty Order on Supercalendered Paper from Canada'' (dated concurrently with this notice).

[3] *Id.*

[4] *Id; see also* Department Memorandum, ''Final Results Calculations for Catalyst Paper'' (April 17, 2017); *see also* Department Memorandum, ''Final Results Calculations for Irving Paper Limited'' (April 17, 2017).

[5] *See, e.g. Certain Corrosion-Resistant Steel Products from India, Italy, Republic of Korea and the People's Republic of China: Countervailing Duty Order,* 81 FR 48387 (July 25, 2016).

Comment 11: Whether the British Columbia (BC) Ban on Exports of Logs and Wood Residue Is a Countervailable Subsidy
Comment 12: Whether the BC Ban on Exports of Logs and Wood Residue Provides a Financial Contribution
Comment 13: Whether the Department Should Use Tier 1 Benchmarks in BC
Comment 14: Whether the Department Failed To Apply Its Own Evidentiary Standards on the BC Ban on Exports of Logs and Wood Residue
Comment 15: Whether the Department Needs To Conduct a Feedback Effect Analysis
Comment 16: Whether the Department Should Use a Transaction-By-Transaction Calculation Methodology for the BC Ban on Exports of Logs and Wood Residue
Comment 17: Whether the Department Should Revise the Transportation Cost for Logs Purchased in BC by Catalyst
Comment 18: Whether the Department Selected the Appropriate Log Benchmarks
Comment 19: Whether the Wood Chip Benchmark Dataset Is Distortive
Comment 20: Whether the Department Should Revise the Wood Chip Benchmark Transportation Cost
Comment 21: Whether the Department Should Revise the Transportation Cost Applied to Catalyst's Purchases of Wood Chips in BC
Comment 22: Whether the Department Should Adjust the Sawdust and Hog Fuel Calculations Based Upon Changes to the Wood Chip Benchmark
Comment 23: Whether the Government of New Brunswick Provided Stumpage to Irving for LTAR
Comment 24: Whether the Department Should Grant an Adjustment to New Brunswick (NB) Stumpage Rates
Comment 25: Whether the Department Should Use a Transaction-By-Transaction Calculation Methodology for NB Stumpage
Comment 26: Whether the Department Should Zero Comparisons That Generate Negative Benefits
Comment 27: Whether the Large Industrial Renewable Energy Purchase Program (LIREPP) Confers a Benefit on the Irving Companies
Comment 28: The Workforce Expansion Program Is Not Specific
Comment 29: The New Brunswick R&D Tax Credit Is Not Specific
Comment 30: Whether the Benefit to JDIL From the Federal Pulp and Paper Green Transformation Program (FPPGTP) Is Countervailable
Comment 31: Whether the GNB's Reimbursement of Silviculture and License Management Expenses Is Countervailable
Comment 32: Whether the Accelerated Capital Cost Allowance (ACCA) for Class 29 Assets Is Specific and Whether It Is a Tax Credit
Comment 33: Whether the Benefit Calculation for the Atlantic Investment Tax Credit (AITC) Must Be Adjusted for the Additional Taxes That Were Paid as a Result of the Program
Comment 34: Sales Denominators for Benfefits Received by Cross-Owned Input Suppliers Must Include All Sales of the Downstream Product
VII. Recommendation

[FR Doc. 2017–08211 Filed 4–21–17; 8:45 am]

BILLING CODE 3510–DS–P

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: Atlantic Highly Migratory Species Voluntary Release Reports.

OMB Control Number: 0648–0628.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 7.

Average Hours per Response: 5 minutes.

Burden Hours: 1 hour (rounded up).

Needs and Uses: This request is for an extension of a currently approved information collection.

Under the Magnuson-Stevens Fishery Conservation and Management Act (MSFMCA, 16 U.S.C. 1801 *et seq.*) the National Marine Fisheries Service (NMFS) is to ensure that conservation and management measures promote, to the extent practicable, implementation of scientific research programs that include the tagging and releasing of Atlantic highly migratory species (HMS). The currently approved information collection allows the public to submit volunteered geographic and biological information relating to HMS releases in order to populate an interactive Web site mapping tool. This Web page attracts visitors who are interested in Atlantic HMS and contains information and links to promote HMS tagging programs that the general public can support or become involved with. All submissions are voluntary. Information is used to raise awareness for releasing Atlantic HMS and HMS tagging programs, and is not used as representative results.

Affected Public: Individuals or households; businesses or other for-profit organizations; not-for-profit institutions; Federal government; and State, Local, or Tribal government.

Frequency: On occasion.

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.

Dated: April 18, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–08158 Filed 4–21–17; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Fees for Reviews of the Rule Enforcement Programs of Designated Contract Markets and Registered Futures Associations

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of 2016 schedule of fees.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'' or ''Commission'') charges fees to designated contract markets and registered futures associations to recover the costs incurred by the Commission in the operation of its program of oversight of self-regulatory organization rule enforcement programs, specifically National Futures Association (''NFA''), a registered futures association, and the designated contract markets. The calculation of the fee amounts charged for 2016 by this notice is based upon an average of actual program costs incurred during fiscal year (''FY'') 2013, FY 2014, and FY 2015.

DATES: *Effective:* Each self-regulatory organization is required to remit electronically the applicable fee on or before June 23, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Jean Buhler, Chief Financial Officer, Commodity Futures Trading Commission; (202) 418–5089; Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. For information on electronic payment, contact Jennifer Fleming; (202) 418–5034; Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Background Information

A. General

This notice relates to fees for the Commission's review of the rule enforcement programs at the registered futures associations [1] and designated contract markets (''DCM''), each of which is a self-regulatory organization (''SRO'') regulated by the Commission. The Commission recalculates the fees charged each year to cover the costs of operating this Commission program.[2] The fees are set each year based on direct program costs, plus an overhead factor. The Commission calculates actual costs, then calculates an alternate fee taking volume into account, and then charges the lower of the two.[3]

B. Overhead Rate

The fees charged by the Commission to the SROs are designed to recover program costs, including direct labor costs and overhead. The overhead rate is calculated by dividing total Commission-wide overhead direct program labor costs into the total amount of the Commission-wide overhead pool. For this purpose, direct program labor costs are the salary costs of personnel working in all Commission programs. Overhead costs generally consist of the following Commission-wide costs: Indirect personnel costs (leave and benefits), rent, communications, contract services, utilities, equipment, and supplies. This formula has resulted in the following overhead rates for the most recent three years (rounded to the nearest whole percent): 181 percent for FY 2013, and 180 percent for FY 2014, and 211 percent for FY 2015.

C. Conduct of SRO Rule Enforcement Reviews

Under the formula adopted by the Commission in 1993, the Commission calculates the fee to recover the costs of its rule enforcement reviews and examinations, based on the three-year average of the actual cost of performing such reviews and examinations at each SRO. The cost of operation of the Commission's SRO oversight program varies from SRO to SRO, according to the size and complexity of each SRO's program. The three-year averaging computation method is intended to smooth out year-to-year variations in cost. Timing of the Commission's reviews and examinations may affect costs—a review or examination may span two fiscal years and reviews and examinations are not conducted at each SRO each year.

As noted above, adjustments to actual costs may be made to relieve the burden on an SRO with a disproportionately large share of program costs. The Commission's formula provides for a reduction in the assessed fee if an SRO has a smaller percentage of United States industry contract volume than its percentage of overall Commission oversight program costs. This adjustment reduces the costs so that, as a percentage of total Commission SRO oversight program costs, they are in line with the pro rata percentage for that SRO of United States industry-wide contract volume.

The calculation is made as follows: The fee required to be paid to the Commission by each DCM is equal to the lesser of actual costs based on the three-year historical average of costs for that DCM or one-half of average costs incurred by the Commission for each DCM for the most recent three years, plus a pro rata share (based on average trading volume for the most recent three years) of the aggregate of average annual costs of all DCMs for the most recent three years. The formula for calculating the second factor is: 0.5a + 0.5 vt = current fee. In this formula, ''a'' equals the average annual costs, ''v'' equals the percentage of total volume across DCMs over the last three years, and ''t'' equals the average annual costs for all DCMs. NFA has no contracts traded; hence, its fee is based simply on costs for the most recent three fiscal years. This table summarizes the data used in the calculations of the resulting fee for each entity:

	Actual total costs			3-year average actual costs	3-year percent of volume	Volume adjusted costs	2016 Assessed fee
	FY 2013	FY 2014	FY 2015				
CBOE Futures	$235,567	.....	$158,209	$131,259	1.22	$73,074	$73,074
Chicago Board of Trade	164,974	$55,515	17,938	79,476	30.08	223,017	79,476
Chicago Mercantile Exchange	391,917	225,701	540,151	385,923	44.03	461,189	385,923
ELX Futures	134,267	.....	.....	44,756	0.00	22,378	22,378
ICE Futures U.S.	360,223	81,176	105,864	182,421	10.21	153,429	153,429
Kansas City Board of Trade	559	.....	.....	186	0.06	467	186
Minneapolis Grain Exchange	220,975	47,648	147,983	138,868	0.05	69,741	69,741
NADEX North American	101,252	980	.....	34,077	0.08	17,505	17,505
New York Mercantile Exchange	135,316	225,672	118,701	159,897	13.84	164,294	159,897
NYSE LIFFE US	24,802	.....	.....	8,267	0.13	4,909	4,909
One Chicago	128,599	31,196	289	53,362	0.28	28,384	28,384
Subtotal	1,898,452	667,888	1,089,134	1,218,491	100	1,218,387	994,902
National Futures Association	186,499	292,102	401,337	293,312	.....	.....	293,312
Total	2,084,950	959,990	1,490,471	1,511,804	.....	.....	1,288,214

An example of how the fee is calculated for one exchange, the Chicago Board of Trade, is set forth here:

a. Actual three-year average costs equal $79,476.

b. The alternative computation is: (.5) ($79,476) + (.5) (.30) ($1,218,491) = $223,017.

c. The fee is the lesser of a or b; in this case $79,476.

As noted above, the alternative calculation based on contracts traded is not applicable to NFA because it is not a DCM and has no contracts traded. The Commission's average annual cost for conducting oversight review of the NFA

[1] National Futures Association is the only registered futures association.

[2] *See* section 237 of the Futures Trading Act of 1982, 7 U.S.C. 16a, and 31 U.S.C. 9701. For a broader discussion of the history of Commission fees, see 52 FR 46070, Dec. 4, 1987.

[3] 58 FR 42643, Aug. 11, 1993, and 17 CFR part 1, app. B.

rule enforcement program during fiscal years 2013 through 2015 was $293,312. The fee to be paid by the NFA for the current fiscal year is $293,312.

II. Schedule of Fees

Fees for the Commission's review of the rule enforcement programs at the registered futures associations and DCMs regulated by the Commission are as follows:

	3-Year average actual cost	3-Year percent of volume	2016 Fee lesser of actual or calculated fee
CBOE Futures	$131,259	1.22	$73,074
Chicago Board of Trade	79,476	30.08	79,476
Chicago Mercantile Exchange	385,923	44.03	385,923
ELX Futures	44,756	0.00	22,378
ICE Futures U.S	182,421	10.21	153,429
Kansas City Board of Trade	186	0.06	186
Minneapolis Grain Exchange	138,868	0.05	69,741
NADEX North American	34,077	0.08	17,505
New York Mercantile Exchange	159,897	13.84	159,897
NYSE LIFFE US	8,267	0.13	4,909
One Chicago	53,362	0.2795	28,384
Subtotal	1,218,491	100	994,902
National Futures Association	293,312	.....	293,312
Total	1,511,804	.....	1,288,214

III. Payment Method

The Debt Collection Improvement Act (DCIA) requires deposits of fees owed to the government by electronic transfer of funds. *See* 31 U.S.C. 3720. For information about electronic payments, please contact Jennifer Fleming at (202) 418–5034 or *jfleming@cftc.gov,* or see the CFTC Web site at *http://www.cftc.gov,* specifically, *http://www.cftc.gov/cftc/cftcelectronicpayments.htm.*

(Authority: 7 U.S.C. 16a)

Issued in Washington, DC, on April 19, 2017, by the Commission.

Robert N. Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2017–08222 Filed 4–21–17; 8:45 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection Number 3038–0091, Disclosure and Retention of Certain Information Relating to Cleared Swaps Customer Collateral

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'' or ''Commission'') is announcing an opportunity for public comment on the proposed renewal of a collection of certain information by the agency. Under the Paperwork Reduction Act (''PRA''), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on the collections of information provided for by the Commission's regulations under the Commodity Exchange Act (''CEA'') relating to the protection of customer collateral held by futures commission merchants (''FCM'') and derivatives clearing organizations (''DCO'') to serve as margin in cleared swaps transactions.

DATES: Comments must be submitted on or before June 23, 2017.

ADDRESSES: You may submit comments, identified by ''Disclosure and Retention of Certain Information Relating to Cleared Swaps Customer Collateral,'' and Collection Number 3038–0091 by any of the following methods:

- The Agency's Web site, at *http://comments.cftc.gov/.* Follow the instructions for submitting comments through the Web site.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.
- *Federal eRulemaking Portal: http://www.regulations.gov/.* Follow the instructions for submitting comments through the Portal.

Please submit your comments using only one method.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Jacob Chachkin, Special Counsel, 202–418–5496, email: *jchachkin@cftc.gov;* or Joshua Beale, Special Counsel, 202–418–5446, email: *jbeale@cftc.gov,* Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission.

SUPPLEMENTARY INFORMATION: Under the PRA,[1] Federal agencies must obtain approval from the Office of Management and Budget (''OMB'') for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed collection of information listed below.

Title: Disclosure and Retention of Certain Information Relating to Cleared Swaps Customer Collateral (OMB Control No. 3038–0091). This is a request for an extension of a currently approved information collection.

[1] 44 U.S.C. 3501 *et seq.*

Abstract: Part 22 of the Commission's regulations under the CEA establish rules for the protection of customer collateral held by FCMs and DCOs to serve as margin in cleared swaps transactions. As part of this regulatory scheme, regulations 22.2(g), 22.5(a), 22.11, 22.12, 22.16, and 22.17 impose recordkeeping and third-party disclosure requirements on FCMs and DCOs. In addition, regulation 22.13(c)(2) indirectly requires FCMs who post excess collateral with DCOs to perform certain computations regarding such collateral, although it is not expected to materially affect the total paperwork burden associated with part 22.

Regulation 22.2(g) requires each FCM with Cleared Swaps Customer Accounts [2] to, among other things, compute daily and report to the Commission the amount of Cleared Swaps Customer Collateral [3] on deposit in such accounts, the amount of such collateral required to be on deposit in such accounts and the amount of the FCM's residual financial interest in such accounts. Regulation 22.5(a) requires an FCM or DCO to obtain, from each depository with which it deposits cleared swaps customer funds, a letter acknowledging that such funds belong to the Cleared Swaps Customers [4] of the FCM or DCO, and not the FCM, DCO, or any other person. Regulation 22.11 requires each FCM that intermediates cleared swaps for customers on or subject to the rules of a DCO, whether directly as a clearing member or indirectly through a Collecting FCM,[5] to provide the DCO or the Collecting FCM, as appropriate, with information sufficient to identify each customer of the FCM whose swaps are cleared by the FCM. Regulation 22.11 also requires the FCM, at least once daily, to provide the DCO or the Collecting FCM, as appropriate, with information sufficient to identify each customer's portfolio of rights and obligations arising out of cleared swaps intermediated by the FCM. Regulation 22.12 requires that each Collecting FCM and DCO, on a daily basis, calculate, based on information received pursuant to regulation 22.11 and on information generated and used in the ordinary course of business by the Collecting FCM or DCO, and record certain information about the amount of collateral required for each Cleared Swaps Customer and the sum of these amounts. Regulation 22.16 requires that each FCM who has Cleared Swaps Customers disclose to each of such customers the governing provisions, as established by DCO rules or customer agreements between collecting and depositing FCMs, relating to use of customer collateral, transfer, neutralization of the risks, or liquidation of cleared swaps in the event of default by a Depositing FCM [6] relating to a Cleared Swaps Customer Account. Regulation 22.17 requires that FCM produce a written notice of the reasons and the details concerning withdrawals from Cleared Swaps Customers Account not for the benefit of Cleared Swap Customers if such withdrawal will exceed 25% of the FCMs residual interest in such account.

The Commission believes that the information collection obligations imposed by Commission regulations 22.2(g), 22.5(a), 22.11, 22.12, 22.16, and 22.17 are essential (i) to ensuring that FCMs and DCOs develop and maintain adequate customer protections and procedures over Cleared Swap Customer funds as required by the CEA, and Commission regulations, and (ii) to the effective evaluation of these registrants' actual compliance with the CEA and Commission regulations. 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.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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.

You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[7]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the information collection request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The Commission is revising its estimate of the burden for this collection to reflect the current number of affected registrants. Accordingly, the respondent burden for this collection is estimated to be as follows:

Number of Registrants: 68.

Estimated Average Burden Hours per Registrant: 365.

Estimated Aggregate Burden Hours: 24,820.

Frequency of Recordkeeping: As applicable.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: April 18, 2017.

Robert N. Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2017–08161 Filed 4–21–17; 8:45 am]

BILLING CODE 6351–01–P

[2] For the definition of Cleared Swaps Customer Account, *see* Commission regulation 22.1. 17 CFR 22.1.

[3] *Id.*

[4] *Id.*

[5] *Id.*

[6] *Id.*

[7] 17 CFR 145.9.

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; Per Vivo Labs, Inc.

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Per Vivo Labs, Inc., a revocable, nonassignable, exclusive license to practice in the field of use of explosive ordnance detection and disposal in the United States, the Government-owned invention described in U.S. Patent Application No. 14/978,040 entitled ''Mixed Odor Delivery Device (MODD)'', Navy Case No. 103,340 and any continuations, divisionals or re-issues thereof.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than May 9, 2017.

ADDRESSES: Written objections are to be filed with the Naval Research Laboratory, Code 1004, 4555 Overlook Avenue SW., Washington, DC 20375–5320.

FOR FURTHER INFORMATION CONTACT: Amanda Horansky-McKinney, Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue SW., Washington, DC 20375–5320, telephone 202–767–1644. Due to U.S. Postal delays, please fax 202–404–7920, email: *techtran@research.nrl.navy.mil* or use courier delivery to expedite response.

(Authority: 35 U.S.C. 207, 37 CFR part 404.)

Dated: April 18, 2017.

A.M. Nichols,

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

[FR Doc. 2017–08186 Filed 4–21–17; 8:45 am]

BILLING CODE 3810–FF–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sunshine Act Notice

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice of public business meeting.

SUMMARY: Pursuant to the provisions of the Government in the Sunshine Act (5 U.S.C. 552b), notice is hereby given of the Defense Nuclear Facilities Safety Board's (Board) public business meeting described below.

TIME AND DATE: 10:00 a.m.–12:00 p.m., May 11, 2017.

PLACE: Defense Nuclear Facilities Safety Board Headquarters, 625 Indiana Ave. NW., Suite 352, Washington, DC 20004–2901.

STATUS: Open.

MATTERS TO BE CONSIDERED: This public meeting will be conducted pursuant to the Government in the Sunshine Act, the Board's implementing regulations for the Government in the Sunshine Act, and the Board's Operating Procedures. The purpose of this meeting is for Board members to review staff effort to develop a potential scorecard regarding safety oversight of Defense Nuclear Facilities. The meeting will proceed in accordance with the meeting agenda, which is posted on the Board's public Web site at *www.dnfsb.gov.* The Chairman will provide opening remarks followed by discussion led by the members of the Board. The Chairman will then provide closing remarks. The public is invited to view this business meeting. A transcript of the business meeting will be made available by the Board for viewing by the public on the Board's public Web site. The Board specifically reserves its right to further schedule and otherwise regulate the course of business of this meeting, to recess, reconvene, postpone, or adjourn the meeting, and otherwise exercise its rights under the Atomic Energy Act, the Government in the Sunshine Act and the Board's Operating Procedures.

CONTACT PERSON FOR MORE INFORMATION: Glenn Sklar, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004–2901, (800) 788–4016. This is a toll-free number.

SUPPLEMENTARY INFORMATION: Public participation in the meeting is invited. Individual oral comments may be limited by the time available, depending on the number of persons who wish to comment. Additional information and/or revisions to the meeting agenda may be posted on the Board's public Web site prior to the meeting.

Dated: April 19, 2017.

Joseph Bruce Hamilton,

Vice Chairman.

[FR Doc. 2017–08271 Filed 4–20–17; 11:15 am]

BILLING CODE 3670–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2011–0901; FRL–9959–83–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Prevention of Significant Deterioration and Nonattainment New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), ''Prevention of Significant Deterioration and Nonattainment New Source Review'' (EPA ICR No. 1230.32, OMB Control No. 2060–0003) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 30, 2017. Public comments were previously requested via the **Federal Register** (81 FR 64902) on September 21, 2016, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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: Additional comments may be submitted on or before May 24, 2017.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2011–0901, to (1) the EPA online using *http://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, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

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: Ben Garwood, Air Quality Policy Division, Office of Air Quality Planning and Standards, C504–03, U.S. Environmental Protection Agency, Research Triangle Park, NC 27709; telephone number: (919) 541–1358; fax number: (919) 541–5509; email address: *garwood.ben@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 *https://www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For information about EPA's public docket, visit *https://www.epa.gov/dockets.*

Abstract: This ICR is for activities related to the implementation of the EPA's New Source Review (NSR) program, for the time period between May 1, 2017, and April 30, 2020, and renews the previous ICR. Title I, part C of the Clean Air Act (CAA or the Act)—''Prevention of Significant Deterioration,'' and part D—''Plan Requirements for Nonattainment

Areas,'' require all states to adopt preconstruction review programs for new or modified stationary sources of air pollution. In addition, the provisions of section 110 of the Act include a requirement for states to have a preconstruction review program to manage the emissions from the construction and modification of any stationary source of air pollution to assure that the National Ambient Air Quality Standards are achieved and maintained. Tribes may choose to develop implementation plans to address these requirements.

Implementing regulations for these three programs are promulgated at 40 CFR 49.101 through 49.105; 40 CFR 49.151 through 49.173; 40 CFR 51.160 through 51.166; 40 CFR part 51, Appendix S; and 40 CFR 52.21 and 52.24. In order to receive a construction permit for a major new source or major modification, the applicant must conduct the necessary research, perform the appropriate analyses and prepare the permit application with documentation to demonstrate that their project meets all applicable statutory and regulatory NSR requirements. Specific activities and requirements are listed and described in the Supporting Statement for the ICR.

State, local, tribal or federal reviewing authorities review permit applications and provide for public review of proposed projects and issue permits based on their consideration of all technical factors and public input. The EPA, more broadly, reviews a fraction of the total applications and audits the state and local programs for their effectiveness. Consequently, information prepared and submitted by sources is essential for sources to receive permits, and for federal, state, and local environmental agencies to adequately review the permit applications and thereby properly administer and manage the NSR programs.

Information that is collected is handled according to EPA's policies set forth in title 40, chapter 1, part 2, subpart B—Confidentiality of Business Information (*see* 40 CFR part 2). *See* also section 114(c) of the Act.

Form numbers: 5900–246, 5900–247, 5900–248, 5900–340, 5900–341, 5900–342, 5900–343, 5900–344, 5900–367, 5900–368, 5900–369, 5900–370, 5900–371, 5900–372, 5900–390 and 5900–391.

Respondents/Affected Entities: Entities that must apply for and obtain a preconstruction permit under part C or D or section 110(a)(2)(C) of title I of the Act. In addition, state, local and tribal reviewing authorities that must review permit applications and issue permits are affected entities.

Respondent's Obligation To Respond: Mandatory [40 CFR part 49, subpart C; 40 CFR part 51, subpart I; 40 CFR part 52, subpart A; 40 CFR part 124, subparts A and C].

Estimated Number of Respondents: 73,762 (total); 73,639 industrial facilities and 123 state, local and tribal reviewing authorities.

Frequency of Response: On occasion, as necessary.

Total Estimated Burden: 5,516,675 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total Estimated Cost: $428,829,729 (per year). This includes $3,535,524 annually in outsourced start-up costs for preconstruction monitoring.

Changes in Estimates: There is a decrease of 2,417,665 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease has two primary causes: (1) A significant decrease in the estimated number of industrial facilities subject to CAA title I, part C permitting as a result of the U.S. Supreme Court ruling in *Utility Air Regulatory Group (UARG)* v. *EPA* (134 S.Ct. 2427 (2014)); and (2) a significant decrease in the estimated number of permits and registrations on tribal lands based on the progress in, and experience with, implementing the tribal NSR program.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2017–08217 Filed 4–21–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

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) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. 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 Commission 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 24, 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 listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal

Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. 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.

OMB Control Number: 3060–XXXX.

Title: Section 90.20 (xiv), Public Safety Pool.

Form Number: N/A.

Type of Review: New collection.

Respondents: Business or other for-profit entities, and state, local, or tribal government.

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

Estimated Time per Response: 1 hour.

Frequency of Response: One-time; on occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in Sections 1, 2, 4(i), 4(j), 301, 303, 316, and 337 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 301, 303, 316, and 337.

Total Annual Burden: 1,526 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: On August, 23, 2016, the Federal Communications Commission released a Report and Order, FCC 16–113, PS Docket No. 15–199, that modified Part 90 of the Rules Private Land Mobile Radio Services. The amended rule revises the Part 90 eligibility rules to permit railroad police officers to access the interoperability. Specifically, the Commission modified Section 90.20(xiv) to provide that:

(xiv)(A) Railroad police officers are a class of users eligible to operate on the nationwide interoperability and mutual aid channels listed in 90.20(i) provided their employer holds a Private Land Mobile Radio (PLMR) license of any radio category, including Industrial/Business (I/B). Eligible users include full and part time railroad police officers, Amtrak employees who qualify as railroad police officers under this subsection, Alaska Railroad employees who qualify as railroad police officers under this subsection, freight railroad employees who qualify as railroad police officers under this subsection, and passenger transit lines police officers who qualify as railroad police officers under this subsection. Railroads and railroad police departments may obtain licenses for the nationwide interoperability and mutual aid channels on behalf of railroad police officers in their employ. Employers of railroad police officers must obtain concurrence from the relevant state interoperability coordinator or regional planning committee before applying for a license to the Federal Communications Commission or operating on the interoperability and mutual aid channels.

(*1*) Railroad police officer means a peace officer who is commissioned in his or her state of legal residence or state of primary employment and employed, full or part time, by a railroad to enforce state laws for the protection of railroad property, personnel, passengers, and/or cargo.

(*2*) Commissioned means that a state official has certified or otherwise designated a railroad employee as qualified under the licensing requirements of that state to act as a railroad police officer in that state.

(*3*) Property means rights-of-way, easements, appurtenant property, equipment, cargo, facilities, and buildings and other structures owned, leased, operated, maintained, or transported by a railroad.

(*4*) Railroad means each class of freight railroad (*i.e.* Class I, II, III); Amtrak, Alaska Railroad, commuter railroads and passenger transit lines.

(*5*) The word state, as used herein, encompasses states, territories and the District of Columbia.

(B) Eligibility for licensing on the 700 MHz narrowband interoperability channels is restricted to entities that have as their sole or principal purpose the provision of public safety services.

To effectively implement the provisions of the new Rule, no other modifications to existing FCC rules are required. The changes are intended to simplify the licensing process for railroad police officers and ensure interoperable communications. The modified rules provide a benefit to public safety licensees by ensuring that only railroad police officers with appropriate governmental authorization can operate on the interoperability and mutual aid channels during emergencies. This will provide the additional benefit of promoting interoperability with railroad police officers by eliminating eligibility as a gating factor when licensing spectrum. The *Report and Order* reduces the burden on railroad police by allowing them to meet eligibility standard by requiring employers of railroad police officers to obtain concurrence from the relevant state interoperability coordinator or regional planning committee before applying for a license to the Federal Communications Commission or operating on the interoperability and mutual aid channels. Compliance with this requirement is already a requisite for public safety eligibility to use the interoperability and mutual aid channels, consequently any new burden imposed by this requirement would be minimal.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary, Office of the Secretary.

[FR Doc. 2017–08146 Filed 4–21–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0800, 3060–1058 and 3060–1089]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

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) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. 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 Commission 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 24, 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 listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. 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.

OMB Control Number: 3060–0800.

Title: FCC Application for Assignments of Authorization and Transfers of Control: Wireless Telecommunications Bureau and/or Public Safety and Homeland Security Bureau.

Form Number: FCC Form 603.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals and households; Business or other for-profit entities; Not-for-profit institutions; and State, local or tribal government.

Number of Respondents and Responses: 2,447 respondents and 2,447 responses.

Estimated Time per Response: 0.5–1.75 hours.

Frequency of Response: Recordkeeping requirement, on occasion reporting requirement and periodic reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. 154, 155, 158, 161, 301, 303(r), 308, 309, 310 and 332.

Total Annual Burden: 2,759 hours.

Total Annual Cost: $366,975.

Privacy Impact Assessment: Yes.

Nature and Extent of Confidentiality: In general there is no need for confidentiality with this collection of information.

Needs and Uses: FCC Form 603 is a multi-purpose form used to apply for approval of assignment or transfer of control of licenses in the wireless services. The data collected on this form is used by the FCC to determine whether the public interest would be served by approval of the requested assignment or transfer. This form is also used to notify the Commission of consummated assignments and transfers of wireless and/or public safety licenses that have previously been consented to by the Commission or for which notification but not prior consent is required. This form is used by applicants/licensees in the Advanced Wireless Services, Public Mobile Services, Personal Communications Services, General Wireless Communications Services, Private Land Mobile Radio Services, Broadcast Auxiliary Services, Broadband Radio Services, Educational Radio Services, Fixed Microwave Services, Maritime Services (excluding ships), and Aviation Services (excluding aircraft).

The purpose of this form is to obtain information sufficient to identify the parties to the proposed assignment or transfer, establish the parties basic eligibility and qualifications, classify the filing, and determine the nature of the proposed service. Various technical schedules are required along with the main form applicable to Auctioned Services, Partitioning and Disaggregation, Undefined Geographical Area Partitioning, Notification of Consummation or Request for Extension of Time for Consummation.

The data collected on FCC Form 603 includes the FCC Registration Number (FRN), which serves as a ''common link'' for all filings an entity has with the FCC. The Debt Collection Improvement Act of 1996 requires entities filing with the Commission use an FRN. On July 20, 2015, the Commission released the Part 1 R&O in which it updated many of its Part 1 competitive bidding rules (See Updating Part 1 Competitive Bidding Rules; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Petition of DIRECTV Group, Inc. and EchoStar LLC for Expedited Rulemaking to Amend Section 1.2105(a)(2)(xi) and 1.2106(a) of the Commission's Rules and/or for Interim Conditional Waiver; Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures, Report and Order, Order on Reconsideration of the First Report and Order, Third Order on Reconsideration of the Second Report and Order, and Third Report and Order, FCC 15–80, 30 FCC Rcd 7493 (2015), modified by Erratum, 30 FCC Rcd 8518 (2015) (Part 1 R&O)). Of relevance to the information collection at issue here, the Commission: (1) Modified the eligibility requirements for small business benefits, and updated the standardized schedule of small business sizes, including the gross revenues thresholds used to determine eligibility; (2) established a new bidding credit for eligible rural service providers; and (3) adopted targeted attribution rules to prevent the unjust enrichment of ineligible entities. The updated Part 1 rules apply to applicants seeking licenses and permits. Additionally, on June 2, 2014 the Commission released the Mobile Spectrum Holdings R&O, in which the Commission updated its spectrum screen and established rules for its upcoming auctions of low-band spectrum. Of relevance to the information collection at issue here, the Commission stated that it could reserve spectrum in order to ensure against excessive concentration in holdings of below-1–GHz spectrum (In the Matter of

Policies Regarding Mobile Spectrum Holdings, Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, FCC 14–63, Report and Order, 29 FCC Rcd 6133, 90) 135 (2014) (Mobile Spectrum Holdings R&O). See also Application Procedures for Broadcast Incentive Auction Scheduled to Begin on March 29, 2016; Technical Formulas for Competitive Bidding, Public Notice, 30 FCC Rcd 11034, Appendix 3 (WTB 2015); Wireless Telecommunications Bureau Releases Updated List of Reserve-Eligible Nationwide Service Providers in each PEA for the Broadcast Incentive Auction, Public Notice, AU No. 14–252 (WTB 2016).

The Commission seeks approval for revisions to its previously approved collection of information under OMB Control Number 3060–0800 to permit the collection of the additional information for Commission licenses and permits, pursuant to the rules and information collection requirements adopted by the Commission in the Part 1 R&O and the Mobile Spectrum Holdings R&O. As part of the collection, the Commission is seeking approval for the information collection and recordkeeping requirements associated with FCC Form 603.

In addition, the Commission seeks approval for various other, non-substantive editorial/consistency edits and updates to FCC Form 603 that correct inconsistent capitalization of words and other typographical errors, and better align the text on the form with the text in the Commission rules both generally and in connection with recent non-substantive, organizational amendments to the Commission's rules. Also, in certain circumstances, the Commission requires the applicant to provide copies of their agreements. We do not anticipate that these revisions will impact the collection filing burden.

The Commission therefore seeks approval for a revision to its currently approved information collection on FCC Form 603 to revise FCC Form 603 accordingly.

OMB Control Number: 3060–1058.

Title: FCC Application or Notification for Spectrum Leasing Arrangement: Wireless Telecommunications Bureau and/or Public Safety and Homeland Security Bureau.

Form Number: FCC Form 608.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; and State, local or tribal government.

Number of Respondents and Responses: 991 respondents and 991 responses.

Estimated Time per Response: 0.5–1 hour.

Frequency of Response: Recordkeeping requirement, on occasion reporting requirement and periodic reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. 154, 155, 158, 161, 301, 303(r), 308, 309, 310 and 332.

Total Annual Burden: 996 hours.

Total Annual Cost: $1,282,075.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general there is no need for confidentiality with this collection of information.

Needs and Uses: FCC Form 608 is a multipurpose form. It is used to provide notification or request approval for any spectrum leasing arrangement (''Leases'') entered into between an existing licensee (''Licensee'') in certain wireless services and a spectrum lessee (''Lessee''). This form also is required to notify or request approval for any spectrum subleasing arrangement (''Sublease''). The data collected on the form is used by the FCC to determine whether the public interest would be served by the Lease or Sublease. The form is also used to provide notification for any Private Commons Arrangement entered into between a Licensee, Lessee, or Sublessee and a class of third-party users (as defined in Section 1.9080 of the Commission's Rules).

On July 20, 2015, the Commission released the Part 1 R&O in which it updated many of its Part 1 competitive bidding rules (See Updating Part 1 Competitive Bidding Rules; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Petition of DIRECTV Group, Inc. and EchoStar LLC for Expedited Rulemaking to Amend Section 1.2105(a)(2)(xi) and 1.2106(a) of the Commission's Rules and/or for Interim Conditional Waiver; Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures, Report and Order, Order on Reconsideration of the First Report and Order, Third Order on Reconsideration of the Second Report and Order, and Third Report and Order, FCC 15–80, 30 FCC Rcd 7493 (2015), modified by Erratum, 30 FCC Rcd 8518 (2015) (Part 1 R&O)). Of relevance to the information collection at issue here, the Commission: (1) Modified the eligibility requirements for small business benefits, and updated the standardized schedule of small business sizes, including the gross revenues thresholds used to determine eligibility; (2) established a new bidding credit for eligible rural service providers; and (3) adopted targeted attribution rules to prevent the unjust enrichment of ineligible entities. The updated Part 1 rules apply to applicants seeking licenses, leases, and permits.

Additionally, on June 2, 2014 the Commission released the Mobile Spectrum Holdings R&O, in which the Commission updated its spectrum screen and established rules for its upcoming auctions of low-band spectrum. Of relevance to the information collection at issue here, the Commission stated that it could reserve spectrum in order to ensure against excessive concentration in holdings of below-1–GHz spectrum (In the Matter of Policies Regarding Mobile Spectrum Holdings, Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, FCC 14–63, Report and Order, 29 FCC Rcd 6133, 90) 135 (2014) (Mobile Spectrum Holdings R&O). See also Application Procedures for Broadcast Incentive Auction Scheduled to Begin on March 29, 2016; Technical Formulas for Competitive Bidding, Public Notice, 30 FCC Rcd 11034, Appendix 3 (WTB 2015); Wireless Telecommunications Bureau Releases Updated List of Reserve-Eligible Nationwide Service Providers in each PEA for the Broadcast Incentive Auction, Public Notice, AU No. 14–252 (WTB 2016).

The Commission seeks approval for revisions to its previously approved collection of information under OMB Control Number 3060–1058 to permit the collection of the additional information for Commission licenses, leases and permits, pursuant to the rules and information collection requirements adopted by the Commission in the Part 1 R&O and the Mobile Spectrum Holdings R&O. As part of the collection, the Commission is seeking approval for the information collection and recordkeeping requirements associated with FCC Form 608.

In addition, the Commission seeks approval for various other, non-substantive editorial/consistency edits and updates to FCC Form 608 that correct inconsistent capitalization of words and other typographical errors, and better align the text on the form with the text in the Commission rules both generally and in connection with recent non-substantive, organizational amendments to the Commission's rules.

Also, in certain circumstances, the Commission requires the applicant to provide copies of their agreements. We do not anticipate that these revisions will impact the collection filing burden.

The Commission therefore seeks approval for a revision to its currently approved information collection on FCC Form 608 to revise FCC Form 608 accordingly.

OMB Control No.: 3060–1089.

Title: Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers; Internet-Based Telecommunications Relay Service Numbering, CG Docket No. 03–123, WC Docket No. 05–196, and WC Docket No. 10–191; FCC 08–151, FCC 08–275, FCC 11–123.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; and individuals and households.

Number of Respondents and Responses: 6 respondents; 3,450,036 responses.

Estimated Time per Response: 0.008 hours (about 30 seconds) to 250 hours.

Frequency of Response: On occasion and quarterly reporting requirements; Recordkeeping requirement; and Third party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the collection is contained in sections 1, 2, 4(i), 4(j), 225, 251, 255, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 225, 251, 255, 303(r).

Total Annual Burden: 52,334 hours.

Annual Cost Burden: $2,206,200.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information from individuals.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The telecommunications relay service (TRS) program enables access to the nation's telephone network by persons with hearing and speech disabilities. Between 2008 and 2011, the Commission adopted rules in three separate orders related to the telephone numbering system and enhanced 911 (E911) services for users of two forms of Internet-based TRS: Video Relay Service (VRS); and Internet Protocol Relay service (IP Relay). See document FCC 08–151, Report and Order and Further Notice of Proposed Rulemaking (First Numbering Order), published at 73 FR 41286, July 18, 2008; document FCC 08–275, Second Report and Order and Order on Reconsideration (Second Numbering Order), published at 73 FR 79683, December 30, 2008; and document FCC 11–123, Report and Order (iTRS Toll Free Order), published at 76 FR 59551, September 27, 2011.

The rules adopted in these three orders have the following information collection requirements:

(A) Routing Information. VRS and IP Relay providers must obtain and retain current routing information from their registered users.

(B) Provision of Routing Information. VRS and IP Relay providers must provision and maintain their registered users' routing information to the TRS Numbering Directory.

(C) Registered Location. VRS and IP Relay providers must obtain from each newly registered user the physical location at which the service will be utilized (the user's Registered Location) and offer their registered users one or more methods of updating their physical location.

(D) Provision of Registered Location. Each VRS and IP Relay provider must place its registered users' Registered Location and certain callback information into, or make that information available through, Automatic Location Information (ALI) databases across the country.

(E) User Notification. Every VRS or IP Relay provider must include an advisory on its Web site and in any promotional materials addressing numbering and E911 services for VRS or IP Relay.

(F) Affirmative Acknowledgements. VRS and IP Relay providers must obtain and keep a record of affirmative acknowledgement from each of their registered users of having received and understood the user notification.

(G) Ascertaining Registration Status of VRS or IP Relay User. Every VRS and IP Relay provider must verify whether a dial-around user is registered with another provider. Because there is only one IP Relay provider, dial-around service is not used with IP Relay at this time.

(H) Verifying Registration and Eligibility Information. Every VRS and IP Relay provider must institute procedures to verify the accuracy of registration information, and include a self-certification component requiring consumers to verify that they have a disability necessitating their use of TRS.

(I) Commission Approval for the Pass Through of Numbering Costs. Each VRS or IP Relay provider wishing to pass through certain numbering-related costs to its users must obtain Commission approval to do so.

(J) Information Sharing After a Change in Default Providers. Each VRS provider that provides equipment to a consumer must make available to other VRS providers enough information about that equipment to enable another VRS provider selected as the consumer's default provider to perform all of the functions of a default provider.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary, Office of the Secretary.

[FR Doc. 2017–08147 Filed 4–21–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, April 27, 2017 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

REG 2014–02: Draft Notice of Proposed Rulemaking on Independent Expenditures by Authorized Committees; Reporting Multistate Independent Expenditures and Electioneering Communications.

REG 2014–10: Implementing the Consolidated and Further Continuing Appropriations Act, 2015.

REG 2016–03: Political Party Rules.

Management and Administrative Matters

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dayna C. Brown, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017–08372 Filed 4–20–17; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank

Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 9, 2017.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Asif M. Dakri and Faizel M. Dakri, Houston, Texas;* to acquire voting shares of Wallis Bancshares, Inc. (''Wallis Bancshares''), Houston, Texas, and thereby indirectly acquire voting shares of Wallis State Bank, Wallis, Texas; and Musa A. Dakri, Asif M. Dakri, Faizel M. Dakri, the Dakri Family 2012 GST Trust for Asif M. Dakri, and the Dakri Family 2012 GST Trust for Faizel M. Dakri, all of Houston Texas, as a group acting in concert, to acquire voting shares of Wallis Bancshares.

B. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *James Richard Sankovitz, Chaska, Minnesota;* individually and as trustee of the Irrevocable Trust Agreement for the benefit of Katherine M. Buland (''Buland Trust''), to acquire voting shares of Frankson Investment Corporation (''Frankson''), and thereby indirectly acquire shares of The First National Bank of Waseca, all of Waseca, Minnesota; and the Buland Trust (James Sankovitz, Thomas Sankovitz, and Ann Gaytko, as trustees) and Bernard Gaytko, Waseca, Minnesota, to retain voting shares of Frankson and join the Sankovitz family shareholder group which was previously approved to control Frankson, as a group acting in concert.

Board of Governors of the Federal Reserve System, April 18, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–08150 Filed 4–21–17; 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 May 18, 2017.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *M1 Bancshares, Inc., Macks Creek, Missouri;* to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of Macks Creek, Macks Creek, Missouri.

Board of Governors of the Federal Reserve System, April 18, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–08149 Filed 4–21–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Implementation Grants to Develop a Model Intervention for Youth/Young Adults with Child Welfare Involvement at Risk of Homelessness: Phase II.

OMB No.: 0970–0445.

Description: The Administration for Children and Familes (ACF) at the U.S. Department of Health and Human Services (HHS) intends to collect data for an evaluation of the initiative, Implementation Grants to Develop a Model Intervention for Youth/Young Adults with Child Welfare Involvement at Risk of Homelessness: Phase II. This builds on the previously approved ''Planning Grants to Develop a Model Intervention for Youth/Young Adults with Child Welfare Involvement at Risk of Homelessness'' (Phase I). Phase II is an initiative, funded by the Children's Bureau (CB) within ACF, that will support implementation grants for interventions designed to intervene with youth who have experienced time in foster care and are most likely to have a challenging transition into adulthood, including homelessness and unstable housing experiences. CB awarded six implementation grants (Phase II) in September 2015. During the implementation phase, organizations will conduct a range of activities to fine-tune their comprehensive service model, determine whether their model is being implemented as intended, and develop plans to evaluate the model under a potential future funding opportunity (Phase III).

During Phase II, ACF will engage a contractor to conduct a cross-site process evaluation. Data collected for the process evaluation will be used to assess grantees' organizational capacity to implement and evaluate the model interventions and to monitor each grantee's progress toward achieving the goals of the implementation period. Data for the process evaluation will be collected through interviews during site visits.

Respondents: Grantee agency directors and staff; partner agency directors and staff. Partner agencies may vary by site, but are expected to include child welfare, mental health, and youth housing/homelessness agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Total/annual number of respondents	Number of responses per respondent	Average burden hours per response	Total/annual burden hours
Communications for site visit planning	6	1	1	6
Discussion guide: Individual and small-group interviews	60	1	1.5	90

Estimated Total Annual Burden Hours: 96.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Mary Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2017–08167 Filed 4–21–17; 8:45 am]

BILLING CODE 4184–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0001]

Gastroenterology and Urology Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Gastroenterology and Urology Devices Panel of the Medical Devices Advisory Committee. The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. The meeting will be open to the public.

DATES: The meeting will be held on May 17, 2017, from 8 a.m. to 6 p.m.

ADDRESSES: Hilton Washington, DC/North, Salons A, B, C, and D, 620 Perry Pkwy., Gaithersburg, MD 20877. The hotel's telephone number is 301–977–8900. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FOR FURTHER INFORMATION CONTACT: Patricio G. Garcia, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G610, Silver Spring, MD 20993–0002, *Patricio.Garcia@fda.hhs.gov,* 301–796–6875, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: On May 17, 2017, the committee will discuss, make recommendations, and vote on information regarding the premarket approval application (PMA) for the TRANSMEDICS ORGAN CARE SYSTEM (OCS)—Lung System, by TransMedics, Inc. The proposed Indication for Use, as stated in the PMA, is as follows: The TRANSMEDICS ORGAN CARE SYSTEM (OCS) Lung System is a portable organ perfusion, ventilation, and monitoring medical device intended to preserve donor lungs in a near physiologic, ventilated, and perfused state for transplantation.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before May 8, 2017. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before April 28, 2017. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by May 1, 2017.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Artair Mallett at *artair.mallett@fda.hhs.gov* or 301–796–9638 at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/*

ucm111462.htm for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 18, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation and Analysis.

[FR Doc. 2017–08189 Filed 4–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0001]

Safe Use Symposium: A Focus on Reducing Preventable Harm From Drugs in the Outpatient Setting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public symposium.

SUMMARY: The Food and Drug Administration's (FDA or Agency) Center for Drug Evaluation and Research, Professional Affairs and Stakeholder Engagement Staff (PASES), is hosting a 1-day public symposium entitled ''Safe Use Symposium: A Focus on Reducing Preventable Harm From Drugs in the Outpatient Setting.'' The purpose of this symposium is to discuss sources of preventable harm from drugs in the outpatient setting and to stimulate the exchange of ideas among thought leaders on interventions to reduce preventable harms and how these interventions can be studied.

DATES: The public symposium will be held on June 15, 2017, from 8 a.m. to 4 p.m.

ADDRESSES: The public symposium will be held at FDA's White Oak campus, 10903 New Hampshire Ave, Bldg. 31 (The Great Room C), Silver Spring, MD 20903. Entrance for the public symposium participants (non-FDA employees) is through Bldg. 1 where routine security check procedures will be performed. For parking and security information, please refer to *https://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

FOR FURTHER INFORMATION CONTACT: Christine Lee, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 240–402–4228, email: *CDERSafeUseInitiative@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Food and Drug Administration's (FDA) Center for Drug Evaluation and Research, Professional Affairs and Stakeholder Engagement Staff (PASES), is hosting a 1-day public symposium entitled ''Safe Use Symposium: A Focus on Reducing Preventable Harm From Drugs in the Outpatient Setting.'' The purpose of this symposium is to discuss sources of preventable harm from drugs in the outpatient setting, such as the use of inappropriate medications in particular age groups, drug-drug interactions, unintended exposures, and misuse; and to stimulate the exchange of ideas among thought leaders on interventions to reduce preventable harms and how these interventions can be studied. This information may assist FDA in identifying significant and unexplored areas of preventable harm from drugs for the purpose of funding future research through the Safe Use Initiative. The symposium will feature presentations on sources of outpatient preventable harms, possible interventions, and future research topics. Areas to be discussed include identifying drugs and populations associated with a higher risk of preventable harm, as well as events which may be amenable to interventions. Methods to measure the effect of interventions and how to apply these to the outpatient setting will also be an important focus of discussion.

Presenters will represent multidisciplinary backgrounds from government, academia, patient safety groups, health care industry, and clinicians. There will be opportunities for interaction between speakers and attendees as well as question and answer sessions.

Registration: There is no registration fee to attend the public symposium. Early registration is recommended because seating is limited, and registration will be on a first-come, first-served basis. There will be no onsite registration. Persons interested in attending this symposium must register online at *http://wcms.fda.gov/FDAgov/Drugs/NewsEvents/ucm538670.htm?SSContributor=true.* For those without Internet access, please contact Christine Lee (see **FOR FURTHER INFORMATION CONTACT**) to register. If you need special accommodations due to a disability, please contact Christine Lee at least 7 days in advance.

Transcripts: A transcript of the symposium will be available for review at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, and on the Internet at *https://www.regulations.gov* approximately 30 days after the symposium. Transcripts will also be available in either hard copy or on CD–ROM, after submission of a Freedom of Information request. The Freedom of Information office address is available on the Agency's Web site at *https://www.fda.gov.*

Dated: April 17, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–08182 Filed 4–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0001]

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Vaccines and Related Biological Products Advisory Committee (VRBPAC). The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. The meeting will be open to the public.

DATES: The meeting will be held on May 17, 2017, from 8:30 a.m. to 4:45 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (rm. 1503), Silver Spring, MD 20993–0002. For those unable to attend in person, the meeting will also be Web Cast and will be available at the following link: *https://collaboration.fda.gov/rsvvaccine0517.* Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FOR FURTHER INFORMATION CONTACT: CAPT Serina Hunter-Thomas or Rosanna Harvey, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6307C, Silver Spring, MD 20993–0002, at 240–402–5771 *serina.hunter-thomas@fda.hhs.gov* and 240–402–8072, *rosanna.harvey@fda.hhs.gov,* or FDA

Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: On May 17, 2017, the VRBPAC will meet in an open session to discuss considerations for evaluation of Respiratory Syncytial Virus vaccine candidates in seronegative infants. FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before May 10, 2017. Oral presentations from the public will be scheduled between approximately 1:15 p.m. and 2:15 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before May 2, 2017. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by May 3, 2017.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact CAPT Serina Hunter-Thomas at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at: *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 18, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–08176 Filed 4–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0001]

Science Board to the Food and Drug Administration Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Science Board to the FDA. The general function of the committee is to provide advice to the Commissioner of Food and Drugs and other appropriate officials on specific, complex scientific and technical issues important to FDA and its mission, including emerging issues within the scientific community. Additionally, the Science Board provides advice to the Agency on keeping pace with technical and scientific developments including in regulatory science, input into the Agency's research agenda and on upgrading its scientific and research facilities and training opportunities. It will also provide, where requested, expert review of Agency sponsored intramural and extramural scientific research programs. This meeting is open to the public.

DATES: The meeting will be held on May 9, 2017, from 2 p.m. to 5 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave, Bldg. 31, Rm. 1404, Silver Spring, MD 20993. This meeting will take place via audio Webcast. To access the link for the audio Webcast check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

For those unable to access the audio Webcast, a conference room with a speakerphone will be reserved at the meeting location provided at the top of the **ADDRESSES** section. Seating is limited and is available on a first come, first served basis.

FOR FURTHER INFORMATION CONTACT: Rakesh Raghuwanshi, Office of the Chief Scientist, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave, Bldg. 1, Rm. 3309, Silver Spring MD 20993, 301–796–4769, *rakesh.raghuwanshi@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The Science Board will provide recommendations on the Agency's Innovation Funds work plan as prescribed in section 1002 of the 21st Century Cures Act (Pub. L. 114–255).

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee

meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before May 2, 2017. Oral presentations from the public will be scheduled between approximately 4 p.m. and 5 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before April 24, 2017. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by April 25, 2017.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Rakesh Raghuwanshi at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 18, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–08177 Filed 4–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0001]

Reducing the Risk of Preventable Adverse Drug Events Associated With Hypoglycemia in the Older Population; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration's (FDA) Center for Drug Evaluation and Research (CDER), Professional Affairs and Stakeholder Engagement Staff (PASES), is announcing a 1-day public workshop entitled ''Reducing the Risk of Preventable Adverse Drug Events Associated with Hypoglycemia in the Older Population.'' The purpose of this workshop is to discuss the importance of individualized glycemic control targets for older patients with diabetes; to reduce the risk of serious hypoglycemia; identify and discuss medication safety efforts, both those that are part of the Safe Use Initiative and those external to FDA, that are of direct relevance and importance to older patients living with the disease; discuss future areas of research which could be explored to reduce the risk of serious hypoglycemia in older diabetic patients; and disseminate the results of this discussion to inform patients, patient advocates, and health care practitioners.

DATES: The public workshop will be held on September 12, 2017, from 9 a.m. to 4 p.m.

ADDRESSES: The public workshop will be held at FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993. Entrance for the public workshop participants (non-FDA employees) is through Building 1, where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

FOR FURTHER INFORMATION CONTACT: Scott Winiecki, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 240–402–8824, email: *CDERSafeUseInitiative@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA CDER, PASES, is announcing a 1-day public workshop entitled ''Reducing the Risk of Preventable Adverse Drug Events associated with Hypoglycemia in the Older Population.'' The purpose of this workshop is to: (1) Discuss the importance of individualized glycemic control targets for older patients with diabetes, in order to reduce the risk of serious hypoglycemia; (2) identify and discuss medication safety efforts, both those that are part of the Safe Use Initiative and those external to FDA, that are of direct relevance and importance to older patients living with the disease; (3) discuss future areas of research which could be explored to reduce the risk of serious hypoglycemia in older diabetic patients; and (4) disseminate the results of this discussion to inform patients, patient advocates, and health care practitioners.

II. Topics for Discussion at the Public Workshop

The symposium will feature presentations on the scope of hypoglycemia-related adverse drug events in the older population, the risks and benefits of various degrees of glycemic control, factors affecting patient centered care, research into effective diabetes management, and the concept and translation of individualized glycemic targets to minimize adverse events in practice settings. Presenters will represent multidisciplinary backgrounds from government, academia, patient safety groups, health care industry, and clinicians. There will be opportunities for collaboration between speakers and attendees as well as question and answer sessions.

III. Participating in the Public Workshop

Registration: To register for the public workshop, please visit the following Web site: *http://wcms.fda.gov/FDAgov/Drugs/NewsEvents/ucm538666.htm?SSContributor=true.* Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone.

Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending this public workshop must register by August 29, 2017, midnight Eastern Time. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. If time and space permit,

onsite registration on the day of the public workshop will be provided beginning at 7:30 a.m.

For those without Internet access, please contact Scott Winiecki, (see **FOR FURTHER INFORMATION CONTACT**) to register. If you need special accommodations due to a disability, please contact Scott Winiecki no later than September 1, 2017.

Transcripts: A transcript of the public workshop will be accessible at *https://www.regulations.gov* approximately 30 days after the workshop. It may also be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: April 18, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–08178 Filed 4–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0179]

Training Program for Regulatory Project Managers; Information Available to Industry

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration's (FDA's) Center for Drug Evaluation and Research (CDER) is announcing the continuation of the Regulatory Project Management Site Tours and Regulatory Interaction Program (the Site Tours Program). The purpose of this document is to invite pharmaceutical companies interested in participating in this program to contact CDER.

DATES: Pharmaceutical companies may send proposed agendas to the Agency by June 23, 2017.

FOR FURTHER INFORMATION CONTACT: Dan Brum, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5480, Silver Spring, MD 20993–0002, 301–796–0578, *dan.brum@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

An important part of CDER's commitment to make safe and effective drugs available to all Americans is optimizing the efficiency and quality of the drug review process. To support this primary goal, CDER has initiated various training and development programs to promote high performance in its regulatory project management staff. CDER seeks to significantly enhance review efficiency and review quality by providing the staff with a better understanding of the pharmaceutical industry and its operations. To this end, CDER is continuing its training program to give regulatory project managers the opportunity to tour pharmaceutical facilities. The goals are to provide the following: (1) Firsthand exposure to industry's drug development processes and (2) a venue for sharing information about project management procedures (but not drug-specific information) with industry representatives.

II. The Site Tours Program

In this program, over a 2- to 3-day period, small groups (five or less) of regulatory project managers, including a senior level regulatory project manager, can observe operations of pharmaceutical manufacturing and/or packaging facilities, pathology/toxicology laboratories, and regulatory affairs operations. Neither this tour nor any part of the program is intended as a mechanism to inspect, assess, judge, or perform a regulatory function, but is meant rather to improve mutual understanding and to provide an avenue for open dialogue. During the Site Tours Program, regulatory project managers will also participate in daily workshops with their industry counterparts, focusing on selective regulatory issues important to both CDER staff and industry. The primary objective of the daily workshops is to learn about the team approach to drug development, including drug discovery, preclinical evaluation, tracking mechanisms, and regulatory submission operations. The overall benefit to regulatory project managers will be exposure to project management, team techniques, and processes employed by the pharmaceutical industry. By participating in this program, the regulatory project manager will grow professionally by gaining a better understanding of industry processes and procedures.

III. Site Selection

All travel expenses associated with the Site Tours Program will be the responsibility of CDER; therefore, selection will be based on the availability of funds and resources for each fiscal year. Selection will also be based on firms having a favorable facility status as determined by FDA's Office of Regulatory Affairs District Offices in the firms' respective regions. Firms that want to learn more about this training opportunity or that are interested in offering a site tour should respond by sending a proposed agenda by email directly to Dan Brum (see **DATES** and **FOR FURTHER INFORMATION CONTACT**).

Dated: April 17, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–08183 Filed 4–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–D–0369]

Product-Specific Guidance for Naloxone Hydrochloride; New Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing the availability of a new draft guidance for industry on generic naloxone hydrochloride nasal spray entitled ''Draft Guidance on Naloxone Hydrochloride.'' The new draft guidance, when finalized, will provide product-specific recommendations on, among other things, the design of bioequivalence (BE) studies to support abbreviated new drug applications (ANDAs) for naloxone hydrochloride nasal spray.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final versions of the guidance, submit either electronic or written comments on the draft guidances by June 23, 2017.

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–2007–D–0369 for ''Draft Guidance on Naloxone Hydrochloride.'' Received comments 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.

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Xiaoqiu Tang, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4730, Silver Spring, MD 20993–0002, 301–796–5850.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 11, 2010 (75 FR 33311), FDA announced the availability of a guidance for industry entitled ''Bioequivalence Recommendations for Specific Products,'' which explained the process that would be used to make product-specific guidances available to the public on FDA's Web site at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.*

As described in that guidance, FDA adopted this process to develop and disseminate product-specific guidances and to provide a meaningful opportunity for the public to consider and comment on the guidances. This notice announces the availability of a new draft guidance for generic naloxone hydrochloride nasal spray.

FDA initially approved new drug application 208411 for NARCAN (naloxone hydrochloride) nasal spray in November 2015. We are now issuing a new draft guidance for industry on generic naloxone hydrochloride nasal spray (''Draft Guidance on Naloxone Hydrochloride'').

In November 2016, Adapt Pharma Operations Limited (APOL), manufacturer of the reference listed drug NARCAN nasal spray, submitted a citizen petition requesting that FDA refrain from approving any ANDA referencing NARCAN nasal spray unless certain conditions are satisfied, including conditions related to demonstrating BE. FDA has reviewed the issues raised in the citizen petition and is responding to it separately in the docket for that citizen petition (Docket No. FDA–2016–P–4094, available at *https://www.regulations.gov*).[1]

The new draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The new draft guidance, when finalized, will represent the current thinking of FDA on the design of BE studies to support ANDAs for naloxone hydrochloride nasal spray. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Electronic Access

Persons with access to the Internet may obtain the draft guidances at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: April 18, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–08199 Filed 4–21–17; 8:45 am]

BILLING CODE 4164–01–P

[1] On January 31, 2017, Mucodel Pharma LLC (Mucodel) submitted a citizen petition requesting that FDA ''refrain from approving any [intranasal] naloxone drug application (whether an NDA or ANDA) for the emergency treatment of a known or suspected opioid overdose until the FDA considers whether such application adequately addresses the reliability of [intranasal] naloxone in actual field use.'' (Docket No. FDA–2017–P–0663). This petition remains under review and FDA's issuance of the naloxone hydrochloride nasal spray product-specific guidance and its response to the citizen petition from APOL are not intended in any way to address the merits of the Mucodel citizen petition.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–2976]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Information From United States Firms and Processors That Export to the European Union

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by May 24, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0320. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Information From U.S. Firms and Processors That Export to the EU OMB Control Number 0910–0320—Extension

The European Union (EU) is a group of 28 European countries that have agreed to harmonize their commodity requirements to facilitate commerce among member States. For certain food products, including those listed in this document, EU legislation requires assurances from the responsible authority of the country of origin that the processor of the food is in compliance with applicable regulatory requirements. Regulation (EC) No. 854/2004 of the European Parliament and of the European Council states that products of animal origin may only be imported from establishments that appear on a list of establishments for which the competent authority of the exporting country has guaranteed compliance with applicable regulatory requirements and that shipments of these products must be accompanied by documents that certify the products' compliance with applicable regulatory standards. Section 801(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)) authorizes FDA to provide the certification described in Regulation (EC) No. 854/2004. As stated in the notice published in the **Federal Register** of April 4, 1996 (61 FR 15077), we established a list of U.S. firms and processors eligible to export shell eggs, dairy products, and game meat and game meat products to the EU. In response to changing EU requirements, we revised this information collection and lists of eligible exporters in order to facilitate U.S. exports of gelatin and collagen to the EU. In 2001, we revised this collection to include firms and processors intending to export gelatin products to the EU (66 FR 12802, February 28, 2001) and in 2010, we revised the collection again to include firms and processors intending to export collagen products to the EU (75 FR 51077, August 18, 2010).

We request the following information from each firm or processor seeking to be included on the lists of eligible exporters for shell eggs, and game meat and game meat products (dairy products will be covered under OMB control number 0910–0509):

- Business name and address;
- name and telephone number of person designated as business contact;
- lists of products presently being shipped to the EU and those intended to be shipped in the next 6 months;
- name and address of manufacturing plants for each product; and
- names and affiliations of any Federal, State, or local governmental Agencies that inspect the plant, government-assigned plant identifier such as plant number, and last date of inspection.

We request the following information from each firm or processor seeking to be included on the list of eligible exporters for gelatin and collagen products:

- Food Facility Registration Number and Pin Number (if applicable);
- business name and address;
- name, telephone number, fax number, and email address of main business contact person;
- list of products presently shipped to the EU and those intended to be shipped within the next 2 years;
- name and address of the manufacturing and processing plant for each product (manufacturer type for primary producer);
- names and affiliations of any Federal, State, and local governmental Agencies that inspect the plant, government assigned plant identifier such as plant number and last date of inspection; and
- a copy of the most recent (within 1 year of the date of application) inspection report issued by a State, local, or Federal public health regulatory Agency and a copy of a recent laboratory analysis as required by the EU of the finished product including: Total aerobic bacteria, coliforms (30 degrees C), coliforms (44.5 degrees C), anaerobic sulphite-reducing bacteria (no gas production), *Clostridium perfringens, Staphylococcus aureus, Salmonella,* arsenic, lead, cadmium, mercury, chromium, copper, zinc, moisture (105 degrees C), ash (550 degrees C), sulfur dioxide, and hydrogen peroxide.

We use the information to maintain lists of firms and processors that have demonstrated current compliance with U.S. requirements. We make the lists available on our Web site. We include on the lists only firms and processors that are not the subject of an unresolved regulatory enforcement action or unresolved warning letter. If a listed firm or processor subsequently becomes the subject of a regulatory enforcement action or an unresolved warning letter, we will view such a circumstance as evidence that the firm or processor is no longer in compliance with applicable U.S. laws and regulations. Should this occur, we will take steps to remove that firm or processor from the list and send a revised list to the EU authorities, usually within 48 to 72 hours after the relevant regulatory enforcement action. If a firm or processor has been delisted as a result of a regulatory enforcement action or unresolved warning letter, the firm or processor will have to reapply for inclusion on the list once the regulatory action has been resolved.

We update quarterly the lists of firms and processors eligible to export products of animal origin to the EU. Firms and processors placed on lists of eligible exporters are subject to audit by FDA and EU officials. Complete requests for inclusion on the lists of eligible exporters, which is voluntary, must be submitted 12 months to remain on the list of firms and processors eligible to export products of animal origin to the EU. However, products of

animal origin from firms or processors not on lists of eligible exporters for these products are not eligible for export certificates for these products, and these products may be detained at EU ports of entry.

Description of Respondents: The respondents to this collection of information include U.S. producers of shell eggs, game meat and game meat products, gelatin, and collagen.

In the **Federal Register** of October 4, 2016 (81 FR 68424), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received one comment which was not PRA-related, and therefore is not addressed in this supporting statement.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN[1]

Products	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Shell Eggs	10	1	10	.25 (15 minutes)	3
Game Meat and Game Meat Products	5	1	5	.25 (15 minutes)	1
Gelatin	7	1	7	.25 (15 minutes)	2
Collagen	18	1	18	.25 (15 minutes)	5
Total					11

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

We base our estimates of the number of respondents and total annual responses on the submissions that we have received in the past 3 years for each product type. To calculate the estimate for the hours per response values, we assumed that the information requested is readily available to the submitter. We expect that the submitter will need to gather information from appropriate persons in the submitter's company and to prepare this information for submission. We believe that this effort should take no longer than 15 minutes (0.25 hour) per response. We estimate that we will receive 1 submission from 10 shell egg producers annually, for a total of 10 annual responses. Each submission is estimated to take 0.25 hour per response for a total of 2.5 hours, rounded to 3 hours. This collection has previously covered information collected to maintain lists of eligible exporters of dairy products; dairy products will be covered under OMB control number 0910–0509, so the estimated burden has been removed from this collection. We estimate that we will receive one submission from five game meat and game meat product producers annually, for a total of five annual responses. Each submission is estimated to take 0.25 hour per response for a total of 1.25 hours, rounded to 1 hour. We estimate that we will receive one submission from seven gelatin producers annually, for a total of seven annual responses. Each submission is estimated to take 0.25 hour per response for a total of 1.75 hours, rounded to 2 hours. We estimate that we will receive 1 submission from 18 collagen producers annually, for a total of 18 annual responses. Each submission is estimated to take 0.25 hour per response for a total of 4.5 hours, rounded to 5 hours. The estimated burden for collagen producers includes animal casings, which have been listed separately in previous notices. Therefore, the proposed annual burden for this information collection is 11 hours.

Dated: April 17, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–08181 Filed 4–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–1748]

Guerbet Group; Withdrawal of Approval of Two New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of two new drug applications (NDAs) held by Guerbet Group. Guerbet Group notified the Agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

DATES: Withdrawal of approval is effective May 24, 2017.

FOR FURTHER INFORMATION CONTACT: Florine P. Purdie, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6248, Silver Spring, MD 20993–0002, 301–796–3601.

SUPPLEMENTARY INFORMATION: The applications listed in table 1 in this document are no longer marketed, and Guerbet Group has requested that FDA withdraw approval of the applications pursuant to the process in § 314.150(c) (21 CFR 314.150(c)). The company has also, by its request, waived its opportunity for a hearing. Withdrawal of approval of an application or abbreviated application under § 314.150(c) is without prejudice to refiling.

TABLE 1

Application No.	Drug	Applicant
NDA 018905	Hexabrix (ioxaglate meglumine and ioxaglate sodium) Injection USP, 39.3%/19.6%.	Guerbet Group, 821 Alexander Rd., Suite 204, Princeton, NJ 08540.

TABLE 1—Continued

Application No.	Drug	Applicant
NDA 020316	Oxilan-300 and Oxilan-350 (ioxilan) Injection, 62% and 73%	Do.

Therefore, under authority delegated to the Director, Center for Drug Evaluation and Research, by the Commissioner, approval of the applications listed in table 1 in this document, and all amendments and supplements thereto, is hereby withdrawn, effective May 24, 2017. Introduction or delivery for introduction into interstate commerce of products without approved new drug applications violates section 301(a) and (d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(a) and (d)). Drug products that are listed in table 1 that are in inventory on the date that this notice becomes effective (see the **DATES** section) may continue to be dispensed until the inventories have been depleted or the drug products have reached their expiration dates or otherwise become violative, whichever occurs first.

Dated: April 18, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–08179 Filed 4–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Delta States Rural Development Network Grant Program, OMB No. 0915–0386—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR must be received no later than June 23, 2017.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, in compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: Delta States Rural Development Network Grant Program, OMB No. 0915–0386—Revision

Abstract: The Delta States Rural Development Network Grant (Delta) Program is authorized by the Public Health Service Act, Section 330A(f) (42 U.S.C. 254c(f)), as Public Law 114–53. The Delta Program supports projects that demonstrate evidence-based and/or promising approaches around cardiovascular disease, diabetes, acute ischemic stroke, or obesity to improve health status in rural communities throughout the Delta Region. Key features of projects are adoption of an evidence-based approach, demonstration of health outcomes, program replicability, and sustainability.

Need and Proposed Use of the Information: For this program, performance measures include: (a) Access to care, (b) population demographics, (c) staffing, (d) sustainability, (e) project specific domains, and (f) health related clinical measures. These performance measures enable HRSA's Federal Office of Rural Health Policy to aggregate program data required by Congress under the Government Performance and Results Act of 1993 (Pub. L. 103–62). The proposed revisions to the performance measures include reducing the number of reported measures and showing annual progress compared to baseline data submitted in the grant applications. Examples of the measures that will be removed include the number of people reached through indirect services and the number of quality improvement clinical guidelines/benchmarks adopted.

Likely Respondents: The respondents are the recipients of the Delta States Rural Development Network Program.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information.

As a result of the reduction in performance measures, annualized burden is decreasing from 72 hours to 32 hours. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Delta States Rural Development Network Program Performance Improvement Measurement System	12	1	12	2.66	32
Total	12		12		32

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–08187 Filed 4–21–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: AIDS Drug Assistance Program Data Report, OMB No. 0915–0345—Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than June 23, 2017.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, in compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: AIDS Drug Assistance Program Data Report OMB No. 0915–0345—Extension.

Abstract: HRSA's AIDS Drug Assistance Program (ADAP) is funded through the Ryan White HIV/AIDS Program, Part B, Title XXVI of the Public Health Service Act, which provides funding to states and territories through a grant. ADAP provides medications for the treatment of HIV to eligible clients who are low income and uninsured or underinsured. ADAP recipients may also use the funds to purchase health insurance for eligible clients and for services that enhance access, adherence, and monitoring of drug treatments.

The following states, territories, and Pacific Island jurisdictions are eligible to apply for RWHAP ADAP funding: All 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands. As part of the funding requirements, ADAPs submit reports concerning information on clients served, eligibility requirements, pharmaceuticals prescribed, pricing and other sources of support to provide HIV medication treatment, cost data, and coordination with Medicaid. The AIDS Drug Assistance Program Data Report (ADR) is submitted annually and consists of a Recipient Report and a client-level data file. The Recipient Report is a collection of basic information about grant recipient characteristics and policies. The client-level data is a collection of records (one record for each client enrolled in the ADAP), which includes the client's encrypted unique identifier, basic demographic data, enrollment information, services received, and clinical data.

Need and Proposed Use of the Information: The Ryan White HIV/AIDS Program requires the submission of annual reports by the Secretary of HHS to the appropriate committees of Congress. The HIV/AIDS Bureau (HAB) uses the ADR to evaluate the national impact of the ADAP, by providing data on clients being served, services being delivered, and costs associated with these services. The ADR is also used to determine eligibility for the ADAP Supplement component of the RWHAP Part B grant (X07). The client-level data is used to monitor health outcomes of clients living with HIV receiving care and treatment through the ADAP, to monitor the use of ADAP funds in addressing the HIV epidemic and its impact on vulnerable communities, and to track progress toward achieving the national goals for HIV care and treatment.

Likely Respondents: State/Territory ADAPs of Ryan White HIV/AIDS Program Part B recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Grantee Report	54	1	54	6	324
Client-level Report	54	1	54	81	4,374
Total	*54		54		4,698

*The same respondents complete the Grantee Report and the Client-level Report.

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–08197 Filed 4–21–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee on Heritable Disorders in Newborns and Children

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, notice is hereby given of the following meeting for the Advisory Committee on Heritable Disorders in Newborns and Children (ACHDNC). The meeting will be open to the public but advance registration is required. The online registration deadline is Thursday, May 4, 2017, 5:00 p.m. Eastern Time. Please check the Web site for additional guidance and registration information. The registration link is *http://www.achdncmeetings.org/.* Information about the agenda for this meeting can be obtained by accessing the following Web site: *http://www.hrsa.gov/advisorycommittees/mchbadvisory/heritabledisorders.*

DATES: The meeting will be held on May 11, 2017, 9:00 a.m. to 5:00 p.m. and May 12, 2017, 9:00 a.m. to 3:00 p.m.

ADDRESSES: This meeting will be held in-person and by webcast. The address for the meeting is 5600 Fishers Lane, 5th Floor Pavilion, Rockville, MD 20857. Webcast information will be emailed to you after you register.

FOR FURTHER INFORMATION CONTACT: Anyone requesting information regarding the ACHDNC should contact Ann Ferrero, Maternal and Child Health Bureau (MCHB), HRSA, in one of three ways: (1) Send a request to Ann Ferrero, MCHB, HRSA 5600 Fishers Lane, Room 18N100C, Rockville, Maryland 20857; (2) call 301–443–3999 or (3) send an email to: *AFerrero@hrsa.gov.* More information on the Advisory Committee is available at the Advisory Committee's Web site, provided above.

SUPPLEMENTARY INFORMATION: The ACHDNC, as authorized by Public Health Service Act, Title XI, § 1111 (42 U.S.C. 300b–10), provides advice to the Secretary of HHS on the development of newborn screening activities, technologies, policies, guidelines, and programs for effectively reducing morbidity and mortality in newborns and children having, or at risk for, heritable disorders. In addition, ACHDNC's recommendations regarding inclusion of additional conditions and inherited disorders for screening which have been adopted by the Secretary are then included in the Recommended Uniform Screening Panel (RUSP). Conditions listed on the RUSP constitute part of the comprehensive guidelines supported by HRSA for infants, children, and adolescents. Pursuant to section 2713 of the Public Health Service Act, codified at 42 U.S.C. 300gg–13, non-grandfathered health plans and health insurance issuers are required to cover screenings included in the HRSA-supported comprehensive guidelines without charging a co-payment, co-insurance, or deductible for plan years (*i.e.,* policy years) beginning on or after the date that is one year from the Secretary's adoption of the condition for screening. the meeting will include: (1) Presentations and discussion on the process of identifying and following up on out of range newborn screening results; (2) a presentation on newborn screening quality assurance programs; (3) presentations on the clinical and public health impact of Critical Congenital Heart Defects screening; (4) discussion and possible vote on a report on Medical Foods for Inborn Errors of Metabolism; (5) a presentation, discussion, and possible vote on whether to move a nomination forward to evidence review for spinal muscular atrophy (SMA); and (6) updates from the Laboratory Standards and Procedures workgroup, Follow-up and Treatment workgroup, and Education and Training workgroup.

The Committee will not be voting on a proposed addition of a condition to the RUSP. The final meeting agenda will be available two (2) days prior to the meeting on the Committee's Web site: *http://www.hrsa.gov/advisorycommittees/mchbadvisory/heritabledisorders.*

Members of the public may submit written and/or present oral comments at the meeting. All comments are part of the official Committee record. Advance registration is required to submit written comments and/or present oral comments. Written comments must be submitted by April 28, 2017, 12:00 p.m. Eastern Time to be included in the May meeting briefing book. Written comments should identify the individual's name, address, email, telephone number, professional or organization affiliation, background or area of expertise (*i.e.,* parent, family member, researcher, clinician, public health, etc.) and the topic/subject matter.

Individuals who wish to provide oral comments must register by Thursday, May 4, 2017, 5:00 p.m. Eastern Time. To ensure that all individuals who have registered to make oral comments can be accommodated, the allocated time may be limited. Individuals who are associated with groups or have similar interests may be requested to combine their comments and present them through a single representative. No audiovisual presentations are permitted.

For additional information or questions on public comments, please contact Ann Ferrero, MCHB, HRSA; email: *AFerrero@hrsa.gov.*

The 5600 Fishers Lane building requires a security screening on entry. To facilitate your access to the building, please contact Ann Ferrero at 301–443–3999. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Ann Ferrero, MCHB, HRSA; email: *AFerrero@hrsa.gov,* at least 10 days prior to the meeting.

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–08220 Filed 4–21–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: 0955–New–30D]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for a new collection. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

DATES: Comments on the ICR must be received on or before May 24, 2017.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 795–7714.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the Information Collection Request Title and document identifier 0955–New–30D for reference.

Information Collection Request Title: National Council for Behavioral Health's Information Technology Survey.

Abstract: The Office of the National Coordinator for Health IT (ONC) in coordination with Substance Abuse and Mental Health Services Administration (SAMHSA) seeks to conduct a survey in 2017 of SAMSHA to examine the adoption and use of health IT as well as interoperability across community behavioral health care settings. Data from the survey will help ONC and SAMSHA monitor progress and enhance programs and policy to improve the use of health IT and expand interoperability across these settings. In 2015, ONC outlined a strategy by which both private and public stakeholders would work together to improve interoperability. This strategy called for measuring and reporting on the state of interoperability across the care continuum, including for behavioral health care providers; however, there are no recent national data available for this care setting. Addressing this gap is critical in order to also determine these providers' readiness to serve as partners in delivery system reform efforts that are underway and that will be expanded with the implementation of Medicare Access and CHIP Reauthorization Act of 2015 (MACRA). Although behavioral health care providers won't be participating in the MACRA initiative at the outset, the Secretary of Health and Human Services may include behavioral health providers, such as psychologists and social workers to participate in value-based payment initiatives such as the Merit-Based Incentive Payment System (MIPs) in the future.

Need and Proposed Use of the Information: This data collection effort will allow for us to assess health IT adoption and interoperability progress since 2015, enable comparisons to physician and hospital settings and contribute to strategic efforts to improve behavioral healthcare providers' adoption and use of health IT.

Likely Respondents: The respondents will include mid-level and executive level staff (IT Directors, CIO, and CEOs) of behavioral healthcare organizations that are involved in the management and maintenance of their organization's health IT infrastructure.

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
National Council for Behavioral Health's Information Technology Survey	533	1	20/60	178
Total	533	1	20/60	178

Terry S. Clark,

Asst Information Collection Clearance Officer.

[FR Doc. 2017–08188 Filed 4–21–17; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: 0990–0452–30D]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for revision of the approved information collection assigned OMB control number 0990–0452, scheduled to expire on January 31, 2020. Comments

submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

DATES: Comments on the ICR must be received on or before May 24, 2017.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–5683.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the OMB control number 0990–0452 for reference.

Information Collection Request Title: Federal Evaluation of Making Proud Choices! (MPC!)

OMB No.: 0990–0452

Abstract: The Office of Adolescent Health (OAH), U.S. Department of Health and Human Services (HHS) is requesting approval by OMB on a revised data collection. The Federal Evaluation of Making Proud Choices! (MPC!) will provide information about program design, implementation, and impacts through a rigorous assessment of a highly popular teen pregnancy prevention curriculum—MPC. This revision to this information collection request includes the follow-up survey instrument, administered approximately 9 and 15 months post baseline, and related to the impact study. The evaluation will be conducted in 39 schools nationwide. The data collected from this instrument will provide a detailed understanding of program impacts. Clearance is requested for three years.

Need and Proposed Use of the Information: The follow-up survey data will be used to determine program effectiveness by comparing sexual behavior outcomes, such as postponing sexual activity, and reducing or preventing sexual risk behaviors and STDs and intermediate outcomes, such as improving exposure, knowledge and attitudes between treatment (program) and control youth.

The findings from these analyses of program impacts will be of interest to the general public, to policymakers, and to schools and other organizations interested in supporting teen pregnancy prevention.

Likely Respondents: The follow-up surveys will be administered to study participants, who will primarily be in 10th–12th grade at the time of the follow-up surveys.

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
Follow up survey (9 months post baseline)	819	1	30/60	409.5
Follow up survey (15 months post baseline)	774	1	30/60	387
Total	1593			796.5

Terry S. Clark,

Asst Information Collection Clearance Officer.

[FR Doc. 2017–08200 Filed 4–21–17; 8:45 am]

BILLING CODE 4168–11–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Global Affairs: Stakeholder Listening Session in Preparation for the 70th World Health Assembly

Time and Date: May 5, 2017, 1:30 p.m.–3:00 p.m. EST.

Place: Hubert H. Humphrey Building, Room 705A, 200 Independence Ave. SW., Washington, DC 20201.

Status: Open, but requiring RSVP to *OGA.RSVP@hhs.gov* by April 27, 2017.

Purpose: The U.S. Department of Health and Human Services (HHS) is charged with leading the U.S. delegation to the 70th World Health Assembly and will hold an informal Stakeholder Listening Session on *Friday, May 5 from 1:30–3:00 p.m.* in Conference Room 705A of the Hubert H. Humphrey Building, 200 Independence Ave. SW., Washington, DC 20201.

The Stakeholder Listening Session will help the HHS Office of Global Affairs prepare the U.S. delegation for the World Health Assembly by taking full advantage of the knowledge, ideas, feedback, and suggestions from communities that are interested in and may be affected by agenda items to be discussed at the 70th World Health Assembly. Your input will contribute to informing U.S. positions as we negotiate with our international colleagues at the World Health Assembly on these important health topics.

The listening session will be organized by agenda item, and participation is welcome from all individuals, particularly members of stakeholder communities, including the following:

- Public health and advocacy groups;
- State, local, and Tribal groups;
- Private industry;
- Minority health organizations; and
- Academic and scientific organizations.

All agenda items to be discussed at the 70th World Health Assembly can be found at this Web site: *http://apps.who.int/gb/e/e_wha70.html.*

RSVP: Due to security restrictions for entry into the HHS Hubert H. Humphrey Building, RSVPs are required for this event. Please send your full name and organization to *OGA.RSVP@hhs.gov.* If you are *not* a U.S. citizen, please note this in the subject line of your RSVP. Our office will contact you to gain additional biographical information required for your clearance. Photo identification for all attendees is required for building access without exception. Please RSVP no later than Thursday, April 27, 2017.

Written comments are welcome and encouraged, even if you are planning on attending in person. Please send your written comments to *OGA.RSVP@hhs.gov.*

We look forward to hearing your comments related to the 70th World Health Assembly agenda items.

Dated: April 14, 2017.

Mitchell Wolfe,

Acting Assistant Secretary for Global Affairs, Office of Global Affairs.

[FR Doc. 2017–08145 Filed 4–21–17; 8:45 am]

BILLING CODE 4150–38–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Alzheimer's Disease Consortium 2017.

Date: May 15, 2017.

Time: 2:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Maurizio Grimaldi, MD, Ph.D., Scientific Review Officer, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Room 2C218, Bethesda, MD 20892, 301–496–9374, *grimaldim2@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 18, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–08139 Filed 4–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Function, Integration, and Rehabilitation Sciences Subcommittee.

Date: June 23, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Joanna Kubler-Kielb, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 6710B Bethesda Drive, Bethesda, MD 20892, 301–435–6916, *kielbj@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; National Institute of Child Health and Human Development Special Emphasis Panel.

Date: July 10, 2017.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Joanna Kubler-Kielb, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 6710B Bethesda Drive, Bethesda, MD 20892, 301–435–6916, *kielbj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: April 18, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–08140 Filed 4–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app.), notice is hereby given of a meeting of the National Advisory Council for Complementary and Integrative Health.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), 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 Advisory Council for Complementary and Integrative Health.

Date: June 2, 2017.

Closed: 8:30 a.m. to 9:45 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Open: 10:00 a.m. to 3:05 p.m.

Agenda: A report from the Institute Director and other staff.

Place: National Institutes of Health, Building 31, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Partap Singh Khalsa, Ph.D., DC, Director, Division of Extramural Activities, National Center for Complementary and Integrative Health, NIH, National Institutes of Health, 6707 Democracy Blvd., Ste. 401, Bethesda, MD 20892–5475, (301) 594–3462, *khalsap@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *https://nccih.nih.gov/about/naccih/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training

in Complementary and Integrative Health, National Institutes of Health, HHS)

Dated: April 18, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–08137 Filed 4–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and 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 Heart, Lung, and Blood Advisory Council.

Date: June 6, 2017.

Open: 8:00 a.m. to 12:00 p.m.

Agenda: To discuss program policies and issues.

Place: National Institutes of Health, Porter Neuroscience Research Center, Building 35A Convent Drive, Room 640, Bethesda, MD 20892.

Closed: 12:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Porter Neuroscience Research Center, Building 35A Convent Drive, Room 640, Bethesda, MD 20892.

Contact Person: Laura K. Moen, Ph.D., Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7100, Bethesda, MD 20892, 301–435–0260, *moenl@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *www.nhlbi.nih.gov/meetings/nhlbac/index.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: April 18, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–08138 Filed 4–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Treatment; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA's) Center for Substance Abuse Treatment (CSAT) National Advisory Council will meet on May 8, 2017, 12:30 p.m.–1:00 p.m. (EDT) in a closed teleconference meeting.

The meeting will include discussions and evaluations of grant applications reviewed by SAMHSA's Initial Review Groups, and involve an examination of confidential financial and business information as well as personal information concerning the applicants. Therefore, the meeting will be closed to the public as determined by the SAMHSA Acting Deputy Assistant Secretary for Mental Health and Substance Use in accordance with title 5 U.S.C 552b(c)(4) and (6) and title 5 U.S.C. app. 2, section 10(d).

Meeting information and a roster of Council members may be obtained by accessing the SAMHSA Committee Web site at *http://www.samhsa.gov/about-us/advisory-councils/csat-national-advisory-council* or by contacting the CSAT National Advisory Council Designated Federal Officer; Tracy Goss (see contact information below).

Council Name: SAMHSA's Center for Substance Abuse Treatment National Advisory Council.

Date/Time/Type: May 8, 2017, 12:30 p.m.–1:00 p.m. EDT, CLOSED

Place: SAMHSA, 5600 Fishers Lane, Rockville, Maryland 20857.

Contact: Tracy Goss, Designated Federal Officer, CSAT National Advisory Council, 5600 Fishers Lane, Rockville, Maryland 20857 (mail), Telephone: (240) 276–0759, Fax: (240) 276–2252. Email: *tracy.goss@samhsa.hhs.gov.*

Summer King,

Statistician, SAMHSA.

[FR Doc. 2017–08175 Filed 4–21–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Certain Network Tap Products

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 network tap products known as Net Optics Slim Tap network taps. Based upon the facts presented, CBP has concluded that the country of origin of the Net Optics Slim Tap network taps is China for purposes of U.S. Government procurement.

DATES: The final determination was issued on April 18, 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 May 24, 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 April 18, 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 certain network tap products known as Net Optics Slim Tap network taps, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ 280619, 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 the last substantial transformation took place in China. Therefore, the country of origin of the Net Optics Slim Tap network taps is China for purposes of U.S. Government procurement.

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: April 18, 2017.

Alice A. Kipel,

Executive Director, Regulations and Rulings, Office of Trade.

Attachment

HQ H280619

April 18, 2017

OT:RR:CTF:VS H280619 AJR

CATEGORY: Origin

Mr. Jackson C. Pai
Bryan Cave LLP
120 Broadway, Suite 300
Santa Monica, CA 90401–2386

RE: U.S. Government Procurement; Country of Origin of Network Tap; Substantial Transformation

Dear Mr. Pai:

This is in response to your letter, dated October 13, 2016, requesting a final determination on behalf of Ixia, pursuant to subpart B of Part 177 of the U.S. Customs and Border Protection (''CBP'') Regulations (19 CFR Part 177). 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 Ixia's Net Optics Slim Tap network tap (''Slim Tap''). We note that Ixia is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this final determination. In addition, we have reviewed and grant the request for confidentiality pursuant to 19 CFR 177.2(b)(7), with respect to certain information submitted.

FACTS:

The Slim Tap is a network tap produced by Ixia. A network tap is a fiber optic device that provides a physical connection or access to a network. Network taps enable users to physically connect a computer or other monitoring device to a network for the purpose of evaluating, monitoring, or checking network issues.

The Slim Tap consists of three optic to LC–LC adapters from Taiwan, two fiber optic splitters from China, a chassis from the United States, a foam tube holder from the United States, a bracket from the United States, screws from the United States, and three tamper proof labels from the United States. The components from Taiwan and China are imported into the United States, separately in different shipments at different times. In the United States, these foreign and domestic components are assembled into the finished product, the Slim Tap, by specially trained technicians. During this assembly process, the technicians must install the adapters from Taiwan and splitters from China in a specific manner per the wiring diagram for the Slim Tap, or else the finished product will not work properly. After assembly, the Slim Tap is tested to determine if the signal or line drops fall within acceptable parameters and to assure that the unit is otherwise functioning properly. According to Ixia, this assembly and testing process in the United States takes approximately 15 minutes.

In correspondence with the National Commodity Specialist Division (''NCSD''), Ixia provided the following information concerning the imported adapter and splitter components:

Adapters—the adapters connect the outside fiber connection to the internal fiber connections inside the tap. The adapter merges these two fiber optic connectors into one connection, which allows the light to pass with very little disruption.

Splitters—the main source of the optical splitters is glass from glass fibers that are fused together, and these fused glass fibers are held in a protective aluminum tube. The fiber optic splitter allows light frequency to pass through at very high speeds over long distances. The splitters are considered completely passive because there is no change to the data that is passed through the splitters within the Slim Tap.[1] According to Ixia, ''[t]he main purpose of splitters is the passing of data from one product to another, but splitting it into two signals allows the customer to input data into data analyzing tools.''

Ixia provided us with a product sample of the Slim Tap. We note that the three adapters on the front of the Slim Tap are labeled ''A'', ''B'', and ''A/B'', with the ''A'' and ''B'' adapters having both an ''in'' and ''out'' component, while ''A/B'' adapter only has two ''out'' components. The reason for there being two ''in'' components and four ''out'' components is because the splitters splits one incoming signal into two outgoing signals.

ISSUE:

What is the country of origin of the Slim Tap for purposes of U.S. Government procurement?

LAW AND ANALYSIS:

Pursuant to subpart B of Part 177, 19 CFR 177.21 *et seq.,* which implements Title III of the Trade Agreements Act of 1979, 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.

[1] There is no change to data passing through the splitters in the Slim Tap because the splitters lack electronic components required to convert data in the form of light frequency into electronic data in digital form. For instance, data is delivered into and out of the Slim Tap via the adapters that are connected to external fiber connections, which permits data in the form of light frequency to enter and exit the Slim Tap with very little disruption. Within the Slim Tap, the adapters are connected to the fiber optic splitters, permitting the light frequency to pass through and exit the Slim Tap in the same form that it entered. The data remains in this form, as an untouched wavelength of light, until it reaches an external transceiver from another device, which converts the data into electronic form.

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:

[A]n 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 order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. *See Nat'l Hand Tool Corp.* v. *United States,* 16 CIT 308, *aff'd,* 989 F.2d 1201 (Fed. Cir. 1993); and *Belcrest Linens* v. *United States,* 573 F. Supp. 1149 (Ct. Int'l Trade 1983), *aff'd,* 741 F.2d 1368 (Fed. Cir. 1984). The primary consideration in substantial transformation cases is whether the processing of the components renders a product with a new name, character, and use. *See Energizer Battery, Inc.* v. *United States,* 2016 CIT LEXIS 116, 12–15. In *Energizer Battery,* the court examined the name, character, and use test to determine that imported components did not undergo a substantial transformation when assembled into a flashlight in the United States. *Id.*

With regard to a change in name, *Energizer Battery* stated that the ''issue is not whether Plaintiff imported approximately fifty 'flashlights,' but rather whether the Plaintiff's imported components retained their names after they were assembled into the [. . .] flashlight. Thus, the proper query would be whether the 'lens ring with overmold' or the 'switch lever' or the 'TIR lens' or any of the LEDs or any other component would still be called by their pre-importation name after assembly into the finished flashlight, or whether they would be indistinguishable in name from the finished product.'' *See id.* at 25. It was also noted that a change in name was the least compelling of the factors in the name, character, and use test. *Id.* The court in *Energizer Battery* found that there was no change in name because the constituent components of the flashlight had not lost their individual names as a result of the post-importation assembly. *Id.*

With regard to a change in character, *Energizer Battery* stated that there often needs to be a substantial alteration in the characteristics of the imported components. *See id.* at 18–19. It was noted that courts have been reluctant to find a change in character when the imported articles did not undergo a physical change. *Id.* Additionally, the court indicated that analyzing this factor may require comparing the imported articles to the ''essence'' of the completed article. *Id.* In *Energizer Battery,* the assembly process in the United States required completing the lens head subassembly which had already been partially assembled in China, and then assembling the completed lens head assembly with the remaining flashlight components. *Id.* The court in *Energizer Battery* held that there was no change in character because these assembly operations in the United States were not considered to have changed the shape or material composition of the imported components. *Id.*

With regard to a change in use, *Energizer Battery* stated that previous courts have found a change in use when the end-use of the imported product was no longer interchangeable with the end-use of the product after post-importation processing. *See id.* at 26. Furthermore, *Energizer Battery* noted that ''the proper query for this case is not whether the components as imported have the form and function of the final product, but whether the components have a pre-determined end-use at the time of importation.'' To this extent, ''[w]hen articles are imported in prefabricated form with a pre-determined use, the assembly of those articles into the final product, without more, may not rise to the level of substantial transformation.'' *Id.* Here, the court in *Energizer Battery* held that there was no change in use because all of the imported components had a pre-determined end-use as parts and components of the flashlight at the time of importation. *Id.* The court noted that even the imported wire had been pre-cut to particular lengths needed to assemble the flash light. *Id.*

In this case, we are similarly examining whether imported components undergo a substantial transformation when assembled into the final product in the United States. Namely, while network taps and flashlights are different products, both this case and *Energizer Battery* ultimately require an analysis of the same underlying scenario—whether the post-importation assembly of foreign subassemblies, where such assembly consists of physically connecting the subassemblies through wiring and relatively simple insertions and fastening, render the foreign subassemblies into a product with a new name, character, and use. For the following reasons, we find that the imported splitters and adapters do not change in name, character, or use.

As noted above, the Slim Tap consists of three adapters from Taiwan, two splitters from China, a foam tube holder from the United States, brackets and screws from the United States, and labels from the United States. Per the assembly diagram provided by Ixia, the foreign subassemblies are removed from their packaging, with the adapters being snapped into the chassis and the splitters being inserted into the foam tube holder that has already been attached to the chassis. After the adapters and splitters are placed into their proper positions within the chassis, the adapters and splitters are connected according to the precise instructions of the wiring diagram. Once the adapters and splitters are properly wired, the bracket, labels, and chassis cover are attached with screws to complete the assembly of the Slim Tap.

In examining whether a change in name occurred, we note that the foreign adapters and splitters do not lose their individual names as a result of this post-importation assembly process. Per the assembly description and wiring diagram, the adapters and splitters would still be identified as the adapter and splitter components of the Slim Tap. To this extent, each imported component retains its pre-importation name after post-importation assembly in the same manner that the various lenses retained their pre-importation name after their assembly into the flashlight. Accordingly, we find that the imported adapters and splitters do not change in name as a result of the post-importation assembly.

We also find that the assembly of the Slim Tap in the United States does not render a change in character to the adapters and splitters. Like in *Energizer Battery,* the imported adapters and splitters do not change in shape or material composition as a result of the post-importation assembly. *See Ferrostaal Metals Corp.* v. *United States,* 11 CIT 470, 477 (1987) (holding that a change in character occurred when a continuous hot-dip galvanizing process

transforms a strong, brittle product which cannot be formed into a durable, corrosion-resistant product which is less hard, but formable for a range of commercial applications); and *Nat'l Hand Tool,* 16 CIT at 311 (holding that a change in character did not occur when a heating process changed the microstructure of the materials, but did not change the chemical composition of the materials, and the form of the components remained the same). Here, through an examination of the wiring diagram and Slim Tap product sample, the imported adapters and splitters remain physically recognizable as such despite their further attachments resulting from the post-importation assembly. Moreover, the adapters and splitters are imported with a specific material composition that permits data in the form of light frequency to travel through these components without disruption. While the post-assembly importation physically connects the imported components with the other components of the Slim Tap, this process does not alter the material composition of the adapters and splitters.

In examining whether a change in use occurred, we note that Ixia uses the imported adapters and splitters because such are comprised of precise materials that permit passing data through the Slim Tap in the manner required by the product. As in *Energizer Battery,* the imported materials are imported in a prefabricated form with a pre-determined end use as components of the Slim Tap. *See Ferrostaal Metals,* 11 CIT at 477 (holding that there was a change in use because the galvanizing process resulted in steel that was only rarely interchangeable with the imported steel); and *Ran-Paige Co., Inc.* v. *United States,* 35 Fed. Cl. 117, 121–122 (1996) (holding that there was no change in use because attaching handles to pans and covers did not change the use of the components, especially given the fact the use was predetermined at the time of importation). Here, the adapters and splitters are prefabricated with a specific material composition that serves the purpose of the Slim Tap. Though these imported components are attached to the other components of the Slim Tap, this post-importation assembly does not permanently alter the components in a manner that would prevent the components in the Slim Tap from being considered interchangeable with the imported components. Accordingly, we find that the imported adapters and splitters do not change in use as a result of the post-importation assembly.

Therefore, through an analysis of the name, character, and use test, we find that the imported components do not undergo a substantial transformation when assembled into the Slim Tap in the United States. Nonetheless, Ixia makes two other arguments that the imported components are substantially transformed into the Slim Tap. First, Ixia argues that we should consider whether the Slim Tap would have originating status under the North American Free Trade Agreement (''NAFTA'') tariff shift rules when determining whether a substantial transformation occurred. However, as noted in *Energizer Battery,* the comparison to NAFTA ''is inapposite because NAFTA is a specialized trade regime, the benefits of which do not mirror the more generalized 'most favored nation' treatment afforded to countries not party to the agreement in question.'' *See id.* at 32.

Additionally, Ixia argues that the assembly of the Slim Tap results in a substantial transformation of the imported components because the assembly process in the United States requires skilled technicians to do a microscopic examination of the splitters, install the parts according to a complex wiring diagram, and engage through complex testing procedures. In support of this argument, Ixia cites *Carlson Furniture Industries* v. *United States,* 65 Cust. Ct 474 (1970) (holding imported unfinished chairs where substantially transformed into finished chairs by an assembly process that involved fitting and gluing the wooden parts together, cutting the parts to length, leveling the legs, and, in some cases, upholstering the chairs, and fitting the legs with glides and casters); and New York Ruling Letter (''NY'') N120765, dated September 24, 2010 (holding that a network security manager was substantially transformed by a process that involved assembling and wiring various imported hardware components together, as well as installing and configuring software onto the product).

As noted by Ixia, examining whether a substantial transformed occurred may require the consideration of subsidiary factors such as the resources expended on product design and development, the extent and nature of post-assembly inspection and testing procedures, and the degree of skill required during the actual manufacturing process. *See Energizer Battery,* 2016 CIT LEXIS at 20. Moreover, in cases in which post-importation processing entails assembly, the nature of the assembly has been considered together with the name, character, and use test in making a substantial transformation determination. *See id; Belcrest Linens,* 741 F.2d at 1371; and *Uniroyal, Inc.* v. *United States,* 542 F. Supp. 1026, 1031, *aff'd,* 702 F.2d 1022 (Fed. Cir. 1983). However, assembly operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation. *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.

Here, we find that the assembly process is not sufficiently complex or meaningful to render a substantial transformation of the imported components. We distinguish the comparisons to the assembly processes in *Carlson Furniture* and NY N120765 because such involve additional procedures (e.g. cutting wooden parts to length, downloading software, etc.) that do not take place in the present case. Rather, in this case, the assembly primarily consists of inserting and fastening the imported components into the chassis, and wiring the imported components together. Including the testing process after assembly, the total process in the United States takes about 15 minutes. In *Energizer Battery,* the process of assembling and testing about 50 components (of which about 40 percent consisted of fasteners) into flashlights in the United States took between 7 and 13 minutes, and was not considered to rise above the level of a simple assembly. *See id* at 27–28. Similarly, we find that the process of assembling and testing fewer components into the Slim Tap does not constitute a complex assembly and testing process that would render a substantial transformation of the imported components.

Accordingly, in this case, there are two foreign components, neither of which are substantially transformed by the further processing in the United States. As a result, the Slim Tap cannot be considered a product of the United States for purposes of U.S. Government procurement. However, since the adapters are from a designated country (Taiwan) and the splitters are from a non-designated country (China), and both are incorporated into one end-product (the Slim Tap), it still needs to be determined which of these two countries is the country of origin of the Slim Tap for purposes of U.S. Government procurement.

As noted in *Energizer Battery,* within the name, character, and use test, determining the country of origin through a substantial transformation analysis may require comparing the ''essence'' of the imported articles to that of the completed article. Here, we

note that the ''essence'' of a network tap is to enable users to physically connect a computer or other monitoring device to a network for the purpose of evaluating, monitoring, or checking network issues. Moreover, with the Slim Tap, users of this network tap can use data incoming from a single source on multiple analyzing tools because the splitter from China splits incoming data into two signals. While both the adapters and splitters permit this connection between external devices and networks without disruption, both permitting the ingress and egress of data via the Slim Tap, the splitters from China enable the actual splitting of the signal, which permits the user to access the data on multiple analyzing tools. Therefore, we find that China is the country of origin of the Slim Tap for purposes of U.S. Government procurement.

HOLDING:

Based on the facts provided, the imported components will not be substantially transformed into the Slim Tap because the post-importation assembly process in the United States does not change the name, character and use of the imported adapters and splitters. As such, because the imported splitters constitute the ''essence'' of the Slim Tap, China will be considered the country of origin of the product for purposes of U.S. Government procurement.

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. 2017–08251 Filed 4–21–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–23198; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before March 25, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by May 9, 2017.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before March 25, 2017. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State Historic Preservation Officers:

CALIFORNIA

Sacramento County

Sutter Club, 1220 9th St., Sacramento, SG100000951

COLORADO

Washington County

Farmers State Bank of Cope, 45450 Washington Ave., Cope, SG100000952

CONNECTICUT

Hartford County

Bingham, Clarence A., School, 3 North St., Bristol, SG100000953

O'Connell, Clara T., School, 122 Park St., Bristol, SG100000954

Litchfield County

Foster, Stephen and Helen, House, 417 Sharon Goshen Tpk., Cornwall, SG100000955

FLORIDA

Highlands County

Santa Rosa Hotel, 209 N. Ridgewood, Sebring, SG100000957

IDAHO

Washington County

Institute Canal Company Pump House, S. end of Fairview St. at the Galloway Canal, Weiser, SG100000958

ILLINOIS

Cook County

Lawson, Victor F., House YMCA, 30 W. Chicago Ave., Chicago, SG100000959

Flower, Lucy, Technical High School for Girls, 3545 W. Fulton Blvd., Chicago, SG100000960

Mark Twain Hotel, (Residential Hotels in Chicago, 1880–1930 MPS), 111 W. Division St., Chicago, MP100000961

Johnson County

Bridges, John, Tavern and Store Site, (Cherokee Trail of Tears MPS), Address Restricted, Buncombe vicinity, MP100000962

Ogle County

Watson, David and Julia, House, 103 N. Maple Ave., Polo, SG100000963

Sangamon County

Compton, Dr. Charles, House, 1303 S. Wiggins, Springfield, SG100000964

Union County

Campground Church and Cemetery Site, (Cherokee Trail of Tears MPS), 50 Tunnel Ln., Anna, MP100000965

IOWA

Linn County

Cedar Rapids Milk Condensing Company, (Commercial & Industrial Development of Cedar Rapids MPS), 525 Valor Way SW., Cedar Rapids, MP100000966

Muscatine County

Nicolaus, Henry E. and Ella M. (Knott), House, 319 4th St., W., Wilton, SG100000968

Tama County

First United Brethren Church, 201 E. High St., Toledo, SG100000969

MASSACHUSETTS

Middlesex County

Sandy Pond School, 150 Sandy Pond Rd., Ayer, SG100000971

MICHIGAN

Oakland County

Paint Creek Cider Mill, 4480 Orion Rd., Oakland Township, SG100000972

OHIO

Summit County

Peninsula Village Historic District (Boundary Increase), Roughly bounded by Stine & Dell Rds., Emerson St., Boston Run & Deep Lock Quarry, Metro Park, Peninsula, BC100000974

PENNSYLVANIA

Philadelphia County

Mecky, A., Company Building, 1705 W. Allegheny Ave., Philadelphia, SG100000977

RHODE ISLAND

Providence County

American Supply Company Building, 1420 Broad St., Central Falls, SG100000978

TENNESSEE

Knox County

Kern's Bakery, 2110 Chapman Hwy., Knoxville, SG100000979

Shelby County

Charles, Davis, House, 1291 Winchester Rd., Collierville, SG100000980

VIRGINIA

Henrico County

Markel Building, The, 5310 Markel Rd., Richmond vicinity, SG100000984

New Kent County

Cedar Lane, 9040 New Kent Hwy., New Kent (Courthouse) vicinity, SG100000985

Cumberland, 9007 Cumberland Rd., New Kent (Courthouse) vicinity, SG100000986

Richmond Independent City

Higgins Doctors Office Building, 3540 Floyd Ave., Richmond (Independent City), SG100000987

WASHINGTON

Jefferson County

F/V WESTERN FLYER (purse seiner), 919 Haines Pl., Port Townsend, SG100000990

King County

Lake Washington Boulevard, (Seattle's Olmstead Parks and Boulevards MPS), Connecting Montlake Blvd. to Seward Park through the Washington Park Arboretum, Seattle, MP100000989

Snohomish County

Fratt, Charles and Idalia, House, 1725 Grand Ave., Everett, SG100000991

Nominations submitted by Federal Preservation Officers:

DISTRICT OF COLUMBIA

District of Columbia

Federal Office Building No. 6, 400 Maryland Ave. SW., Washington, SG100000956

The State Historic Preservation Officer reviewed the nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

A request for removal has been made for the following resource(s):

PENNSYLVANIA

Franklin County

Eyster, J. Allison, Farmstead, Guilford Spring Rd., Chambersburg vicinity, OT65008819

TEXAS

Taylor County

House at 1127 Ash Street, (Abilene MPS), 1127 Ash St., Abilene, OT92000196

Radford, James M., Grocery Company Warehouse, (Abilene MPS), 101 Oak St., Abilene, OT92000223

A request to move has been received for the following resource(s):

IOWA

Winneshiek County

Ten Mile Creek Bridge, (Highway Bridges of Iowa MPS), Happy Hollow Rd. over Ten Mile Cr., Decorah vicinity, MV98000466

An additional documentation has been received for the following resource(s):

IOWA

Mitchell County

Cedar Valley Seminary, N. 6th and Mechanic Sts., Osage, AD77000541

PENNSYLVANIA

Lehigh County

Ehrenhardt, Jacob Jr., House, 55 S. Keystone Ave., Emmanus, AD03001123

VIRGINIA

Fairfax County

Floris Historic District, Bounded by Centreville Rd, W Ox Rd, Monroe St, and Frying Pan Branch, Herndon vicinity, AD10000543

Authority: 60.13 of 36 CFR part 60

Dated: March 31, 2017.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2017–08231 Filed 4–21–17; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–17–016]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: April 27, 2017 at 9:30 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: none.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 731–TA–540 and 541 (Fourth Review) (Welded ASTM A–312 Stainless Steel Pipe from Korea and Taiwan). The Commission is currently scheduled to complete and file its determinations and views of the Commission by May 12, 2017.
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: April 20, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–08377 Filed 4–20–17; 4:15 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On April 17, 2017, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Alaska in the lawsuit entitled *United States and State of Alaska* v. *Westward Seafoods, Inc.,* Civil Action No. 3:17–cv–00087–TMB.

This Consent Decree resolves disputes against Westward Seafoods, Inc. with respect to violations of the Clean Air Act at Westward's seafood processing facility in Dutch Harbor, Alaska. Coincidental with the entry of the Consent Decree we are also resolving claims for stipulated penalties for violations of a Consent Decree entered into with Westward regarding this facility in 2010 involving the Facility (''2010 Decree''). The same set of facts give rise to the violations of the CAA and the stipulated penalty provisions of the 2010 Decree.

The Consent Decree requires a penalty of $570,000 ($228,000 to the state of Alaska and $342,000 to the United States). Moreover, Westward has to pay $730,000 to resolve the Stipulated Penalty claims. Hence, Westward will pay a total of $1,300,000 in penalties. In addition, the Consent Decree requires that: (1) Westward undertake injunctive relief relating to improved operation and maintenance procedures and employee training focused on the key power generators; (2) Westward be subject to Third Party Verification regarding compliance with the Decree and with Westward's Clean Air Act permit; and (3) Westward implement two mitigation projects.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of Alaska* v. *Westward Seafoods, Inc.,* Civil Action No. 3:17-cv-00087–TMB, D.J. Ref. No. 90–5–2–1–09168/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $36.75 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits, the cost is $17.00.

Jeffrey Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–08205 Filed 4–21–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJP) Docket No. 1738]

Meeting of the Public Safety Officer Medal of Valor Review Board

AGENCY: Office of Justice Programs (OJP), Justice.

ACTION: Notice of meeting.

SUMMARY: This is an announcement of a meeting (via conference call-in) of the Public Safety Officer Medal of Valor Review Board to consider a range of issues of importance to the Board, to include, but not limited to: the MOV Charter renewal; Bylaws; membership/terms; applicant eligibility; the conflict of interest policy and procedures; the pending recommendation on the 2015–2016 MOV recipients and subsequent ceremony; application submissions for the 2016–2017 MOV and their review; program outreach and marketing efforts; potential updates to the administrative system; and to vote on the position of Board Chairperson. The meeting date and time is listed below.

DATES: June 8, 2017, 1:00 p.m. to 2:00 p.m. EST.

ADDRESSES: This meeting will take place via conference call-in.

FOR FURTHER INFORMATION CONTACT: Gregory Joy, Policy Advisor, Bureau of Justice Assistance, Office of Justice Programs, 810 7th Street NW., Washington, DC 20531, by telephone at (202) 514–1369, toll free (866) 859–2687, or by email at *Gregory.joy@usdoj.gov.*

SUPPLEMENTARY INFORMATION: The Public Safety Officer Medal of Valor Review Board carries out those advisory functions specified in 42 U.S.C. 15202. Pursuant to 42 U.S.C. 15201, the President of the United States is authorized to award the Public Safety Officer Medal of Valor, the highest national award for valor by a public safety officer.

This meeting/conference call is open to the public at the offices of the Bureau of Justice Assistance. For security purposes, members of the public who wish to participate must register at least seven (7) days in advance of the meeting/conference call by contacting Mr. Joy. All interested participants will be required to meet at the Bureau of Justice Assistance, Office of Justice Programs; 810 7th Street, NW., Washington, DC, 20531, and will be required to sign in at the front desk. Note: Photo identification will be required for admission. Additional identification documents may be required.

Access to the meeting/conference call will not be allowed without prior registration. Anyone requiring special accommodations should contact Mr. Joy at least seven (7) days in advance of the meeting. Please submit any comments or written statements for consideration by the Review Board in writing at least seven (7) days in advance of the meeting date.

Gregory Joy,

Policy Advisor/Designated Federal Officer, Bureau of Justice Assistance.

[FR Doc. 2017–08209 Filed 4–21–17; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Application for Alien Employment Certification, Extension of Currently Approved Collection

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), Employment and Training Administration (ETA), is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled ''Application for Alien Employment Certification.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995.

DATES: Consideration will be given to all written comments received by June 23, 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 by contacting William W. Thompson II, Administrator, Office of Foreign Labor Certification, telephone number: 202–513–7350 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Fax: 202–513–7395 or by email at *ETA.OFLC.Forms@dol.gov* subject line: ETA–750, parts A and B.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Foreign Labor Certification, Room 12–200, 200 Constitution Avenue NW., Washington, DC 20210; by email: *ETA.OFLC.Forms@dol.gov* subject line: ETA–750, parts A and B; or by Fax 202–513–7395.

FOR FURTHER INFORMATION CONTACT: William W. Thompson II, by telephone at 202–513–7350 (this is not a toll-free number) or by email at *ETA.OFLC.Forms@dol.gov.*

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden,

conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure 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 can be properly assessed.

The Secretary of Labor is required by the Immigration and Nationality Act (INA) to certify that any alien seeking to enter the United States for the purpose of performing skilled or unskilled labor will not adversely affect wages and working conditions of U.S. workers similarly employed, and that there are not sufficient U.S. workers able, willing, and qualified to perform such skilled or unskilled labor. Many foreign professional athletes must qualify as skilled labor to gain permanent admission to the United States. Section 212(a)(5)(A)(iii) of the INA deals specifically with professional athletes coming to the United States on a permanent basis as immigrants.

Part A of Form ETA–750 is used to collect information that, when appropriate, permits DOL to certify that the admission of a foreign professional athlete meets the requirements of Section 212(a)(5)(A) of the INA. Part B of Form ETA–750 provides detailed information about a foreign national's education and work history, and is used by DOL to collect information about the professional athlete on whose behalf an application for permanent labor certification is filed. The Department of Homeland Security also uses Part B under 8 CFR 204.5(k)(4)(ii), for aliens without an employer sponsor who are applying for a National Interest Waiver (NIW) of the job offer requirement under INA Section 203(b)(2)(B)(i), which allows aliens to self-petition and, where appropriate, to enter without a labor certification. Sections 203(b)(2)(B)(i) and 212(a)(5)(A)) of the INA (8 U.S.C. 1153(b)(2)(B)(i) and § 1182(a)(5)(A)) and 8 CFR 204.5(k)(4)(ii) authorizes this information collection.

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 the OMB under the PRA approves it and the information collection 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.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention ETA, OMB Control Number 1205–0015.

Submitted comments will also be a matter of public record for this ICR, and posted on the Internet without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL 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.

Type of Review: Extension without change.

Title of Collection: Application for Alien Employment Certification.

Form: Form ETA–750, Parts A and B.

OMB Control Number: 1205–0015.

Affected Public: Individuals, businesses or other for-profit entities, and not-for-profit entities.

Estimated Number of Respondents: 6695.

Frequency: On occasion.

Total Estimated Annual Responses: 6695.

Estimated Average Time per Response: 1 hour 49 minutes.

Estimated Total Annual Burden Hours: 12,103 hours.

Total Estimated Annual Other Cost Burden: $974,170.47.

Byron Zuidema,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2017–08245 Filed 4–21–17; 8:45 am]

BILLING CODE 4510–FP–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0039]

Portable Fire Extinguishers (Annual Maintenance Certification Record); Extension of the Office of Management and Budget's (OMB) Approval of the Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirement contained in the Portable Fire Extinguishers Standard (Annual Maintenance Certification Record).

DATES: Comments must be submitted (postmarked, sent or received) by June 23, 2017.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2010–0039, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 10 a.m. to 3:00 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number for the Information Collection Request (ICR) (OSHA–2010–

0039). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other materials in the docket, go to *http://regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publically available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Todd Owen or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et. seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires OSHA to obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Paragraph (e)(3) of the Standard specifies that employers must subject each portable fire extinguisher to an annual maintenance inspection and record the date of the inspection. In addition, this provision requires employers to retain the inspection record for one year after the last entry or for the life of the shell, whichever is less, and to make the record available to OSHA on request. This recordkeeping requirement assures workers and Agency compliance officers that portable fire extinguishers located in the workplace will operate normally in case of fire; in addition, this requirement provides evidence to OSHA compliance officers during an inspection that the employer performed the required maintenance checks on the portable fire extinguishers.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and Ways to minimize the burden on employers who must comply-for example, by Using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the Portable Fire Extinguishers Standard (Annual Maintenance Certification Record) (29 CFR 1910.157(e)(3)). OSHA is requesting an adjustment increase of 4,489,161 responses (from 1,380,750 to 5,869,911), and an increase of 224,458 burden hours (from 69,038 to 293,496 burden hours). The increased estimate for the number of responses stems from a reconsideration of how this figure should be calculated. Prior estimates fully accounted for all time and cost burden but only counted responses imposing a time burden as a response for reginfo.gov database purposes. Employers who contract for an inspection also are making a response under the PRA, and this ICR adjusts the analysis. This ICR's adjustment increase is also a result of the number of portable fire extinguishers increasing from 1,380,750 to 5,869,911 (see explanation under Item 12). In addition, there is an increase in the cost under Item 13 from $8,583,559 to $9,538,604 (an increase of $955,045). This cost increase is the result of updated data indicating a decrease in the number of establishments; thus, the Agency estimates an increase in the number of portable fire extinguishers inspected by outside contractors. The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of a currently approved collection.

Title: Portable Fire Extinguishers (Annual Maintenance Certification Record (29 CFR 1910.157(e)(3)).

OMB Control Number: 1218–0238.

Affected Public: Business or other for-profits.

Number of Responses: 5,869,911.

Frequency of Responses: On occasion.

Average Time per Response: Approximately 30 minutes (.50 hour) to perform and record the required maintenance inspection.

Estimated Total Burden Hours: 293,496.

Estimated Cost Operation and Maintenance): $9,538,604.

IV. Public Participation—Submission of Comments on this Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other materials must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2010–0039). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**).

The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments. Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions comments about submitting personal information such as Social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publically available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and Access the docket is available at the Web site's ''User Tips'' link.

Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

Dorothy Dougherty, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on April 13, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–08229 Filed 4–21–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0056]

Notice of Alleged Safety and Health Hazard (Form OSHA–7); Extension of the Office of Management and Budget's (OMB) Approval of Collections of Information

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the collections of information contained in the OSHA–7 Form.

DATES: Comments must be submitted (postmarked, sent or received) by June 23, 2017.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2010–0056, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA–2010–0056) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments,see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other material in the docket, go to *http://regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employees filing occupational safety or health complaints) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and collections of information in accord with the Paperwork Reduction Act (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Under paragraphs (a) and (c) of 29 CFR 1903.11 (''Complaints by employees''), employees and their representatives may notify the OSHA area director or an OSHA compliance officer of safety and health hazards regulated by the Agency that they believe exist in their workplaces at any time. These provisions state further that this notification must be in writing and ''shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of the employee.''

In addition to providing specific hazard information to the Agency, paragraph (a) permits employees/employee representatives to request an inspection of the workplace. Paragraph (c) also addresses situations in which employees/employee representatives may provide the information directly to the OSHA compliance officer during an inspection. An employer's former employees may also submit complaints to the Agency.

To address the requirements of paragraphs (a) and (c), especially the requirement that the information be in writing, the Agency developed the OSHA–7 Form; this form standardized and simplified the hazard reporting process. For paragraph (a), they may complete an OSHA–7 Form obtained

from the Agency's Web site and then send it to OSHA online, or deliver a hardcopy of the form to the OSHA area office by mail or facsimile, or by hand. They may also write a letter containing the information and hand deliver it to the area office, or send it by mail or facsimile. In addition, they may provide the information orally to the OSHA area office or another party (*e.g.,* a federal safety and health committee for federal employees), in which case the area office or other party completes the hard copy version of the form. For the typical situation addressed by paragraph (c), an employee/employee representative informs an OSHA compliance officer orally of the alleged hazard during an inspection, and the compliance officer then completes the hard copy version of the OSHA–7 Form; occasionally, the employee/employee representative provides the compliance officer with the information on the hard copy version of the OSHA–7 Form.

The information on the hard copy version of the OSHA–7 Form includes information about the employer and alleged hazards, including: The establishment's name; the site's address and telephone and facsimile numbers; the name and telephone number of the management official; the type of business; a description and the specific location of the hazards, including the approximate number of employees exposed or threatened by the hazards; and whether or not the employee/employee representative informed another government agency about the hazards (and the name of the agency if so informed).

Additional information on the hard copy version of the form concerns the complainant, including: Whether or not the complainant is an employee or an employee representative, or for information provided orally, a member of a federal safety and health committee or another party (with space to specify the party); the complainant's name, telephone number, and address; and the complainant's signature attesting that they believe a violation of an OSHA standard exists at the named establishment; and the date of the signature. An employee representative must also provide the name of the organization they represent and their title.

The information contained in the online version of the OSHA–7 Form is similar to the hard copy version. However, the online version requests the complainant's email address, and does not ask for the site's facsimile number or the complainant's signature and signature date.

The Agency uses the information collected on the OSHA–7 Form to determine whether reasonable grounds exist to conduct an inspection of the workplace. The description of the hazards, including the number of exposed employees, allows the Agency to assess the severity of the hazards and the need to expedite the inspection. The completed form also provides the employer with notice of the complaint and may serve as the basis for obtaining a search warrant if the employer denies the Agency access to the workplace.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed collections of information are necessary for proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the collections of information, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply—for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the collections of information relating to the OSHA–7 Form. The Agency is requesting an increase in burden hours from 13,659 to 19,258 (a total increase of 5,599 burden hours). The difference is the result of an overall increase in complaints received annually from 50,641 complaints estimated in the previous ICR to 70,976 complaints. There was also an increase in operation and maintenance costs from $532 to $701. The increase occurred due to an increase in the estimated number of written OSHA–7 forms received, from 1,208 to 1,430 forms. The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB to extend the approval of the collections of information.

Type of Review: Extension of a currently approved collection.

Title: Notice of Alleged Safety and Health Hazards (Form OSHA–7).

OMB Control Number: 1218–0064.

Affected Public: Individuals or households.

Number of Responses: 70,976.

Frequency of Responses: On occasion.

Average Time per Response: Varies.

Estimated Total Burden Hours: 19,258.

Estimated Cost (Operation and Maintenance): $701.

IV. Public Participation—Submission of Comments on this Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile; or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for this ICR (Docket No. OSHA–2010–0056). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as their social security number and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

Dorothy Dougherty, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the

preparation of this notice. The authority for this notice is the Paperwork Reduction Act (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on April 13, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–08228 Filed 4–21–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0038]

Rigging Equipment for Material Handling; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the OMB approval of the information collection requirements contained in paragraphs (b)(1), (b)(6)(i), (b)(6)(ii), (c)(15)(ii), (e)(1)(i), (ii), and (iii) and (f)(2) of the Standard on Rigging Equipment for Material Handling. These paragraphs require affixing identification tags or markings on rigging equipment, developing and maintaining inspection records, and retaining proof-testing certificates.

DATES: Comments must be submitted (postmarked, sent, or received) by June 23, 2017.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, OSHA Docket No. OSHA–2010–0038, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., e.t.

Instructions: All submissions must include the Agency name and OSHA docket number (OSHA–2010–0038) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act, or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires OSHA to obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Paragraph (b)(1) of the Standard 29 CFR 1926.251 requires that alloy steel chains have permanently affixed, durable identification tags stating size, grade, rated capacity and sling manufacturer. Paragraph (b)(6)(i) requires the employer to make a thorough periodic inspection of alloy steel chain slings in use on a regular basis, but at least once a year. Paragraph (b)(6)(ii) requires the employer to make and maintain a record of the most recent month in which each alloy steel chain was inspected and make the record available for examination.

Paragraph (c)(15)(ii) requires that all welded end attachments of wire rope slings be proof tested by the manufacturer at twice their rated capacity prior to initial use, and that the employer retain a certificate of the proof test and make it available for examination.

Paragraphs (e)(1)(i), (ii), and (iii) require that synthetic web slings be marked or coded to show the manufacturer's name or trademark, the rated capacity for the type of hitch and the type of synthetic webbing material.

Paragraph (f)(2) requires that all hooks for which no applicable manufacturer's recommendations are available be tested twice before they are put into use. The employer shall maintain a record of the dates and results of the tests.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must-comply for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the Standard on Rigging Equipment for Material Handling (29 CFR 1926.251). The Agency is requesting an increase in the burden hours from 51,815 burden hours to 52,428 hours. This increase is due to the additional marking requirements for wire rope slings.

Type of Review: Extension of a currently approved collection.

Title: Rigging Equipment for Material Handling (29 CFR 1926.251).

OMB Control Number: 1218–0233.

Affected Public: Business or other for-profits.

Number of Respondents: 1,220,910.

Total Responses: 278,343.

Frequency of Responses: On occasion.

Average Time per Response: Average of 3 minutes (.05 hour) for an employer to maintain and disclose a certificate to 30 minutes (.50 hour) for an employer to acquire information and make a tag for a sling.

Estimated Total Burden Hours: 52,428.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (OSHA Docket No. 2010–0038). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information, such as social security numbers and dates of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

Dorothy Dougherty, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on April 13, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–08226 Filed 4–21–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Wage and Hour Division

Agency Information Collection Activities; Comment Request; Information Collections: Nondisplacement of Qualified Workers Under Service Contracts, Executive Order 13495

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed extension of the information collection request (ICR) titled, ''Nondisplacement of Qualified Workers Under Service Contracts.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*

This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. A copy of the proposed information request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before June 23, 2017.

ADDRESSES: You may submit comments identified by Control Number 1235–0025, by either one of the following methods: *Email: WHDPRAComments@dol.gov; Mail, Hand Delivery, Courier:* Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW., Washington, DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for Office of Management and Budget (OMB) approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Robert Waterman, Compliance Specialist, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape, or Disc), upon request, by calling (202) 693–0023 (not a toll-free number). TTY/TTD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. *Background*: On January 30, 2009, President Obama signed Executive Order (E.O.) 13495, ''Nondisplacement of Qualified Workers Under Service Contracts, Executive Order 13495.'' 74 FR 6103. The E.O. generally requires Federal service contracts and their

solicitations to include a clause requiring the successor contractor, and its subcontractors, under a contract that succeeds a contract for performance of the same or similar services at the same location, to offer suitable employment (*i.e.,* positions for which the employees are qualified) on the contract to those predecessor employees whose employment will be terminated as a result of the award of the successor contract. The E.O. contains a number of exclusions, including exempting contracts under the simplified acquisition threshold and certain contracts awarded for services produced or provided by persons who are blind or have severe disabilities. The Secretary of Labor is responsible for investigating and obtaining compliance with the E.O.

II. *Review Focus*: The Department of Labor is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Enhance the quality, utility, and clarity of the information to be collected;

• 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;

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. *Current Actions*: The Department of Labor seeks an approval for the extension of this information collection in order to ensure effective administration of the government contract programs.

Type of Review: Extension.

Agency: Wage and Hour Division.

Title: Nondisplacement of Qualified Workers Under Service Contracts, Executive Order 13495.

OMB Number: 1235–0025.

Affected Public: Business or other for-profit, Not-for-profit institutions, Farms, State, Local, or Tribal Government.

Total Respondents: 40,010.

Total Annual Responses: 2,070,010.

Estimated Total Burden Hours: 57,503.

Estimated Time per Response: Varies (20–50 minutes).

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operation/maintenance): $0.

Date: April 12, 2017.

Melissa Smith,

Director, Division of Regulations, Legislation and Interpretation.

[FR Doc. 2017–08244 Filed 4–21–17; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Proposed Collection; Comment Request

AGENCY: National Endowment for the Arts, National Foundation on the Arts and the Humanities.

ACTION: Notice

SUMMARY: The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data is 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 is properly assessed. Currently, the National Endowment for the Arts is soliciting comments concerning the proposed information collection for applications from students for Agency Initiatives Poetry Out Loud or the Musical Theater Songwriting Challenge for High School Students. A copy of the information collection request can be obtained by contacting the office listed below in the address section of this notice.

DATES: Written comments must be submitted to the office listed in the address section below within 60 days from the date of this publication in the **Federal Register**. We are 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

• Can help the agency minimize the burden of the collection of information on those who are to respond, including through the electronic submission of responses.

ADDRESSES: Send comments to Jillian Miller, Director, Office of Guidelines and Panel Operations, National Endowment for the Arts, at *millerj@arts.gov.*

Jillian Miller,

Director, Office of Guidelines and Panel Operations, National Endowment for the Arts.

[FR Doc. 2017–08233 Filed 4–21–17; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0001]

Sunshine Act Meeting

DATE: Weeks of April 24, May 1, 8, 15, 22, 29, 2017.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of April 24, 2017

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/.*

Week of May 1, 2017—Tentative

There are no meetings scheduled for the week of May 1, 2017.

Week of May 8, 2017—Tentative

Tuesday, May 9, 2017

10:00 a.m. Briefing on Security Issues (Closed Ex. 1).

2:00 p.m. Briefing on Security Issues (Closed Ex. 1).

Thursday, May 11, 2017

9:00 a.m. Briefing on Risk-Informed Regulation (Public Meeting) (Contact: Steve Ruffin: 301–415–1985).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of May 15, 2017—Tentative

There are no meetings scheduled for the week of May 15, 2017.

Week of May 22, 2017—Tentative

There are no meetings scheduled for the week of May 22, 2017.

Week of May 29, 2017—Tentative

There are no meetings scheduled for the week of May 29, 2017.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

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The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

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: April 20, 2017.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2017–08381 Filed 4–20–17; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–01; NRC–2017–0103]

GE-Hitachi Nuclear Energy LLC Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received an application from GE-Hitachi Nuclear Energy, LLC (GEH) for an amendment to Materials License No. SNM–2500, which authorizes the storage of spent nuclear fuel and associated liquid and solid waste treatment products. The amendment would revise the license to provide clarifying administrative changes related to the specific storage of liquid and solid waste treatment products allowed to be at the site.

DATES: A request for a hearing or petition for leave to intervene must be filed by June 23, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0103 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–2017–0103. 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.
- *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: Christian Jacobs, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6825, email: *Christian.Jacobs@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC received, by letter dated February 15, 2017 (ADAMS Accession No. ML17046A072, as supplemented March 9, 2017, ADAMS Accession No. ML17072A381) GEH's license amendment request (LAR) No. 15 for Materials License No. SNM–2500 (LAR 2500–15) for the GEH Facility at Morris, Illinois in accordance with 10 CFR 72.56. The amendment, if approved, would provide clarifying administrative changes to the current SNM 2500 license. The proposed changes add descriptions of authorized materials and physical forms currently onsite in order to be consistent with the approved Consolidated Safety Analysis Report (CSAR) sections. The amendment requests no changes in the scope or type of operations presently authorized by the license.

An NRC administrative completeness review found the application acceptable for a technical review (ADAMS Accession No. ML17086A009). Prior to approving LAR 2500–15, the NRC will need to make the findings required by the Atomic Energy Act of 1954 as amended (the Act), and the NRC's regulations. The NRC's findings will be documented in a safety evaluation report and an environmental assessment. The environmental assessment will be the subject of a subsequent notice in the **Federal Register**.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d), the petition should specifically explain the reasons why intervention should be

permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by June 23, 2017. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may 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.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC'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. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Dated at Rockville, Maryland, this 12th day of April, 2017.

For the Nuclear Regulatory Commission.

John McKirgan,

Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2017–08216 Filed 4–21–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–9059; NRC–2017–0105]

Water Remediation Technology LLC

AGENCY: Nuclear Regulatory Commission.

ACTION: License renewal application; opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received an application from Water Remediation Technology, LLC for renewal of Materials License No. SUC–1591, which authorizes the licensee to offer a water treatment program to remove uranium from drinking water at community water systems. Water Remediation Technology, LLC has also requested authorization to expand the scope of its licensed activities to include treatment of uranium in groundwater and surface water resources not used for drinking water. If approved, the license renewal would allow Water Remediation Technology, LLC to offer water treatment programs to remove uranium from community drinking water systems and water resources not used for drinking water for a 10-year period following renewal and authorization.

DATES: A request for a hearing or petition for leave to intervene must be filed by June 23, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0105 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–2017–0105. 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.
- *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: Christopher Grossman, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–0140, email: *Christopher.Grossman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated December 21, 2016, Water Remediation Technology, LLC submitted an application to renew Materials License No. SUC–1591 for a performance-based, multi-site service provider license (ADAMS Accession No. ML16358A447). This license was issued under part 40 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic licensing of source material,'' and allows Water Remediation Technology, LLC to utilize its water treatment technology to remove uranium from drinking water treated by community water systems in NRC-regulated States. The license also permits Water Remediation Technology, LLC to possess source material generated from these operations. The license's current expiration date is January 25, 2017. However, in accordance with 10 CFR 40.42, the existing license will not expire during the pendency of the NRC staff's review of the renewal application. If granted, the license would be renewed for another 10 years.

In addition to seeking renewal of its existing license for conducting uranium water treatment operations at community water systems, Water Remediation Technology, LLC has

requested authorization to expand the scope of its licensed activities to include treatment of other types of groundwater or surface water resources such as waters impacted by mining (*e.g.,* pit lakes), groundwater sources that are not currently a drinking water source, drilling fluids from oil and gas exploration, and waters impacted by construction.

An NRC administrative completeness review, dated February 8, 2017, found the application acceptable to begin a technical review (ADAMS Accession No. ML17032A052). Prior to approving the license renewal application, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. The NRC's findings will be documented in a safety evaluation report and an environmental assessment. The environmental assessment will be the subject of a subsequent notice in the **Federal Register**.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and a petition to intervene (petition) with respect to the application to renew Materials License No. SUC–1591. 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. Failure to satisfy these requirements in 10 CFR 2.309(f) will result in an inadmissible contention. Without at least one admissible contention, a petitioner will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by June 23, 2017. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may 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.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC'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. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Dated at Rockville, Maryland, this 14th day of April 2017.

For the Nuclear Regulatory Commission.

Andrea Kock,

Deputy Director, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2017–08215 Filed 4–21–17; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80481; File No. SR–CBOE–2017–010]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change Related to Unusual Market Conditions and the Requirement To Systemize Non-Electronic Orders Prior to Representation

April 18, 2017.

On February 15, 2017, Chicago Board Options Exchange, Incorporated (''CBOE'' or ''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 that would permit the Exchange to suspend the requirement that non-electronic orders be systematized prior to representation on the trading floor when a fast market has been declared by Floor Officials. The proposed rule change was published for comment in the **Federal Register** on March 6, 2017.[3] The Commission has not yet received any comment letters 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 45th day after publication of the notice for this

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80123 (Feb. 28, 2017), 82 FR 12667.

[4] 15 U.S.C. 78s(b)(2).

proposed rule change is April 20, 2017. The Commission is hereby extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates June 4, 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 Number SR–CBOE–2017–010).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08164 Filed 4–21–17; 8:45 am]

BILLING CODE 8011–01–P

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80477; File No. 4–707]

Self-Regulatory Organizations; ISE Mercury, LLC; Order Declaring Effective a Minor Rule Violation Plan

April 18, 2017.

On March 9, 2017, ISE Mercury, LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed minor rule violation plan (''MRVP'' or ''Plan'') pursuant to Section 19(d)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19d–1(c)(2) thereunder.[2] The proposed MRVP was published for public comment on March 21, 2017.[3] The Commission received no comments on the proposal. This order declares the Exchange's proposed MRVP effective.

The Exchange's MRVP specifies the rule violations which will be included in the Plan and will have sanctions not exceeding $2,500. Any violations which are resolved under the MRVP would not be subject to the provisions of Rule 19d–1(c)(1) of the Act,[4] which requires that a self-regulatory organization (''SRO'') promptly file notice with the Commission of any final disciplinary action taken with respect to any person or organization.[5] In accordance with Rule 19d–1(c)(2) under the Act,[6] the Exchange proposed to designate certain specified rule violations as minor rule violations, and requested that it be relieved of the prompt reporting requirements regarding such violations, provided it gives notice of such violations to the Commission on a quarterly basis.

The Exchange proposed to include in its MRVP the procedures and violations currently included in Exchange Rule 1614 (''Imposition of Fines for Minor Rule Violations''), which had been incorporated by reference from the International Securities Exchange's rule book.[7] According to the Exchange's proposed MRVP, under Exchange Rule 1614, the Exchange may impose a fine (not to exceed $2,500) on any Member, or person associated with or employed by a Member, for any rule listed in Rule 1614(d).[8] The Exchange shall serve the person against whom a fine is imposed with a written statement setting forth the rule or rules violated, the act or omission constituting each such violation, the fine imposed, and the date by which such determination becomes final or by which such determination must be contested. If the person against whom the fine is imposed pays the fine, such payment shall be deemed to be a waiver of such person's right to a disciplinary proceeding and any review of the matter under the Exchange rules. Any person against whom a fine is imposed may contest the Exchange's determination by filing with the Exchange a written answer, at which point the matter shall become a disciplinary proceeding.

Once the Exchange's MRVP is effective, the Exchange will provide to the Commission a quarterly report for any actions taken on minor rule violations under the MRVP. The quarterly report will include: The Exchange's internal file number for the case, the name of the individual and/or organization, the nature of the violation, the specific rule provision violated, the sanction imposed, the number of times the rule violation occurred, and the date of the disposition.[9]

The Commission finds that the proposal is consistent with the public interest, the protection of investors, or otherwise in furtherance of the purposes of the Act, as required by Rule 19d–1(c)(2) under the Act,[10] because the MRVP will permit the Exchange to carry out its oversight and enforcement responsibilities as an SRO more efficiently in cases where full disciplinary proceedings are not necessary due to the minor nature of the particular violation.

In declaring the Exchange's MRVP effective, the Commission in no way minimizes the importance of compliance with Exchange rules and all other rules subject to the imposition of sanctions under Exchange Rule 1614. The Commission believes that the violation of an SRO's rules, as well as Commission rules, is a serious matter. However, Exchange Rule 1614 provides a reasonable means of addressing violations that do not rise to the level of requiring formal disciplinary proceedings, while providing greater flexibility in handling certain violations. The Commission expects that the Exchange will continue to conduct surveillance and make determinations based on its findings, on a case-by-case basis, regarding whether a sanction under the MRVP is appropriate, or whether a violation requires formal disciplinary action.

It is therefore ordered, pursuant to Rule 19d–1(c)(2) under the Act,[11] that the proposed MRVP for ISE Mercury, LLC, File No. 4–707, be, and hereby is, declared effective.

[1] 15 U.S.C. 78s(d)(1).

[2] 17 CFR 240.19d–1(c)(2).

[3] *See* Securities Exchange Act Release No. 80259 (March 16, 2017), 82 FR 14556 (''Notice'').

[4] 17 CFR 240.19d–1(c)(1).

[5] The Commission adopted amendments to paragraph (c) of Rule 19d–1 to allow SROs to submit for Commission approval plans for the abbreviated reporting of minor disciplinary infractions. *See* Securities Exchange Act Release No. 21013 (June 1, 1984), 49 FR 23828 (June 8, 1984). Any disciplinary action taken by an SRO against any person for violation of a rule of the SRO which has been designated as a minor rule violation pursuant to such a plan filed with and declared effective by the Commission is not considered ''final'' for purposes of Section 19(d)(1) of the Act if the sanction imposed consists of a fine not exceeding $2,500 and the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his administrative remedies.

[6] 17 CFR 240.19d–1(c)(2).

[7] The Exchange received its grant of registration on January 29, 2016, which included approving the rules that govern the Exchange. *See* Securities Exchange Act Release No. 76998 (Jan. 29, 2016), 81 FR 6066 (Feb. 4, 2016).

[8] Under the proposed MRVP, violations of the following rules would be appropriate for disposition under the MRVP: Rule 412 (Position Limits); Rule 1403 (Focus Reports); Rule 1404 (Requests for Trade Data); Rule 723 (Price Improvement Mechanism for Crossing Transactions); Rule 717 (Order Entry); Rule 803 (Quotation Parameters); Rule 805 (Execution of Orders in Appointed Options); Rule 419 (Mandatory Systems Testing); Rule 1100 (Exercise of Options Contracts); Rule 415 (Reports Related to Position Limits); and Rule 804(e) (Continuous Quotes). *See* Notice, *supra* note 3.

[9] The Exchange attached a sample form of the quarterly report with its submission to the Commission.

[10] 17 CFR 240.19d–1(c)(2).

[11] *Id.*

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08162 Filed 4–21–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80478; File No. SR–BatsBZX–2017–22]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use on Bats BZX Exchange, Inc.

April 18, 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 April 12, 2017, Bats BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. 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 filed a proposal to amend the fee schedule applicable to Members[5] and non-members of the Exchange pursuant to BZX Rules 15.1(a) and (c).

The text of the proposed rule change is available at the Exchange's Web site at *www.bats.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[12] 17 CFR 200.30–3(a)(44).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

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 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 its fee schedule applicable to its equities trading platform (''BZX Equities'') to: (i) Add new tiers under footnotes 1 and 4; and (ii) eliminate tier 4 under footnote 3.

Add Volume Tiers Under Footnote 1

The Exchange currently offers nine Add Volume Tiers under footnote 1, which provide an enhanced rebate of $0.0025 to $0.0032 per share for qualifying orders which yield fee codes B, V, or Y.[6] The Exchange now proposes to add two additional tiers which will provide an enhanced rebate per share for qualifying orders which yield fee code HA.[7] [8]

- Under the proposed Non-Displayed Add Volume Tier 1, a Member may receive an enhanced rebate of $0.0020 per share where they add an ADV greater than or equal to 0.09% of the TCV, as Non-Displayed orders that yield fee codes HA or HI.
- Under the proposed Non-Displayed Add Volume Tier 2, a Member may receive an enhanced rebate of $0.0025 per share where they add an ADV greater than or equal to 0.18% of the TCV, as Non-Displayed orders that yield fee codes HA or HI.

[6] Fee codes B, V, and Y are appended to displayed orders that add liquidity in tape B, A, or C, respectively. *See* the Exchange's fee schedule *available at http://www.bats.com/us/equities/membership/fee_schedule/bzx/.*

[7] Fee code HA is appended to non-displayed orders which add liquidity. *Id.*

[8] The Exchange proposes to add additional labels to the table in footnote 1 to further clarify which tiers apply to orders yielding the differentiating fee codes. The Exchange also proposes to append footnote 1 to fee code HA in connection with this change.

Single MPID Investor Tier Under Footnote 4

The Exchange currently offers one Single MPID Investor Tier under footnote 4, which provides an enhanced rebate of $0.0031 per share for qualifying orders which yield fee codes B, V, or Y. The distinction between the existing tier under footnote 4 and other tiers offered by the Exchange, is that the volume measured to determine whether a Member qualifies is performed on an MPID by MPID basis. The Exchange now proposes to add an additional single MPID tier which will provide an enhanced rebate per share for qualifying orders which yield fee codes B, V, or Y. Under the proposed Step-Up Add Tier under footnote 4, a Member may receive an enhanced rebate of $0.0027 per share where the MPID has a Step-Up ADAV from November 2016, greater than or equal to 500,000 shares.

Eliminate Tier 4 Under Footnote 3

The Exchange currently offers five Cross-Asset Step-Up Tiers under footnote 3, which provide an enhanced rebate per contract ranging from $0.0027 to $0.0032 per share for qualifying orders. Tiers 1 through 4 apply to orders which yield fee codes B, V, or Y. Tier 5 applies to orders which yield fee codes BB, N, or W.[9] The Exchange now proposes to eliminate Tier 4 under footnote 3, which provides a rebate of $0.0032 per share for Members that have an Options Step-Up Add TCV in Customer orders from October 2016 baseline greater than or equal to 0.35%.[10]

Implementation Date

The Exchange proposes to implement these amendments to its fee schedule immediately.[11]

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with the objectives of Section 6 of the Act,[12] in general, and furthers the objectives of Section 6(b)(4),[13] in particular, as it is designed to provide

[9] Fee codes BB, N, and W are appended to orders that remove liquidity in tape B, C, or A, respectively. *See* the Exchange's fee schedule *available at http://www.bats.com/us/equities/membership/fee_schedule/bzx/.*

[10] In connection with the elimination of Tier 4, the Exchange proposes that Tier 5 be renamed to Tier 4.

[11] The Exchange initially filed the proposed amendments to its fee schedule on March 31, 2017 (SR–BatsBZX–2017–21). On April 12, 2017, the Exchange withdrew SR–BatsBZX–2017–21 and then subsequently submitted this filing (SR–BatsBZX–2017–22).

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4).

for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The proposed rule changes reflect a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange.

Addition of New Volume Tiers

The Exchange believes that the proposed modifications to the tiered pricing structure are reasonable, fair and equitable, and non-discriminatory. The Exchange operates in a highly competitive market in which market participants may readily send order flow to many competing venues if they deem fees at the Exchange to be excessive or incentives provided to be insufficient. The proposed structure remains intended to attract order flow to the Exchange by offering market participants a competitive pricing structure. The Exchange believes it is reasonable to offer and incrementally modify incentives intended to help to contribute to the growth of the Exchange.

Volume-based pricing such as that proposed herein have been widely adopted by exchanges, including the Exchange, and are equitable because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to: (i) The value to an exchange's market quality; (ii) associated higher levels of market activity, such as higher levels of liquidity provisions and/or growth patterns; and (iii) introduction of higher volumes of orders into the price and volume discovery processes.

Add Volume Tiers. The proposed additions of two Non-Displayed Add Volume Tiers reinforces the purpose of the Add Volume Tier by incentivizing Members to send Non-Displayed orders to the Exchange. Thus, the Exchange believes that the proposed modifications to the tiered pricing structure under footnote 1 is a reasonable, equitable, and not an unfairly discriminatory allocation of fees and rebates because they will provide Members with an incentive to reach certain thresholds on the Exchange by contributing a meaningful amount of order flow and because such an incentive is open to all Members on an equal basis.

Single MPID Investor Tier. The proposed addition of a Single MPID Step-Up Add Tier reinforces the purpose of the Single MPID Investor Tier by incentivizing Members to send higher level of orders to the Exchange. By applying the tier on a single MPID rather than across a Member's entire trading activity, the Exchange is also allowing more Members to potentially receive the enhanced rebates for their trading activity related to liquidity provision. Thus, the Exchange believes that the proposed modification to the tiered pricing structure under footnote 4 is a reasonable, equitable, and not an unfairly discriminatory allocation of fees and rebates because it will provide Members with an incentive to reach certain thresholds on the Exchange by contributing a meaningful amount of order flow. As is true for the Add Volume Tiers described above, the proposed tier under footnote 4 is available to all Members.

Elimination of Unused Tiers

The Exchange believes that the proposed modifications to eliminate Tier 4 under footnote 3 is reasonable, fair, and equitable because the current tier was not providing the desired result of incentivizing Members to increase their participation in BZX Equities and in the Exchange's equity options platform (''BZX Options''). Therefore, eliminating this tier will have a negligible effect on order flow and market behavior. The Exchange believes the proposed change is not unfairly discriminatory because it will apply equally to all participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that any of the proposed change to the Exchange's tiered pricing structure burden competition, but instead, that they enhance competition as they are intended to increase the competitiveness of BZX by modifying pricing incentives in order to attract order flow and incentivize participants to increase their participation on the Exchange. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee structures to be unreasonable or excessive. The proposed changes are generally intended to enhance the rebates for liquidity added to the Exchange, which is intended to draw additional liquidity to the Exchange, and to eliminate a rebate that has not achieved its desired result. The Exchange does not believe the proposed amendments would burden intramarket competition as they would be available to all Members uniformly.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and paragraph (f) of Rule 19b–4 thereunder.[15] 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 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 No. SR–BatsBZX–2017–22 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 No. SR–BatsBZX–2017–22. 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

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f).

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 No. SR–BatsBZX–2017–22, and should be submitted on or before May 15, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08163 Filed 4–21–17; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Extension: Rule 17Ac3–1(a) and Form TA–W; SEC File No. 270–96, OMB Control No. 3235–0151]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17Ac3–1(a) and Form TA–W, under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Section 17A(c)(4)(B) of the Exchange Act authorizes transfer agents registered with an appropriate regulatory agency (''ARA'') to withdraw from registration by filing a written notice of withdrawal with the ARA and by agreeing to such terms and conditions as the ARA deems necessary or appropriate in the public interest, for the protection of investors, or in the furtherance of the purposes of Section 17A.

In order to implement Section 17A(c)(4)(B) of the Exchange Act, the Commission promulgated Rule 17Ac3–1(a) (17 CFR 240.17Ac3–1(a)) and accompanying Form TA–W (17 CFR 249b.101) on September 1, 1977. Rule 17Ac3–1(a) provides that notice of withdrawal from registration as a transfer agent with the Commission shall be filed on Form TA–W. Form TA–W requires the withdrawing transfer agent to provide the Commission with certain information, including: (1) The locations where transfer agent activities are or were performed; (2) the reasons for ceasing the performance of such activities; (3) disclosure of unsatisfied judgments or liens; and (4) information regarding successor transfer agents.

The Commission uses the information disclosed on Form TA–W to determine whether the registered transfer agent applying for withdrawal from registration as a transfer agent should be allowed to deregister and, if so, whether the Commission should attach to the granting of the application any terms or conditions necessary or appropriate in the public interest, for the protection of investors, or in furtherance of the purposes of Section 17A of the Exchange Act. Without Rule 17Ac3–1(a) and Form TA–W, transfer agents registered with the Commission would not have a means to voluntarily deregister when it is necessary or appropriate to do so.

On average, respondents have filed approximately 17 TA–Ws with the Commission annually from 2014 to 2017. A Form TA–W filing occurs only once, when a transfer agent is seeking to deregister. Approximately 80 percent of Form TA–Ws are completed by the transfer agent or its employees and approximately 20 percent of Form TA–Ws are completed by an outside filing agent that is hired by the registrant to prepare the form and file it electronically. In view of the readily-available information requested by Form TA–W, its short and simple presentation, and the Commission's experience with the filers, we estimate that approximately 30 minutes is required to complete and file Form TA–W. For transfer agents that complete Form TA–W themselves, we estimate the internal labor cost of compliance per filing is $25 (0.5 hours × $50 average hourly rate for clerical staff time). We estimate that outside filing agents charge $100 to complete and file at TA–W on behalf of a registrant, reflecting an external labor cost to respondents. The total annual time burden to the transfer agent industry is approximately 9 hours (17 filings × 0.5 hours). The total annual external labor cost to respondents is $340 (17 annual forms × $100 × 20%).

Written comments are invited on: (a) 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; (b) the accuracy of the Commission's estimates of the burden of the proposed 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.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

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: April 18, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08168 Filed 4–21–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80482; File No. SR–GEMX–2017–03]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Rulebook and Schedule of Fees To Incorporate Certain Name Changes

April 18, 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 April 12, 2017, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Rulebook and Schedule of Fees to incorporate certain names changes that became operative on April 3, 2017. Specifically, the Exchange proposes to: (i) Amend references to ISE Gemini to Nasdaq GEMX in the Schedule of Fees, which references were overlooked in a prior filing; [3] and (ii) amend the name of the ''International Securities Exchange'' and ''ISE'' to ''Nasdaq ISE''.[4]

The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Schedule of Fees to correct references ''ISE Gemini'' which should have been changed to ''Nasdaq GEMX'' in a prior rule change.[5] The Exchange also proposes to amend references to ''International Securities Exchange'' and ''ISE'' to ''Nasdaq ISE'' as these name changes became operative on April 3, 2017.[6]

This proposed rule change amends corporate names referred to in the GEMX rules which are already operative and currently in effect. This proposed rule change also proposes to amend references to Nasdaq ISE to make them accurate as of April 3, 2017.

Finally, a non-substantive formatting rule change is proposes to the Supplementary Material to Rule 804.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [7] in general, and furthers the objectives of Section 6(b)(5) of the Act [8] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by correcting references to corporate names, which are already in effect, to properly reflect the Exchange's name and that of its affiliate.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impact the intense competition that exists in the options market. The amendment to references to name changes, which are already in effect, will accurately reflect the current ownership structure of Nasdaq, Inc.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(1) [10] thereunder, the Exchange has designated this proposal as one that constitutes a stated policy, practice or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the SRO, and therefore has become effective.

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 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 to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–GEMX–2017–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–GEMX–2017–03. 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 such filing also will be available for inspection and copying at the principal office of the Exchange. All comments

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80248 (March 15, 2017), 82 FR 14547 (March 21, 2017) (SR–ISEGemini–2017–13).

[4] *See* Securities Exchange Act Release No. 80325 (March 29, 2017) (SR–ISE–2017–25).

[5] *See* note 3 above.

[6] *See* notes 4 and 5 above.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(1).

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–GEMX–2017–03, and should be submitted on or before May 15, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08165 Filed 4–21–17; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Military Reservist Economic Injury Disaster Loans: Interest Rate for Third Quarter FY 2017

In accordance with the Code of Federal Regulations 13—Business Credit and Assistance § 123.512, the following interest rate is effective for Military Reservist Economic Injury Disaster Loans approved on or after April 14, 2017.

Military Reservist Loan Program 3.215%

Dated: April 17, 2017.

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–08218 Filed 4–21–17; 8:45 am]

BILLING CODE P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 720 (Sub-No. 1)]

Revisions to Railroad Annual Report Form R–1 and Quarterly Operating Reports

AGENCY: Surface Transportation Board.

ACTION: Notice of modifications to annual and quarterly reporting forms.

SUMMARY: The Surface Transportation Board (STB or Board) is revising certain schedules in the Annual Report for Class I railroads (R–1 or Form R–1) and quarterly operating reports. These revisions are needed to correct certain accounting and reporting changes the Board enacted in 2016 and to better meet accounting and reporting requirements and industry needs.

DATES: This decision is effective on May 24, 2017. These modifications will apply beginning with the annual R–1 reports for the year ending December 31, 2017, and the quarterly operating reports for the second calendar quarter of 2017.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez at (202) 245–0333. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Board is authorized, under 49 U.S.C. 11142, to prescribe a uniform accounting system for rail carriers subject to its jurisdiction and, under 49 U.S.C. 11161, to maintain cost accounting rules for rail carriers.[1] Sections 11142 and 11161 both require the Board to conform its accounting rules to generally accepted accounting principles (GAAP) ''[t]o the maximum extent practicable.'' The Board's accounting rules, known as the Uniform System of Accounts (USOA), are set forth in the Board's regulations at 49 CFR part 1201—subpart A. The USOA is used by the Class I railroads[2] to provide the Board an annual report, known as the Form R–1 report, and quarterly operating reports that contain information about their finances and operating statistics. 49 CFR 1241.11, 1243.1, and 1243.2.

Discussion

In *Accounting & Reporting of Business Combinations, Security Investments, Comprehensive Income, Derivative Instruments & Hedging Activities,* EP 720 (STB served Apr. 6, 2016), the Board adopted rules that updated the accounting and reporting requirements under the USOA for Class I railroads to reflect accounting standard updates to GAAP. As relevant here, the Board amended the USOA by adding new general instructions and accounts to recognize changes in the fair value of certain security investments, items of other comprehensive income, derivative instruments, and hedging activities. Additionally, corresponding changes were made to the Form R–1. *Id.* at 3–7. However, no corresponding changes were made to the related quarterly reports.

To avoid confusion, ensure proper reporting, and promote uniformity with the USOA, the Board has determined that certain technical and formatting modifications to the Form R–1 and the quarterly reports are necessary. These minor changes, which are detailed below, are not substantive and fall into one of the following categories: (1) Correcting the Form R–1 to fully implement the changes in accounting and reporting requirements already made through notice and comment rulemaking in Docket No. EP 720; (2) applying the accounting and reporting changes in Docket No. EP 720 to the quarterly reports; and (3) making minor clarifications, formatting, and grammatical changes. Accordingly, for good cause shown, the Board finds that notice and comment on these revisions are unnecessary. *See* 5 U.S.C. 553(b)(3)(B). The specific changes are explained below.

Comprehensive Income. The Form R–1 Schedule 210 A (Consolidated Statements of Comprehensive Income) adopted in Docket No. EP 720 included two unnecessary columns: ''Freight-related revenues & expenses'' and ''Passenger-related revenue & expenses.'' Because the information in these two columns is not used in the calculation of comprehensive income and other comprehensive income, these columns will be eliminated in Schedule 210 A.

Results of Operations. In Docket No. EP 720, a single line for ''Earnings per share, basic and diluted'' in Form R–1 Schedule 210 (Results of Operations) was added. However, basic and diluted earnings per share are two separate calculations and must be reported individually. Therefore, the revised Form R–1 Schedule 210 adopted here will display these items in two lines: Basic Earnings Per Share and Diluted Earnings Per Share.

Quarterly Reports. Although the Board did not address quarterly operating reports in Docket No. EP 720, the items reported in the quarterly operating reports, *Condensed Balance Sheet* (CBS) and *Revenues, Expenses, and Income* (RE&I), should correspond with the Form R–1 reports and be kept in conformity with the USOA for Class I railroads.

Accordingly, the quarterly CBS report will be revised to include a line for the reporting of account 799, Accumulated

[1] The Board has economic oversight of railroads, 49 U.S.C. 10101–11908, and prescribes a uniform accounting system for rail carriers to use for regulatory purposes, 49 U.S.C. 11141–43, 11161–64; 49 CFR parts 1200–1201. In addition, pursuant to its authority at 49 U.S.C. 11145, the Board requires Class I railroads to submit quarterly and annual reports containing financial and operating statistics, including employment and traffic data. 49 CFR 1241–1246, 1248.

[2] The Board designates three classes of freight railroads based upon their operating revenues, for three consecutive years, in 1991 dollars, using the following scale: Class I—$250 million or more; Class II—less than $250 million but more than $20 million; and Class III—$20 million or less. These operating revenue thresholds are adjusted annually for inflation. 49 CFR part 1201, 1–1. Adjusted for inflation based on 2015 data, Class I carriers have annual carrier operating revenues of $457,913,998 or more; Class II carriers have annual carrier operating revenues of less than $457,913,998 but more than $36,633,120; and Class III carriers have annual carrier operating revenues of $36,633,120 or less. Today, there are seven Class I carriers.

Other Comprehensive Income. Additionally, the quarterly RE&I report will be revised to include four new lines for the reporting of Net Income attributable to non-controlling interest, Net Income attributable to reporting railroad, Basic Earnings Per Share, and Diluted Earnings Per Share. These additional lines, which track information required on the Form R–1, provide a place to report the data collected on a quarterly basis and maintain uniformity with annual reporting requirements in the USOA.

Other Minor Changes. The Board will also revise Form R–1 reporting schedules and quarterly operating reports to make minor clarifications, formatting changes, and grammatical corrections. Some of the changes are the result of previous updates to the USOA, in which accounts were either established, eliminated, or changed. Revisions include updating schedule titles, cross-checks, page numbering, layout, and parenthetical references for specific line items with current USOA accounts. These revisions will ensure proper reporting of data collected. Below are some of the notable revisions:

- *Form R–1 Schedule 210 A, Consolidated Statement of Comprehensive Income:* References to certain line items that improperly instruct how to calculate Comprehensive Income, Other Comprehensive Income, and Comprehensive Income Attributable to Reporting Railroads will be removed.
- *Form R–1 Schedule 245, Working Capital:* This schedule will be updated to reflect a line numbering change that occurred among other changes in Schedule 200.
- *Form R–1 Schedule 510, Separation of Debtholdings Between Road Property and Equipment:* The sources for Lines 1 through 8 will be updated to show the line numbering change in Schedule 200, and the sources for Lines 16, 17, and 21 will be modified to properly show total road property and equipment debt and total interest.
- *Form R–1 Schedule 342, Accumulated Depreciation—Improvements to Road and Equipment Leased from Others:* Instructions 2 and 3 will be amended to instruct users to refer to the notes and remarks section for Schedule 342 and no longer specifically to page number 39.

These and other minor changes (except for non-substantive formatting changes) are highlighted and annotated in appendices attached to the Board's served decision.

In sum, the modifications discussed in this notice will correct certain accounting and reporting changes the Board enacted in 2016 and provide clarification and improve usability of the Form R–1 and quarterly operating reports to better meet accounting and reporting requirements and industry needs. Appendix A to the Board's served decision includes annotated copies of the revised Form R–1 Table of Contents, schedules 210A and 510, and the impacted pages of schedules 200, 210, 245, and 342. Appendix B to the Board's served decision includes annotated copies of the revised CBS and RE&I quarterly reports. The served decision is available on the Board's Web site at *www.stb.gov.* The revised forms in their entirety will be posted on the Board's Web site at *https://www.stb.gov/stb/industry/econ_reports.html.*

Regulatory Flexibility Act Statement

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, generally requires a description and analysis of new rules that would have a significant economic impact on a substantial number of small entities. In drafting a rule, an agency is required to: (1) Assess the effect that its regulation will have on small entities; (2) analyze effective alternatives that may minimize a regulation's impact; and (3) make the analysis available for public comment. 5 U.S.C. 601–604. Under section 605(b), an agency is not required to perform an initial or final regulatory flexibility analysis if it certifies that the proposed or final rules will not have a ''significant impact on a substantial number of small entities.''

Because the goal of the RFA is to reduce the cost to small entities of complying with federal regulations, the RFA requires an agency to perform a regulatory flexibility analysis of small entity impacts only when a rule directly regulates those entities. In other words, the impact must be a direct impact on small entities ''whose conduct is circumscribed or mandated'' by the proposed rule. *White Eagle Coop. Ass'n* v. *Conner,* 553 F.3d 467, 478, 480 (7th Cir. 2009).

The reporting requirements modified here will not have a significant economic impact upon a substantial number of small entities within the meaning of the RFA. The reporting requirements will apply only to Class I rail carriers. 49 CFR 1241.1. Accordingly, there will be no impact on small railroads (small entities).[3] Therefore, the Board certifies under 5 U.S.C. 605(b) that these modifications will not have a significant economic impact on a substantial number of small entities within the meaning of the RFA. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration, Washington, DC 20416.

Authority: 49 U.S.C. 11142 and 11164.

It is ordered:

1. The modifications set forth in this decision are adopted and will be effective beginning with the annual R–1 reports for the year ending December 31, 2017, and the quarterly operating reports for the second calendar quarter of 2017. Notice of the modifications adopted here will be published in the **Federal Register**.
2. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration.
3. This decision is effective on May 24, 2017.

Decided: April 19, 2017.

By the Board, Board Members Begeman, Elliott, and Miller.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2017–08236 Filed 4–21–17; 8:45 am]

BILLING CODE 4915–01–P

[3] Effective June 30, 2016, for the purpose of RFA analysis for rail carriers subject to the Board's jurisdiction, the Board defines a ''small business'' as a Class III rail carrier under 49 CFR 1201.1–1. *See Small Entity Size Standards Under the Regulatory Flexibility Act,* EP 719 (STB served June 30, 2016) (with Board Member Begeman dissenting).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Change in Use of Aeronautical Property at Immokalee Regional Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comment.

SUMMARY: The Federal Aviation Administration is requesting public comment on a request by the Collier County Airport Authority to change a portion of airport property from aeronautical to non-aeronautical use at the Immokalee Regional Airport, Immokalee, Florida. The request consists of approximately 5,200 square feet of warehouse space.

Documents reflecting the Sponsor's request are available, by appointment only, for inspection at the Immokalee Regional Airport and the FAA Airports District Office.

DATES: Comments are due on or before May 24, 2017.

ADDRESSES: Documents are available for review at Immokalee Regional Airport, and the FAA Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822. Written comments on the Sponsor's request must be delivered or mailed to: Pedro Blanco, Community Planner, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822–5024.

FOR FURTHER INFORMATION CONTACT: Pedro Blanco, Community Planner, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822–5024. Telephone number (407) 812–6331.

SUPPLEMENTARY INFORMATION: Section 125 of The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21) requires the FAA to provide an opportunity for public notice and comment prior to the ''waiver'' or ''modification'' of a sponsor's Federal obligation to use certain airport land for non-aeronautical purposes.

The following is a brief overview of the request:

The Collier County Airport Authority is proposing to release approximately 5,200 square feet of warehouse space, owned by the authority, located at 170 Airpark Blvd., Units A & B at Immokalee Regional Airport. This project will allow Collier County to receive grant funding from the US Economic Development Administration (EDA) to renovate and improve both an existing and currently vacant warehouse for culinary-related businesses. The Collier County Airport Authority has approved of this action and has agreed to rent payments set at Fair Market Value of $6 per square foot annually, plus fees at $2,637.00 per month.

Bart Vernace,

Manager, Orlando Airports District Office, Southern Region.

[FR Doc. 2017–08235 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0214]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 14 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions were granted April 6, 2017. The exemptions expire on April 6, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or 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., e.t., Monday through Friday, except Federal holidays.

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.*

II. Background

On March 6, 2017, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (82 FR 12678). That notice listed 14 applicants' case histories. The 14 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 14 applications on their merits and made a determination to grant exemptions to each of them.

III. Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 14 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, cataract, complete loss of vision, macular hole, optic atrophy, poor vision, prosthetic eye, and retinal detachment. In most cases, their eye conditions were not recently developed. Twelve of the applicants were either born with their vision impairments or have had them since childhood.

The 2 individuals that sustained their vision conditions as adults have had it for a range of 5 to 13 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 14 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision in careers ranging from 3 to 26 years. In the past three years, no drivers were involved in crashes and 1 driver was convicted of a moving violation in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the March 6, 2017 notice (82 FR 12678).

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 14 applicants, no drivers were involved in crashes and 1 driver was convicted of a moving violation in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 14 applicants listed in the notice of March 6, 2017 (82 FR 12678).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 14 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

V. Discussion of Comments

FMCSA received one comment in this proceeding. An anonymous commenter stated that they disagree with granting the exemptions, citing safety concerns. FMCSA has evaluated the medical records and driving histories of all 14 drivers included in this document and has determined that granting the exemptions will create an equal or greater level of safety as restricting them to driving in intrastate commerce.

IV. Conclusion

Based upon its evaluation of the 14 exemption applications, FMCSA exempts the following drivers from the vision requirement in 49 CFR 391.41(b)(10):

Tyler D. Baseman (MN)
Robert A. Ferrucci (FL)
Gary W. Fields (VA)
Michael D. Greene, Jr. (VT)
Cory W. Haupt (SD)
Joseph E. Jones (GA)
Peter W. Lampasone (NY)
Edward H. Lampe (OR)
Thomas L. Lange (CO)
Ronald R. Matheson (WY)
Jason C. Nicklow, Sr. (PA)
Lawrence M. Taylor (RI)
Eric M. Turton (NY)
Kendrick T. Williams (NC)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: April 17, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–08201 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–26321; FMCSA–2007–29286; FMCSA–2008–0341; FMCSA–2010–0414; FMCSA–2010–0427; FMCSA–2012–0349; FMCSA–2012–0350; FMCSA–2012–0351; FMCSA–2014–0312]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions of 152 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or 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., e.t., Monday through Friday, except Federal holidays.

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 *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On March 7, 2017, FMCSA published a notice announcing its decision to renew exemptions for 152 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (82 FR 12886). The public comment period ended on April 6, 2017, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 152 renewal exemption applications and that no comments were received, FMCSA confirms its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.41(b)(3).

As of February 1, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 10 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (72 FR 69280; 73 FR 6247):

Steven G. Boggs (KS)
Jessie L. Brock II (TX)
Challis J. Crismore (MT)
David J. Jansen (OH)
Lawrence A. Kibler (PA)
Arthur J. Medrano (CA)
Mark R. Perkins (NV)
Christopher C. Schuch (MA)
Timothy Short (PA)
Uve J. Witsch (CA)

The drivers were included in docket No. FMCSA–2007–29286. Their exemptions are effective as of February

1, 2017, and will expire on February 1, 2019.

As of February 4, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 5 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 78271; 78 FR 7855):

Kathy L. Brown (IN)
John C. Evans (IL)
Thomas J. Ferry (NJ)
Jeffrey C. Hanson (TX)
Daniel V. Williamson (MN)

The drivers were included in docket No. FMCSA–2012–0349. Their exemptions are effective as of February 4, 2017, and will expire on February 4, 2019.

As of February 6, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 19 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (71 FR 74986; 72 FR 5492):

Roy B. Carter (WV)
Bradley D. Case (IN)
Thomas D. Dyke (KS)
Anthony L. Gentry (CO)
Michael T. Hartley (KY)
David A. Heider (WI)
John A. Helm (IL)
John A. Herbert (NJ)
Lester H. Hughes (VA)
Christopher A. Knott (MN)
Jeffery C. Link (SC)
Joseph C. McMasters (IN)
Bradley S. Mowdy (CA)
Ronald W. Nelson (MN)
Kent E. Pelkey (ME)
Keith E. Petersen (ND)
Allen W. Quon (MD)
Shawn P. Wathley (CT)
Christopher T. Worsley (MA)

The drivers were included in docket No. FMCSA–2006–26321. Their exemptions are effective as of February 6, 2017, and will expire on February 6, 2019.

As of February 9, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 33 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (73 FR 75794; 74 FR 6451):

Robert S. Althouse (PA)
James G. Arnoldussen, Sr. (WI)
Thomas S. Benson (NC)
Dennis A. Boelens (IL)
Walter R. Braxton (VA)
Merle N. Cromwell (IL)
Trenn A. Davis (KS)
Stephen R. Ferrario (CA)
Kevin J. Fries (MT)
Fred Frisch (OH)
Daniel D. Greenwell (NY)
George H. Hayes, Jr. (VA)
John H. Hilliges (NE)
Paris J. Howell (TN)
John H. Kingsley (VA)
Gary J. Klostermann (IA)
Jason C. Lang (VT)
Kevin J. Lavoie (OR)
Robert H. McCann, III (MD)
Chris C. Northway (WI)
John D. Owens (IN)
Jody A. Peckels (OR)
James H. Pfeiffer, Jr. (IL)
Marc R. Pream (MN)
Travis W. Proctor (GA)
Ann M. Reinke (WI)
Vincent L. Rodriguez (NM)
Randy L. Schroeder (NY)
Michael W. Sharp (TX)
Gary E. Stone (PA)
Anthony A. Thomas (KY)
John R. Turcotte (ME)
Russell A. Williams (WI)

The drivers were included in docket No. FMCSA–2008–0341. Their exemptions are effective as of February 9, 2017, and will expire on February 9, 2019.

As of February 10, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 7 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 80889; 76 FR 7625):

Charlie A. Barner (GA)
Christopher R. Everitt (OH)
Joseph A. Griffin (NY)
Michael A. Holy (MI)
Victor M. Lewis (TN)
William P. Miller, Jr. (KY)
David A. Wiltse (ND)

The drivers were included in docket No. FMCSA–2010–0414. Their exemptions are effective as of February 10, 2017, and will expire on February 10, 2019.

As of February 22, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 7 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (76 FR 1496; 76 FR 9867):

Neal S. Faulkner (VT)
Jason J. Hamilton (AZ)
Steven J. Lefebvre (NY)
Mitchell J. Moore (CO)
James R. Parker (NJ)
Charles C. Quast (IL)
James E. Steele (TN)

The drivers were included in docket No. FMCSA–2010–0427. Their exemptions are effective as of February 22, 2017, and will expire on February 22, 2019.

As of February 24, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 48 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 3724; 80 FR 19732):

Bryan L. Anderson (WA)
Travis K. Archer (ME)
Michael R. Batham (CA)
Victor M. Beltran-Araujo (UT)
Charles A. Best (OH)
George E. Carle (CO)
Jamey S. Carney (IA)
Michael G. Cary (MN)
John G. Castilaw (MS)
Adam C. Cochran (GA)
Michael R. Cummings (VA)
David L. Dalheim (NY)
Brian Dick (MD)
Timothy B. Duelke (ID)
Cory A. Duncan (OR)
Terrance J. Dunne (NJ)
David L. Eklund (IL)
Yoshitsugu Endo (FL)
Barry K. Foster (TX)
John A. Georg (IA)
Francis J. Gernatt, Jr. (NY)
Mark A. Haines (WV)
Ivan G. Hanford (OR)
James L. Harman III (VA)
James R. Hoyle (TX)
John M. Ippolito (NY)
Allan L. Jameson (NE)
Erik D. Kemmer (MN)
Mark L. Knobel, Sr. (MD)
Joseph E. Knox, Sr. (MD)
Erik M. Lane (NY)
James D. Martin (IN)
Galen H. Martin (PA)
John M. McCabe (IL)
Kevin F. McGlade (PA)
Brett J. Mellor (ID)
Kenneth M. Merritt (CA)
Charles E. Morgan (LA)
John E. Sautkulis (NY)
Ronnie L. Schronce (NC)
William F. Smith (DE)
Robin W. Swasey (UT)
Michelle P. Thibeault (ME)
Michael L. Thrasher (AL)
Steven R. Vance (TX)
William D. VanReese (MN)
Ellis J. Vest, Jr. (WV)
Mark P. Zimmerman (NV)

The drivers were included in docket No. FMCSA–2014–0312. Their exemptions are effective as of February 24, 2017, and will expire on February 24, 2019.

As of February 25, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the rule

prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 1927; 78 FR 12819):

Angel Bergendale (MA)
Sean P. Borsky (FL)
Uvena S. Brown (IN)
Spiro J. Jonovich (AZ)
Victor D. Mayberry (TN)
Barry C. McKay (CO)
Robert B. McKendry (IL)
William L. Phelps (IN)
Richard J. Rembisz (NY)
Richard L. Smith (GA)
Gary J. Tricarico (CT)

The drivers were included in docket No. FMCSA–2012–0351. Their exemptions are effective as of February 25, 2017, and will expire on February 25, 2019.

As of February 26, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 1923; 78 FR 12821):

Shawn J. Ball (ID)
Ira S. Chamberlin (ME)
James K. Dowden (MN)
Myron P. Egbert (UT)
Michael T. Evans (OH)
Stephen P. Honen (OH)
Charles E. Johnston (MS)
Jack M. Sipich (IL)
Roger N. Stauffer (MI)
Tyrone Taylor (NC)
Michael E. Westley (FL)
Travis M. Whitt (CA)

The drivers were included in docket No. FMCSA–2012–0350. Their exemptions are effective as of February 26, 2017, and will expire on February 26, 2019.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: April 17, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–08196 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2016–0385]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 28 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions were effective on April 7, 2017. The exemptions expire on April 7, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or 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., e.t., Monday through Friday, except Federal holidays.

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.*

II. Background

On March 7, 2017, FMCSA published a notice of receipt of Federal diabetes exemption applications from 28 individuals and requested comments from the public (82 FR 12881). The public comment period closed on April 6, 2017, and no comments were received.

FMCSA has evaluated the eligibility of the 28 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 28 applicants have had ITDM over a range of 1 to 22 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the March 7, 2017, **Federal Register** notice and they will not be repeated in this notice.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Conclusion

Based upon its evaluation of the 28 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(3):

Larry A. Acton (KS)
Matthew M. Bauer (MI)
Gerald T. Booth (NY)
Jeremy D. Carpenter (AL)
David L. Carraway (NC)
Mitchell S. Crites (OH)
Martin K. Dennis (PA)
Ryan E. Dickinson (NY)
John T. Edmiston (TX)
Malcolm C. Ferriell (IN)
Saul Gates, III (TX)
Paul S. Hare (VA)
Jimmie E. Johnson (IN)
Ronald A. Karr (SD)
David A. Morrill (ME)
Parker L. Pearce (TX)
Raymond L. Ramsey (NH)
Ronald A. Routh (OK)
Sean R. Shakespeare (NV)
Ryan B. Silva (MA)
Kent A. Smith (KS)
Zachary C. Smith (MT)
Jennifer S. Starr (OR)
Benjamin T. Weinheimer, Jr. (TX)
Walter D. West (MO)
John K. Windler (IN)
Kathy A. Wofford (GA)
Shawn L. Wood (CO)

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption is valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: April 17, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–08194 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0016]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 10 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before May 24, 2017. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2017–0016 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line 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:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. 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 for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or 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., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement

page that appears after submitting comments on-line.

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: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' FMCSA can renew exemptions at the end of each 2-year period. The 10 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Russel R. Dixon

Mr. Dixon, 50, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2017, his ophthalmologist stated, ''I certify that Mr. Dixon has sufficient vision to perform the driving tasks required for operating a commercial vehicle.'' Mr. Dixon reported that he has driven straight trucks for 35 years, accumulating 1.85 million miles, and tractor-trailer combinations for 26 years, accumulating 416,000 miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he was cited for failure to pay full-time attention.

Robert A. Fasset

Mr. Fasset, 51, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/25, and in his left eye, 20/200. Following an examination in 2016, his optometrist stated, ''In my medical opinion, Mr. Fasset has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Fasset reported that he has driven straight trucks for 5 years, accumulating 125,000 miles. He holds a Class CB CDL from Michigan. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

William M. Hanes

Mr. Hanes, 56, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/800. Following an examination in 2017, his optometrist stated, ''I do believe Mr. Hanes has sufficient vision to perform the essential tasks for operating a commercial vehicle.'' Mr. Hanes reported that he has driven straight trucks for 37 years, accumulating 2.2 million miles, and tractor-trailer combinations for 3 years, accumulating 150,000 miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Ryan P. Lambert

Mr. Lambert, 37, has had complete loss of vision in his right eye due to glaucoma in childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/15. Following an examination in 2016, his optometrist stated, ''Ryan Lambert has sufficient vision to perform the driving tests required to operate a commercial vehicle.'' Mr. Lambert reported that he has driven straight trucks for 19 years, accumulating 950,000 miles. He holds an operator's license from Utah. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Richard D. Patterson

Mr. Patterson, 60, has had glaucoma in his right eye since 2005. The visual acuity in his right eye is 20/40, and in his left eye, 20/20. Following an examination in 2016, his ophthalmologist stated, ''In my opinion, Mr. Patterson has sufficient vision in his left eye to perform the driving tasks required to operate a commercial vehicle.'' Mr. Robinson reported that he has driven straight trucks for 32 years, accumulating 4 million miles. He holds a Class A CDL from Tennessee. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jonathan W. Pryor

Mr. Pryor, 34, has an enucleation of his right eye due to a fungal infection in childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2017, his ophthalmologist stated, ''In my medical opinion, Mr. Pryor has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Pryor reported that he has driven straight trucks for 14 years, accumulating 60,000 miles. He holds an operator's license from Oklahoma. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Ernesto Silva

Mr. Silva, 50, has a prosthetic in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2016, his optometrist stated, ''Patient was blinded by trauma in this eye at age 10. He is well adapted, and should be considered to be save [sic] to drive commercially, as he has for many years.'' Mr. Silva reported that he has driven straight trucks for 10 years, accumulating 8,000 miles. He holds a Class A CDL from New Mexico. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Dennis L. Spence

Mr. Spence, 72, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''Mr. Spence has normal visual acuity in his left eye and has lived with low vision in his right eye his entire life . . . It seems reasonable that he should be able to operate a commercial vehicle as long as his current level of physical and mental health does not decline.'' Mr. Spence reported that he has driven straight trucks for 52 years, accumulating 780,000 miles, and tractor-trailer combinations for 52 years, accumulating 2.6 million miles. He holds an enhanced driver's license from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gordon R. Ulm

Mr. Ulm, 72, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2017, his ophthalmologist stated, ''Mr. Ulm has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Ulm reported that he has driven straight trucks for 30 years, accumulating 90,000 miles. He holds an operator's license from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gary L. Warner

Mr. Warner, 61, has had a prosthetic left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2017, his optometrist stated, ''Mr. Warner had been driving commercial vehicles for almost 40 years, he is completely adapted to his eye injury many years ago and I have no visual concerns regarding his safe operation of a commercial vehicle.'' Mr. Warner reported that he has driven tractor-trailer combinations for 17 years, accumulating 467,500 miles. He holds a Class AM CDL from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

III. 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, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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 *http://www.regulations.gov* and put the docket number FMCSA–2017–0016 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. FMCSA may issue a final determination at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and insert the docket number FMCSA–2017–0016 in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button and choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: April 17, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–08195 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0377]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 17 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions were granted April 8, 2017. The exemptions expire on April 8, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or 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., e.t., Monday through Friday, except Federal holidays.

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.*

II. Background

On March 8, 2017, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (82 FR 13045). That notice listed 17 applicants' case histories. The 17 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 17 applications on their merits and made a determination to grant exemptions to each of them.

III. Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 17 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, cataract, central retinal vein occlusion, complete loss of vision, corneal scar, phthisis bulbi, prosthetic eye, retinal scar, and toxoplasmosis scar. In most cases, their eye conditions were not recently developed. Eleven of the applicants were either born with their vision impairments or have had them since childhood.

The six individuals that sustained their vision conditions as adults have had it for a range of 11 to 42 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 17 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision in careers ranging from 3 to 46 years. In the past three years, two drivers were involved in crashes and no drivers were convicted of moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the March 8, 2017 notice (82 FR 13045).

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 17 applicants, two drivers were involved in crashes and no drivers were convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These

conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 17 applicants listed in the notice of March 8, 2017 (82 FR 13045).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 17 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

V. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the 17 exemption applications, FMCSA exempts the following drivers from the vision requirement in 49 CFR 391.41(b)(10):

Chad C. Burnett (IL)
Lesco R. Chubb (GA)
Stephen M. Currie (TX)
Thomas C. Fitzpatrick (ME)
Robert D. Hattabaugh (AR)
Wade R. Higgins (NC)
Daniel L. Holman (UT)
Don N. Hood (AR)
James S. Hummel (PA)
Robert R. Martin (VA)
James C. Montgomery (TN)
Huber N. Pena Ortega (CO)
Garry W. Perkins (NH)
Charles M. Reese (UT)
Wilbur Robinson, Jr. (NJ)
Thomas R. Test (VA)
Steven L. Tiefenthaler (IA)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: April 17, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–08193 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2017–0002–N–9]

Proposed Agency Information Collection Activities; Comment Request: Cab Technology Integration Lab (CTIL) Head-up Display Survey

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice and comment request.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA), this notice announces that FRA is forwarding the new Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On November 2, 2016, FRA published a notice providing a 60-day period for public comment on the ICR.

DATES: Comments must be submitted on or before May 24, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590 (Telephone: (202) 493–6292); or Ms. Kim Toone, Information Collection Clearance Officer, Office of Administration, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 35, Washington, DC 20590 (Telephone: (202) 493–6132). (These telephone numbers are not toll free.)

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), and 1320.12. On November 2, 2016, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICR for which it is now seeking OMB approval. *See* 81 FR 76411. FRA received three comments in response to this notice.

Comments were received from the Brotherhood of Locomotive Engineers and Trainmen (BLET), the SMART Transportation Division (SMART–TD), and the Association of American Railroads (AAR). FRA has contacted all three organizations to address any comments and concerns, and will be working with these organizations to help facilitate the research study. All three commenting organizations were open to participation in the design or execution of the study.

BLET's Summary of Recommendations/Concerns

- BLET is supportive of FRA's efforts to study distraction, and suggests getting feedback from locomotive engineers as a method to gauge the degree of distraction that exists within the locomotive cab;
- BLET is concerned the FRA study is limited to the craft of locomotive engineer; and
- BLET is also concerned the FRA study is not addressing other sources of distraction, such as Trip Optimizer or Leader. BLET encourages FRA to follow up with a study that captures Trip Optimizer or Leader experiences in conjunction with the other potential distractors.

FRA Responses

- FRA will seek feedback from multiple locomotive engineers

throughout the course of the study, including but not limited to: The design of the study; execution of the study; and the analysis of the results;

• FRA will consider conducting a follow-on study related to cab distraction and its impact on crew-interaction; and

• FRA acknowledges this study will not address any potentially distracting effects from Trip Optimizer or Leader. FRA has conducted prior studies of Trip Optimizer and continues to investigate Trip Optimizer and Leader systems' safety-related issues as they are brought to FRA's attention.

SMART TD's Summary of Recommendations/Concerns

• SMART–TD is concerned the Head-Up Display (HUD) will be another electronic device that takes crew members' eyes off the tracks; and

• SMART–TD recommends the following alternative ways to deal with in-cab distractions: Issuing train crew size rules; limiting access by others to radio channels trains use; limiting use of defect detectors; investigating distractive effects of Leader and Trip Optimizer; and increasing implementation of positive train control (PTC).

FRA Responses

• FRA will consider initiating future studies into other potential in-cab issues. In the meantime, FRA is reviewing SMART–TD's concerns and is working with the railroads to review their locomotive engineer certification programs to ensure the programs include training on Leader and Trip Optimizer systems or other new technology, if utilized. Each railroad's certification program must address how the railroad responds to changes such as the introduction of new technology, new operating rule books, or significant changes in operations—including alteration of the territory over which engineers are authorized to operate. FRA has done, and will do further, onboard observation inspections regarding Leader and Trip Optimizer interaction.

AAR's Summary of Recommendations/ Concerns

• AAR recommends their member railroads be included as active participants in the design and execution of the study.

FRA Response

• FRA communicated with AAR after receiving its written response to the 60-day **Federal Register** notice. FRA welcomes the participation of the AAR's member railroads and believes such participation will contribute to the validity of the study results. FRA is currently working with AAR to arrange participation throughout the study to address any concerns and answer any questions.

Before OMB decides whether to approve the proposed collection of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summary below describes the ICR and its expected burden. FRA is submitting the new request for clearance by OMB as the PRA requires.

Title: Cab Technology Integration Lab (CTIL) Head-up Display Survey.

OMB Control Number: 2130—New.

Abstract: FRA is proposing a study which will focus on locomotive engineers. Distraction is a common problem in locomotive cabs and preliminary research suggests the dispatch radio may have significant effects on train crew workload and performance. There are generally two categories of dispatcher-engineer communications. Some require immediate action and should be provided in the usual manner (over the radio). However, others do not require immediate action and could be provided as a written message.

FRA seeks to understand how the dispatch radio could potentially lead to human-performance degradation for a locomotive engineer, and if a HUD would be an alternative and superior technology to communicating information usually conveyed over the dispatch radio.

HUDs have been incorporated and researched extensively in aviation and motor vehicle applications because of their relative advantage over head-down displays (HDD). Research in the CTIL, FRA's locomotive simulator at Volpe, The National Transportation Systems Center in Cambridge, MA, has shown that in-cab displays, such as moving maps, can lead to prolonged heads-down time (Young, et al., 2015). Additionally, research done in the field in naturalistic studies using passenger vehicles has also shown that looking inside a vehicle for interface control features increases the risk of an accident/incident (Liang, Lee, & Yekhsatyan, 2012). Thus, a HUD has real advantages over a HDD. FRA believes investigating alternative technologies that increase forward-track viewing time is worth pursuing.

To test the hypothesis that display communications on a HUD can reduce workload and distractions while increasing the time locomotive engineers keep their eyes on the forward track, an experiment will be run in the CTIL with four different conditions: HUD presence (present or absent) will be crossed with radio communications (present or absent). Forty locomotive engineers will participate in the simulator study and survey data collection. The Massachusetts Institute of Technology will develop and install the HUD.

FRA will use a subjective measure of workload, such as the National Aeronautics and Space Administration Task Load Index (NASA–TLX), in this study and provide it to the locomotive engineers after the simulator experiment. In addition, locomotive engineers will rate the usability of the system with a usability scale. Analysis of the simulator data, workload data, and usability survey data will allow FRA to assess whether a HUD has a relative advantage over a HDD in rail, and if it could mitigate any radio-distraction related performance declines.

Type of Request: Approval of a new information collection.

Affected Public: Railroad Workers.

Form(s): FRA F 6180.168.

Total Estimated Annual Responses: 40.

Total Estimated Annual Burden: 260 hours.

Addressee: Send comments regarding the information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: *oira_submissions@omb.eop.gov.*

Comments are invited on the following: Whether the proposed collection of information is necessary for DOT to properly perform its functions, including whether the information will have practical utility; the accuracy of DOT's estimates of the burden of the proposed information collection; ways to enhance the quality,

utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Sarah L. Inderbitzin,

Acting Chief Counsel.

[FR Doc. 2017–08159 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2016–0030]

Transit Asset Management: Final Guidebooks

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of availability of final guidebooks.

SUMMARY: FTA has placed in the docket and on its Web site guidance in the form of two guidebooks to assist grantees in complying with FTA's Transit Asset Management program. The purpose of the guidebooks is to inform the transit community of calculation methodologies for state of good repair (SGR) performance measures for infrastructure and facilities.

DATES: Reporting the performance measures discussed in these guidebooks will be optional in NTD report year 2017 with full implementation required in report year 2018.

ADDRESSES: For access to DOT Docket Number FTA–2016–0030 to read background documents and comments received, go to *www.regulations.gov* at any time or to the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building Ground Floor, Room W12–140, Washington, DC 20590 between 9:00 a.m. and 5:00 p.m. Eastern Standard Time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For program matters, contact John Giorgis, FTA Office of Budget and Policy, at (202) 366–5430, or *john.giorgis@dot.gov.* For legal matters, contact Bruce Walker, FTA Attorney-Advisor, Office of Chief Counsel, at (202) 366–9109 or *bruce.walker@dot.gov.*

SUPPLEMENTARY INFORMATION:

Availability of Final Guidebooks

This notice provides a summary of the final changes to the ''TAM Infrastructure Performance Measure Reporting Guidebook: Performance Restriction (Slow Zone) Calculation'' and the ''TAM Facility Performance Measure Reporting Guidebook: Condition Assessment Calculation.'' FTA requested comments on both proposed guidebooks in a **Federal Register** notice published July 26, 2016 (81 FR 48974). The guidebooks are available on the following FTA Web site: *www.transit.dot.gov/TAM.*

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I. Background

The guidebooks discussed in this notice incorporate changes to FTA's programs due to the Moving Ahead for Progress in the 21st Century Act (MAP–21); the publication of the final rule for FTA's National Transit Asset Management (TAM) System and amendments to the National Transit Database (NTD) regulations; and changes in terminology used in the 2012 Asset Management Guide.

FTA issued its final rule for the National Transit Asset Management (TAM) System and the final notice for the National Transit Database Asset Inventory Module in the **Federal Register** on July 26, 2016 (81 FR 48971). The final rule includes four (4) state of good repair (SGR) performance measures for capital assets: (1) *Equipment: (non-revenue) service vehicles.* The performance measure for non-revenue, support-service and maintenance vehicles equipment is the percentage of those vehicles that have met or exceeded their useful life benchmark (ULB); (2) *Rolling stock.* The performance measure for rolling stock is the percentage of revenue vehicles within a particular asset class that have either met or exceeded their ULB; (3) *Infrastructure: rail fixed-guideway, track, signals, and systems.* The performance measure for rail fixed-guideway, track, signals, and systems is the percentage of track segments with performance restrictions; and (4) *Facilities.* The performance measure for facilities is the percentage of facilities within an asset class, rated below condition three (3) on the Transit Economic Requirements Model (TERM) scale.

The final rule includes performance measures for infrastructure and facilities categories; however, it was silent with regard to calculation methodologies. To that end, FTA proposed guidebooks that provided both standard terminology and calculation options for transit providers to conform to the proposed SGR performance measures for infrastructure and facilities. The proposed guidebooks specifically describe how to measure and report the infrastructure and facility performance measures to the NTD and were published in the **Federal Register** for public comment on July 26, 2016. This notice responds to comments received and announces the availability of the revised final guidebooks: The ''TAM Infrastructure Performance Measure Reporting Guidebook: Performance Restriction (Slow Zone) Calculation'' and the ''TAM Facility Performance Measure Reporting Guidebook: Condition Assessment Calculation.''

The final guidebooks are not included in this notice; instead, electronic versions are available on FTA's Web site, at *www.transit.dot.gov/TAM,* and are also available on the docket, at *www.regulations.gov.* Paper copies of the proposed guidebooks may be obtained by contacting FTA's Administrative Services Help Desk at (202) 366–4865.

II. Summary of Comments and FTA Responses

FTA proposed guidebooks are intended to aid compliance with the Transit Asset Management Subpart D Performance Management requirements of 49 CFR part 625 [1] and the National Transit Database (NTD) Asset Inventory reporting requirements of 49 CFR part 630. Thirteen commenters responded to the request for public comment. Based on comments received, FTA has clarified and revised sections of both guidebooks to provide better flow and clarity.

The comments and FTA responses are organized as follows (1) facility condition assessments, and (2) guideway performance restriction calculations.

A. Facility Condition Assessments

Comments: Many commenters requested clarification regarding terms and definitions used and the procedures proposed in the guidebook. A number of the commenters indicated issues regarding Chapter 3.0 Condition Assessment Procedures of the

[1] *See* **Federal Register**, notice of availability at *https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-17076.pdf.*

guidebook. They provided recommendations for the process used to calculate weighted averages, improving the list to be rated in Table 7, as well as the methodology for assessing their condition. One commenter recommended the guidance be revised to clearly distinguish when a requirement is applicable to NTD reporting as opposed to TAM program reporting.

Another commenter requested clarity on how facilities that are under construction should be reported; and, if whether a facility should be distinguished as individual buildings or a compound. Two other commenters questioned how equipment located in a facility should be inventoried. Another commenter also recommended that the guidebook photos used to indicate examples of condition ratings should better represent the condition levels they are supposed to exemplify.

Several commenters strongly recommended that FTA offer flexibility to agencies that have well-developed and mature approaches for measuring SGR. A commenter noted that such flexibility can be offered without compromising FTA's ability to calculate SGR needs at the national level based on a consistent set of underlying data.

FTA Response: The terms and definitions used in the guidebook are terms of general use within the transit industry. FTA recognizes that some transit agencies may use different nomenclature for the same or similar items. FTA recognizes that a transit agency may find it necessary to tailor the rating level descriptions provided. As noted in Section 3.3 of the proposed guidebook, a transit agency may customize its lists to address specialized assets or conditions, incorporate existing practices and data, and/or leverage more detailed data specific to the agency. Further FTA has revised the terminology in the facility guidebook to reduce confusion with other FTA regulation and guidance by removing the terms ''component'' and ''subcomponent''. The final guidebook utilizes the terms ''primary rating level'' and ''secondary rating level'' to describe the asset and its hierarchy transit providers' will use in their calculation of the overall facility condition rating. As for facilities under construction, FTA notes that the TAM rule only requires assets that are in revenue service be included in the TAM plan or NTD asset inventories; hence construction projects are not required to be included when assessing facilities.

In response to recommendations to clarify whether a facility is assessed as individual or multiple buildings; FTA clarifies that a single facility is defined as one building, so for example, a compound with four buildings would be four facilities. Further, FTA recommends agencies review the 2017 Asset Inventory Module (AIM) Manual,[2] which itemizes all facility types that will be reported to the NTD. Each of these facility types and any other building where transit administrative, maintenance or operations functions are conducted should be considered an independent facility even when it is adjacent to or on the same property as another building.

With regard to equipment located in facilities, a transit agency should use their best judgement to determine whether or not it's administrative and maintenance facility equipment should be inventoried as an equipment category asset or as a facility category asset. If the asset is likely to be moved from one location to another, including at such time when the building is replaced, then it should be inventoried as an equipment asset and not as part of the facility. Likewise, if the asset is integral to the building, then it should be inventoried as a part of the administrative and maintenance facility. However, if factored within the facility it should be included in the facility condition assessment for as long as it is in use in the facility. FTA notes the agency will continue to refine the glossary of terms and definitions used in the NTD as appropriate to improve clarity. In addition, FTA has revised the introduction section of the guidebook to address the relationship between requirements for TAM and NTD.

With regard to those commenters who expressed concern about the procedures and equal weighting factors proposed in the guidebook, FTA notes that each agency has discretion to determine importance within its systems. However, FTA has simplified the equation for aggregation calculations and revised the guidebook accordingly. FTA also notes the revised guidebook does not have photos of each condition for every rating level referenced. The photos were included as an example, but the examples may not be representative of all types.

As for flexibility, FTA notes that a transit agency can customize its approach as long as it is documented and convertible to the TERM scale for reporting purposes (1 to 5). Transit agencies with more advanced and sophisticated processes are encouraged to apply those methodologies beyond the minimum standards required by the final rule. Furthermore, we note that throughout the TAM rulemaking process, FTA solicited feedback regarding performance measures and methodologies and the final rule requirements are a result of this effort.

Comment: One commenter recommended the guidebook discuss the financial investment tradeoff for achieving various TERM ratings.

FTA Response: FTA appreciates the significance of this issue but it is not within the scope of the guidebook.

Comments: One commenter noted the Facility Condition Assessment process on page 11 of the proposed guidebook indicated that agencies calculate the ''percentage of all facilities with a condition of 1 or 2'': while the rule indicates that the performance measure is the percentage of facilities scoring below a 3.0 on the TERM scale. The commenter requested clarification for how a facility with a 2.99 aggregate score would be counted—as above or below the threshold.

FTA Response: With regard to aggregate scores that result in decimals, FTA has clarified the guidebook instructions for rounding up or down (see Chapter 4).

Comment: One commenter recommended FTA extend the requirement for assessing facilities to a five-year cycle instead of three years. The commenter indicated the frequency of condition assessment proposed in the guidebook was out of sync with their assessment cycle and appeared arbitrary.

FTA Response: FTA notes that it originally established the three-year cycle for facility assessments based on practitioner input. Nonetheless, FTA concurs with the commenter who indicated that a three-year cycle could be burdensome to larger transit systems. FTA has modified the facility condition assessment to a four-year cycle in order to coincide with the TAM plan cycle of every four years. This aligns with the TAM planning efforts. FTA believes having facility condition data current within the TAM plan cycle allows an agency to use available information to accurately identify priorities. Accordingly, transit providers will be required to report to the NTD at least 25% of their facility condition assessments annually over the initial 4 year roll-out period. Providers may choose to roll out this requirement more quickly.

Comment: One commenter requested clarification for reporting the condition for facilities owned by another entity.

FTA Response: The TAM final rule applies to all capital assets used in the

[2] *www.transit.dot.gov/sites/fta.dot.gov/files/docs/2017%20Asset%20Inventory%20Module%20Reporting%20Manual_0.pdf*

provision of public transportation regardless of funding source, or ownership. However, transit agencies are only required to report condition of assets for facilities for which they have a direct capital responsibility. Transit agencies that have shared direct capital responsibilities for a facility must determine the roles and responsibilities each will have for conducting the condition assessment. Only one assessment needs to be conducted but each provider with capital responsibility will report the assessment to the NTD.

Comments: One commenter requested clarification noting an inconsistency between the rule and the proposed guidebook. The commenter noted that the TAM rule indicates the cost threshold for equipment is over $50,000, but the guidebook includes equipment over $10,000 in value. Other commenters recommended grammatical edits and noted some inconsistencies in the proposed guidebook as follows: (1) A–10: The table indicates that there are eight choices of administrative and maintenance facility types; however, the Form A–10 presently posted on the NTD Web site has 11 choices for facility type; (2) Table 2 appears to be a copy of Table 1 without making the necessary changes in the Facility Name and Facility Type descriptions; (3) the guidebook uses the term ''capital interest'' to describe the facilities that must be reported on, whereas the TAM rule uses the term ''direct capital responsibility'' which infer a different meaning; (4) inconsistent description for parking facilities and passenger stations. Another commenter requested the NTD Asset Module be made available this fiscal year in order for agencies to gain experience with the inventory requirements.

FTA Response: With regard to equipment thresholds, FTA clarifies that the dollar value the commenter stated only relates to the equipment for administrative and maintenance facilities. If an agency determined the equipment was more appropriate to be rated as part of the facility, the guidebook recommends that it be assessed in the facility condition assessment calculation. FTA is also reviewing the guidebook to address formatting and grammatical inconsistencies indicated by commenters and have made revisions where appropriate including clarifying guidance for assessing passenger and parking facilities. FTA also notes that in response to the commenters concern, the NTD Asset Module will be available in 2017 for optional reporting.

B. Guideway Performance Restriction Calculations

Comment: Two commenters suggested their agency does not yet have systems in place to gather the proposed performance measure calculations, but noted they are in the process of putting those systems in place. One of the commenter further stated the performance measures will take significant time and labor investment from the agency distracting from other needs.

FTA Response: FTA recognizes that agencies may not have the systems in place to collect and calculate the proposed performance measures and that this effort will require additional investment. FTA has estimated the burden of collecting and reporting this information in the TAM Final Rule and NTD Asset Reporting in the Paperwork Reduction Act (PRA) for each.[3] This is a statutory requirement and the purpose of the TAM rule and this performance measure guidance is to standardize the terminology and calculation of guideway performance restrictions nationally and for use by agencies in determining their TAM investments. Therefore, FTA does not concur with the commenter.

Comment: One commenter requested that FTA allow agencies to use their existing methodologies to calculate performance restrictions.

FTA Response: FTA does not require agencies to forego their existing performance measure calculations. However this guidance provides the national standard for the reporting of performance restrictions to the NTD. If an agency chooses to use an additional performance measure to meet their operational objectives this is allowed under the TAM final rule. The NTD will collect the national performance measures as defined in the guidebook, but agencies are encouraged to use additional measures appropriate for their operations and level of sophistication.

Comments: One commenter requested FTA provide an alternate time for performance restriction calculation as they do not offer service at 9 a.m. on Wednesdays.

FTA response: FTA selected the time and date for calculation of performance restrictions to fall within peak service operations and, therefore, minimize non-condition related performance restrictions. If an agency does not operate service at the time established in the guidance they may identify another peak time on the first Wednesday of the month for the calculation of speed restriction that meet the intended purpose.

Comment: Five commenters stated the design speed of infrastructure could be greater than maximum allowable service speed due to vehicle capabilities and requested further information on how FTA made its determination and how it relates to other speed terms like maximum allowable speed, signal speed and civil speed. In addition, one commenter suggested FTA use safe operating speed instead and that seasonal adaptations be included in the determination.

FTA Response: FTA selected design speed to use in calculating the infrastructure performance measure because it is objective, accessible and well understood by most operators. However, FTA agrees that the use of design speed in the performance restriction calculation could result in unreasonably large values for agencies that do not operate at their infrastructure design speed through policy decisions, not due to condition of the infrastructure. Therefore, FTA has removed the reference to 'design speed' in the performance calculation and replaced it with 'full service speed'. This term is defined in the guidebook as ''The planned speed at time of installation at which vehicles can travel on a segment during normal operation, or the speed at which vehicles can travel on the segment absent any speed restriction on the segment.'' This term removes the possibility of conflict between what speed is achievable through design and what is planned for service at the time of installation. It is important to note that installation of new infrastructure, including signal systems, may impact the determination of full service speed for that segment if it changes the planned speed. Likewise the speed is determined by segments, so that improvement to one segment does not impact full service speed of another segment that may not have been improved. FTA anticipates that full service speed will take into account the vehicle capabilities and maximum allowable speeds due to policy as well as other operating characteristics that an agency considers when planning their service speed. FTA does not agree that safe operating speed is a reasonable alternative because it is subjective. FTA agrees with the commenter regarding the effect of weather impacts and notes that system wide restrictions placed for weather related incidents should not be reported as speed restriction. Section 3.2 of the guidebook describes how to identify performance restrictions.

[3] *www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16883.pdf* and *www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-17075.pdf.*

Comment: One commenter asked how the performance restriction calculation will impact agencies' ability to compete for funding. The commenter asked if the sole intent is to be compliant and continue the current FTA funding strategy or if agencies that have a history of systemic performance restrictions will show as higher priority from a national perspective.

FTA Response: Currently, state of good repair performance measures are not linked to Federal funding decisions, including the performance measures and targets for slow zones. However, agencies may utilize their improved data and target setting procedures in concert with their TAM plan efforts to direct funding towards a state of good repair.

Comments: Two commenters requested clarification about the modes used in the calculation of the infrastructure performance measure.

FTA Response: The TAM final rule and NTD reporting requirements identify bus rapid transit mode and ferry boat as a fixed guideway infrastructure mode; however, the infrastructure performance measure only uses rail guideway for calculation of the performance restrictions. The revised performance restriction guidebook provides clarification of the modes to include in the calculations.

Comments: Four commenters reported typographical errors: The last bullet point in section 2.3 was incomplete, Page 5: The information box at the bottom of the page was missing text, and on Page 10, Table 3, Segment ID 7.2—the mathematical calculation was incorrect.

FTA Response: FTA has rectified each of the typographical errors. The last bullet point in former section 2.3 which was also the information box on page 5 now states ''For further details on the definition of modes, types of service, and calculation of track miles refer to the NTD Policy Manual.'' The mathematical calculation for segment ID 7.2 in table 3 now states ''(2.90 − 0.35 = 2.55, not 3.55)''.

Comments: Several commenters had questions regarding reporting. Four commenters suggested FTA should provide, require or accept reasons and causes for the performance restriction in addition to the quantity. Specifically, commenters suggested that the FTA take the severity, seasonal or temporary status of the performance restriction and if it was an unplanned failure into account. Additionally, one commenter asked FTA to supply causes/reasons for performance restrictions in the reporting.

FTA Response: FTA has established the performance restriction calculation for ease of reporting. Any speed restriction is counted in the calculation regardless of cause. The TAM Final Rule establishes a narrative report that is also submitted annually where agencies may provide causes or reasons for performance restrictions. The NTD will not collect the cause of performance restrictions in a standardized format. The complexity and subjectivity of adding causes to this data element could limit the standard reporting procedure.

Comments: Two commenters requested clarification of reporting annually/monthly or daily one of which requested to report daily.

FTA Response: FTA does not have the capability to collect daily performance restrictions but the TAM final rule and NTD reporting requirements do not limit agencies from collecting additional information. The NTD will collect the annual average performance restriction as calculated by the methodology in the performance restriction guidebook. The guidebook has been revised to clarify that NTD will not collect monthly performance restrictions. It is up to the agency to track their monthly values and report the annual average with the NTD report.

Comments: Three commenters stated their concern about using the 9 a.m. of the first Wednesday of the month to quantify performance restrictions (this is noted in a previous comment). One commenter stated this might lead to gaming the system by deferring restriction to avoid measurement, others suggested that performance restrictions do not generally occur at this time of day. Another commenter wanted a clarification for selecting this time. Two commenters suggested additional means such as using statistical sampling of performance restriction for a more accurate measure and to collect supplemental information to capture condition assessment of infrastructure.

FTA Response: FTA established this time and day of the month for ease of calculation. FTA intended it to represent normal peak service during the middle of the week. The intention of this performance measure is to identify asset condition-related performance restrictions. If an agency schedules maintenance to avoid being measured in this calculation, that is acceptable because maintenance is not an asset condition-related performance restriction. It is unlikely an agency can or would remove a condition-related performance restriction solely to avoid being measured for this performance measure, due to the safety risk this could incur. FTA recognizes that more sophisticated and complex methods to determine performance restrictions exist; however, the intent of this guidance is to provide an easy to use, readily available data methodology that can be implemented nationwide.

Comments: Three commenters asked for specific information regarding reporting of the performance restrictions. One commenter suggested that staging and storage areas should be included in a non-revenue asset (along with non-revenue miles) category because the agency has capital responsibility for rail within its yards and uses funding to maintain it. Another commenter asked for an explanation of the process when directional route miles (DRM) are changed. One other commenter asked if agencies report track miles or segments.

FTA Response: FTA clarifies that the performance restriction guidebook relates only to the revenue track and guideway asset class within the infrastructure asset category. To ease reporting burden, not all asset classes are subject to performance measures. Non-revenue track miles such as those in staging and storage areas are not included in the calculation of performance restrictions, nor are they reportable to the NTD. However, the TAM final rule allows agencies to develop additional performance measures. The addition or subtraction of track miles or DRM will be reported to an agency's asset inventory and should be reflected in the performance measure calculations. FTA has added clarification in the guidebook that one hundredth (0.01) of a mile is equivalent to a segment to align the terminology in this guidebook to the TAM final rule infrastructure performance measure.

Comment: Four commenters provided responses to the proposed performance measure calculations. Two commenters expressed concern about using Directional Route Miles (DRM) for agencies that have multiple tracks because it does not represent a realistic view of the actual track usage and could yield misleading calculation. One of those commenters requested that FTA use track miles instead of DRM. One commenter stated the information in Table 5 was an excellent summarization of the requirements. Another commenter asked for clarification on which of the guidebook templates are customizable.

FTA Response: FTA agrees with the commenters that directional route miles (DRM) might misrepresent the performance restriction calculation. An additional benefit to using track miles is that it is a very simple, straight forward and widely understood parameter. FTA

has changed the infrastructure performance restriction calculation parameter from 'directional route miles' to 'track miles' in response to these comments. FTA appreciates the commenter's statement of support of the information contained in Table 5. The tables and templates provided in the guidebook can be used and modified/customized by an agency in the purpose of following the requirements. An agency must be sure that if they modify or customize a template that it does not conflict with the process outlined in the guidebook for calculation of the performance measure.

Comments: Several commenters requested clarification of the proposed audience and intent of the guidebook specifically as it relates to NTD reporting. Suggested actions include adding an ''intended audience'' statement and assumed background information, changing title to reflect more NTD focus, and clarify which are TAM requirements or NTD requirements. In addition, one commenter requested guidebook should clarify that agencies must incorporate more than just NTD reporting into their TAM plans.

FTA Response: FTA agrees that the relationship of TAM and NTD requirements should be clarified in the guidebook. The TAM final rule establishes the performance measures that are reported to the NTD. This guidebook describes the standardized methodology requirements to calculate and report to the NTD. FTA has addressed these comments with a brief introduction section describing the relationship of TAM requirements and NTD reporting. The guidebook has also been renamed to ''TAM Infrastructure Performance Measure Reporting Guidebook: Performance Restriction (Slow Zone) Calculation'' to better describe the document.

Comments: Two commenters provided responses of a general nature not related to other topical areas. One commenter stated they feel the January 31, 2017, deadline for setting targets is too soon, due to having to work with multiple freight partners. Another commenter stated FTA did a very good job with the guidebooks; they support NTD and MAP–21 requirements very well. One commenter stated a concern about the performance measure not reflecting some of the assets that an agency invests in heavily, such as Positive Train Control (PTC) and bridges, since those assets do not directly impact the performance restriction which is FTA's performance measure for infrastructure.

FTA Response: FTA is aware of the short deadline for setting targets; however, FTA does not consider it is unreasonable. Throughout the rulemaking development process, the statutory requirement of a three-month deadline after the effective date of final rule to set performance measure targets was published and open for comment. Additionally, FTA has clarified that the January 1, 2017, deadline for setting initial targets does not include mandatory reporting to the NTD.[4] FTA recognizes that not all capital items are included in a performance measure requirement for TAM. However, the TAM final rule allows agencies the flexibility to add additional performance measures in their TAM plans as they deem appropriate and useful in the operation, however only the standardized national TAM performance measures will be reported to the NTD.

Comments: One commenter stated concerns about freight considerations such as proprietary condition assessments of freight owned track assets and the non-dedicated nature of freight shared track and how TAM is applicable, lastly that their performance measures be compared to peer agencies due to their being subject to FRA regulations as a Class 4 railroad.

FTA Response: The TAM final rule only applies to assets used in the provision of public transportation. Freight assets are not considered public transportation; however, if an agency uses freight asset to provide public transportation they must include it in their TAM plan and NTD inventory. If they have direct capital responsibility (or shared capital responsibility) they must report performance restrictions to the NTD. The proprietary nature of a freight asset may require the agency to innovate solutions to determine condition assessments.

Comments: Three commenters felt that the performance restriction definition and or calculation were not appropriate, adequate or effective. One commenter stated that the performance restriction does not necessarily indicate poor infrastructure condition (could also mean maintenance, inspection, etc.). Another commenter did not feel the speed restrictions accurately reflect condition of the infrastructure, and thus disagrees with the performance restriction definition. Additionally, they were concerned that data based on the proposed performance restriction definition will misconstrue the reality and lead to irrational requests and unreasonable funding conditions. Another commenter stated that the calculations can cause transit systems to seem in a worse state of repair than is the reality.

FTA Response: FTA does not agree that the performance restriction definition or the calculation is flawed. However, FTA has clarified and refined several parameters in the calculation for clarity, 1—design speed is now full service speed, 2—directional route miles is now track miles and 3—a segment is defined to one hundredth (0.01) of a mile in length. FTA believes these clarifications, formatting changes and additional description of the roles in both TAM metrics and NTD reporting have resolved the issues these commenters raised.

FTA has revised each of the guidebooks to incorporate recommendations and edits as noted above. The revised guidebooks are located at the following Web site: *www.transit.dot.gov/TAM.* FTA encourages interested stakeholders to review the revised guidebooks in their entirety. Further assistance and guidance can be found at this Web site.

Issued in Washington, DC, pursuant to authority under 49 CFR 1.91.

Matthew J. Welbes,

Executive Director.

[FR Doc. 2017–08143 Filed 4–21–17; 8:45 am]

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[4] *https://www.transit.dot.gov/TAM/rulemaking.*

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. 2017–0009]

Notice of Request for Revisions of an Information Collection

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve the revisions of the following information collection: Charter Service Operations.

DATES: Comments must be submitted before June 23, 2017.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Web site: www.regulations.gov.* Follow the instructions for submitting comments on the U.S. Government electronic docket site. (Note: The U.S.

Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at *www.regulations.gov.* Commenters should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202–366–7951.

3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to Internet users, without change, to *www.regulations.gov.* You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit *www.regulations.gov.*

Docket: For access to the docket to read background documents and comments received, go to *www.regulations.gov* at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Bruce Walker, Office of the Chief Counsel, (202) 366–9109, or email at *Bruce.Walker@dot.gov*

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity 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 approval of this information collection.

Title: Charter Service Operations. (*OMB Number:* 2132–0543).

Background: FTA recipients may only provide charter bus service with FTA-funded facilities and equipment if the charter service is incidental to the provision of transit service (49 U.S.C. 5323(d). This restriction protects charter service providers from unauthorized competition by FTA recipients.

The requirements of 49 U.S.C. 5323(d) are implemented in FTA's charter regulation (Charter Service Rule) at 49 CFR part 604. Amended in 2008, the Charter Service Rule now contains five (5) provisions that impose information collection requirements on FTA recipients of financial assistance from FTA under Federal Transit Law.

First, 49 CFR 604.4 requires all applicants for Federal financial assistance under Federal Transit Law, unless otherwise exempted under 49 CFR 604.2, to enter into a ''Charter Service Agreement,'' contained in the Certifications and Assurances for FTA Assistance Programs. The Certifications and Assurances become a part of the Grant Agreement or Cooperative Agreement for Federal financial assistance upon receipt of Federal funds. The rule requires each applicant to submit one Charter Service Agreement for each year that the applicant intends to apply for the Federal financial assistance specified above.

Second, 49 CFR 604.14(3) requires a recipient of Federal funds under Federal Transit Law, unless otherwise exempt, to provide email notification to all registered charter providers in the recipient's geographic service area each time the recipient receives a request for charter service that the recipient is interested in providing.

Third, 49 CFR 604.12(c) requires a recipient, unless otherwise exempt under 49 CFR part 604.2, to submit on a quarterly basis records of all instances that the recipient provided charter service.

Fourth, 49 CFR 604.13 requires a private charter provider to register on FTA's Charter Registration Web site at *http://ftawebprod.fta.dot.gov/CharterRegistration/* in order to qualify as a registered charter service provider and receive email notifications by recipients that are interested in providing a requested charter service. The rule requires that a registered charter service provider must update its information on the Charter Registration Web site at least once every two years. Currently, there are a total of 192 registered private charter service providers. Registration has consistently decreased over the years.

Lastly, 49 CFR 604.7 permits recipients to provide charter service to Qualified Human Service Organizations (QHSO) under limited circumstances. QHSOs that do not receive Federal funding under programs listed in Appendix A to part 604 and seek to receive free or reduced rate services from recipients must register on FTA's Charter Registration Web site (49 CFR 604.15(a)).

Respondents: State and local government, business or other for-profit institutions, and non-profit institutions.

Estimated Annual Burden on Respondents: 0.05 hours for each of the 955 Recipient respondents under 49 CFR 604.4, 1.25 hours for each of the 114 Recipient respondents under 49 CFR 604.12, 0.50 hours for each of the 114 Recipient respondents under 49 CFR 604.14, 0.50 hours for each of the 53 non-profit respondents, and 0.50 hours for each of the estimated 192 for-profit respondents.

Estimated Total Annual Burden: 369.7 hours.

Frequency: Annually, bi-annually, quarterly, and as required.

William Hyre,

Deputy Associate Administrator for Administration.

[FR Doc. 2017–08148 Filed 4–21–17; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD 2017–0076]

Request for Comments of a Previously Approved Information Collection

AGENCY: Maritime Administration (MARAD), Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published in the **Federal Register** on January 19, 2017 (Volume 82, Number 12; Page 6723).

DATES: Comments must be submitted on or before May 24, 2017.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mr. Linden Houston, Maritime Administration, 1200 New Jersey Avenue SE., W21–203, Washington, DC 20590. Telephone: 202–366–4839; or email *Linden.Houston@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Conveyance of Port Facility Property, formerly, Port Facility Conveyance Information.

OMB Control Number: 2133–0524.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: Section 2927 of Public Law 103–160 authorizes the Department of Transportation to convey excess federal real and related personal property needed by states and local government entities for the development or operation of a port facility. The requested information is required to evaluate the applicants need and eligibility for the property. Compliance data is required on a yearly basis to determine if conveyed property is being used in accordance with the terms of the conveyance.

Affected Public: Eligible state and local public entities.

Estimated Number of Respondents: 13.

Estimated Number of Responses: 13.

Annual Estimated Total Annual Burden Hours: 572.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93)

By Order of the Maritime Administrator.

Date: April 18, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–08169 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD 2017–0078]

Agency Requests for Renewal of a Previously Approved Information Collection(s): Uniform Financial Reporting Requirements

AGENCY: Maritime Administration, Department of Transportation.

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 collection is necessary for MARAD to evaluate the financial condition of entities borrowing funds from or receiving financial benefits from MARAD. 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 June 23, 2017.

ADDRESSES: You may submit comments identified by Docket No. DOT–MARAD–2017–0078 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: Daniel Ladd, Director, 202–366–1859, Office of Financial Approvals, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0005.

Title: Uniform Financial Reporting Requirements.

Form Numbers: MA–172.

Type of Review: Renewal of an information collection.

Background: The Uniform Financial Reporting Requirements are used as a basis for preparing and filing semi-annual and annual financial statements with the Maritime Administration. Regulations requiring financial reports to the Maritime Administration are authorized by Section 801 of the Merchant Marine Act, 1936 (46 U.S.C. 53101 note). Financial reports are also required by regulation of purchasers of ships from MARAD on credit, companies chartering ships from MARAD, and of companies having Title XI guarantee obligations (46 CFR part 298).

Respondents: Vessel owners acquiring ships from MARAD on credit, companies chartering ships from MARAD, and companies having Title XI guarantee obligations.

Number of Respondents: 50.

Frequency: Twice a year.

Number of Responses: 100.

Total Annual Burden: 950.

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)

By Order of the Maritime Administrator.

Dated: April 18, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–08172 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD 2017–0077]

Agency Requests for Renewal of a Previously Approved Information Collection(s): Automated Mutual Assistance Vessel Rescue System

AGENCY: Maritime Administration, Department of Transportation.

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. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Written comments should be submitted by June 23, 2017.

ADDRESSES: You may submit comments [identified by Docket No. DOT–MARAD–2017–0077] 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: Russell Krause, 202–366–1031, Division of Sealift Operations and Emergency Response, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0025.

Title: Automated Mutual Assistance Vessel Rescue System (AMVER).

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: This collection of information is used to gather information regarding the location of U.S.-flag vessels and certain other U.S. citizen-owned vessels for the purpose of search and rescue in the saving of lives at sea and for the marshalling of ships for national defense and safety purposes. The collection of information is necessary for maintaining a current plot of U.S.-flag and U.S.-owned vessels.

Respondents: U.S.-flag and U.S. citizen-owned vessels.

Number of Respondents: 171.

Number of Responses: 31,293.

Total Annual Burden: 2,191.

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)

By Order of the Maritime Administrator.

Dated: April 18, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–08170 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD–2017–0062]

Request for Comments of a Previously Approved Information Collection

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on December 28, 2016 (**Federal Register** 95729, Vol. 81, No. 249).

DATES: Comments must be submitted on or before May 24, 2017.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Michael Pucci, Telephone: 202–366–5167; FAX: 202–366–7485, Office of Maritime Programs, Maritime Administration, Department of Transportation, 1200 New Jersey Avenue SE., W26–494, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Requirements for Establishing U.S. citizenship—46 CFR 355.

OMB Control Number: 2133–0012.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: In accordance with 46 CFR part 355, shipowners, charterers, equity owners, ship managers, etc., seeking benefits provided by statute are required to provide on an annual basis, an Affidavit of U.S. Citizenship to the Maritime Administration (MARAD) for analysis. The Affidavits of U.S. Citizenship filed with MARAD will be reviewed to determine if the Applicants are eligible to participate in the programs offered by the agency.

Affected Public: Shipowners, charterers, equity owners, ship managers.

Estimated Number of Respondents: 500.

Estimated Number of Responses: 500.

Annual Estimated Total Annual Burden Hours: 2,500.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93)

By Order of the Maritime Administrator.

Dated: April 18, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–08171 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2016–0078; Notice No. 2016–14]

Hazardous Materials: Use of DOT Specification 39 Cylinders for Liquefied Flammable Compressed Gas

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Safety advisory notice, revised.

SUMMARY: PHMSA is issuing this revised safety advisory notice to address concerns of offerors and users of DOT Specification 39 (DOT–39) cylinders that exceed 75 cubic inches (in^3) (1.23 L) and to provide clarification of the initial safety advisory notice we issued on this subject on December 13, 2016 (Notice No. 2016–14). DOT–39 cylinders exceeding 75 in^3 (1.23 L) should not contain liquefied flammable compressed

cyclopropane, ethane, or ethylene, or liquefied petroleum gases. PHMSA advises against the filling or transporting of these gases in DOT–39 cylinders when the cylinder's internal volume exceeds 75 in^3 (1.23 L).

FOR FURTHER INFORMATION CONTACT: Refaat Shafkey, General Engineer, Engineering and Research Division, Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: (202) 366–4545 or email: *refaat.shafkey@dot.gov.*

SUPPLEMENTARY INFORMATION:

A. Public Action Requested

PHMSA advises that DOT–39 cylinders having an internal volume exceeding 75 cubic inches (in^3) (1.23 L) should not contain liquefied flammable compressed cyclopropane, ethane, or ethylene, or liquefied petroleum gases. These gases were historically restricted to this volume for shipment in specification cylinders (currently § 173.304a). This limitation was based on extensive experience under special permits and the consideration that, in transportation and without the limitation, non-reusable cylinders of larger sizes (and lower integrity) would be used in place of authorized higher-integrity reusable cylinders. Use of these DOT–39 non-reusable cylinders in larger sizes would lower the level of transportation safety previously established through use of higher-integrity reusable cylinders for the shipment of flammable gases. See the Background section for additional information on this issue.

B. Safety Concern

The release of a liquefied flammable compressed gas as result of the failure of a cylinder having an internal volume exceeding 75 in^3 (1.23 L) is a safety concern with potential to cause property damage, serious personal injury, or even death. A DOT–39 cylinder, without further size restriction, can have a volume of up to 1,526 in^3 (25 L) at a service pressure of 500 psig or less and, as such, can have up to 20 times the stored energy of a DOT–39 cylinder limited to 75 in^3 (1.23 L). This increased stored energy presents a greater safety risk in the event of a release. Additionally, because of the design specifications that allow for thinner walls when used at lower pressure, these cylinders may be at greater risk from corrosion or puncture. Given the known risks associated with cylinders that are filled with liquefied flammable compressed gases, PHMSA is issuing this revised safety advisory notice to advise offerors and transporters of DOT–39 cylinders that those with an internal volume greater than 75 in^3 (1.23 L) should not be filled and/or transported with liquefied compressed cyclopropane, ethane, or ethylene, or with liquefied petroleum gases.

C. Background

This revised safety advisory notice is being issued in part because of safety concerns stemming from a past rulemaking action impacting DOT–39 cylinders used for certain liquefied flammable compressed gases. In an October 30, 1998 notice of proposed rulemaking (NPRM),[1] the Research and Special Programs Administration (RSPA)—the predecessor administration to PHMSA—proposed to extend the 75 in^3 (1.23 L) volume limitation of DOT–39 cylinders to all liquefied flammable compressed gases by revising § 173.304 to delete Note 9 from the table at § 173.304(a)(2) and adding new sections 173.304a and 173.304b.[2] RSPA received several comments in opposition to this proposal. RSPA published a final rule on August 8, 2002 and, based on the opposing comments, decided not to extend the 75 in^3 (1.23 L) limitation to all liquefied flammable compressed gases in a DOT–39 cylinder at that time. However, in the process of publishing the final rule, the administration inadvertently omitted the 75 in^3 (1.23 L) limitation from the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) for cyclopropane, ethane, ethylene, or liquefied petroleum gas.[3] Thus, historically, the HMR limited the internal volume of a DOT–39 cylinder to 75 in^3 (1.23 L) when used for these gases.

On November 13, 2014, PHMSA accepted a petition for rulemaking (P–1622) from Worthington Cylinders to address this error. On July 26, 2016, PHMSA published in the **Federal Register** an NPRM titled, ''Hazardous Materials: Miscellaneous Amendments Pertaining to DOT Specification Cylinders (RRR),'' [81 FR 48977; Docket No. PHMSA–2011–0140 (HM–234)] [4] that proposed to extend the limit on the internal volume of DOT–39 cylinders to use with all liquefied flammable compressed gases, thus correcting the inadvertent omission and seeking comment regarding the possibility of expanding the applicability to capture those liquefied flammable compressed gases (*e.g.,* difluoromethane (Refrigerant gas R 32)) either not reflected in the § 173.304a(a)(2) table or not considered a liquefied petroleum gas. Additionally, the NPRM further sought input on past experience with the transport of liquefied flammable compressed gases in DOT–39 cylinders larger than 75 in^3 (1.23 L) since implementation of the 2002 final rule.

Given the known risks associated with cylinders that are filled with liquefied flammable compressed gases, PHMSA is issuing this revised safety advisory notice to advise offerors and transporters of DOT–39 cylinders that those with an internal volume greater than 75 in^3 (1.23 L) should not be filled and/or transported with liquefied compressed cyclopropane, ethane, or ethylene, or with liquefied petroleum gases.

Issued in Washington, DC, on March 16, 2017.

William S. Schoonover,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2017–05614 Filed 4–21–17; 8:45 am]

BILLING CODE 4910–60–P

[1] NPRM—Hazardous Materials: Requirements for DOT Specification Cylinders (HM–220D) [63 FR 58460].

[2] The respective additional requirements for liquefied compressed gases have since been redesignated at § 173.304a).

[3] Final Rule—Hazardous Materials: Requirements for Maintenance, Requalification, Repair and Use of DOT Specification Cylinders (HM–220D) [67 FR 51625].

[4] Hazardous Materials: Miscellaneous Amendments Pertaining to DOT Specification Cylinders (RRR) (HM–234) [81 FR 48977], available at *https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16689.pdf.*

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 the VITA/TCE Volunteer Program.

DATES: Written comments should be received on or before June 23, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: VITA/TCE Volunteer Program.

OMB Number: 1545–2222.

Form Number: Forms 8653, 8654, 14204, 13715, and 13206.

Abstract: The Internal Revenue Service offers free assistance with tax return preparation and tax counseling using specially trained volunteers. The Volunteer Income Tax Assistance (VITA) and Tax Counseling for the Elderly (TCE) programs assist seniors and individuals with low to moderate incomes, those with disabilities, and those for whom English is a second language.

Current Actions: There is a change in the paperwork burden previously approved by OMB. The agency has updated the number of respondents to reflect the most recent data available. In addition, no approval is being requested for Form 14310 as the form was made obsolete in 2016 as the process is now part of Link and Learn (a self-paced e-learning for the Volunteer Income Tax Assistance and Tax Counseling for the Elderly (VITA/TCE) program).

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals and Households.

Estimated Number of Respondents: 45,100.

Estimated Average Time per Respondent: 21 minutes.

Estimate Total Annual Burden Hours: 16,097.

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: April 12, 2017.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–08153 Filed 4–21–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for United States Gift (and Generation-Skipping Transfer) Tax Return

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 United States Gift (and Generation-Skipping Transfer) Tax Return.

DATES: Written comments should be received on or before June 23, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie E. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional copies of the form and instructions should be directed to Martha R. Brinson, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: United States Gift (and Generation-Skipping Transfer) Tax Return.

OMB Number: 1545–0020.

Form Number: 709.

Abstract: Form 709 is used by individuals to report transfers subject to the gift and generation-skipping transfer taxes and to compute these taxes. The IRS uses the information to collect and enforce these taxes, to verify that the taxes are properly computed, and to compute the tax base for the estate tax.

Current Actions: On page 4, Schedule C, Part 2, added new entry box (Restored Exclusion Amount) for line 5.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 278,500.

Estimated Time per Respondent: 6.2 hours.

Estimated Total Annual Burden Hours: 1,726,700.

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: April 17, 2017.

Laurie E. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–08155 Filed 4–21–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Tax Counseling for the Elderly (TCE) Program Availability of Application Packages

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This document provides notice of the availability of Application Packages for the 2018 Tax Counseling for the Elderly (TCE) Program.

DATES: Application instructions are available electronically from the IRS on May 1, 2017 by visiting: *IRS.gov* (key word search—''TCE'') or through *Grants.gov*. The deadline for submitting an application package to the IRS for the Tax Counseling for the Elderly (TCE) Program is May 31, 2017. All applications must be submitted through *Grants.gov*.

ADDRESSES: Internal Revenue Service, Grant Program Office, 5000 Ellin Road, NCFB C4–110, SE:W:CAR:SPEC:FO:GPO, Lanham, Maryland 20706.

For additional information please contact the Grant Program Office via their email address at *tce.grant.office@irs.gov.*

SUPPLEMENTARY INFORMATION: Authority for the Tax Counseling for the Elderly (TCE) Program is contained in Section 163 of the Revenue Act of 1978, Public Law 95–600, (92 Stat.12810), November 6, 1978. Regulations were published in the **Federal Register** at 44 FR 72113 on December 13, 1979. Section 163 gives the IRS authority to enter into cooperative agreements with private or public non-profit agencies or organizations to establish a network of trained volunteers to provide free tax information and return preparation assistance to elderly individuals. Elderly individuals are defined as individuals age 60 and over at the close of their taxable year. Because applications are being solicited before the FY 2018 budget has been approved, cooperative agreements will be entered into subject to the appropriation of funds.

Dated: April 12, 2017.

Mikki Betker,

Chief, Grant Program Office, IRS, Stakeholder Partnerships, Education & Communication.

[FR Doc. 2017–08156 Filed 4–21–17; 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, Re-characterizing Financing Arrangements Involving Fast-Pay Stock.

DATES: Written comments should be received on or before June 23, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Ralph Terry, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington DC 20224, through the Internet, at *Ralph.M.Terry@irs.gov* or call 202–317–5864 (not a toll free number).

SUPPLEMENTARY INFORMATION:

Title: Recharacterizing Financing Arrangements Involving Fast-Pay Stock.

OMB Number: 1545–1642.

Regulation Project Number: T.D. 8853.

Abstract: Section 1.7701(l)–3 recharacterizes fast-pay arrangements. Certain participants in such arrangements must file a statement that includes the name of the corporation that issued the fast-pay stock, and (to the extent the filing taxpayer knows or has reason to know) the terms of the fast-pay stock, the date on which it was issued, and the names and taxpayer identification numbers of any shareholders of any class of stock that is not traded on an established securities market.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 50.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 50.

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: April 14, 2017.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–08154 Filed 4–21–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TREASURY

Internal Revenue Service

Internal Revenue Service Advisory Council (IRSAC); Nominations

AGENCY: Internal Revenue Service, Department of Treasury.

ACTION: Request for Nominations.

SUMMARY: The Internal Revenue Service (IRS) requests nominations of individuals to be considered for selection as members of the Internal Revenue Service Advisory Council (IRSAC). Nominations should describe and document the proposed member's qualification for IRSAC membership, including the applicant's knowledge of

Treasury Circular 230 regulations, the applicant's past and current affiliations, digital industry experience to include online services for tax professionals, experience working with software developers on tax-related applications, financial applications, software development and user experience design, and dealings with a particular tax segment of the community that he/she wishes to represent on the Council. Nominations will be accepted from qualified individuals and from professional and public interest groups that wish to have representatives on the IRSAC. The IRSAC is comprised of up to thirty-five (35) members. Nominations are currently being accepted for approximately nine appointments that will begin in January 2018. It is important that the IRSAC continue to represent a diverse taxpayer and stakeholder base. Accordingly, to maintain membership diversity, selection is based on the applicant's qualifications as well as areas of expertise, geographic diversity, major stakeholder representation and customer segments.

The IRSAC provides an organized public forum for IRS officials and representatives of the public to discuss relevant tax administration issues, and it advises the IRS on issues that have a substantive effect on federal tax administration. As an advisory body designed to focus on broad policy matters, the IRSAC reviews existing tax policy and/or recommends policies with respect to emerging tax administration issues. The IRSAC suggests operational improvements, offers constructive observations regarding current or proposed IRS policies, programs, and procedures and advises the IRS with respect to issues having a substantive effect on federal tax administration.

DATES: Written nominations will be accepted from April 27 through June 16, 2017.

ADDRESSES: Applications should be submitted to: Anna Millikan, IRS National Public Liaison Office, CL:NPL:P, Room 7559, 1111 Constitution Avenue NW., Washington, DC 20224, Attn: IRSAC Applications. Applications may also be submitted via fax to 855–811–8021. Applications are available on the IRS Web site at *https://www.irs.gov/pub/irs-pdf/f12339.pdf*

FOR FURTHER INFORMATION CONTACT: Anna Millikan at 202–317–6851 (not a toll-free number), or send an email to *publicliaison@irs.gov.*

SUPPLEMENTARY INFORMATION: The IRSAC is authorized under the Federal Advisory Committee Act, Public Law 92–463. The first Advisory Group to the Commissioner of Internal Revenue—or the Commissioner's Advisory Group (''CAG'')—was established in 1953 as a ''national policy and/or issue advisory committee.'' Renamed in 1998, the Internal Revenue Service Advisory Council (IRSAC) reflects the agency-wide scope of its focus as an advisory body to the entire agency. The IRSAC's primary purpose is to provide an organized public forum for senior IRS executives and representatives of the public to discuss relevant tax administration issues.

Conveying the public's perception of IRS activities, the IRSAC is comprised of individuals who bring substantial, disparate experience and diverse backgrounds on the Council's activities. Membership is balanced to include representation from the taxpaying public, the tax professional community, small and large businesses, international, wage and investment taxpayers, digital services sector and knowledge of Treasury Circular 230.

The IRSAC members are appointed by the Commissioner of the Internal Revenue Service with the concurrence of the Secretary of the Treasury to serve a three-year term. The IRSAC may form subcommittees (or subgroups) for any purpose consistent with its charter. These subcommittees must report directly to the IRSAC parent committee.

Members are not paid for their services. However, travel expenses for working sessions, public meetings and orientation sessions, such as airfare, per diem, and transportation to and from airports, train stations, etc., are reimbursed within prescribed federal travel limitations.

All applicants will be sent an acknowledgment of receipt. In accordance with the Department of Treasury Directive 21–03, a clearance process, including annual tax checks and a practitioner check with the IRS Office of Professional Responsibility, will be conducted. In addition, all applicants deemed ''Best Qualified'' shall undergo a Federal Bureau of Investigation (FBI) fingerprint check.

Equal opportunity practices will be followed for all appointments to the IRSAC in accordance with the Department of Treasury and IRS policies. The IRS has special interest in assuring that women and men, members of all races and national origins, and individuals with disabilities are adequately represented on advisory committees. Therefore, the IRS extends particular encouragement to nominations from such appropriately-qualified candidates.

Dated: April 11, 2017.

John Lipold,

Designated Federal Official.

[FR Doc. 2017–08157 Filed 4–21–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple IRS Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection request(s) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on the collection(s) listed below.

DATES: Comments should be received on or before May 24, 2017 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: Form 706–NA, United States Estate (and Generation-Skipping Transfer) Tax Return, Estate of nonresident not a citizen of the United States.

OMB Control Number: 1545–0531.

Type of Review: Extension without change of a currently approved collection.

Abstract: Under section 6018, executors must file estate tax returns for nonresident non-citizens that had property in the U.S. Executors use Form 706–NA for this purpose. IRS uses the

information to determine correct tax and credits.

Form: 706–NA.

Affected Public: Individuals or Households.

Estimated Total Annual Burden Hours: 3,584.

Title: Office of Chief Counsel—Application Form 6524.

OMB Control Number: 1545–0796.

Type of Review: Extension without change of a currently approved collection.

Abstract: The Chief Counsel Application form provides data the agency deems critical for evaluating an attorney applicant's qualifications such as LSAT score, bar admission status, type of work preference, law school, and class standing. OF–306 does not provide this information.

Form: 6524.

Affected Public: Individuals or Households.

Estimated Total Annual Burden Hours: 300.

Title: (TD 7533) Final, DISC Rules on Procedure and Administration; Rules on Export Trade Corporations, and (TD 7896) Final, Income from Trade Shows.

OMB Control Number: 1545–0807.

Type of Review: Extension without change of a currently approved collection.

Abstract: Section 1.6071–1(b) requires that when a taxpayer files a late return for a short period, proof of unusual circumstances for late filing must be given to the District Director. Section 1.6072(b), (c), (d), and (e) of the IRC deals with the filing dates of certain corporate returns. Regulation section 1.6072–2 provides additional information concerning these filing dates. The information is used to insure timely filing of corporate income tax returns.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 3,104.

Title: Form 8857—Request for Innocent Spouse Relief, Form 8857(SP).

OMB Control Number: 1545–1596.

Type of Review: Revision of a currently approved collection.

Abstract: Section 6103(e) of the internal revenue code allows taxpayers to request, and IRS to grant, ''innocent spouse'' relief when: Taxpayer filed a joint return with tax substantially understated; taxpayer establishes no knowledge of or benefit from, the understatement; and it would be inequitable to hold the taxpayer liable. GAO Report GAO/GGD–97–34 recommended that IRS develop a form to make relief easier for the public to request.

Form: 8857, 8857 (SP).

Affected Public: Individuals or Households.

Estimated Total Annual Burden Hours: 316,000.

Title: Residence of Trusts and Estates-7701—REG–251703–96 (TD 8813—Final).

OMB Control Number: 1545–1600.

Type of Review: Extension without change of a currently approved collection.

Abstract: Section 1161 of the Taxpayer Relief Act of 1997, Public Law 105–34, 111 Stat. 788 (1997), provides that a trust that was in existence on August 20, 1996 (other than a trust treated as owned by the grantor under subpart E of part I of subchapter J of chapter 1 of the Internal Revenue Code of 1986) and that was treated as a United States person on August 19, 1996, may elect to continue to be treated as a United States person notwithstanding § 7701(a)(30)(E) of the Code. The election will require the Internal Revenue Service to collect information. This regulation provides the procedure and requirements for making the election to remain a domestic trust.

Form: None.

Affected Public: Individuals or Households.

Estimated Total Annual Burden Hours: 114.

Title: TD 8816 (Final) Roth IRAs.

OMB Control Number: 1545–1616.

Type of Review: Extension without change of a currently approved collection.

Abstract: This collection of information contains regulations relating to Roth IRAs under section 408A of the Internal Revenue Code (Code). The regulations provide guidance on establishing Roth IRAs, contributions to Roth IRAs, converting amounts to Roth IRAs, recharacterizing IRA contributions, Roth IRA distributions and Roth IRA reporting requirements. The regulations affect individuals establishing Roth IRAs, beneficiaries under Roth IRAs, and trustees, custodians or issuers of Roth IRAs.

Form: None.

Affected Public: Individuals or Households.

Estimated Total Annual Burden Hours: 125,000.

Title: REG–107151–00 (TD 9035—Final) Constructive Transfers and Transfers of Property to a Third Party on Behalf of a Spouse.

OMB Control Number: 1545–1751.

Type of Review: Extension without change of a currently approved collection.

Abstract: The regulation sets forth the required information that will permit spouses or former spouses to treat a redemption by a corporation of stock of one spouse or former spouse as a transfer of that stock to the other spouse or former spouse in exchange for the redemption proceeds and a redemption of the stock from the latter spouse or former spouse in exchange for the redemption proceeds.

Form: None.

Affected Public: Individuals or Households.

Estimated Total Annual Burden Hours: 500.

Title: Election of Alternative Deficit Reduction Contribution and Plan Amendments.

OMB Control Number: 1545–1883.

Type of Review: Extension without change of a currently approved collection.

Abstract: These information collections provides procedures for electing an alternative deficit reduction contribution, including a model election form; guidance on the type of notices that must be given by an employer to plan participants; and guidance on the restrictions that are placed on plan amendments. This information is used to monitor and make valid determinations with respect to employers that make an election for certain plans and make restricted amendments.

Form: None.

Affected Public: Businesses or other-for-profits.

Estimated Total Annual Burden Hours: 13,200.

Title: Notice of Qualified Equity Investment for New Markets Credit.

OMB Control Number: 1545–2065.

Type of Review: Extension without change of a currently approved collection.

Abstract: Community Development Entities (CDEs) must provide notice to any taxpayer who acquires a qualified equity investment in the CDE at its original issue that the equity investment is a qualified equity investment entitling the taxpayer to claim the new markets credit. Form 8874–A is used to make the notification as required under Regulations section 1.45D–1(g)(2)(i)(A).

Form: 8874–A.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 2,715.

Title: Form 8874–B—Notice of Recapture Event for New Markets Credit.

OMB Control Number: 1545–2066.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 8874–B is used for qualified Community Development Entities (CDEs) to provide notification to any taxpayer holder of a qualified equity investment (including prior holders) that a recapture event has occurred. This form is used to make the notification as required under Regulations section 1.45D–1(g)(2)(i)(B).

Form: 8874–B.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 2,755.

Title: S Corporation Guidance under AJCA of 2004 (TD 9422 Final—REG–143326–05).

OMB Control Number: 1545–2114.

Type of Review: Extension without change of a currently approved collection.

Abstract: This document contains final regulations that provide guidance regarding certain changes made to the rules governing S corporations under the American Jobs Creation Act of 2004 and the Gulf Opportunity Zone Act of 2005. The final regulations replace obsolete references in the current regulations and allow taxpayers to make proper use of the provisions that made changes to prior law. The final regulations include guidance on the S corporation family shareholder rules, the definitions of ''powers of appointment'' and ''potential current beneficiaries'' (PCBs) with regard to electing small business trusts (ESBTs), the allowance of suspended losses to the spouse or former spouse of an S corporation shareholder, and relief for inadvertently terminated or invalid qualified subchapter S subsidiary (QSub) elections. The final regulations affect S corporations and their shareholders.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 26,000.

Title: Qualifying Advanced Energy Project Credit—Notice 2013–12.

OMB Control Number: 1545–2151.

Type of Review: Extension without change of a currently approved collection.

Abstract: This notice supersedes Notice 2009–72 and establishes the qualifying advanced energy project program (''advanced energy program'') under § 48C(d) of the Internal Revenue Code and announces an initial allocation round of the qualifying advanced energy project credit (''advanced energy credit'') to qualifying advanced energy projects under the advanced energy program. A qualifying advanced energy project re-equips, expands, or establishes a manufacturing facility for the production of certain energy related property. A taxpayer must submit, for each qualifying advanced energy project: (1) An application for certification by the DOE (''application for DOE certification''), and (2) an application for certification under § 48C(d)(2) by the Service (''application for § 48C certification''). Both applications may be submitted only during the 2-year period beginning on August 14, 2009. Certification will be issued and credits will be allocated to projects in annual allocation rounds. The initial allocation round was conducted in 2009–10, and if necessary, additional allocation rounds in 2010–11.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 55,000.

Title: Notice 2010–30/Notice 2012–41—Transitional Guidance for Taxpayers Claiming Relief Under the Military Spouses Residency Relief Act for Taxable Year 2009 and Subsequent Years.

OMB Control Number: 1545–2169.

Type of Review: On April 15, 2010, the Department of the Treasury (Treasury Department) and the Internal Revenue Service (IRS) published Notice 2010–30, 2010–18 I.R.B. 650, which provides relief and procedures for certain taxpayers who are spouses (civilian spouses) of active duty members of the uniformed services (service members). The relief and procedures were made available to civilian spouses who (A) accompany their service member spouses to a military duty station in American Samoa, Guam, the Northern Mariana Islands (NMI), Puerto Rico, or the U.S. Virgin Islands (USVI) (each a ''U.S. territory'') and claim residence or domicile (tax residence) in one of the 50 States or the District of Columbia under the Military Spouses Residency Relief Act (MSRRA) or (B) accompany their service member spouses to a military duty station in one of the 50 States or the District of Columbia and claim tax residence in a U.S. territory under MSRRA. The relief and procedures set forth in Notice 2010–30 were initially available for the taxable year 2009. On June 07, 2012, the Treasury Department and the IRS published Notice 2012–41, which extended the relief and procedures announced in Notice 2010–30 to the subsequent taxable years. This notice further extends the relief set forth in Notice 2010–30 for civilian spouses described in the prior paragraph to taxable years beginning after November 11, 2010 and subsequent calendar years, and provides that such civilian spouses should follow the applicable procedures described in Notice 2010–30.

Form: None.

Affected Public: Individuals or Households.

Estimated Total Annual Burden Hours: 6,200.

Title: Hiring Incentives to Restore Employment (HIRE) Act Employee Affidavit.

OMB Control Number: 1545–2173.

Type of Review: Extension without change of a currently approved collection.

Abstract: This form was created in response to the Hiring Incentives to Restore Employment (HIRE) Act, which was signed on March 18, 2010. The form was developed as a template for the convenience of employers who must collect affidavits from qualifying employees. The form is not filed; rather an employer must retain the affidavit in order to justify claiming certain HIRE Act benefits. A model form is needed as soon as possible so that employers can begin confidently claiming payroll exemptions.

Form: W–11.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 227,000.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: April 19, 2017.

Jennifer P. Leonard,

Treasury PRA Clearance Officer.

[FR Doc. 2017–08203 Filed 4–21–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Former Prisoners of War; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C., App. 2, that the Advisory Committee on Former Prisoners of War (FPOW) will meet May 17–19, 2017, from 9:00 a.m.–4:30 p.m. CST at the Southeast Louisiana VA Medical Center, 2400 Canal Street, New Orleans, LA 70119. Sessions are open to the public, except when the Committee is conducting a tour of VA facilities. Tours of VA facilities are closed, to protect Veterans' privacy and personal information, in accordance with 5 U.S.C. 552b(c)(6).

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of benefits under Title 38 U.S.C., for Veterans who are

FPOWs, and to make recommendations on the needs of such Veterans for compensation, health care, and rehabilitation.

On Wednesday, May 17th, the Committee will convene an open session to recognize and hear briefings from 9:00 a.m. to 3:10 p.m. From 3:10 p.m. to 4:30 p.m., the Committee will convene a closed session in order to protect patient privacy as the Committee tours the Southeast Louisiana VA Medical Center.

On Thursday, May 18th, the Committee will assemble an open session from 9:00 a.m. to 4:30 p.m. for discussion and briefings from Veterans Benefits Administration (VBA) and Veterans Health Administration (VHA) officials. On Friday, May 19th, the Committee will conduct an open session from 9:00 a.m. to 11:00 a.m. From 11:00 a.m. to 12:00 p.m., the Committee will convene a closed session for discussion of committee issues. At 12:00 p.m., the committee meeting will be formally adjourned.

Public participation will commence as follows:

Date	Time	Open session
May 17, 2017 ...	9:00 a.m.–3:10 p.m.	Yes.
	3:10 p.m.–4:30 p.m.	No.*
May 18, 2017 ...	9:00 a.m.–4:30 p.m.	Yes.
May 19, 2017 ...	9:00 a.m.–11:00 a.m.	Yes.
	11:00 a.m.–12:00 p.m.	No.

* Public access will be restricted to protect patient privacy.

FPOWs who wish to speak at the public forum are invited to submit a 1–2 page commentary for inclusion in official meeting records. Any member of the public may also submit a 1–2 page commentary for the Committee's review.

Any member of the public wishing to attend the meeting or seeking additional information should contact Ms. Leslie N. Williams, Designated Federal Officer, Advisory Committee on Former Prisoners of War at *Leslie.Williams1@va.gov* or via phone at (202) 530–9219.

Because the meeting is being held in a government building, a photo I.D. must be presented at the security desk as a part of the clearance process. Due to an increase in security protocols, and in order to prevent delays in clearance processing, you should allow an additional 15 minutes before the meeting begins.

Dated: April 19, 2017.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

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